

## Abstract

Adam D. Lehman. THE PRIVATEERS OF THE WAR OF 1812: A STUDY OF THE IMPACT OF AMERICAN FEDERAL LEGISLATION AND POLICIES REGARDING AMERICAN PRIVATE ARMED VESSELS DURING THE WAR OF 1812. (Under the direction of Dr. Carl E. Swanson) Department of History, May 2006.

The War of 1812 was fought between Great Britain and the United States, from June 1812 to January 1815. During this short conflict, the war's theaters of military operation encompassed the eastern half of North America, ranging from the Great Lakes and the Canadian/United States border to the Mississippi delta and Spanish Florida. During this war, the Atlantic and Pacific oceans became deadly battlegrounds, in which the Royal Navy struggled against a most determined adversary, American privateers.

The greatest inhibitor that against the efforts of American privateers was not the enormity of the British fleet, but the regulations and restrictions imposed by the American government. This thesis will examine how American federal legislation inhibited the efforts of American privateers and letter of marque traders during the War of 1812. If the American government been more supportive of the *guerre de course* against British merchantmen from the onset of the war, the resulting impact of American privateers on British shipping would have been far more devastating. In addition, had the United States taken significant steps to encourage the destruction of enemy vessels by American privateers, then the outcome of the war might have been decidedly differently.

THE PRIVATEERS OF THE WAR OF 1812:  
A STUDY OF THE IMPACT OF AMERICAN FEDERAL LEGISLATION AND  
POLICES REGARDING AMERICAN PRIVATE ARMED VESSELS  
DURING THE WAR OF 1812

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## Introduction

The violations of American neutrality and maritime rights, the impressment of American sailors, and the alleged instigation of the Native American tribes by the British against the United States were the principal causes of the War of 1812.<sup>1</sup> Years of negotiations between the United States and Great Britain failed to resolve these issues and finally resulted in a formal declaration of war by the United States against Great Britain. The War of 1812 was fought between Great Britain and the United States from June 18, 1812, to December 24, 1814, although hostilities continued until June 1815, even after the American Senate ratified the Peace of Ghent on February 17, 1815.

The "War Hawks," a group of young Congressmen from southern and western states, advocated a military solution to the current issues between the two nations. Led by Henry Clay, the Speaker of the House for the Twelfth Congress, the War Hawks dominated key committees and influenced the congressional debates on the prospective war.<sup>2</sup> The War Hawks believed an invasion of British Canada was the best means of

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<sup>1</sup> Primary reasons for the war are found in President Madison's war message to Congress. U.S. Congress, *Journal of the Senate*, 12<sup>th</sup> Cong., 2<sup>nd</sup> sess., June 1, 1812. 149-152. For a synopsis of some of the alternate theories behind the War of 1812, see Warren H. Goodman, "The War of 1812: A Survey of Changing Interpretations," *Mississippi Valley Historical Review* 28 (September 1941): 171-186, Clifford L. Egan, "The Origins of the War of 1812: Three Decades of Historical Writing," *Military Affairs* 38 (April 1974): 72-75. For a synopsis on the current state or direction of historical research on the War of 1812, see Donald Hickey, "The War of 1812: Still a Forgotten Conflict?" *The Journal of Military History*, 65 (July 2001): 741-769.

<sup>2</sup> Some of the "War Hawks" from the Twelfth Congress included Henry Clay and Richard M. Johnson of Kentucky; Felix Grundy of Tennessee; Langdon Cheeves, William Lowndes, John C. Calhoun, and David R. Williams of South Carolina; George M. Troup of Georgia; Peter B. Porter of New York; and John A. Harper of New Hampshire. Donald Hickey, *The War of 1812: A Forgotten Conflict* (1989, reprint, Urbana and Chicago: University of Illinois Press, 1995), 30.



providing the necessary leverage to force Great Britain to acquiesce to American demands.<sup>3</sup>

Despite the overwhelming military advantage possessed by the enemy, even former president Thomas Jefferson was optimistic about the prospect of war with Great Britain. Although the United States was not entirely prepared to start hostilities with another nation, Jefferson stated, "Upon the whole, I have known no war entered into under more favorable auspices."<sup>4</sup> Jefferson, like many War Hawks in Congress, believed that this war would be a short, limited conflict, in which "the acquisition of Canada as far as the neighborhood of Quebec, will be a mere matter of marching."<sup>5</sup>

Jefferson's positive outlook concerning the permanent acquisition of Canadian territory never came to fruition. General Henry Dearborn devised a plan that called for three-pronged a invasion of Canada, with American forces simultaneously attacking the Detroit frontier, Niagara frontier, and Montreal.<sup>6</sup> Dearborn's plan was designed to give the Americans total control of the Great Lakes region and offer a quick end to war by capturing key waterways and forts along the Great Lakes. Britain repulsed the initial

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<sup>3</sup> "Canada was not the end but the means," said Henry Clay, "the object of the War being the redress of injuries, and Canada being the instrument by which that redress was to be obtained." Donald Hickey, *The War of 1812*, 72.

<sup>4</sup> Thomas Jefferson to Thaddeus Kosciuszko, June 28, 1812. Ford, Paul Leicester, ed. *The Works of Thomas Jefferson in Twelve Volumes* (New York and London: G. Putnam's Sons, 1904). [Accessed online at [www.memory.loc.gov/ammem/collections/jefferson\\_papers/](http://www.memory.loc.gov/ammem/collections/jefferson_papers/)]

<sup>5</sup> Thomas Jefferson to William Duane, August 4, 1812. Ibid.

<sup>6</sup> Hickey, *The War of 1812*, 80.

assaults made by the unprepared Americans in 1812. The British counteroffensive later that year resulted in an American loss of most of the Michigan Territory.<sup>7</sup>

As the war progressed, theaters of military operations grew to encompass the eastern half of the North American continent, extending from the Great Lakes and the Canadian/United States border to the Mississippi Delta and Spanish Florida (See Map 1). During this conflict, the Atlantic and Pacific oceans became battlegrounds in which the British navy struggled against a most determined adversary, American privateers.

Recognized by Thomas Jefferson as “the most powerful weapon we can employ against Great Britain,” American privateers were an essential aspect of the American war effort.<sup>8</sup> The devastating role that American private armed vessels played during this conflict has received limited attention from historians, however, with many preferring to study the various naval actions of national ships fought between Great Britain and the United States.<sup>9</sup>

None of the historians who have studied American privateering during the War of 1812 has completely examined the debilitating impact that American legislation exerted on the efforts of American private armed vessels. This thesis provides an examination of the number of ways the federal government limited the value of America’s greatest asset

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<sup>7</sup> Albert Marrin, *1812: The War Nobody Won* (New York: Antheneum, 1985), 20-23.

<sup>8</sup> Thomas Jefferson to James Madison, May 30, 1812. Paul Leicester Ford, ed. *The Works of Thomas Jefferson in Twelve Volumes*, 1904.

<sup>9</sup> “Scholars of many disciplines have largely ignored the history of privateers. But this is a part of history which is too rich and well documented just to be erased.” Larry J. Sechrest, “Public Goods and Private Solutions in Maritime History,” *Quarterly Journal of Australian Economics*, 7 (Summer 2004): 3.

against the British. If the federal government offered more support for privateering activities, the entire scope of the war would have changed.

Over the last two hundred years, few historians have focused on the effectiveness of privateers as a legitimate aspect of maritime warfare. Historical assessments of American privateers during the War of 1812 have shifted between tales of daring sea captains and courageous merchants to an inefficient, nautical nuisance that debilitated the American war effort because it deprived the American navy of experienced crews and maritime resources. This transition from patriotic heroes to pirate-like adventurers occurred in the late nineteenth century and has continued to temper current historical debate concerning the role of American privateers and the concept of privateering in general. Chapter 1 contains a historiography illustrating significant changes to this debate over the role that American private armed vessels played during this conflict.

Chapter 2 provides an examination of the federal legislation that inhibited the efforts of American privateers during the War of 1812, effectively dulling the edge of "the dagger which strikes at the heart of the enemy."<sup>10</sup> Had the American government been more encouraging or supportive of the *guerre de course* against British merchantmen from the onset of the war, the resulting impact of American private armed vessels on British shipping would have been far more devastating. The restrictive duties and taxes, imposed by the American government during the early part of the war, fell on

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<sup>10</sup> Thomas Jefferson to James Monroe, January 1, 1815. Paul Leicester Ford, ed. *The Works of Thomas Jefferson in Twelve Volumes*, 1904.

those privateers who successfully captured British vessels, as a result, few privateers reaped the full fiscal rewards of their efforts.

Chapter 3 examines the potential application of American private armed vessels as commerce destroyers, rather than commerce raiders. During the final phase of the war, the United States missed a significant opportunity to encourage American private armed vessels to destroy British commerce rather than risk recapture by sending prize ships into port for adjudication. Because of financial limitations, the United States government could not afford the necessary monetary incentive to destroy captured vessels by American privateers.

Had the United States taken a more aggressive stance in encouraging or rewarding the efforts of private armed vessels, the outcome for the War of 1812 would have been decidedly different. By failing to utilize American private armed vessels to their fullest potential, the federal government limited the effectiveness of a powerful weapon at its disposal.

## Shadowy Heroes and Noble Villains

Privateering "was the use in wartime of private ships to capture enemy vessels and convert the resulting profits to the captor's personal benefit."<sup>1</sup> Privateering was an accepted and legal way in which private parties could participate in naval warfare, operating under a letter of marque or privateering commission, issued by a belligerent nation, such as the United States during the War of 1812.<sup>2</sup>

In some superficial ways, privateering is similar to piracy. Both piracy and privateering were ways through which private parties could enrich themselves by the general appropriation of ships and merchandise.<sup>3</sup> While pirates operated without authorization and preyed upon oceanic commerce indiscriminately, privateers operated within an accepted and legitimate aspect of maritime law. Operating under an official government document, a letter of marque and reprisal or a privateering commission, privateers were authorized to attack the specified commerce of a specific nation as a form of redressing national grievances.<sup>4</sup>

While piracy was largely exterminated in the early eighteenth century, the practice of privateering continued to thrive into the mid-nineteenth century.<sup>5</sup> The concept and practice of privateering originated in antiquity, existing as a legitimate and accepted

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<sup>1</sup> James R. Jacobs and Glenn Tucker, *The War of 1812: A Compact History* (New York: Hawthorne Books, Inc., 1969), 169.

<sup>2</sup> Ibid.

<sup>3</sup> David Starkey, *British Privateering Enterprise in the Eighteenth Century* (Exeter, UK: University of Exeter Press, 1990), 19-20.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

extension of a nation's capacity to wage war against an enemy or to interdict the commerce of another nation.<sup>6</sup> The practice of privateering spanned six centuries, from the thirteenth to the early nineteenth century.

Privateering gained greater importance in naval warfare during the Elizabethan era (1558-1603), emerging as an amalgamation of patriotism and nationalism, tempered by greed and religious righteousness. In *Elizabethan Privateering: English Privateering during the Spanish War 1585-1603*, Kenneth R. Andrews noted that "if privateering were a special vehicle of national feeling, this was due to the peculiar circumstances of the time: the dependence of the Elizabethan state upon the initiative of its subjects; its reluctance to bear the burden of full-scale sea war; its inability to impose maritime discipline; the readiness of great persons, even the queen herself, to draw a ticket in this lottery of fame and riches."<sup>7</sup> Heroic figures, such as Sir Francis Drake, with his famous raids on the Spanish Main, helped glorify and legitimize privateering enterprises. Drake's actions represented the embodiment of the quintessential gentlemen adventurer and privateer captain.<sup>8</sup>

During the eighteenth century, two general classes of private armed vessels evolved: letter of marque traders and private men-of-war (i.e., privateers). Letter of marque trader described a commercial vessel with a privateer commission, which

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<sup>6</sup> Documented cases of privateering exist as early as 1295 A.D. For more information on the legal origins of English letters of marque and reprisal, see Grover Clark, "The English Practice with Regards to Reprisals by Private Persons," *American Journal of International Law* 27 (October 1933): 694-723.

<sup>7</sup> Kenneth R. Andrews, *Elizabethan Privateering: English Privateering during the Spanish War, 1585-1603* (Cambridge: Cambridge University Press, 1964), 234.

<sup>8</sup> *Ibid.*, 234.

combined the normal methods of sea borne commerce with the predatory edge of privateers. While privateers derived their livelihood from the number of ships captured and/or enemy cargoes taken, for a letter of marque trader capturing enemy ships was a secondary goal. The primary focus of a letter of marque trader was the successful shipment of its assigned cargo between two destinations. Overall, the armament and crew size for a letter of marque trader was generally smaller than that of a privateer vessel of the same size. Captured ships and prize money served only to augment the monthly income of sailors serving onboard a letter of marque trader rather than serve as wages for the crew, as onboard a privateer.<sup>9</sup> In *British Privateering Enterprise in the Eighteenth Century*, David Starkey noted:

Widely practiced throughout the eighteenth century, this activity combined the conveyance of goods with predation upon the enemy's seaborne property. Typically, therefore, foreign-craft embarked upon voyages to specific destinations, though time might be set aside for cruising in search of prize; cargoes were generally loaded, yet hold space might be restricted by carriage of additional men for defensive or offensive purposes; and crews invariably served for regular monthly wage, with the prospect of a share in the net proceeds of a prize to encourage their valour or opportunism.<sup>10</sup>

The distinct entrepreneurial risks involved in speculative ventures, such as privateering, made dividing the financial obligations of outfitting and operating private armed vessels among a group of shareholders an extremely attractive proposition.<sup>11</sup>

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<sup>9</sup> Starkey, *British Privateering Enterprise in the Eighteenth Century*, 48-50.

<sup>10</sup> *Ibid.*, 49.

<sup>11</sup> *Ibid.*, 66.

During the eighteenth century, individual promoters and single ship owners no longer represented the heart of privateering ventures, as they had during the Elizabethan era.<sup>12</sup> Privateering ventures were divided into shares, with each subscriber defraying the expenses involved, in return receiving a proportional piece of any profits generated. Large and small shareholders formed partnerships or syndicates, acting as the director or managing owner for the project.<sup>13</sup>

Proceeds from the sale of the prizes and captured cargo went into a general account, known as a prize fund. From this prize fund, general expenses were deducted, such as appraisal, adjudication, and customs duties for prizes, as well as reimbursement for the initial outfit and running costs of the privateer. The net portion of the prize fund, if any, was then divided among the promoters and the crew in accordance with the articles of agreement.<sup>14</sup>

Articles of agreement between the promoters and the crew of a privateer or letter of marque trader provided a basic contract, outlining the division of the spoils as well as prescribed penalties and punishments for misdemeanors committed at sea. Such misdemeanors included desertion, cowardice, mutiny, insubordination, and embezzlement and were subject to punishment while at sea or forfeiture of a crewmember's share in the prize fund. Humane treatment of prisoners was to be maintained at all times, with no undue violence directed toward male prisoners or acts of

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<sup>12</sup> "Few, if any, sank their entire worth into the outfit of a single private man-of-war." *Ibid.*, 277.

<sup>13</sup> *Ibid.*, 67.

<sup>14</sup> *Ibid.*, 75-76.



indecent toward female prisoners. In addition, promoters gave written orders to the privateering captain, instructing him on where to cruise and which prizes he should try to secure.<sup>15</sup>

Although directed by private individuals, privateering did promote national interests. During the eighteenth century, privateers and letter of marque traders represented a recognized extension, as well as a large proportion, of a nation's naval power. The rising nation-states of England, Spain, Portugal, the Netherlands, and France all utilized or encouraged privateering activity during wartime.<sup>16</sup>

King Louis XIV of France especially encouraged *guerre de course*, or an aggressive assault on foreign commercial activities, during his European wars. French naval strategy under Louis XIV was purposely designed to be frugal: "the method of conducting war which is most feasible, simple, cheap, and safe and which will cost least to the state, the more so since any losses will not be felt by the King, who risks virtually nothing."<sup>17</sup> Utilizing *corsaires*, i.e., French privateers, for the purposes of conducting an indirect naval war against his enemies, Louis XIV hoped to sever their commercial trade links and cripple their financial resources, at the same time enriching France at the expense of his enemies.<sup>18</sup> Privateering provided the French monarchy with the means of

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<sup>15</sup> Ibid., 69-72.

<sup>16</sup> Gary M. Anderson and Adam Gifford, Jr., "Privateering and the Private Production of Naval Power," *Cato Journal* 11 (Spring/Summer 1991): 100-101.

<sup>17</sup> From Geoffrey Symcox, *The Crisis in French Naval Power, 1688 - 1697: From the Guerre d'Escadre to the Guerre de Course* (The Hague: Martinus Nijhoff, 1974) cited in Starkey, *British Privateering Enterprise in the Eighteenth Century*, 85.

<sup>18</sup> Ibid., 85-88.

hampering an enemy's commerce, while at the same time acting as a source of revenue for the state.<sup>19</sup>

Protecting trade and destroying enemy commerce were the principal goals of European maritime powers during the most of the seventeenth and eighteenth centuries. This reflected the enormous strategic value of external colonies and oceanic trade links. During these conflicts, the Royal Navy established supremacy over its European rivals in its quantitative and qualitative form.

These advantages enabled the British fleet to operate more effectively than its European counterparts throughout the world. British commerce sailed in defensive convoys and protected by a strong British navy, limiting the effectiveness of the French *corsaires*. This reduced the success of the French *guerre de course* on British shipping during latter part of the eighteenth century.<sup>20</sup> French privateers simply lacked the required strength to challenge the large British convoys or squadrons of the British Royal Navy.<sup>21</sup>

Despite the legitimate role privateering played in naval warfare, it has received limited attention from historians, as a result of the influential works of Alfred Thayer

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<sup>19</sup> Anderson and Gifford, "Privateering and Private Production of Naval Power," 102.

<sup>20</sup> Starkey, *British Privateering Enterprise in the Eighteenth Century*, 118-119; Richard Harding, *Seapower and Naval Warfare, 1650-1830* (Annapolis, MD: Naval Institute Press, 1999), 201.

<sup>21</sup> Patrick Crowhurst, *The French War on Trade: Privateering 1793-1815* (Brookfield, VT: Gower Publishing Co., 1989), 199.

Mahan.<sup>22</sup> Carl Swanson noted this in *Predators and Prizes: American Privateering and Imperial Warfare, 1739-1748*:

Mahan emphasized the importance of naval fleets and offered a devastating critique of strategy based on privateering. Mahan's persuasiveness may account for the dearth of scholarly attention paid to private men-of-war. Most naval historians have echoed Mahan, dealing almost exclusively with fleet actions and largely ignoring privateering.<sup>23</sup>

While many historians have examined the various naval actions between Great Britain and the United States during the War of 1812, few have concentrated on the role that American privateers played during this conflict. American privateers were initially considered heroic patriots and early historians glorified their exploits. Later historical assessments tarnished this image of privateers, treating them little better than pirates and characterized their efforts as an inefficient use of naval resources.

The application of a heroic persona toward American privateers began shortly after the end of the War of 1812. In 1816, William McCarty's *History of the American War of 1812, From the Commencement, Until the Final Termination Thereof, on the Memorable Eighth of January, 1815, at New Orleans*, offered only a cursory view of the efforts of a few American privateers during the war. With a dramatic reference to the courage and magnanimity of Captain Jacob Endicot of the *Dolphin*, the audacity of Captain Thomas Boyle of the *Comet*, and the pugnacious capabilities of the privateers

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<sup>22</sup> Alfred T. Mahan is one of the most influential naval enthusiasts of the 19<sup>th</sup> century, producing several significant books that defined the concept of sea power. Some of his more noted works are *The Influence of Sea Power upon History, 1660-1783* (Boston: Little, Brown, and Co., 1890); *The Interest of America in Sea Power, Present and Future* (Boston: Little, Brown, and Co., 1897); *Sea Power and Its Relation to the War of 1812*, 2 vols. (Cambridge, MA: Harvard University Press, 1905).

<sup>23</sup> Carl E. Swanson, *Predators and Prizes: American Privateering and Imperial Warfare, 1739-1748* (Columbia: University of South Carolina Press, 1991), 21.

*Decatur* and *General Armstrong*, McCarty painted all American privateers with the same laudatory characterization. Their value, McCarty claimed, "has been amply proved by their valorous deeds, and by the numerous public testimonies which have been borne to their worth by the unflattering tongue of those who have suffered by their enterprize."<sup>24</sup> McCarty only briefly mentioned individual American privateers, and his book focused more on the operations of the U.S. Army and Navy. Still, he indicated that "the achievements of the American privateers have in many instances rivaled those of our public vessels; and we have regretted that our limits have hitherto prevented us from paying them the attention they deserve."<sup>25</sup>

Almost thirty years after McCarty's work, H. M. Brackenridge offered more detail and greater insight into the efforts of American privateers. In the *History of the Late War between the United States and Great Britain: Comprising of a Minute Account of the Various Military and Naval Operations*, Brackenridge stated, "Feats of naval prowess were not confined to national vessels: the exploits of private armed vessels daily filled the gazettes. Letters of marque were issued soon after the declaration of war, and privateers sailed from every port, to annoy and distress the enemy's commerce."<sup>26</sup> Brackenridge praised the gallantry and honor with which American privateers served their country. As a significant part of the American war strategy, American privateers

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<sup>24</sup> William McCarty, *History of the American War of 1812, From the Commencement, Until the Final Termination Thereof, on the Memorable Eighth of January, 1815, at New Orleans*, 2d ed. (Freeport, NY: Books for Libraries Press, 1816), 20, 69, 248.

<sup>25</sup> *Ibid.*, 248.

<sup>26</sup> H. M. Brackenridge, *History of the Late War between the United States and Great Britain: Comprising of a Minute Account of the Various Military and Naval Operations* (Pittsburgh: James Key, Jun & Brother, 1845), 53.

assaulted the most vulnerable part of the enemy, by attacking British commercial interests at sea. According to Brackenridge, American privateers, such as Commodore Joshua Barney with the *Rossie*, wrought more havoc on British commerce during the first five months of the War of 1812 than the French had done after years of fighting the British during the Napoleonic Wars (1803-1815).<sup>27</sup>

While Brackenridge wrote of the gallant and courageous way American privateers fought during the War of 1812, he also expressed his critical opinion against privateering: "Thus much may be said in mitigation of this species of warfare, which it is to be hoped will, at some future day, be suppressed by common consent."<sup>28</sup> Brackenridge's comment echoed the words of Benjamin Franklin and foreshadowed the impending Treaty of Paris of 1856, in which a majority of the developed nations (but not the United States) signed an international agreement that protected private property at sea and greatly discredited the practice of privateering.<sup>29</sup>

George Coggeshall offered the first full account of American privateers during the War of 1812. As a former privateer captain during the war, Coggeshall presented many intimate details of his exploits as the commander of the private armed vessels *David*

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<sup>27</sup> Ibid., 53-54.

<sup>28</sup> Ibid.

<sup>29</sup> On January 11, 1820, The Plainfield Peace Society of Massachusetts petitioned Congress to abolish the practice of privateering, citing the following passage from Dr. Benjamin Franklin, in a letter written to Benjamin Vaughan in 1785: "the United States, though better situated than any other nation to profit by privateering, are, as far as in them lies, endeavoring to abolish the practice, by offering in all their treaties with other Powers an article engaging solemnly that, in case of a future war, no privateer shall be commissioned on either side, and that unarmed merchant ships on both sides shall pursue their voyages unmolested." American State Papers, *Naval Affairs* (Washington, D. C.: Gales and Seaton, 1853), 1: 643-645.

*Porter* and *Leo*, as well as offered many details concerning the activities of American privateers in his book, the *History of American Privateers and Letter of Marque During Our War with Great Britain in the Years 1812, 13, and, 14*. Coggeshall eloquently defended the gallant and heroic image of American privateers during the war:

In this age of traffic and moneymaking, when patriotism is measured by dollars and cents, remarks prejudicial to those who sailed in privateers and letters-of-marque are made by some, without much reflection or knowledge on the subject. Others assert they were a mercenary set of desperadoes, only bent on enriching themselves with the spoils of their adversaries, possessing little honor, and less patriotism...I shall be happy to disabuse his mind on the subject, for I can assure him, that there will never was a viler slander imputed to such a noble class of men.<sup>30</sup>

Coggeshall's book also contained a rudimentary prize list derived from newspaper accounts during the war. Based on these accounts and his own personal experience, Coggeshall also claimed that American privateers were one of the most effective weapons that brought a successful conclusion of the War of 1812: "I hope every dispassionate American will agree with me, that it was beyond all doubt, owing to the good seamanship and gallant bravery of our little navy, in combination with the indefatigable annoyance of the privateers and letters-of-marque, that an honorable peace was so soon restored to our beloved country."<sup>31</sup>

During the later part of the nineteenth century, Henry Adams offered a different point of view on American privateering efforts. Published in 1890, Adams' *History of the United States of America* examined American political history during the first two

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<sup>30</sup> George Coggeshall, *History of American Privateers and Letter of Marque During Our War with Great Britain in the Years 1812, 13, and 14* (New York: Edward O. Evans, 1856), xlvi.

<sup>31</sup> George Coggeshall, *History of American Privateers*, 397.

decades of the nineteenth century. Adams dedicated two volumes of this work (VII and VIII) to an analysis of James Madison's presidency, which Earl N. Harbert has edited into a single volume.

Adams claimed that:

The history of privateers was never satisfactorily written. Neither their number, their measurements, their force, their captures, nor their losses were accurately known. Little ground could be given for an opinion in regard to their economy. Only with grave doubt could any judgment be reached even in regard to their relative efficiency compared with government vessels of the same class. Yet their experience was valuable, and their service was great.<sup>32</sup>

Although Adams stated, "only with grave doubt could any judgment be reached," he asserted that the American government should have outlawed privateering and outfitted fifty sloops of war for the purposes of destroying British commerce.<sup>33</sup>

While Adams noted that American privateers captured more prizes than the United States Navy, the British navy blockading American ports intercepted and recaptured a large proportion of these prizes. Adams thought government sloops of war would have been more successful than American privateers because these warships would have destroyed British commerce, rather than capturing ships. Throughout the war, American privateers and letter of marque traders constantly ran the risk of recapture when sending their prizes to an American or neutral port.<sup>34</sup>

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<sup>32</sup> Earl N. Harbert, ed., *History of the United States of America during the Administration of James Madison by Henry Adams* (New York: Viking Press, 1986), 837.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*, 850.

In addition, Adams postulated that the federal government's aid to American privateers through several different legislative acts, such as the reduction of duties on prize goods, an increase in bounties on British prisoners of war captured by American privateers, and the creation of a government pension fund for American privateers wounded or disabled in the line of duty, was actually more expensive than if the government had supported and supplied twenty sloops of war to perform the same task of commerce destroying. Adams argued that the American privateers caused a severe hindrance to the United States Navy, because most experienced seamen signed with American privateers, where combat was not necessarily expected and the cruises were significantly shorter, rather than enlisting in the naval service.<sup>35</sup>

Adam's believed the privateers' drawbacks outweighed their effectiveness. While American privateers and letter of marque traders were ten times more numerous than American warships, Adams claimed that they were only four times more effective against British commerce than the United States Navy.<sup>36</sup> Adams argued that the federal government would have been better served if it had retained "all military and naval function in its own hands."<sup>37</sup>

Almost a direct contrast to Adams, Edgar S. Maclay offered one of the most complete accounts of the actions and activities of American privateers and letter of marque traders during the War of 1812. Drawing on many primary source documents,

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<sup>35</sup> Ibid., 852.

<sup>36</sup> Ibid., 848.

<sup>37</sup> Ibid., 852-853.



newspapers, and personal accounts, Maclay offered a greater description of American privateers' efforts than previous historians. *The History of American Privateers* covered the exploits of American privateering from the Revolutionary War to the American Civil War. In this single volume, Maclay admirably examined many significant actions of American private armed vessels.

Maclay devoted several chapters to the contributions that many American private armed vessels made during the War of 1812. He examined American privateers by region and home port, highlighting the actions of several of the more successful privateering vessels, such as the *Atlas*, *Governor Tompkins*, *Comet*, *Chasseur*, *Rossie*, *Decatur*, *David Porter*, *America*, and *Grand Turk*. Maclay also discussed the combat actions of private armed vessels against British merchantmen, the Royal Navy, and British privateers.

*The History of American Privateers* was not written to defend privateering, but to recognize the achievements and actions of American privateers and letter of marque traders.<sup>38</sup> While Maclay believed that destruction of British commerce rather than its capture would have been a more efficient use of American privateers, much of his book praised and applauded the privateers' courageous actions.<sup>39</sup> As bold and intrepid heroes, American privateers and letter of marque traders had "left a record in the history of their

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<sup>38</sup> Edward Maclay, *The Story of American Privateers* (New York: D. Appleton & Sons, 1899), xxv.

<sup>39</sup> *Ibid.*, xxiii.

country which is well worthy of preservation, and it will stand as an imperishable monument of the gallant part they played in the defense of their native land."<sup>40</sup>

Theodore Roosevelt, an avid naval enthusiast, wrote *The Naval War of 1812, or, The history of the United States Navy during the last war with Great Britain: to which is appended an account of the Battle of New Orleans*. This study offered a detailed account of the naval operations of the War of 1812. Written when Roosevelt was only twenty-three, this book represents a young scholar's enterprising venture into naval history, and "it was immediately recognized as the most reliable and balanced record of the naval war."<sup>41</sup>

With the conflicting reports of the success of American privateers in American and British newspapers, Roosevelt confined his analysis of American privateers during the War of 1812 to only those that engaged Royal Navy cruisers.<sup>42</sup> Roosevelt concluded that privateers produced a mixed record: "All irregular fighting-men do their work by fits and starts. No regular [naval] cruisers could behave better than did the privateers *Lottery*, *Chasseur*, and *General Armstrong*; none would behave as badly as the *Dolphin*, *Lynx*, and *Arab*."<sup>43</sup>

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<sup>40</sup> Ibid, 507.

<sup>41</sup> Edward Eckert, introduction to *The Naval War of 1812, or, The history of the United States Navy during the last war with Great Britain: to which is appended an account of the Battle of New Orleans*, by Theodore Roosevelt (New York: Putnam Press, 1882; reprint, Annapolis, MD: Naval Institute Press, 1987), xi.

<sup>42</sup> Ibid., 368.

<sup>43</sup> Ibid., 174.

Roosevelt praised the fine military performances of the American privateers *Lottery*, *Chasseur*, and *General Armstrong*, citing their individual actions against British cruisers. But Roosevelt emphasized that these three privateers were exceptions to normal privateering practices. Roosevelt believed that an average privateer "was no match for a regular British cruiser of equal force."<sup>44</sup>

The primary purpose of American privateers was to destroy British commerce, however, not to contend with the Royal Navy. Roosevelt stated:

there were several instances where privateers gave up, without firing a shot, to a force superior, it is true, but not enough so to justify the absolute tameness of the surrender. One explanation of this was that they were cruising as private ventures, and their object was purely to capture merchant-men with as little risk as possible to themselves. Another reason was that they formed a kind of sea-militia, and, like their compeers on land, some could fight as well as any regulars, while most would not fight at all, especially if there was need of concerted action between two or three.<sup>45</sup>

Roosevelt argued that the nation's energies should have been placed in the construction of battleships instead of private armed ships. While Roosevelt acknowledged the invaluable contribution of American privateers to the war effort, he argued that the nation would have been better served with a stronger public navy.<sup>46</sup>

In 1899, John R. Spears briefly examined the role of privateering during the War of 1812, in his five volume series on the United States Navy.<sup>47</sup> Spears' account of

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<sup>44</sup> Ibid., 370-371.

<sup>45</sup> Ibid., 369-370.

<sup>46</sup> Ibid., 369-371.

<sup>47</sup> John R. Spears, *The History of Our Navy: From Its Origin to the End of the War with Spain, 1775-1898*, 5 vols. (New York: Charles Scribner's Sons, 1899).

American privateers conformed to the heroic paradigm established by McCarty and Brackenridge and expounded on the private warships' virtues rather than their faults. Spears also offered a cursory examination of the names of privateer ships, recruitment practices, and the overall success during the War of 1812.

Given the colorful patriotic names of several vessels, such as the *Revenge*, *Retaliation*, *Rattlesnake*, *United We Stand*, *Divided We Fall*, and *True-Blood Yankee*, Spears argued that some of these owners had an agenda slightly broader than mere commerce raiding. While Spears continually promoted the gallant and resourceful spirit of American privateers, he took great pains to inform the reader that not all privateers prospered. "When court fees and duties on the goods captured had been paid there was so little left for the privateers and their crews that the ships capturing two prizes really made nothing for the owners. Only about one privateer in five, sailing out of New York, paid a cent of profit to the owner."<sup>48</sup>

With the appearance of Alfred T. Mahan's two volume *Sea Power and Its Relations to the War of 1812*, published in 1905, the gallant nineteenth-century mystique surrounding American privateers and letter of marque traders during the War of 1812 dissolved even further. A prominent naval strategist, Mahan ardently believed in a strong American public navy to defend and enforce the rights of Americans on the high seas. Mahan's views on the importance of naval strength and the application of sea power, as expressed in his works prior to 1905, have shaped and defined the national policies of

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<sup>48</sup> Ibid., 253-254.

many nations into the twenty-first century.<sup>49</sup> Mahan believed that privateering was often the recourse of weaker belligerents in naval warfare, while a nation with superior naval forces favored a military and commercial blockade: "Granting equal efficiency in the use of either measure, it is further plain that the latter [i.e., privateering] is intrinsically far less efficacious. To cut off access to a city is much more certainly accomplished by holding the gates than by scouring the country in search of persons seeking to enter."<sup>50</sup>

While Mahan acknowledged the bold and audacious nature of American privateers, he continually criticized their achievements as inefficient use of naval resources. To illustrate his point, Mahan compared the size and effectiveness of American privateers with the United States Navy.

These twenty-two [vessels of the United States Navy] captured one hundred and sixty-five prizes, an average of 7.5 each, in which are included the enemy's ships of war taken. Of privateers of all classes there were five hundred and twenty six;...By these were captured thirteen hundred and forty-four vessels, an average of less than three [per vessel]; to be exact 2.7. The proportion, therefore of prizes taken by ships of war to those by private armed vessels was nearly three to one.<sup>51</sup>

Moreover, Mahan noted that the number of American privateers (526) active during the War of 1812 was slightly misleading, because only 207 of these vessels actually captured a prize. Based on Emmons' *The Navy of the United States, from the commencement, 1775-1853: with a brief history of each vessel's service and fate*, Mahan

<sup>49</sup> For other books by A. T. Mahan, see note 22.

<sup>50</sup> Alfred T. Mahan, *Sea Power and Its Relation to the War of 1812*, 1:288.

<sup>51</sup> *Ibid.*, 2: 242. Mahan's figures are slightly misleading. Mahan only used 22 vessels of the United States Navy that actually cruised the Atlantic in his calculations. By end of 1814, the actual size of the American navy stationed on the Atlantic Ocean was three 74s, 9 frigates, 2 corvettes, 10 sloops, 5 brigs, 2 schooners, 126 gunboats, 33 equipped barges, and 11 armed ships, with a grand total of 201 vessels. American State Papers, *Naval Affairs*, 1: 307-308.

calculated that the total number of prizes taken by American privateers to be 1344.<sup>52</sup> In comparing the ratio of the successful privateers to the number of captures, the average is 6.5. While considering this remarkable, Mahan attempted to demonstrate that American privateers were not as successful as the United States Navy (with an overall average of 7.5) in the proportional number of ships taken. These results, according to Mahan "may be accepted as disposing entirely of the extravagant claims made for privateering as a system, when compared with a regular naval service."<sup>53</sup>

Despite the flood of American private armed vessels that sailed from American ports during the war, Mahan noted that it was American commerce that was destroyed during the war, not British commerce.<sup>54</sup> Mahan believed that American privateering, while influential, served as a minor offensive operation, only capable of harassing and weakening the enemy. Mahan asserted that the British blockade was much more effective in annihilating American commerce than American privateers were in assaulting British shipping.<sup>55</sup>

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<sup>52</sup> George F. Emmons, *The Navy of the United State, from the commencement, 1775-1853: with a brief history of each vessel's service and fate* (Washington, D.C.: Gideon & Co., 1853).

<sup>53</sup> Again, Mahan's calculations are slightly misleading. Although the average number of captures by American privateers was high, less than 20 percent of the private armed vessels mentioned by Emmons actually reported capturing at least four vessels. Alfred T. Mahan, *Sea Power and Its Relation to the War of 1812*, 2: 243; Emmons, *The Navy of the United States*, 170-197.

<sup>54</sup> Alfred T. Mahan, *Sea Power and Its Relation to the War of 1812*, 1: 398.

<sup>55</sup> *Ibid.*, 2: 21.

In a letter to the editor of the *The Dial*, a semi-monthly literary magazine, Fredrick H. Costello harshly criticized Mahan's *Sea Power and the War of 1812*.<sup>56</sup> Arguing in favor of the achievements of American privateers during the War of 1812, Costello offered an alternate interpretation on the effectiveness of privateering. He claimed that the contributions of American privateers had been "the chief cause that led Great Britain to make such favorable terms with us in ending the war." Costello believed that the economic distress in Great Britain, caused by the depredations of American privateers, was the principal factor for creating such favorable terms during the peace talks in Ghent in 1814.<sup>57</sup>

Mahan adamantly refuted Costello's statement. In a response published by *The Dial* a few weeks later, Mahan argued that Costello's conclusions were invalid. Mahan stated that the reason Great Britain offered generous terms to the United States resulted from the unwillingness of the duke of Wellington to take charge of British military operations in North America. Also, the superiority of the United States Navy on the Great Lakes and on Lake Champlain had effectively eliminated the threat of an invasion from Canada. Mahan stated: "Nowhere in [the Castlebreagh Correspondence] do the

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<sup>56</sup> Frederick H. Costello was a popular fiction writer, whose genre focused on American naval operations during the American Revolutionary War, the Tripolitan War, and the War of 1812. Some of his titles include *Under the Rattlesnake Flag* (Boston: Estes and Lauriat, 1898), *On the Fighting Decks in 1812* (Boston: Estes and Lauriat, 1899), *A Tar of the Old School* (New York: H. Holt & Co., 1900), and *Nelson's Yankee boy: the Adventures of a plucky young New Englander at Trafalgar and elsewhere, and later in the War of 1812* (New York: H. Holt & Co., 1904).

<sup>57</sup> Frederick Costello, "Late Discussions of the War of 1812," *The Dial*, March 1, 1906, 143.

depredations of our privateers find mention - I do not mean as a motive to peace, but mention of any kind. Losses by privateers were then an old story to Great Britain."<sup>58</sup>

Mahan believed the American privateer depredations on British shipping did not offer significant cause for bringing more favorable terms from Great Britain during peace negotiations. Two decades of warfare with France during the early nineteenth century had already preconditioned Great Britain to a similar rate of commercial loss to its merchant fleet.<sup>59</sup>

The possibility of a renewed conflict on the European continent, as well as the defeat of the British forces by Perry and Macdonough, had predisposed the British government to pursue a quicker resolution to the conflict. By relinquishing claims on large portions of the Northwest Territories and the District of Maine, in addition to conceding the right of military access of the Great Lakes to the United States, Great Britain greatly accelerated the peace negotiations at Ghent. "[Great Britain] had to recede from [these demands], not because of privateering, but because on the Lakes our navy was equal to hers, and at times superior."<sup>60</sup>

Mahan strongly counseled against reliance on the use of improvised means of warfare, such as privateering. He claimed that, "Should we elect a policy which in the

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<sup>58</sup> Alfred T. Mahan, "Peace Terms of the War of 1812," *The Dial*, April 16, 1906, 253.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*



future, as then, shall leave us decisively inferior to our maritime competitors, the lesson will be repeated, despite all the privateers that exist.”<sup>61</sup>

Costello, still unconvinced, had the final word in this literary argument. In a rebuttal to Mahan's letter, Costello continued to argue in favor of American privateers as the chief means of procuring favorable peace terms from Great Britain. Costello argued: “it seems to me that the omission by the [British Minister of Foreign Affairs] to comment on this matter is not a proof that [the effect of American privateering] was not felt to be serious.”<sup>62</sup> Costello further asserted that the losses inflicted upon British commerce by American privateers fell mainly upon the British people, not the British government. As such, the psychological and financial impact caused by American privateers would not be evidenced through government correspondence, but rather through the dramatic increases of prices, insurance rates, and despondency reported by British newspapers.<sup>63</sup>

Despite criticism of his work, Mahan's views concerning American privateering, as well as his assessments about sea power in general, dominated the study of naval strategy until the advent of atomic weapons. Opinions on the role of American privateers continually shifted during the latter part of the twentieth century.

Siding with Mahan, C. S. Forester offered harsh criticisms of American privateers and letter of marque traders in his book, *The Age of the Fighting Sail*. Forester argued that the United States Congress viewed American privateers as a “nuisance force,”

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<sup>61</sup> Ibid.

<sup>62</sup> Frederick Costello, “Improvised Means of Naval Warfare,” *The Dial*, May 1, 1906, 287.

<sup>63</sup> Ibid.

designed to harass British commerce and antagonize and distract the Royal Navy.<sup>64</sup> With the focus of the American war effort concentrated on the conquest of Canada, to be used as leverage against Great Britain for recognition of American commercial rights, funding for naval operations was redirected to support the army.<sup>65</sup>

Forester characterized privateering as an occupation that "offered scope for initiative and ingenuity as well as for courage and endurance."<sup>66</sup> The chance to acquire large prizes of tremendous value offset the danger of capture or destruction of the privateer by British warships. The Royal Navy captured or destroyed hundreds of the less successful privateers, reflecting a form of natural selection (similar to Darwinism) through which only the fittest of privateers survived or thrived.<sup>67</sup>

Forester posited a duality in the American naval community between American merchants, who operated under a British license to trade grain and foodstuffs to Portugal, and American privateers, who operated against British commerce. Forester stated:

So that while one considerable portion of the American community planned to accept British licenses and to earn the steady profits of the Lisbon trade, and incidentally to aid liberty in its struggle against tyranny [by feeding Wellington's army which was fighting the forces of Napoleon Bonaparte in Spain], another portion planned to go out a-privateerin.<sup>68</sup>

This duality split and limited the effectiveness of American privateers and letter of marque traders during the war. Forester argued that American privateering efforts could

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<sup>64</sup> C. S. Forester, *The Age of the Fighting Sail* (Garden City, NY: DoubleDay, 1956), 13-14.

<sup>65</sup> *Ibid.*, 13-14.

<sup>66</sup> *Ibid.*, 85.

<sup>67</sup> *Ibid.*, 90.

<sup>68</sup> *Ibid.*, 85.

have been more effective and had a greater impact on British commerce. "American privateering had proved itself offensive beyond all expectation; it was possible that it might have been more offensive still."<sup>69</sup>

Forester also claimed that privateering had a detrimental impact on the United States Navy. Privateering diverted the best American seamen, with the prospects of short voyages and large profits, from enlisting and serving on American public warships. Agreeing with Roosevelt's view, Forester argued that a lack of discipline among privateers when faced with combat was a distinct drawback to their overall effectiveness. "Although there are accounts of desperate actions fought by privateers, there are plenty of accounts of only feeble resistance being offered and sometimes none at all."<sup>70</sup>

Forester argued that more radical measures on the part of the American government could have minimized these disadvantages in the privateering system:

A great organization would have been necessary to supervise the whole effort, backed by compulsory power, and neither the organization nor the power could have been voted in the temper of the American people and American Congress during 1812, whether before or after the outbreak of war; nor could Mr. Madison's political ideas have made it possible for him to ask for them. The federal government neither could nor would have undertaken the necessary management of the whole shipping industry, the rationing of materials of war, the enlistment - almost inevitably compulsory, sooner or later - of the whole body of seamen into federal service, the subjection of those freeborn citizen and their captains to military law, and the direction of their activities onto trade routes selected by the government.<sup>71</sup>

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<sup>69</sup> Ibid., 92.

<sup>70</sup> Ibid., 93.

<sup>71</sup> Ibid., 94.

In the 1960s, Donald Chidsey offered a resurgence of the heroic ideal of American privateers.<sup>72</sup> Tracing the development and involvement of American private armed vessels from the colonial era starting with King William's War to the American Civil War, *The American Privateers* was more of a collection of stories about American privateers than a concise historical narrative. Less scholarly than Maclay, Chidsey embraced the heroic and romantic ideals associated with privateering as described by McCarty and Brackenridge, almost 150 years earlier.

While Chidsey did not offer a balanced account of privateering, he responded to some of the criticisms of privateering offered by Adams, Roosevelt, and Mahan. Arguing against earlier historians, Chidsey stated:

The [American] Navy might damn [privateering] as irresponsible, irregular, and great waste, and Henry Adams...might argue that the same amount of money spent on small vessels of war, manned by regular Navy men, subject to Naval orders and Naval discipline, would result in much greater efficiency. For Navy vessels would sink or burn their prizes, not send them back so that they could be recaptured, as happened so many times with privateers.<sup>73</sup>

Despite the limitations of privateering in discipline and organization, Chidsey believed that American privateers placed greater emphasis their independence, initiative, and imagination, which he believed were the hallmarks of privateering.<sup>74</sup> After the War of 1812, Chidsey argued that the greatest threat to the privateering industry came not from the international ban advocated by the Treaty of Paris in 1856, but from the development

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<sup>72</sup> Donald Chidsey, *The American Privateers* (New York: Dodd, Mead, & Company, 1962).

<sup>73</sup> *Ibid.*, 160.

<sup>74</sup> *Ibid.*, 160-161.

of steam-powered, iron hulled ships. "Even in the war just past [i.e., War of 1812] it had been established that, toward the end, a converted merchantman was not enough, that expensive vessels had to be specially built for [privateering]." <sup>75</sup>

About a decade later, Reuben Stivers ardently and eloquently defended the privateers and letter of marque traders, characterizing them as a reserve naval force during the War of 1812. <sup>76</sup> The official U.S. Naval Reserve was not established until 1915, but Stivers succeeded in separating the regular navy from the reserve naval force in early American history. <sup>77</sup> Although *Privateers and Volunteers* covered a broad period of American history, Stivers discussed specific information about privateering during the war in great detail. During the War of 1812, Stivers stated that privateering "now took on a slightly different coloring, partially because of the delicate difference between participating in a rebellion of doubtful outcome and fighting for the honor and glory of one's own relatively new born country...prize money as a desired end became a bit less important [than patriotism]. The conduct of private warfare, under the aegis of a more organized government, became more ardent and objective." <sup>78</sup>

Arguing directly against Mahan's view, Stivers posited that American privateers operated under a different set of military and national objectives from those of past privateers or letter of marque traders. Asserting that patriotism, and not profit, was the

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<sup>75</sup> Ibid., 143.

<sup>76</sup> Reuben Stivers, *Privateers & Volunteers: The Men and Women of Our Reserve Naval Forces, 1766 to 1866* (Annapolis, MD: Naval Institute Press, 1975).

<sup>77</sup> Ibid., xiii-xvii.

<sup>78</sup> Ibid., 59.

primary motive of American privateers, Stivers claimed that privateers were more willing to engage enemy warships, capture prisoners, and destroy enemy vessels than in previous American conflicts.<sup>79</sup>

According to Stivers:

With acute disadvantage to their reputation among their fellow countrymen, however, little was currently known about what the privateersmen did at sea or how they did it... There were no pre-charted courses, no messages or directives received at sea from a superior command, and few limits to their activities. They had no common central organization... no intelligence system... no publications, no doctrine, no circular letters... and no code of ethics... They seldom had any duty except that of taking prizes where they could find them... They were under no obligation to fight other vessels.<sup>80</sup>

Constrained by the limited information and the difficulty of research concerning privateersmen, Stivers empathized with Coggeshall and Maclay, and criticized "most writers who have not undertaken much more than extrapolation from an occasional summary account based on partial records, with the intention of being less dependent upon educated guesses with respect to an overview."<sup>81</sup>

In 1979, Jerome Garitee offered a concise examination of the history, development, and importance of privateering in the city of Baltimore before, during, and after the War of 1812. In *The Republic's Private Navy: The American Privateering Business as Practiced by Baltimore during the War of 1812*, Garitee focused entirely on the development of privateering in Baltimore, as he examined dozens of primary sources

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<sup>79</sup> Ibid., 59.

<sup>80</sup> Ibid., 99.

<sup>81</sup> Ibid., 101.

to provide a fascinating microcosm of a single American port city during this period. As a result, Garitee's work embodies sound scholarly research and provides an amazing and refreshing example for other researchers to follow concerning the nature and evolution of privateering enterprises.

Claiming that Baltimore supported American privateering through a mixture of patriotism and avarice, Garitee argued that public service and private profit were not mutually exclusive or conflicting ideologies when it came to the operation of Baltimore privateers and letter of marque traders.<sup>82</sup> Wartime profits were not the sole objective of several Baltimore privateer captains and owners. Using Captain Thomas Boyle and the private armed vessel *Chasseur* as a prime example, Garitee stated that the *Chasseur* engaged the HMS *St. Lawrence* in combat for the sake of honor rather than for profit.<sup>83</sup>

Garitee examined in great detail how Baltimore privateering operated, from the outfitting of privateers to the arduous capture of prizes and the subsequent adjudication of prizes in admiralty courts. During the War of 1812, Baltimore armed and licensed 122 privateers and letter of marque traders, representing approximately 20 percent of the total of American privateers and letter of marque traders swarming the Atlantic and Pacific oceans during the war.<sup>84</sup> Garitee stated, "The greatest beneficiary of Baltimore's private armed vessel success during the War of 1812 was the American republic...with Baltimore so active in prize courts and with its [privateers] providing the bulk of

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<sup>82</sup> Jerome R. Garitee, *The Republic's Private Navy: The American Privateering Business as Practiced by Baltimore during the War of 1812* (Middletown, CT: Wesleyan University Press, 1977), 63.

<sup>83</sup> *Ibid.*, 58-59.

<sup>84</sup> *Ibid.*, 241.

America's imports at a time when government had few alternatives, such income was vital to the war effort."<sup>85</sup>

Garitee attributed much of the Baltimore privateers' success to the ingenious shipbuilders who designed the Baltimore clipper-style ship and to the recruitment of audacious captains, such as Thomas Boyle and Joshua Barney, who were capable of using these vessels to their fullest potential. In this way, "Baltimore demonstrated to the world how a relatively weak republic could quickly develop an inexpensive but influential second navy."<sup>86</sup>

Garitee attacked the views of Adams, Roosevelt, and Mahan, who believed that privateering essentially hurt the United States Navy because most experienced seamen were drawn toward the lucrative privateers rather than patriotic duty onboard American warships, he proposed that this was true only at the onset of the war. The United States Navy was "virtually inoperative if not nonexistent [on the ocean] during the last year of the war and could not have employed one-fifth of the nation's able-bodied seaman."<sup>87</sup>

In the 1990s, privateering during the War of 1812 received more attention from a number of scholars. Military historian Col. John R. Elting, (U.S. Army, Ret.) examined privateering during the War of 1812 as part of Thomas Jefferson's original "blue-water"

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<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid., 245. While the United States Navy could not have employed one-fifth of the nation's able-bodied seaman on ocean, there was desperate need for American sailors on the Great Lakes. For further details, see William Jones to James Madison, October 26, 1814 in Michael J. Crawford, ed. *The Naval War of 1812: A Documentary History*, Vol. 3, 1814-1815 (Washington D. C.: Naval Historical Center, 2002): 631-636.



strategy in his book, *Amateurs, to Arms!: A Military History of the War of 1812*.<sup>88</sup>

During Jefferson's administration, both the regular army and navy were downsized, with greater emphasis placed on the militia and privateers as a means of augmenting American military power during wartime.<sup>89</sup> Elting stated that Madison continued Jefferson's limited military policies after his 1808 election, and "deliberately [pushed] an unprepared nation into a war of conquest with a major power."<sup>90</sup> Following the views of Adams, Roosevelt, and Mahan, Elting made several derogatory characterizations of American privateers:

Privateering was also a highly speculative business – actually legalized piracy with a variable infusion of patriotism. Privateers looked for easy pickings and avoided combat; rather than destroying their more valuable prizes, they tried to send them back to the United States for sale, which meant that the British recaptured at least half of them en route. Privateering offered a gambler's chance at quick money for small risk; the average privateer's cruise was short and his discipline was relaxed. Naturally seamen flocked to privateer service...while the Navy had trouble manning its active ships.<sup>91</sup>

Elting claimed the greatest drawback to privateering was its inefficiency, echoing Adams and Mahan, almost a century earlier. Most American privateers and letter of marque traders that operated during the War of 1812 failed to capture a single prize, and

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<sup>88</sup> John R. Elting authored and edited a number of books on warfare and the nineteenth century: *American Army Life* (New York: Scribner, 1982), *The Super-Strategists: great captains, theorists, and fighting men who have shaped the history of warfare* (New York: Scribner, 1985), and *Swords Around a Throne: Napoleon's Grande Armee* (New York: Free Press, 1988).

<sup>89</sup> John R. Elting, *Amateurs, to Arms!: A Military History of the War of 1812* (Chapel Hill, NC: Algonquin Books, 1991), 68.

<sup>90</sup> *Ibid.*, 327.

<sup>91</sup> *Ibid.*, 81.

the Royal Navy seized approximately half of the American private armed vessels.<sup>92</sup>

Although a newer and larger type of ship designed specifically for privateering was constructed, only the most expert, courageous, or fortunate privateer captains proved successful during this war.

In addition to their inefficiency, Elting claimed that American privateers provided little help in breaking the British blockade. Although some of the best privateer captains were effective commerce destroyers, Elting claimed, "privateering had proven a wasteful way of making war."<sup>93</sup> He believed that too many American privateers did little or no damage to Great Britain, as the British navy recaptured many of the most valuable prizes during the war.<sup>94</sup>

Although an accomplished historian of the Napoleonic era, Elting's assessment of the War of 1812 has been questioned in recent years. Donald Hickey, author of *The War of 1812: A Forgotten Conflict*, noted several "errors and misconceptions" in Elting's treatment of this conflict.<sup>95</sup> Elting's assessment of American privateers, influenced by the opinions of Adams, Roosevelt, and Mahan, failed to offer new insight into an old argument.

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<sup>92</sup> Ibid., 82.

<sup>93</sup> Ibid., 83.

<sup>94</sup> Ibid., 84.

<sup>95</sup> Donald Hickey, "The War of 1812: Still a Forgotten Conflict?" *Journal of Military History* 65 (July 2001): 744. While Hickey's treatment of American privateers during the War of 1812 in *The War of 1812: A Forgotten Conflict* is similar to early historians, he does recognize the need for further research in this area. Ibid., 768.

Faye Kert, in *Prize and Prejudice: Privateering and Naval Prize in Atlantic Canada in the War of 1812*, offered a unique perspective on American privateering efforts from the viewpoint of their Canadian counterparts. Despite the fact that Canadian privateers and letter of marque traders operated smaller vessels that were not as heavily manned or armed as American privateers, Kert estimated their performances during this war as “nearly identical.”<sup>96</sup> Part of the successful nature of Canadian privateers can be attributed to the re-outfitting of captured American vessels libeled and purchased in Canadian ports. Using American-built vessels, with their familiar shape and rig, allowed some Canadian privateers the ability to approach their victims before they realized they were in danger.<sup>97</sup>

The smaller size of Canadian privateers and letter of marque traders limited their effective cruising range and cargo capacity. Stalking “smaller, less well-defended [American] prey closer to home” also limited the number of valuable prizes that were captured and reduced the profitability of Canadian privateers and letter of marque traders.<sup>98</sup> Despite the risks of encountering American warships or privateers, most Canadian privateers and letter of marque traders were willing to undertake successive cruises because of perceived potential profits.<sup>99</sup>

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<sup>96</sup> Faye Kert, *Prize and Prejudice: Privateering and Naval Prize in Atlantic Canada in the War of 1812* (St. John's, NFLD: International Maritime Economic History Association, 1997), 90.

<sup>97</sup> *Ibid.*, 91.

<sup>98</sup> *Ibid.*, 89.

<sup>99</sup> *Ibid.*, 157.

In *Splintering the Wooden Wall: The British Blockade of the United States, 1812-1815*, Wade G. Dudley challenged the effectiveness of the Royal Navy and its blockade of American ports during the War of 1812. Although Dudley's work focused on the blockade, he offered some new perspectives on the activities of American privateers and letter of marque traders against British commerce.

Contrary to Mahan's assertions that the British blockade annihilated American oceangoing commerce, Dudley argued that inclement weather, a limited number of ships, and the lack of usable ports and naval stations severely hampered the blockade's effectiveness.<sup>100</sup> Dudley stated, "With an average loss of over one vessel per day to privateers, it was obvious that the blockade did not stop the private navy from leaving port, and if the estimate of only 750 recaptures was accurate, British blockaders also failed to keep prize vessels from returning to safe havens."<sup>101</sup>

The British squadrons operating in the Atlantic experienced a number of limitations, illustrating the logistical problems of maintaining a close blockade of the American coastline. Despite its overwhelming size and firepower, the Royal Navy failed to stop the flow of American private armed vessels and their prizes from either leaving or entering American ports.<sup>102</sup>

Further confounding the British Navy, American privateers acted and operated far differently from the way their continental contemporaries acted:

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<sup>100</sup> Wade G. Dudley, *Splintering the Wooden Wall: The British Blockade of the United States, 1812-1815* (Annapolis, MD: Naval Institute Press, 2003), 82-85.

<sup>101</sup> *Ibid.*, 138.

<sup>102</sup> *Ibid.*, 82.

Most French private raiders operated by dashing from a port, securing a prize or two, and quickly returning home, often all in the same day. Even raiders out of the French Caribbean islands generally used the same procedure. Most American privateers, schooled to the transoceanic trade throughout their careers, engaged in long voyages, especially to the rich sea-lanes off England, Scotland, and Ireland.<sup>103</sup>

Despite the greater threat that American privateers posed toward British commerce, the British Admiralty continued to place more emphasis on the destruction of the diminutive American navy rather than containing American privateers.<sup>104</sup>

Dudley relied on statistical databases to portray the effectiveness of American privateers and the inefficiency of the British blockade. Combining this information with other primary source material, he examined the effectiveness of the British blockade with a minimum amount of bias, unlike Roosevelt or Mahan, who favored the creation of a large American fleet based upon the efficacy of the British navy during the eighteenth and nineteenth centuries.

Despite approximately two hundred years of historical analysis, the debate concerning the importance and significance of private armed vessels in warfare has not reached a conclusion. As privateering continues to receive more attention from historians, the role of privateers in naval warfare continues to be redefined. Theories on measuring the effectiveness of privateering as an extension of a nation's sea power are indelibly linked to the study of American privateers and privateering practices during the War of 1812. While some historians have championed the efforts of American private armed vessels in the nineteenth century, others have characterized this species of warfare

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<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

in a derogatory fashion. In recent years, the most convincing interpretation of American privateers and privateering activities during the War of 1812 are those presented by Jerome Garitee, in which he aptly described a microcosm of American private armed vessels from Baltimore that acted with a mixture of patriotism and avarice.

The delimiting role of the United States government toward American privateering enterprises during the War of 1812 will be examined in the next chapter, to illustrate that any failure of this form of naval power fell not on the character or nature of American privateers, but stemmed from the regulations of the government that authorized them.

## Rules and Revenue

Federal legislation marginalized the efforts of American privateers and letter of marque traders during the War of 1812. If the American government had been more supportive of *guerre de course* against British merchantmen from the onset of the war, the resulting impact of American privateers on British shipping would have been far more devastating. Had the American government endorsed a policy of remuneration for American privateers and letter of marque traders for the destruction of British commerce, the final outcome of the war might have been decidedly different.

Under Article 1, Section 8 of the Constitution of the United States, Congress is authorized "to declare War, grant letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water."<sup>1</sup> In the declaration of war against Great Britain, Congress authorized the President of the United States "to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the government" of Great Britain and Ireland.<sup>2</sup> The War of 1812 was the last time the United States government officially employed the use of privateers and letter of marque traders against a foreign power.<sup>3</sup>

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<sup>1</sup> U.S. Constitution, art. 1, sec. 8.

<sup>2</sup> U.S. Congress, *United States Statutes at Large*, Act of June 18, 1812, ch 102, 12 *Stat.* 1, 755.

<sup>3</sup> The United States government did not issue letters of marque and reprisal in any other war during the nineteenth century. During the American Civil War, the Confederate States of America briefly issued privateering commissions to private armed vessels. On April 17, 1861, Jefferson Davis authorized a few Southern privateers to "burn, sink, and destroy," the commerce of the United States of America. As the Union blockade tightened around the Confederacy, "these would-be privateers...directed their energies to the more profitable occupation of blockade running." Edgar S. Maclay, *The Story of American Privateers* (New York, D. Appleton & Sons, 1899), 504.

President James Madison signed into law an act concerning letters of marque, prizes, and prize goods on June 26, 1812. This act, consisting of seventeen sections, outlined most of the requirements and responsibilities that governed American privateers and letter of marque traders during the War of 1812. These instructions remained almost unchanged throughout the duration of the war.<sup>4</sup>

The first section of this act authorized the president of the United States to grant or issue letters of marque and reprisal pursuant to a declaration of war against the United Kingdom of Great Britain and Ireland and its dependencies. This section effectively transferred constitutional authority and control of American privateers and letter of marque traders from Congress to the president of the United States. This section empowered the president to revoke and annul at pleasure all the letters of marque and reprisal that had been granted or issued. During the War of 1812, President Madison entrusted most of the responsibility and authority over privateers and letter of marque traders to Secretary of State James Monroe.

The second section of this act established the formalities required by persons applying for letters of marque and reprisal. Each applicant was to state, in writing, the name, tonnage, and force of the private armed vessel being employed. Also, each application required the name and place of residence of the owner and the intended number of crew for the vessel. Once completed, these applications were delivered or transmitted to the secretary of state, who maintained the active file of applicants.<sup>5</sup>

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<sup>4</sup> U.S. Congress, *United States Statutes at Large*, Act of June 26, 1812, ch 107, 12 *Stat.* 1, 759-769.

<sup>5</sup> *Ibid.*, 759.



Section three stipulated that, prior to issuing a letter of marque and reprisal, the owner or owners of the private armed vessel were required to give a bond to the United States with a least two sureties who did not have an interest in the vessel. These bonds acted as a surety to pay for all damages or injuries committed by this privateer or letter of marque trader should the commissioned vessel deviate from the instructions of the United States government or violate any treaties or laws of the United States.<sup>6</sup>

Sections four and five covered the distribution of adjudicated prizes and salvage claims. All captured property or prizes became forfeit to the owners, officers, and crew of the private armed vessel upon condemnation. Prize money, after condemnation, was distributed in accordance with the any written agreement between the owners, officers, and crew. In the absence of any written agreement, prize money would be distributed under the rules governing the distribution of prize money for the United States Navy.<sup>7</sup> All vessels, goods, and property captured by the enemy and recaptured or salvaged by commissioned vessels were to be restored to their rightful owners. To compensate commissioned vessels, the owners of the restored vessel and cargo were required to pay salvage. Either the interested parties or a U. S. District Court could set the amount of salvage payment.<sup>8</sup>

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<sup>6</sup> Ibid. If the vessel employed a crew of fewer than 150 men, a bond of \$5,000 was required. If the vessel employed more than 150 men, a bond of \$10,000 was required.

<sup>7</sup> Section 6 of an "Act for the Better Government of the Navy of the United States" contains these rules for the distribution of prize money for the officers and men serving in the United States Navy. U.S. Congress, *United States Statutes at Large*, Act of April 23, 1800, Ch. 33, 6 *Stat.* 1, 45.

<sup>8</sup> U.S. Congress, *United States Statutes at Large*, Act of June 26, 1812, ch 107, 12 *Stat.* 1, 760. The U. S. district courts during the War of 1812 held the power of admiralty courts.

Section six prohibited captors from "breaking bulk," i.e., dividing or disposing of the spoils of a captured vessel or cargo before condemnation as a lawful prize by district courts. United States district courts had exclusive jurisdiction over admiralty and maritime cases for all prizes brought into the country. If prizes were brought into a friendly foreign port, then a competent tribunal was empowered to adjudicate these cases.<sup>9</sup>

Sections seven and nine governed the regulations concerning prisoners captured onboard enemy vessels taken by privateers and letter of marque traders. All prisoners were to be delivered into the custody of the marshal of the district or a military officer of the United States, or any friendly state or port for safekeeping and prisoner exchanges. To encourage privateers and letter of marque traders to bring these prisoners into port, a bounty of twenty dollars per head was offered for "each person on board any armed ship or vessel, belonging to the enemy, at the commencement of an engagement."<sup>10</sup>

This bounty was increased to twenty-five dollars on August 2, 1813, and further increased to one hundred dollars on March 19, 1814. Despite the lucrative incentive to send prisoners into American ports, many privateers and letter of marque traders preferred to cartel prisoners at sea. Privateers or letter of marque traders, when encumbered with more prisoners than they could manage or handle, often released these prisoners onboard a recently captured prize vessel, with instructions to return to the

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<sup>9</sup> Ibid., 761.

<sup>10</sup> Ibid. Section 8 of this act authorized the president of the United States to prescribe suitable instructions for the better governing and directing the conduct of privately commissioned vessel.

nearest enemy port. During the War of 1812, the British government did not officially honor these paroles at sea or "sea cartels" as official prisoner exchanges.<sup>11</sup>

Sections ten through twelve required the captain of a commissioned private armed vessel to maintain an exact and precise journal of the daily transactions and proceedings of his crew and vessel. These journals were supposed to be turned over to the chief customs officers of the nearest port upon completion of each cruise. No private armed vessel was permitted to sail again until this journal was submitted to the proper authorities.<sup>12</sup>

Should a privateer or letter of marque trader encounter a warship of the United States Navy or a American revenue cutter, the commanding officer of the private armed vessel was required to produce his journal and letter of marque and reprisal for inspection. Privateers and letter of marque traders were required to submit their journals to the American consuls upon arrival in any foreign port, if a consul was present. Failure to produce this journal, neglecting to maintain a journal, or maintaining a fraudulent journal could result in a loss of the privateering commission, and the commander of the vessel could be fined \$2,000 dollars for every such offense committed.<sup>13</sup>

Sections thirteen and fourteen covered smuggling contraband goods and the non-importation law, as they pertained to private armed vessels during this conflict. Should a

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<sup>11</sup> U.S. Congress, *United States Statutes at Large*, 761; Donald A. Petrie, *The Prize Game: Lawful Looting on the High Seas in the Days of Fighting Sail* (Annapolis, MD: Naval Institute Press, 1999), 24-30.

<sup>12</sup> U.S. Congress, *United States Statutes at Large*, Act of June 26, 1812, ch 107, 12 *Stat.* 1, 762.

<sup>13</sup> *Ibid.* Half of the two thousand dollar fine went to the informer reporting the neglect or fraud of these journals.

privateer or letter of marque trader be found guilty of smuggling, then that private armed vessel would be forced to forfeit the privateering commission. Losing this commission would then make the former privateer or letter of marque trader liable to all penalties subjected to merchant vessels committing similar actions, i.e., pirates. These sections also allowed American privateers and letter of marque traders to ignore the non-importation law that prohibited importing British goods and merchandise, as long as these goods and merchandise were lawful prizes of war and paid import duty upon entry into the United States.<sup>14</sup>

Section fifteen stipulated that all offenses committed onboard private commissioned vessels were to be tried and punished under the same regulations as governed the United States Navy. Section sixteen of this act exempted privateers and letter of marque traders from the ninety-day embargo act of April 4, 1812, on all ships and vessels in the ports of the United States. In addition, this section also authorized letter of marque trading. Vessels with a letter of marque and reprisal were exempt from the act prohibiting the exportation of specie, goods, and merchandise from the United States, passed on April 14, 1812.<sup>15</sup>

The last section of this act concerning letters of marque, prizes, and prize goods authorized the creation of the privateer pension fund to support those wounded or disabled onboard private armed vessels in any engagement with the enemy, as well as to support those widowed or orphaned by these engagements. Two percent of the net

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<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

amount of the prize money from captured or salvaged vessels and cargoes, after deducting all charges and expenses, was to be paid into this fund.<sup>16</sup>

Secretary of State Monroe provided further instructions to private armed vessels of the United States:

*To captain \_\_\_\_\_ commander of the private armed \_\_\_\_\_ called the \_\_\_\_\_.*

#### INSTRUCTIONS FOR THE PRIVATE ARMED VESSELS OF THE UNITED STATES

1. The tenor of your Commission under the act of Congress, entitled "An act concerning Letter of Marque, Prizes, & Prize Goods," a copy of which is hereto annexed, will be kept constantly in view. The high seas referred to in your Commission, you will understand, generally, to extend to low water mark; but with the exception of the space within one league, or three miles from the shore of countries at peace with G. Britain and U. States. You may nevertheless execute your commission within the distance of the shore of a nation at war with Great Britain, and even on the waters within the jurisdiction of such nation, if permitted to do so.

2. You are to pay the strictest regard to the rights of neutral powers, and the usages of civilized nations, and in all your proceedings toward neutral vessels, you are to give them as little molestation or interruption as will consist with the right of ascertaining their neutral character, and of detaining and bringing them in for regular adjudication, in the proper case. You are particularly to avoid even the appearance of using force or seduction with a view to deprive such vessels of their crews, or of their passengers, other than persons in the military service of the enemy.

3. Towards enemy's vessels & their crews, you are to proceed in exercising the rights of war, with all the justice and humanity which characterizes the nation of which you are members.

4. The master and one or more principal persons belonging to the captured vessels, are to be sent, as soon after the capture as may be, to the judge or judges of the proper courts of the United States, to be examined on oath, touching the interest or property of the captured vessel and her lading: and at the same time are to be delivered to the judge or judges, all passes, charter-parties, bills of lading, invoices, letters, and other documents, and writing found on board: the said papers to be proved by

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<sup>16</sup> Ibid., 764.

the affidavit of the commander of the capturing vessel, or some other person present at the capture, to be produced as they were received without fraud, addition, seduction, or embezzlement.

By command of the President of the U. States.

James Monroe, *Secretary of State*<sup>17</sup>

Under these regulations, American privateers and letter of marque traders took to the sea during the War of 1812. Although not usually recognized as one of the United States' greatest military assets during this conflict, American privateers and letter of marque traders proved essential to the war effort. The successful efforts of some of these privateers and letter of marque traders, especially during the darkest periods of the war, helped maintained the flagging American war spirit.

During the War of 1812, the United States issued letters of marque and reprisal to over 500 vessels of various sizes and classes, from a number of ports along the American coastline (see Figure 2). Shortly after the American declaration of war, the *Boston Independent Chronicle* reported, "Privateers are swarming out from our principal ports and will soon scour the ocean in every direction. A great number of prizes have been made and brought in. – More will follow. Let the British capture as fast as they may. WE SHALL NOW BALANCE THE ACCOUNT WITH THEM."<sup>18</sup> Over the course of the war, these private warships captured between 1,400 and 2,500 enemy vessels.<sup>19</sup>

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<sup>17</sup> *The Military Monitor, and American Register (New York)*, August 24, 1812.

<sup>18</sup> *Boston Independent Chronicle*, from the *Constitutionalist and Weekly Magazine (Exeter, NH)*, August 12, 1812.

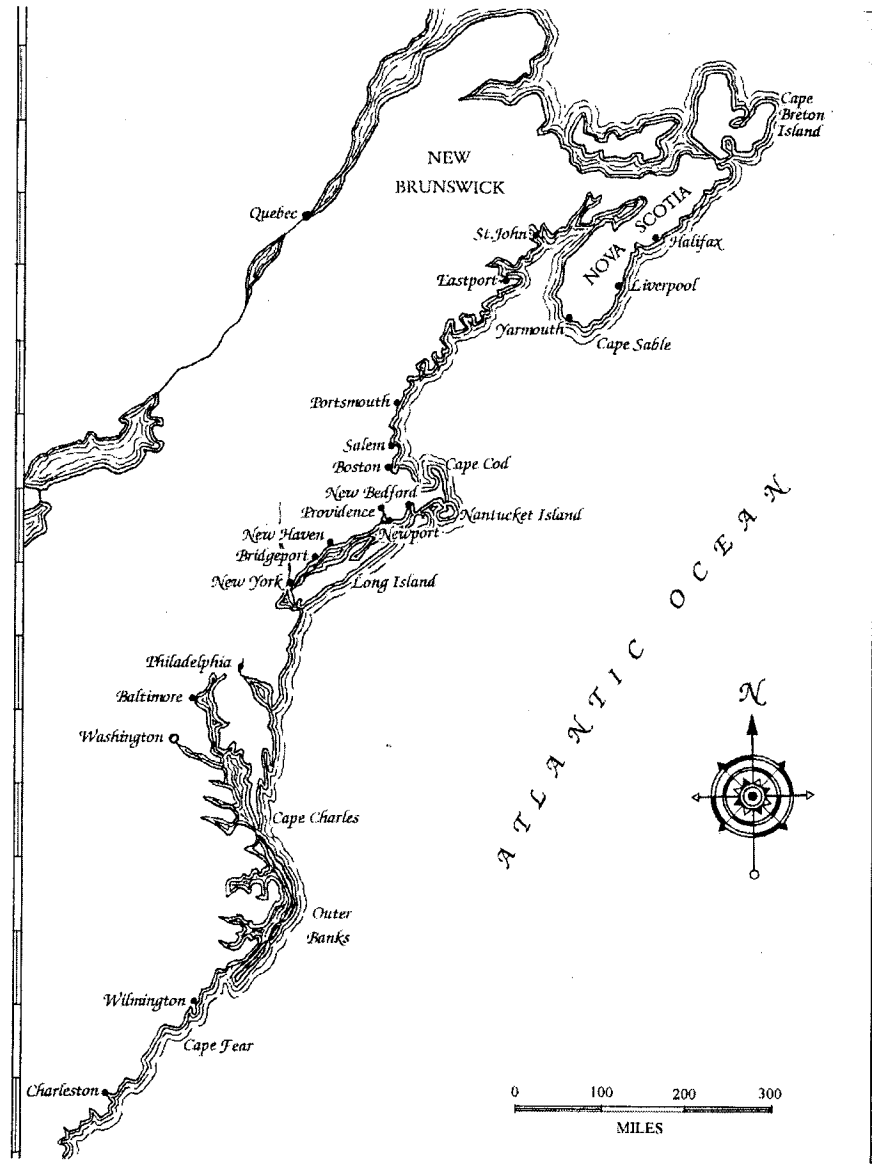
<sup>19</sup> Accounts of the successful capture of prizes made by American privateers vary greatly among those who have studied this period of American history. For further reference consult Lieutenant George E. Emmons, *The Navy of the United State, from the commencement, 1775-1853: with a brief history of each vessel's service and fate* (Washington, D.C.: Gideon & Co., 1853); Alfred T. Mahan, *Sea Power and Its*

Although 207 American privateers and letter of marque traders successfully captured at least one British merchantman, many failed to reap the full proceeds of their captures. This anomalous situation resulted from the restrictive duties and taxes the American government imposed during the early part of the war.

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*Relations to the War of 1812*, 2 vols. (Cambridge, MA: Harvard University Press, 1905); and the *Niles Weekly Register*, a weekly news publication active from 1811 to 1849, whose editor, H. Niles, compiled one of the most accurate prize lists during the War of 1812.

Figure 1: Principal American and Canadian Privateering Ports during the American Revolution and War of 1812



Source: Angus Konstam, *Privateers and Pirates: 1730-1830* (Oxford, UK: Osprey Publishing, 2001), 52.

The federal government imposed duties on British manufactured goods imported goods, with the intent of increasing revenue without creating new or raising existing internal taxes, as well as partially protecting the infant American manufacturing sector.



Just before the onset of the War of 1812 these import duties were doubled and imposed on the importation of all foreign goods. Aside from paying increased import duties, owners of private armed vessels were also responsible for securing their bond for letters of marque or privateering commissions, building, equipping, and maintaining their vessels, as well as dozens of other expenses related to outfitting and sailing these ships.

The origin of these double import duties came directly from Secretary of the Treasury Albert Gallatin. As part of his plan to help offset the cost of the impending War of 1812, Gallatin suggested raising custom duties and the reinstatement of the internal revenue tax system. Most Jeffersonian Republicans in Congress, unwilling to undermine their popularity with the American people or dampen the war spirit, refused to consider implementing additional taxes to defray the cost of the war. Reluctant to implement internal taxes, the War Hawk Congress of 1812 voted in favor of increasing the duties on imports, running the risk of angering the Northern and Eastern sections of the country, rather than inciting civil unrest within the entire nation.<sup>20</sup>

Since the mid-1790s, the American economy had become increasingly dependent on the export and re-export trade, in which American raw materials, agricultural surpluses, and trans-Atlantic shipping services were in great demand by several of the belligerent European nations. Thomas Jefferson and the Republican Party capitalized on this era of commercial prosperity, primarily relying on import duties as the basis for federal revenue. Reliance on import duties as the sole means for funding the federal

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<sup>20</sup> Donald Hickey, *The War of 1812: A Forgotten Conflict* (Urbana: University of Illinois, 1989; reprinted, Urbana and Chicago: University of Illinois, 1995), 34-35.

government allowed Jefferson's Republican Party the opportunity to keep many of its campaign promises and to maintain its popularity with its constituents by removing many internal taxes.<sup>21</sup>

As the chief mastermind behind the Jefferson administration's fiscal policies, Gallatin continually modified and refined his stance on the potential of financing a war with either Spain (in 1805) or Great Britain (in 1807).<sup>22</sup> Estimating war expenses at \$10 million annually, Gallatin planned to defray the cost of a war through loans rather than relying on internal taxes to pay for the additional expenditures of mobilizing the American military. Gallatin planned to use the Bank of the United States, as well as foreign and domestic banks and treasury notes, as the principal sources of these loans.<sup>23</sup>

In 1812, Gallatin's optimism concerning prospects of financing a war began to waver. The usual surplus in the United States Treasury was nonexistent because of Jefferson's Embargo, and the current state of international affairs made securing foreign loans almost impossible. Gallatin's war finance program was severely undercut in 1811, when Congress refused to re-charter the Bank of the United States. The loss of the bank deprived Gallatin not only of the single largest domestic contributor to his war finance plan, but also undermined his ability to control the circulation of federal capital and treasury notes.<sup>24</sup>

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<sup>21</sup> Alexander Balinky, *Albert Gallatin: Fiscal Theories and Policies* (New Brunswick, NJ: Rutgers University Press, 1958), 129, 145.

<sup>22</sup> *Ibid.*, 165.

<sup>23</sup> *Ibid.*, 165-169.

<sup>24</sup> *Ibid.*, 168-170.

As Gallatin's optimism waned, he searched for ways to generate more federal revenue during a war. Relying solely on import duties would not suffice, because during a war with Great Britain, American international trade would be severely restricted. As a result, import duties alone would be insufficient to fund the federal government and pay the interest on war loans. Gallatin recommended a revival of some internal duties on domestic commodities, such as salt, and the doubling the customs duties on foreign imports.<sup>25</sup>

On June 22, 1812, just four days after President James Madison signed the declaration of war against Great Britain, the debate began in the House of Representatives over the proposed increase in import duties upon all goods, wares, and merchandise from any foreign port or place.<sup>26</sup> Massachusetts Congressman Abijah Bigelow ardently challenged this bill, stating: "The people of this country – particularly the Eastern sections of it, upon whom this tax will bear peculiarly hard – are too enlightened not to know, to see, and to feel, the operation which an additional duty of 100 per cent upon imported articles will have upon them."<sup>27</sup>

Arguing that an increase in the import duties would only cause the merchants to raise their prices, Congressman Bigelow criticized the increasing duties, stating: "In opposing this measure, I am not advocating the interest of the merchant, but of the

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<sup>25</sup> Ibid., 176.

<sup>26</sup> U.S. Congress, *Annals of Congress: The Debates and Proceedings in the Congress of the United States: House of Representatives*, 12<sup>th</sup> Cong., 1<sup>st</sup> Sess., 1514.

<sup>27</sup> Ibid., 1519.

farmer, the tradesman, and mechanic. I am not willing that the people whom I represent, in addition to the taxes they must pay to carry on the war, should also pay such an enormous tax to the merchants.”<sup>28</sup>

New York Congressman Harmanus Bleecker, challenged these additional duties, quoting directly from Albert Gallatin’s *Sketch of the Finances of the United States*, published in 1796:

[The duty on imports] has been carried already pretty generally as far as it own limits will permit. For there is a certain rate of duty beyond which the high temptation offered to smuggling, or a diminution of consumption, must necessarily decrease the revenue... Yet it may be safely predicted, that unless recourse be had to direct taxes, the unavoidable consequence will be an undue and dangerous augmentation of the present duties on importation.<sup>29</sup>

Bleecker argued against any further increase to the import duties, believing that the any increase in the duties would provoke an increase in smuggling or decrease in consumption. Either scenario would actually decrease the amount of federal revenue, rather than increase it. Questioning the wisdom of the proposed increase, Bleecker compared it to Gallatin’s statement in 1796, by stating, “If, sir, it was dangerous in 1796 to augment the duties, how much greater must the danger be now, when in the meantime great additions have already been made to them.”<sup>30</sup>

Congressmen Samuel L. Mitchell, William Widgery, Elijah Brigham, and Elisha R. Potter also argued against this bill, either on the grounds that these additional import

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid., 1523-1525.

<sup>30</sup> Ibid., 1525.

duties were too excessive, or they found fault with an all encompassing increase of duties for all foreign imports. Although much opposition was voiced against this resolution, the House of Representatives passed this bill (76 to 48), and the Senate approved it by a 20 to 9 vote.<sup>31</sup> President Madison signed this bill into law on July 1, 1812.<sup>32</sup>

The impact of the double duties was noticed as soon as the first prizes from American privateers arrived in American ports. The *Newbedford Mercury* noted the following: "A prize loaded with potatoe gin is said to have arrived at Salem. Double duties being required as for foreign spirits – the custom house demands are several hundred dollars more than the whole cargo and vessel would sell for."<sup>33</sup>

On November 23, 1812, thirty Baltimore privateers and letter of marque traders sent a letter to the United States Senate and House of Representatives, obviously believing that the statute authorizing and governing privateers passed on June 26, 1812, contained an unfortunate oversight. The oversight, they believed, was in Section 14 of this statute, which stated: "And all such goods, wares and merchandise, when imported or brought into the United States or their territories, shall pay the same duties, to be secured and collected in the same manner and under the same regulations as the like goods, wares, and merchandise, if imported in vessels of the United States from any foreign port or place, in the ordinary course of trade, are now or may at the time be liable to pay."<sup>34</sup>

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<sup>31</sup> U.S. Congress, *Journal of the Senate* (Washington D.C.: Gales and Seaton, 1828), 5: 175.

<sup>32</sup> U.S. Congress, *United States Statutes at Large*, Act of June 26, 1812, ch 107, 12 *Stat.* 1, 769.

<sup>33</sup> *Newbedford Mercury* (New Bedford, Mass.), August 14, 1812.

<sup>34</sup> U.S. Congress, *United States Statutes at Large*, Act of June 26, 1812, ch 107, 12 *Stat.* 1, 763.

Having incurred the expense of outfitting their ships, as well as undertaking the risks in capturing enemy vessels, the owners and agents of these privateers and letter of marque traders believed that their prizes should be immune from the import duties imposed by the Treasury Department. The owners of privateers and letter of marque traders further added:

Your memorialists are persuaded that it could not have been the intention of the Legislature to appropriate the proceeds of individual enterprise, exertion, and hazard against the enemy to the exclusive advantage of the public treasury; and that, if such can, by any possibility, be the legal exposition of their acts, it must have been a mere legislative omission, of which your memorialist confidently hope the injurious consequences will be prevented by an explanatory law.<sup>35</sup>

These Baltimore privateers and letter of marque traders were not alone in noting the negative impact that these double import duties exerted on privateering enterprises. A New York City newspaper advocated for the removal of these duties on prize goods:

If Congress will not give up the double duties on prizes, they may almost as well pass an order to dismantle the privateers. They may gratify the agents of privateers, by giving them commission upon returns as well as outfits; but they cannot find sailors nor share-holders much longer, without more encouragement, or at least no discouragement to the business. The chance of success in privateering is small enough already, without passing the property that may be obtained through half a dozen hands and taking nearly half of it for duties and charges.<sup>36</sup>

The *Boston Patriot* shared a similar outlook:

The double duties must be taken off prize goods, or no prize goods will be brought into the country. Vessels in abundance are ready, but people cannot be had to risk their lives for so small a share of the reward of their

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<sup>35</sup> U.S. Congress, *American State Papers: Naval Affairs* (Washington D. C., Gales and Seaton, 1853), 1: 273-274.

<sup>36</sup> *Columbian (New York)*, November 11, 1812.

bravery. Government ought to encourage privateering. The heavy duties and charges upon prizes and prize goods amount to so great a proportion of their evils, that the owners and crews of the privateers are disheartened and will abandon the business if government does not do something to relieve them... If congress sincerely intend the war shall be carried on this way, (and it cost the government nothing) one of their first acts will be, to remove every pressure and impediment from the patriotism or enterprise of private citizens in the cause of their country.<sup>37</sup>

Seeking relief from these double import duties, a number of privateers from New York petitioned Congress in December of 1812. Representing the interests of New York privateers and letter of marque traders, John Ferguson and John L. Lawrence wrote to Langdon Cheves, chairman of House Committee of Ways and Means, lobbying for a reduction of the duties on prize goods. Comprised of three sections, this petition contained the balance sheet for the privateer *Teazer*, the cost of outfitting the privateers *General Armstrong* and *Governor Tompkins*, and several extracts from privateer agents, that illustrated the problems these import duties caused some privateers.<sup>38</sup>

Beginning with the privateer *Teazer*, Ferguson and Lawrence argued that the high import duties effectively diminished entrepreneurial interest in privateering enterprise. The *Teazer* captured the British merchantman *Venus*, with a combined value of the vessel and cargo (close to \$26,000). The privateer's owners paid more than \$8,000 in duties on the cargo, representing almost a third of the prize's total value. To illustrate their point, Ferguson and Lawrence provided excerpts from several letters received from Samuel Adams, the *Teazer*'s agent, who complained about the high import duties.

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<sup>37</sup> *Boston Patriot*, October 31, 1812.

<sup>38</sup> U.S. Congress, *American State Papers: Finance* (Washington D. C., Gales and Seaton, 1853), 2: 592.

Adams asserted: "the small balance [from the condemnation of the ship and cargo] still remaining in court, and no prospects of getting it out, it appears to be more difficult to get money out of court than to get prizes to port."<sup>39</sup>

In their closing arguments, Ferguson and Lawrence stated:

We would respectfully suggest to the Committee of Ways and Means, that great anxiety exists in New York that Congress may give the question of a reduction of prize duties a speedy decision; which, if favorable, will revive the spirit and zeal (now expiring) with which privateering was undertaken at the commencement of the war; and, if unfavorable, will prevent those who have purchased vessels for warlike enterprises, in which they cannot now dispose of any interest, from incurring losses accumulated under fruitless expectations.<sup>40</sup>

Privateering vessels such as the *General Armstrong* and *Governor Tompkins*, with outfitting costs approximately \$42,000 for each, represented a serious financial investment in privateering when compared to the \$16,000 outfitting cost for a lightly armed schooner such as the *Teazer*.<sup>41</sup> If the import duties were not reduced, such vessels would incur an even greater loss than that of the *Teazer* because of the high import duties. Peter H. Schenck, the secretary of the committee addressing the concerns of New York privateers, wrote to Lawrence on November 12, 1812: "We find it almost impossible to dispose of a share, unless the duties are reduced. Everyone cries out against it, and will not adventure another cent unless Congress take off the duties."<sup>42</sup> Two days later, Schenck wrote another letter to Lawrence stating:

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<sup>39</sup> Ibid., 2: 592.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid., 2: 593.



The question of the duties is, however, the main difficulty, and unless they are remitted, privateering is at an end. I find it impossible to dispose of a single share in the [privateer] *Anaconda*. The duties is the evil complained of. All those who have had concern in, and who advocate that species of warfare, declare that, unless Congress take off the double duties, they will not adventure another sent.<sup>43</sup>

Samuel Adams believed that these double import duties were effectively crippling the privateering enterprise. Adams believed, "If there is not some relief granted by congress, there will be 20 privateers, to my certain knowledge, from [New York], that will give up their commissions, as they cannot get men to enter into the spirit of it as long as there are such heavy expenses attending the condemnation of prizes."<sup>44</sup>

In December 1812, the Secretary of the Treasury responded to the concerns addressed by the owners and agents of private armed vessels. Gallatin wrote to the chairman of the Committee of Ways and Means, responding to the concerns of these privateers and their petition to Congress. Gallatin could only speculate on the possibility of lower duties on prize goods, stating: "the documents in the treasury do not afford any satisfactory information respecting the value of the prize made by private armed vessels, or the amount of duties derived from that source."<sup>45</sup> Gallatin's speculations, however, effectively stalled any remuneration on the part of the federal government to privateers or their requests for lower import duties. Gallatin believed that "no part of the duties on

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<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

prize goods ultimately fall on the captors."<sup>46</sup> The duties for imported goods were actually paid by the consumers, whether these goods resulted from private armed vessels or regular merchants plying their trade because the final cost of the goods can be increased to offset loss. Unless merchandise continued to be sold at the same price, Gallatin reasoned, the reduction of the import duties did not have any noticeable effect on the profits of privateers and letter of marque traders.<sup>47</sup>

Ferguson and Lawrence's petition stated that privateers from New York were willing to accept a bounty on prizes, in lieu of a reduction of duties on prize goods. The privateer owners and agents that Ferguson and Lawrence represented asked that the import duties be reduced by half, believing that such a reduction would lead to a doubling of captures. Thus the enemy would be doubly annoyed, without any significant loss to the Treasury. Gallatin rejected this notion: "But it is not believed that the intended effect will be produced, at least to a degree sufficient to compensate for the loss on the revenue."<sup>48</sup>

Gallatin believed privateering resembled a lottery system in which the "winners" will always be overshadowed by the larger numbers of aggregate "losers." The hope of a successful capture of a rich prize, however uncertain or improbable the chance might be, always proved sufficient inducement for the privateering enterprise. Gallatin further argued: "that a bounty may indeed still more increase the number of privateers, but

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<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

without increasing, in any proportionate degree, the number of captures; that of existing privateers being already more than sufficient for the quantity of food afforded by the enemy's trade."<sup>49</sup>

Following Gallatin's advice, Congress did not support privateers and letter of marque traders during the first months of the war. The *Salem Gazette* noted:

Privateering merits encouragement by Congress, if the war is to be carried on. It is doing but little to grant a few variations and facilities in the manner and forms of proceeding with prizes and goods if the substance of the relief asked for, is refused. Take off the duties, gentlemen representatives, or purchase stock yourselves, and boast no more of the enterprise and effect of private armaments. The business drags heavily under your frowns. You tax the citizen who is willing to risk his property this way in our country's cause too heavily. It will seem as *if you detested every thing like commerce* if you will not take off your rigorous imposts on prize goods, while the quantity and price in market, will not admit a correspondent rise in value. Do you expect the men concerned in privateering under all other disadvantages, to venture their money, and the seamen to jeopardize their lives, merely to replenish the public treasury and help to save your constituents from a land tax? *If so, you rate their patriotism much higher than your own.* They contribute their proportion towards the public burthens in every other way. For the sake of common justice, then, suffer them to dispose of whatever they may obtain in this way, which you have substituted in the room of peaceful and friendly commerce, unshackled by restrictions, and unchecked by a seizure of half the profits which might accrue.<sup>50</sup>

Responding to the pressure of popular sentiment, the Senate formed the Committee on Naval Affairs with the purpose of "inquiring into the expediency of offering encouragements at this time to all mariners and seamen to bring within any of ports of the United States British public and private armed ships, as well as merchant ships and vessels, belonging to the subjects of the United Kingdom of Great Britain and

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<sup>49</sup> Ibid., 594.

<sup>50</sup> *Salem (Mass.) Gazette*, Dec. 18, 1812.

Ireland," in December 1812.<sup>51</sup> Congress now attempted to promote privateering enterprises despite accepting Gallatin's logic, in which any reduction of the import duties would not encourage privateering at the expense of the government. By March 1813, Congress had passed legislation that expedited the sale of prize goods, established a pension fund for privateers wounded in combat action with British warships, and increased the bounty for British prisoners of war captured or killed by American privateers during combat.<sup>52</sup>

During the spring of 1813, excessive import duties plagued American privateers and letter of marque traders. Several newspapers throughout the country published the adverse experiences of the small New York privateer *Eagle*. Outfitted at cost of \$9,000, the *Eagle's* first cruise against the British resulted in the capture of two valuable prizes, whose subsequent sales amounted to \$119,557. As the *American Watchman* noted "one would reasonably suppose that the disposing of these vessels and cargoes might have been effected for three or four thousand dollars [per share]."<sup>53</sup> After deducting about \$50,000 in import duties, and \$11,955 in fees and other various charges, however, only about \$50,000 of these prizes were divided among the owners and the crew. While undoubtedly a profitable venture, paying \$675 dollars a share to its owners and \$308.95

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<sup>51</sup> U.S. Congress, *Journal of the Senate*, (Washington D.C., Gales and Seaton: 1828), 214.

<sup>52</sup> Hickey, *The War of 1812*, 113.

<sup>53</sup> *American Watchman* (Wilmington, Del.), February 10, 1813.

dollars a share to the crew, the first cruise of the *Eagle* was not nearly as profitable as it would have been, had the prizes not been subjected to import duties.<sup>54</sup>

The slump in privateering activity caused by the excessive duties did not go unnoticed by the *Baltimore Patriot and Evening Advertiser*:

It is often asked, Why does Privateering lag? Like genuine Yankees, we answer this question by asking another; Why does not this, which is one of the most effectual modes of annoying the enemy, receive encouragement from Congress? or rather, Why is it *discouraged*? so that after the deduction of double duties, officers' fees, &c.&c. from the proceeds of even a very successful cruise, there is not enough remaining to make it any object for those enterprising men, who hazard their lives and personal liberty, and those monied men, who risk their property? Is not such the fact? The proof rests on the existence of these discouragements, and the actual cessation of their fitting out.<sup>55</sup>

The *Essex Register* shared a similar view, publishing the following extract from a Philadelphia newspaper:

The heavy duties on prize goods have paralyzed the efforts of our privateersmen – in so great a degree, indeed, have the owners of privateers been discouraged by the fate of their prizes, that whilst from 15 to 20 fast sailing cruisers were fitted out in this port after the war commenced, Philadelphia has not at this moment a single privateer at sea! Nor is this to be wondered at, when in many cases in which what were called prizes were brought in, the captors, after paying duties and costs were considerably in debt! Take off the additional duty on prize goods, and the ocean will again swarm with stout privateers – our revenue will be increased...the enemy, finding no relief from our depredations will be more readily disposed to listen to reasonable terms.<sup>56</sup>

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<sup>54</sup> *Baltimore Patriot and Evening Advertiser*, January 30, 1813; *War (New York)*, February 2, 1813; *New Jersey Journal (Elizabethtown)*, February 2, 1813; *American Watchman (Wilmington, Del.)*, February 10, 1813.

<sup>55</sup> *Baltimore Patriot and Evening Advertiser*, June 16, 1813.

<sup>56</sup> *Essex Register (Salem, Mass.)*, July 7, 1813.

When Gallatin joined the peace delegation in 1813, American privateers and letter of marque traders received the favorable attention from the federal government in the form of remuneration.<sup>57</sup> In Gallatin's absence, William Jones became the acting secretary of the Treasury. Under Jones, the privateering enterprises experienced a revival of activity that continued even after the war's conclusion.

Jones served as Madison's Secretary of the Navy. In January 1813, Jones replaced the alcoholic Paul Hamilton, who was an able peacetime administrator, but failed to handle the pressures of wartime. Jones was far more knowledgeable of naval affairs than his predecessor. In addition to having served as congressman from Pennsylvania, Jones was a former Revolutionary War privateer and a Philadelphia merchant. As Secretary of the Navy and the Treasury, Jones brought energy, competence, and efficiency to Madison's administration.<sup>58</sup>

In a letter on the subject of reducing the duties on prizes and prize goods to the Hugh Nelson, the chairman of the Committee of Naval Affairs, Jones showed his support for American privateers and letter of marque traders.<sup>59</sup> He opposed Gallatin's views. As a merchant and former privateersman, Jones believed that he had greater insight into the

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<sup>57</sup> The Senate opposed Gallatin's appointment to the peace delegation. According to Donald Hickey "The Senate adopted a resolution declaring that the powers of the secretary of the treasury and those of diplomatic envoy are so incompatible, that they ought not to be...united, in the same person." Hickey, *The War of 1812*, 121; Craig L. Symonds, *Navalists and Antinavalists: The Naval Policy Debate in the United States, 1785-1827* (Newark, NJ: University of Delaware Press, 1980), 185.

<sup>58</sup> Hickey, *War of 1812*, 106.

<sup>59</sup> *Niles Weekly Register* (Baltimore), August 7, 1813.

commercial world than the abstract ideology that Gallatin derived from interpretations of Adam Smith's *Wealth of Nations*.<sup>60</sup>

Relying on the practical maxim, "What is the worth of any thing, But so much money as twill bring," Jones utilized his practical experiences to undermine Gallatin's argument, which "no part of the duties on prize goods ultimately falls on the captors."

Although Gallatin's views may have been correct in theory, Jones stated:

If an article from whatever cause will not sell for the amount of duties added to the cost and other charges, whether the importation be made regularly by merchant in the usual way, or in the cost of equipping and maintaining a privateer, the difference or loss will not fall upon the *consumer*, but upon the *importer*. This is no uncommon case, indeed instances are frequent in which imported articles sell for less than the prime cost and charges, exclusive of the duties. Who pays the duties in this case? The consumer? No! It is paid by the importers.<sup>61</sup>

In a sense, American privateers could undoubtedly be construed as victims of their own success. The prizes of privateers invariably created an abundance of particular goods or imported materials that might have little or no demand. Regular importers, operating in neutral carriers, could adhere more to the principles of supply and demand. Privateers, on the other hand, were usually forced to auction their prizes in locations where their prize was condemned, often suffering substantial loss in profits. Jones noted:

Prize goods are necessarily brought to the hammer [i.e., auction] and sold in large parcels to speculators, uncontrolled by the prudent management of mercantile superintendence, frequently from 20 to 30 per cent. less than those of the regular importer; these causes operate as a bounty in favor of the regular importer and against the captors. The owner of a privateer receives but a moiety of the captured property; the cost of that moiety to him is the cost of equipment maintenance, insurance, wear and tear, and

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<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

depreciation of his privateer...and the insurance duties and other heavy charges on his prize.<sup>62</sup>

Noting the rapid decline in American privateering in the second year of the war, Jones supported more government support for privateers or privateering enterprises. Whether the federal government reduced the duties or offered a bounty to privateers equal to the amount of the reduction, Jones believed that some form of remuneration or further encouragement had be offered to the privateering industry, which he described as "the most potent weapon of annoyance to the enemy which we possess."<sup>63</sup> Jones believed American privateers were successful as commerce raiders and instruments of war, and this success was illustrated by enemy's dread "of our privateers [which] may be collected from the marked hostility and severity of treatment which the crews of privateers are subject to when captured, and the insidious efforts to excite prejudices against them."<sup>64</sup>

Jones was in a better position to follow the trend of the privateering industry as the war progressed in the summer of 1813 than Albert Gallatin had been in the fall and winter of 1812. At the end of the summer of 1813 Jones emphatically believed that "the privateering industry is nearly at an end."<sup>65</sup> Jones thought that the diminished revenue from privateering enterprises caused by import duties was effectively more damaging to

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<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.



the privateering industry than in the fleet of British warships that were blockading American harbors and intercepting American privateers and their prizes.<sup>66</sup>

The British were also aware of the detrimental impact that these duties caused American privateering interests. The *Baltimore Patriot* reported the following, taken from Nassau newspaper:

It is with much satisfaction that we observe from the American papers, very few prizes have been of late taken by their numerous privateers. Many of those concerned in privateering, seem to be sickened of the pursuit, as well by the amount of the expense of outfits and continued calls upon their purses for subsisting those privateers; as by the little profit they derive from the few prizes carried in, more than two thirds of the proceeds of which are swallowed up, the enormous duties on prizes sales. A number of privateers have been already laid up.<sup>67</sup>

American privateers and letter of marque traders who remained active suffered because of these inflated duties, with almost 30 or 40 percent of the prize sale proceeds invariably gobbled up by duties. Historian Jerome Garitee noted the reduced revenue of some Baltimore privateers: "The prize ship *Braganza* and her cargo, for example sold for \$68,925.89, but that figure was reduced by \$29,654.80 in duties. The prize ship *Jamaica* and her cargo brought in \$139,675.92, but paid duties of \$49,881.39. The sale proceeds of the prize ship *Henry* were \$128,641.55, but her account was diminished considerable when she paid \$47,154.96 in duties."<sup>68</sup>

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<sup>66</sup> Ibid.

<sup>67</sup> *Baltimore Patriot and Evening Advertiser*, June 10, 1813.

<sup>68</sup> Jerome R. Garitee, *The Republic's Private Navy: The American Privateering Business as Practiced by Baltimore during the War of 1812* (Middletown, CT: Wesleyan University Press, 1977), 184.

Commodore Joshua Barney quit the privateering business forever, because of these high import duties. Barney, a renowned merchant-captain and famous privateer during the Revolutionary War, commanded the privateer schooner *Rossie* during the first few months of the War of 1812. During his first cruise, Barney captured 15 prizes, with an aggregate tonnage of about 3,000 and 166 prisoners.<sup>69</sup>

Barney's successful cruises onboard the *Rossie* should have proven even more successful. Historian Ruben Stivers claimed: "[The *Rossie*'s] haul [was] worth then a little more than \$1,300,000. Even so, the great expense involved in getting these vessels and their cargoes condemned and sold, in addition to \$520,000 deducted by the government in duties, made [Barney's] personal profit so ridiculously small that he quit privateering forever."<sup>70</sup>

Although frustrated privateer captains such as Barney quit privateering, remuneration was on the horizon. Because of the setbacks suffered by the failed invasions of Canada and the tightening of the British blockade, Congress, acting under the influence of Jones, recognized the need for American privateers and letter of marque traders. In July 1813, Congress debated a proposed piece of legislation for reducing the duties payable by one third on prize goods captured by American private armed vessels. Passing the House with a vote of 69 to 37, and the Senate, with a vote of 12 to 11, the

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<sup>69</sup> Reuben Stivers, *Privateers & Volunteers: The Men and Women of Our Reserve Naval Forces, 1766 to 1866* (Annapolis, MD: Naval Institute Press, 1975), 66.

<sup>70</sup> *Ibid.*

remuneration sought by privateers from the onset of the War of 1812 became law on August 2, 1813.<sup>71</sup>

Did this act revitalize the waning privateering enterprises? Did it contribute to American *guerre de course* against British merchantmen, as Jones believed it would? The effectiveness of this legislation to encourage American privateers is rather difficult to assess, given the limited amount of primary source material available. Historian Wade Dudley commented on this very problem: "Privateers did not report all prizes. Poor record keeping and loss of ships' logs to enemy action or natural causes further reduced the accuracy of accounting. In both the United States and England, no government agency collected the data as a whole, though insurance companies and newspapers kept their own tallies."<sup>72</sup> Although much primary source material remains lost, there are enough data available to make some educated assessments concerning American privateering activities during the War of 1812.

Compiled from the prize lists of the *Niles Weekly Register*, one of the young republic's leading newspapers, Table 1 illustrates the disposition of American prizes taken during the War of 1812. This table represents an adjusted reported date for each prize, incorporating a thirty day chronological lag time to be more representative of the year when the prize was actually taken. The *Niles Weekly Register*, unlike its modern news agency counterparts, reported these events as the newspaper learned about them,

<sup>71</sup> U.S. Congress, *Journal of the House of Representatives*, (Washington D.C.: Gales and Seaton, 1826), 128; U.S. Congress, *Journal of the Senate*, 361. The final vote in the Senate was tied 11 to 11. Vice President Eldridge Gerry cast the deciding vote in favor of this bill.

<sup>72</sup> Wade G. Dudley, *Splintering the Wooden Wall: The British Blockade of the United States, 1812-1815* (Annapolis, MD: Naval Institute Press, 2003), 138.

not when these events actually happened. To prevent or minimize errors and repetitions, the *Niles Weekly Register* reported prize captures at the end of each month beginning in March 1814.

Table 1: Disposition of Prizes Vessels Captured during the War of 1812 by American Privateers and Letter of Marque Traders

<u>Reported Prize Disposition</u>	<u>1812</u>	<u>1813</u>	<u>1814</u>	<u>1815</u>	<u>Total</u>
Sent into port*	223	192	209	93	717
Burnt or destroyed	34	78	213	50	375
Cartel or prisoner exchanges	11	27	42	19	99
Ransomed	9	15	10	7	41
Released	1	20	34	23	78
Recaptured	0	4	3	7	14
Wrecked or lost at sea	4	6	8	3	21
Unknown	0	1	18	0	19
Total	282	343	537	202	1364

Source: *Niles Weekly Register (Baltimore)*, 1812-1815.

\*Prizes were sent to a number of foreign and domestic ports during the war.

Hezekiah Niles, editor of *Niles Weekly Register*, estimated that during the war approximately 2,500 enemy vessels had been captured, with only 750 being recaptured by Great Britain. Deriving his assessment from "twelve thousand columns of ship news" Niles believed that the total number of captured enemy vessels was "satisfactory accounted for."<sup>73</sup> Niles individually listed a total of 1,634 vessels captured during the war. American private armed vessels accounted for the lion's share of this list: 1,364 vessels (83%). The remaining 231 vessels (14%) were prizes credited to various forces of the United States, on the Great Lakes and the oceans. Forty-six prizes (3%) of Niles'

<sup>73</sup> Niles knew his prize list was far from perfect, believing that he had several duplicates as well as omissions in his list. *Niles Weekly Register* (Baltimore), August 12, 1815. According to my research, only 46 prizes are missing or repeated prizes, of the 1,634 prizes listed by Niles during the thirty-month war.

prize list were repeated or inadvertently skipped. Niles made several numerical errors in tabulating his list of captured enemy vessels.

Throughout the war, the number of captured vessels brought into American and foreign ports continuously dropped from 223 in 1812 to 93 in 1815. The Royal Navy was responsible for the diminishing number of captures arriving in either American or foreign ports. The British blockade of American ports continued to tighten from a partial blockade in 1812-1813 to a full blockade in late 1814, sealing off many American ports.

Secretary of the Navy Jones mandated the destruction of prizes taken by the United States Navy because manning prize crews and subjecting those crews to recapture while returning to port weakened the fighting strength of American cruisers.<sup>74</sup> American privateers and letter of marque traders apparently adopted a similar strategy, because the number of burned or destroyed vessels escalated dramatically from 34 in 1812 to 213 in 1814.

Table 1 also supports Gallatin's views concerning privateers. Reducing the import duties on prizes led to an increase in the number of overall captures. This did not result in an increased number of captured vessels brought into American or foreign ports, as advocates for the reduction of duties claimed it would. Table 2 reveals, however that the amount of duties assessed on these captured vessels supports Jones' view.<sup>75</sup>

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<sup>74</sup> Wade Dudley, *Splintering the Wooden Wall*, 140.

<sup>75</sup> American import duties were composed primarily of two parts, a specific duty on a number of select commodities, such as coffee, tobacco, and tea and *ad valorem* duties on other imports, such as "manufactures of wool, cotton, silk, hemp, and flax, manufactures of metals (except nails and spikes), and manufactures of earth, stone, and leather (except boots and shoes)." Douglas A. Irwin, "New Estimates of Average Tariff of the United States, 1790-1820," *Journal of Economic History* 63 (June 2003): 511.

Table 2: Duties *ad valorem* on Imports Paid by Captured Vessels between 1812-1815 (in American dollars)

Rate of Duty	1812	1813	1814	1815 <sup>76</sup>
25%	-	-	-	1,140,897
27.5%	44,543	661,939	1,288,888	-
30%	-	-	-	192,009
32.5%	40,754	137,604	259,890	-
40%	-	-	-	4,320
42.5%	6,143	2,688	28,955	-
Total	91,444	802,231	1,577,733	1,337,226

Sources: *American State Papers, Commerce and Navigation*: 1: 78-982, 1007-1009 and 2: 3-5, 65-70. Note data tabulated from Oct 1<sup>st</sup> through Sept 30<sup>th</sup> of for each column, i.e. 1812 represents duties paid on goods from captured vessels from Oct 1, 1811 through Sept 30, 1812.

Each year included in Table 2 does not represent a full year's worth of privateering activity. Import duties from Table 2 are based upon the fiscal year returns from the Treasury Department, which ran from October to September of each year, as opposed to the regular calendar year, which runs January to January. Thus, the column labeled 1812 reflects only three months of activity (from July to September), while 1813 and 1814 reflect a full year, and 1815 represents the last five months of the war.

Inspection of Table 2 supports Jones' view of privateering enterprises. The total amount of the duties paid from the cargoes of captured vessels between 1812 and 1815 illustrates a sharp increase of privateer activity throughout the war (with the exception of 1815). Between 1813 and 1814, the revenue derived from captured vessels almost doubled. During the last seventeen months of the war, captured vessels produced over three times as much revenue for the nation as the first fifteen months.

<sup>76</sup> The *ad valorem* duties were prorated an additional 2 ½% from March 1804 through March 1815 to support the Mediterranean Fund. The fund was designed to defray the costs of deploying of American forces to protect American commerce and sailors from the Barbary states. United States, *Statutes at Large*, Act of March 4, 1804, ch. 46, 291-292, Stat. 2; American State Papers, *Finance*, 3: 838.

Table 3 presents the estimated value of the goods imported in captured vessels, calculated by inverting the *ad valorem* percentage paid on duties from 1812 through 1815.

Table 3: Estimated Value of Goods and Merchandise Imported in Captured Vessels Paying *ad valorem* duties from 1812 to 1815 (in American dollars)

Rate of Duty	1812	1813	1814	1815
25%	-	-	-	4,563,588.00
27.5%	161,974.55	2,407,050.91	4,686,865.45	-
30%	-	-	-	640,030.00
32.5%	125,396.92	423,396.92	799,661.54	-
40%	-	-	-	10,800.00
42.5%	14,454.12	6,324.71	68,129.41	-
Total	301,825.59	2,836,772.54	5,554,656.40	5,214,418.00

Sources: *American State Papers, Commerce and Navigation*: 1: 78-982, 1007-1009 and 2: 3-5, 65-70.

Table 3 clearly supports the claims of the American privateers owners and agents. After Congress reduced import duties on captured vessels in August 1813, the import duties on prizes soared. This nearly matched the prediction that privateer owners and agents claimed such a reduction would have on privateering enterprises. The total value of goods imported in captured vessels during the last seventeen months of the war was almost three and half times greater than first fifteen months of the war.

Table 4 displays the estimated revenue of captured vessels remunerated to private armed vessels after paying the *ad valorem* duties. The amount of *ad valorem* duties paid during 1812 through 1815 show a steady upward trend. Subtracting the duties paid from the estimated value of goods imported from captured vessels, suggests that privateers and

letter of marque traders operating in the latter part of the war generated three times more than their counterparts during the war's first eighteen months.

Table 4: Estimated Revenue of Captured Vessels after *ad valorem* duties (in American dollars)

	1812	1813	1814	1815
Estimated Value of Goods*	301,825.59	2,836,772.54	5,554,656.40	5,214,418.00
Total <i>ad valorem</i> duties	91,440.00	802,321.00	1,577,733.00	1,337,226.00
Estimated Revenue**	210,385.59	2,034,541.54	3,976,923.40	3,877,192.00

\*Subject to *ad valorem* duties

\*\*Gross revenue, before deduction of operating expenses

Source: *American State Papers, Commerce and Navigation*: 1: 78-982, 1007-1009 and 2: 3-5, 65-70.

Table 4 represents an *estimate* of what the value of captured vessels should have been worth, inversely calculated from the *ad valorem* duties paid on the goods and merchandise imported into the United States in captured vessels. While it is difficult to determine if prize merchandise brought into port by private armed vessels was actually auctioned at a fair market price, a few newspapers described a scene from a marshal's auction in Plymouth, Massachusetts, that indicated otherwise:

A few weeks since the Marshal of Massachusetts advertised for sale a cargo of Prize Goods. Some merchants from Philadelphia went to Boston to attend the sale. As soon as it was opened a bill was put into the hands of the strangers, stating that it was requested no person would bid for the goods, as they were to be bought in. This, however did not answer the purpose. The sale was opened, the Bostonian merchants bid at the rate of a cent on a dollar, and at the very moment that a stranger bid higher he was hissed and hustled.<sup>77</sup>

Fortunately for the prize agent, the marshal conducting the sale adjourned the auction before it began. While such a situation could be anomalous, it does provide a dramatic

<sup>77</sup> *Philadelphia Democratic Press*, in the *Baltimore Patriot and Evening Advertiser*, September 6, 1813.



example of the dangers that some privateers experienced by not having complete control over their adjudicated prize goods.<sup>78</sup> Some prize auctions had the potential to provide tremendous profits, as the *Raleigh Star* reported: "The sales at Newbern [NC] of the prize goods of the Snap Dragon privateer, commenced on Monday last and closed on the Friday evening following. About 300 merchants were supposed to be present, assembled from all the towns from Boston to Augusta. The sales we understand averaged about 12 dollars for each pound sterling invoiced. — The sales amounted to near four hundred thousand dollars."<sup>79</sup>

On average, if the revenue generated from the sale of prize goods was at least 20 to 30 percent less than that of legitimate commerce, the steady rise in the amount of revenue generated by privateers and letter of marque traders for the federal government is clearly represented by Table 4. Although the federal customs revenue derived from privateering and letter of marque trading increased throughout the war, privateering and letter of marque trading did not represent a significant portion of the federal government's customs revenue until 1814 (see Table 5). From June 1812 to September 1813, cargoes from captured vessels represented a small percentage of the total customs revenue from import duties (prior to drawbacks). From October 1813 to September 1814, the federal customs revenue derived from privateers and letter of marque traders made a significant increase. This increase appeared even more dramatic, because of the diminished amount of customs revenue received from regular commercial activities.

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<sup>78</sup> The events of this auction are suspect, as two Boston newspapers responded by calling this story a "gross calumny." *Repertory (Boston, Mass.)*, September 7, 1813; *Boston Daily Advertiser*, September 7, 1813.

<sup>79</sup> *Raleigh Star*, from the *Enquirer (Richmond, VA)*, November 2, 1813.

Table 5: Total Federal Revenue from Import Duties, 1812-1815 (in American dollars)

	1812	1813	1814	1815
Total <i>ad valorem</i> duties	16,928,038	17,509,189	4,242,146	52,073,124
<i>Ad valorem</i> duties on captured vessels & cargoes	91,440	802,231	1,577,733	1,337,226
Estimated Federal Revenue from captured vessels and cargoes	.5%	4%	37%	2%

Sources: *American State Papers, Commerce and Navigation*: 1: 78-982, 1007-1009 and 2: 3-5, 65-70. Note data is tabulated from Oct 1<sup>st</sup> through Sept 30<sup>th</sup> for each column, i.e. 1812 represents import duties from Oct 1, 1811 through Sept 30, 1812.

Over one-third (37 percent) of the customs duties that filled the federal government's coffers resulted from the efforts of American private armed vessels during the last full year of the war. Because the fiscal contribution of American privateers and letter of marque traders did not represent a significant portion of the customs revenue until late in the War of 1812, it is likely that removing or eliminating the import duties would not have adversely affected federal revenues. In addition, the reduction or elimination of these import duties on captured prize merchandise probably would have increased the activity, number, and overall effectiveness of American privateers and letter of marque traders in the first year of the war.

## Almost Total War

In February 1814, the United States government had another opportunity to increase the activities of American privateers and letter of marque traders. Congressman Alexander McKim (R - MD), on behalf of the George P. Stevenson and other Baltimore merchants and ship owners, presented a petition for further encouragement to private armed vessels to the House of Representatives:

*To the Honorable the Senate and House of Representatives of the United States in Congress assembled, the memorial of the subscribers, merchants, and ship owners, of the city of Baltimore, most respectfully represent:*

That, in consequence of the strict blockade of the several great inlets to the several ports and harbors of the United States, the private armed service has been much discouraged of late, from the great difficulty of bringing into port the property of the enemy captured on the high seas. That seafaring men having, in the state of things, but inconsiderable inducements to enter on board private vessels of war, are daily becoming more unwilling to adventure in said service, as the prospect of any remuneration for their toils and hardships is thus rendered more distant and precarious. That your memorialists are sincerely anxious to carry on the war with unabated vigor, by supporting the private armed service, with considerable means and resources: and if such inducements should be held out by the Government to our seamen as will offer a prospect of probable compensation to them for their exposure, are ready to give the best pledge of their sincerity by largely embarking in enterprises against the trade of the enemy. That it is most obvious that private cruises must prove in the end detrimental to the public interests, while the sole object of those concerned is to send in for adjudication the property which they capture; as the very frequent recaptures of prizes must, by degrees, throw a great portion of our best seaman into the hands of the enemy, and thus waste and dissipate the means of active annoyance. That your memorialists are deeply impressed with the belief that the most effectual means of injury to the enemy's trade, which can now be adopted, without impairing our own strength, by the unnecessary exposure of our seamen to capture, would be, by the destruction at sea, of British merchant ships, which at once would deprive them of the benefit they now derive from the superiority in strength and number of their ships of war; and that such a system, if vigorously prosecuted, would soon teach them that even an inferior naval power can inflict the deepest wounds on that part in which they are most

sensible. But it can scarcely be expected that private adventures will sacrifice to such an object all prospects of benefit, derived from capture, and expose themselves to the certain loss of an unprofitable cruise.

They would therefore respectfully submit it to the wisdom of Congress whether a provision, by law, for an adequate compensation to the owners, officers, and crews, of private armed vessels, for every ton of shipping belonging to the enemy which they shall destroy on the high seas, will not have the effect of preventing all the evils they apprehend, of encouraging seamen to enter the service, and of more effectually harassing the enemy, than any system of warfare hitherto adopted. If such a provision should be made, your memorialists will be ready to enter largely into the private armed service, and would sanguinely calculate on the increased spirit of our seamen and the enlarged enterprise of our merchants.<sup>1</sup>

Essentially, Stevenson's petition asked the federal government to underwrite the wholesale destruction of the British merchant fleet, at the hands of American private armed warships. Despite the hopes of Stevenson and Baltimore privateers, this petition never received serious consideration. The petition was relegated to the Committee on the Naval Establishment as soon as it was read. On February 19, 1814, the Naval Committee sent its report to the House:

Read, and ordered to lie on the Table.

The Naval Committee (to whom were referred memorials from Citizens of New York & Baltimore, representing the advantages which may be derived from additional encouragement to the employment of privateers, by the Citizens of the United States)

Report,

That the Bill from the Senate giving a large additional bounty on the prisoners, who may be brought into our ports by private armed vessels provides one of the inducements to privateering, which is asked by the Memorialists, and it would not, - in the opinion of the Committee, be now adviseable, that any further encouragement should be

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<sup>1</sup> U.S. Congress American State Papers, *Naval Affairs* (Washington, D.C.: Gales and Seaton, 1853), 1: 300; U.S. Congress, *Journal of the House of Representatives*, 13<sup>th</sup> Cong. 1<sup>st</sup> Sess. (Washington, D.C.: Gales and Seaton, 1826), 282.

given from the Public Treasury.<sup>2</sup>

During the next session of Congress, this petition received a renewed interest, this time from both the House and the Senate. On November 2, 1814, the House of Representatives passed the motion submitted by Congressman Robertson, who attempted to resurrect this initiative for supporting the destruction of enemy vessels at sea by the owners, officers, and crews of privateers, in the form of a bounty. The House directed the Committee on Naval Affairs to inquire into the expediency of offering such a bounty. On November 7, 1814, the Committee of Naval Affairs received a little more prompting to investigate this issue, as Senator Samuel Smith (R - MD) presented George Stevenson's petition (now nine months older) on the Senate floor.<sup>3</sup> A day later, the following article appeared in *Daily National Intelligencer*:

If our government only gives the necessary encouragement to privateers, and forbids their manning of their prizes: giving an equivalent of one 4th or one 6th of the property captured as an indemnification for its being destroyed; as also a bounty for every seaman brought in, and prohibiting their being given up; we should very soon see whether we are so contemptible on the ocean as the Montreal Herald would lead us to imagine.

One hundred privateers, fitted upon this principle, would laugh at the whole naval supremacy of England... The late cruizes, and the wonderful annoyance which a few vessels have done, must make this obvious to government; and we shall be disappointed if we do not see vigorous and liberal measure immediately accepted.<sup>4</sup>

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<sup>2</sup> David Kepley and Richard Hunt, *Transcribed Reports of the Committees of the U.S. House of Representatives, 1789-1841* (Washington, D.C.: National Archives and Records Administration, 1991), Reel 14.

<sup>3</sup> *Journal of the House of Representatives*, 511-512, U.S. Congress, *Journal of the Senate*, 13<sup>th</sup> Cong. 1<sup>st</sup> Sess. (Washington, D.C., Gales and Seaton, 1828), 546.

<sup>4</sup> *Daily National Intelligencer* (Washington, D.C.), November 8, 1814.

Despite increasing interest in compensating American privateers and letter of marque traders for destroying British merchantmen, no compensation or further remuneration was forthcoming. Congressman James Pleasants (R - VA), a member of the Committee on Naval Affairs, made an "unfavorable" report on Stevenson's petition to the House on November 17, 1814. The Speaker of the House tabled the issue.<sup>5</sup>

Stevenson's petition was tantamount to asking the federal government to fund a "total war" against British commerce. Financing the destruction of British maritime interests through government funds, by means of the private sector, was not a new concept at this time. Stevenson's petition was not a radical concept for the federal government to endorse.

As of March 3, 1813, the American government offered a bounty for the destruction of any British armed vessel of war, with the exception of vessels acting as cartels or operating under a flag of truce. Americans authorized the use of torpedoes, submarine instruments, or any other type of destructive device to achieve this goal. A bounty of one half the value of the armed vessel destroyed and half the value of "her guns, cargo, tackle, and apparel" was to be paid out of the treasury of the United States.<sup>6</sup>

Secretary of the Navy William Jones repeatedly advocated the destruction of British commerce in his directions to commanding officers in U.S. Navy. As early as

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<sup>5</sup> *Journal of the House of Representatives*, 531. U.S. Congress, *Annals of Congress, House of Representatives*, 13<sup>th</sup> Cong. 1<sup>st</sup> sess. (Washington, D.C., Gales and Seaton, 1853), 591. On March 3, 1815, after the motion by Senator Charles Tait (R - GA), the Committee on Naval Affairs was finally discharged from the further consideration of Stephenson's petition. U.S. Congress, *Journal of the Senate* 13<sup>th</sup> Cong. 1<sup>st</sup> sess. (Washington, D.C.: Gales and Seaton, 1828), 685.

<sup>6</sup> U.S. Congress, *United States Statutes at Large*, Act of November 15, 1814, ch 5, 14 Stat. 3: 816.

June 1813, Jones ordered the destruction of prizes captured by the United States Navy, rather than attempting to send these prizes into a friendly port.<sup>7</sup> On September 19, 1813, Jones wrote to Captain Charles Stewart, the commanding officer of the USS *Constitution*, "The commerce of the enemy is the most valuable point we can attack, and its destruction the main object, and to this end all your efforts should be directed."<sup>8</sup> To Master Commandant George Parker, commander of the USS *Siren*, Jones wrote:

Your own observation must have proved how precarious and uncertain is the prospect of getting prizes into a friendly port; and the manning of a few prizes will soon terminate your cruise, and diminish your force so as to jeopardize the safety the *Siren*, and your own reputation, by the chance conflict with the enemy...A single cruiser, if ever so successful, can man by a few prizes, and every prize is a serious diminution of her force; but a single cruiser, destroying every captured vessel, has the capacity of continuing, in full vigor, her destructive power...Thus a single cruiser, upon the destructive plan, the power, perhaps, of twenty, acting upon pecuniary views alone; and thus may the employment of our small force, in some degree, compensate for the great inequality compared with that of the enemy<sup>9</sup>

On February 26, 1814, Jones ordered Master Commandant Lewis Warrington, commander of the USS *Peacock*, to "destroy all you capture."<sup>10</sup> Jones instructed Captain David Porter, before embarking on a West Indies cruise, to employ his squadron "either collectively or separately, in annoying and destroying the commerce of the enemy."<sup>11</sup>

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<sup>7</sup> William Jones to Lieutenant Allen, commanding officer of the USS *Argus*, June 5, 1813, as cited in Thomas Allen's petition to Congress in American State Papers, *Naval Affairs* (Washington, D.C.: Gales and Seaton, 1853), 2: 375.

<sup>8</sup> William Jones to Captain Charles Stewart, September 19, 1813. Ibid.

<sup>9</sup> William Jones to Master Commandant George Parker, December 6, 1813. Ibid.

<sup>10</sup> William Jones to Master Commandant Lewis Warrington, February 26, 1814. Ibid., 376.

<sup>11</sup> William Jones to Captain David Porter, November 30, 1814, Ibid.

Jones' instructions to these American naval officers were abundantly clear. Destruction of British commerce was undeniably preferable and had greater strategic importance than sending captured British merchantmen into port. Only in rare instances, when circumstances were the most favorable, was a prize to be sent into a friendly port.<sup>12</sup>

Jones understood that destroying an enemy's commerce was a more effective means of conducting naval warfare than commerce raiding. In addition, Jones' desire to promote commerce destroying indicated his willingness to adopt this form of total warfare on the high seas. Jones' eagerness to instruct and sanction the destruction of prizes captured by the United States Navy during this conflict contrasts sharply with the reluctance of the Committee on Naval Affairs to promote and encourage similar actions by the private sector.

Congressional reluctance to advocate a policy of compensating the owners of privateers and letter of marque traders for destroying British commerce at sea resulted from numerous financial and international concerns. Financially, the United States government was in no position to offer complete or partial remuneration to privateer owners and letter of marque traders for the destruction of British merchantmen or their cargoes.

Throughout the war, the United States government followed a deficit spending program. Initiated by Albert Gallatin, loans and treasury notes were used to defray the extraordinary wartime expenses of the national government. The British blockade and the American embargo from December 1813 to April 1814 had greatly diminished

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<sup>12</sup> Ibid., 375-376.



customs duties, the federal government's primary source of revenue. As a result, the United States was forced to borrow continually larger amounts to meet the war effort's ever increasing expenses. From 1811 to 1815, the United States government borrowed over \$70 million through loans and treasury notes to meet wartime expenses.<sup>13</sup>

Paying privateers and letter of marque traders to destroy British commerce was not a viable financial option for the United States in 1814. The total, non-borrowed federal revenue for 1814 was \$11.1 million, of which \$4.2 million was derived from customs duties. The import duties on captured vessels and their cargoes represented 1.5 million dollars of those customs receipts. Privateering and letter of marque trading represented a significant portion (over 13.5 percent) of the total non-borrowed federal revenue.<sup>14</sup>

Given the financial importance of privateering to the United States government, the Committee on Naval Affairs, decision against Stevenson's petition was well justified. Prior to Stevenson's petition, the federal government had attempted to encourage American privateering enterprises. In August 1813, Congress authorized a reduction on prize goods, increased the "head money" bounty, and included widows and orphans of deceased privateers as recipients from the privateer pension fund.<sup>15</sup> Remuneration or

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<sup>13</sup> U.S. Congress, American State Papers, *Finance* (Washington, D.C.: Gales and Seaton, 1853), 3: 70.

<sup>14</sup> *Ibid.*, 67. Also see Table 5.

<sup>15</sup> All prisoners were to be delivered into the custody of the marshal of the district or a military officer of the United States, or any friendly state or port for safekeeping and prisoner exchanges. To encourage privateers and letter of marque traders to bring these prisoners into port, a bounty of twenty dollars per head was offered for "each person on board any armed ship or vessel, belonging to the enemy, at the commencement of an engagement." This bounty was increased to twenty-five dollars on August 2, 1813, and increased further to one hundred dollars on March 19, 1814. Despite the lucrative incentive to

compensation, whether whole or partial, for the destruction of British commerce at the hands of American privateers was never forthcoming.

On January 10, 1814, the acting secretary of the Treasury reported to Congress that the nation's finances were seriously strained by the war. Jones stated:

The plan of finance proposed at the commencement of the war, was to make the revenue, during each year of its continuance, equal to the expenses of the peace establishment, and the interest on the old debt, then existing, and on loans which the war might render necessary, to defray the extraordinary expenses of the war out of the proceeds to be obtained for that purpose.<sup>16</sup>

The House of Representatives was embroiled in a lengthy debate over authorizing another enormous loan, the largest of the war, when Stevenson's petition was first brought before Congress in February 1814. By early 1814, the war's fiscal demands had almost exceeded the government's ability to finance it.

When Congressman Robertson attempted to revive the issue of compensation for the destruction of British commerce by the private sector, James Pleasants, (R - VA), chairman of the Committee on Naval Affairs, initiated an alternative bill.<sup>17</sup> This bill authorized the president to build or purchase a number of small-armed vessels for use as

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send prisoners into American ports, many privateers and letter of marque traders preferred to cartel prisoners at sea. U.S. Congress, *United States Statutes at Large*, Act of June 26, 1812, ch 107, 12 Stat. 1, 761.

<sup>16</sup> American State Papers, *Finance*, 2: 652.

<sup>17</sup> Annals of Congress, *House of Representatives*, 13<sup>th</sup> Cong., 1<sup>st</sup> sess., 541.

commerce destroyers against the British merchant fleet. The debate over Pleasants' small armed vessel bill began in early November 1814.<sup>18</sup>

Pleasants supported this bill, stating that the "experience of the present war had amply demonstrated the utility of this species of force."<sup>19</sup> In support for appropriations for these small cruisers, similar in size and armament to that of many American privateers, Pleasants compared the effectiveness of American frigates to American sloops-of-war during the present conflict with Great Britain:

The conquests achieved by our frigates, etc. would never be forgotten; they were great and important; but their depredations on the commerce of the enemy, during long cruises, had been comparatively unimportant. On reference to the cruises of private armed vessels, of the class contemplated by this bill, a very different result appeared. The effects of their enterprises against the commerce of the enemy had been great and important; such indeed, as to give us every reason to believe that a class of small, swift-sailing vessels, of this description, would, in all probability, conduce to put a speedy end to the war, by the impression it would make on the enemy's commerce.<sup>20</sup>

Pleasants firmly believed the government could not expend similar resources (\$600,000) and achieve similar results.

Congressman William Reed (F - MA) opposed this bill. Although Reed was an active supporter of a larger navy, he spoke out against this bill. Despite the expectations asserted by the chairman of the Naval Committee, Reed believed that Pleasants'

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<sup>18</sup> On November 8, 1814, Congressman McKim presented a memorial from Baltimore privateers, seeking a bounty for the destruction of British vessels, the same day the debate over Pleasants' commerce destroyer bill began. Ibid.

<sup>19</sup> Ibid., 542.

<sup>20</sup> Ibid.

arguments were “wholly untenable.”<sup>21</sup> Augmenting the American naval force with vessels described in this bill, Reed believed, would be an insult to the honor and past achievements of the United States Navy. Reed stated: “Would the House...create a force which would compel those officers of our Navy who have won so much glory to their country, to resort to this species of vessel? Would they oblige a Perry, a Macdonough, and other officers, to command that species of force which obliges them to take flight the moment they come in sight of the enemy?”<sup>22</sup>

Reed believed that the small size of the vessels proposed by this bill not only insulted the character of these men, but also the honor of the United States. Reed claimed that it was a degradation to ask such men to serve in this type of “*mosquito fleet*,” whose sole purpose was to attack British merchantmen and flee from British warships.<sup>23</sup>

While Reed favored increasing the size of the United States Navy, he wanted new vessels to be larger than those proposed by Pleasants. Reed favored adding a naval force that “did not degrade the character of the country.”<sup>24</sup> In its current form, the largest armament authorized by the small-vessel bill was 14 guns. Assuming that these vessels would be schooners, Reed claimed that the light armament made them “inferior to three-

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<sup>21</sup> Ibid.

<sup>22</sup> Ibid., 453.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid., 544.

fourths of the valuable merchant ships," and superior only to British merchantmen that sailed under convoy.<sup>25</sup>

Reed favored the construction of sloops-of-war, similar to the USS *Argus* and the USS *Peacock* built the previous year. The advantage of such vessels, Reed argued, was that they were better constructed than schooners, and were equal or superior to at least a third of the Royal Navy's warships. In addition, sloops-of-war could be built or purchased at a similar cost in the same amount of time, despite their larger size armament. Reed offered an amendment, proposing that these vessels mount "not less than twenty nor more than twenty-four guns."<sup>26</sup> Reed's amendment, and not the bill itself, attracted the most attention.

Congressman Charles Ingersoll (R - PA), spoke next on the bill, or rather the proposed amendment. Ingersoll favored smaller-armed vessels that carried "not less than eight nor more than twenty-two guns."<sup>27</sup> The intention of the bill was to model these additional government cruisers after American privateers. Pleasants had initially proposed the limit of fourteen guns because he believed that it was the maximum armament the most successful American privateers could carry.

Citing a recent newspaper, Ingersoll sought to disprove this notion. American privateers, each carrying sixteen guns, had recently entered into port, "after reaping a rich harvest on the ocean." Although he favored the adoption of a larger class of vessel, that

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<sup>25</sup> Ibid., 543.

<sup>26</sup> Ibid., 543-544.

<sup>27</sup> Ibid., 544.

might be better suited to the character of the United States Navy, he favored leaving the actual acquisition of these vessels to the "discretion in the Government to build or purchase vessels of different rates."<sup>28</sup>

Congressmen Alexander McKim (R - MD) and Robert Wright (R - MD), argued for the adoption of the small class of vessel. Analyzing the current state of the war effort, McKim stated there was little chance for single combat between American and British warships. Given the current military objective to assault Great Britain's commerce on the high seas, McKim believed that smaller vessels had better chance for success: "If we take the view of the cruises of different vessels, public and private, of various sizes, it must be obvious that smaller vessels are abundantly more efficient than the larger ones."<sup>29</sup>

Congressman Wright did not view these vessels as a discredit to the achievements of American naval officers and argued against Reed's position. Wright compared these smaller vessels to skirmishers in the army, who engaged the enemy briefly and retreated when outnumbered. Even the "smallest class [of these vessels] were equal to cope with any merchantman; and they were not expected to catch frigates."<sup>30</sup> Citing the recent cruise of the American privateer *Mammoth* to prove the efficacy of small vessels, Wright noted that this private warship captured or destroyed twenty-one vessels while skillfully avoiding or evading British cruisers.<sup>31</sup>

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<sup>28</sup> Ibid., 544-545.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid, 545-546.

<sup>31</sup> Ibid.

The House soundly defeated Reed's amendment, 40 to 101.<sup>32</sup> Congressman Ingersoll proposed another amendment to the bill, changing the maximum number of guns to twenty-two. Ingersoll believed that the acquisition of larger vessels was in the country's best interest. He argued that the capture of HMS *Guerriere* by the USS *Constitution* had a greater importance to the war effort because of its boost to American morale than all the cruises of all the privateers put together. Ingersoll added, "If these vessels [as proposed by the current bill] were intended to merely to act as privateers, they [Congress] had nothing to do but take off the double duties on prize goods, and they [the United States] would have no occasion to employ public vessels on the service."<sup>33</sup>

Although Pleasants spoke against Ingersoll's modifications to the bill, no one attacked the logic of Ingersoll's final statement. Despite Pleasants' opposition, the House passed the amendment to the bill by a large majority. Hoping to further alter the bill, Congressman Reed proposed delaying the execution of the bill until larger vessels were built and equipped. Pleasants and Wright argued against this, claiming that such a delay was unnecessary and re-emphasized the urgent need for these vessels; Reed's motion was soundly defeated (25 to 116). Reed's final attempt to modify this bill, by changing the minimum number of guns carried by these vessels to from eight to eighteen, was also blocked (43 to 98). After such a heated debate and few alterations, Congress approved

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<sup>32</sup> Ibid.

<sup>33</sup> Ibid., 547.

Pleasants' small-armed vessel bill and President Madison signed it on November 15, 1814.<sup>34</sup>

This act authorized the president to build or purchase a number of vessels (not to exceed a total of twenty), capable of carrying between eight to sixteen guns. With only \$600,000 drawn from funds in the Treasury, these vessels were, as Pleasants claimed, "only a temporary acquisition, not a permanent addition to the Navy." He intended that these vessels would be sold or disposed of when they were no longer needed.<sup>35</sup>

With the Small Armed Vessel Act approved and funded, Pleasants offered a negative report to Congress concerning offering further encouragement to American privateers for destroying British commerce at sea. With the proposed federal cruisers ready to be deployed for this express purpose, Pleasants saw no need to offer further monetary encouragement to American privateers and letter of marque traders.<sup>36</sup> The war ended, however, before most of Pleasants' commerce destroyers could get to sea.<sup>37</sup>

Though construction and use of small commerce destroyers offered greater potential for inflicting damage to the enemy's commerce than the larger ships that the

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<sup>34</sup> *Ibid.*, 547-548; 555-556. After corresponding with the secretary of the navy, Pleasants reported to Congress on November 11, 1814, that the vessels to be purchased would be schooners. As it was generally understood, the largest number of guns that the largest class of schooner could carry was sixteen. Pleasants recommended striking out twenty-two and inserting sixteen as the maximum number of guns carried by these vessels. Despite the continued objections from Congressman Reed, the bill was modified according to Pleasants' recommendation.

<sup>35</sup> *Annals of Congress, House of Representatives*, 13<sup>th</sup> Cong., 2<sup>nd</sup> Sess., 555-556; U.S. Congress, *United States Statutes at Large* (Boston: Charles C. Little and James Brown, 1846) 3: 144. Congressman Reed stated "as for the disposal of [these vessels] at the end of the war, probably the enemy would take care of them all before the end of the Winter."

<sup>36</sup> U.S. Congress, *Annals of Congress: House of Representatives*, 13<sup>th</sup> Cong. 2<sup>nd</sup> Sess., 591-592.

<sup>37</sup> K. Jack Bauer, "Naval Shipbuilding Programs: 1794-1860," *Military Affairs* 29, no. 1, (Spring 1965): 29-40.



Naval Act of 1813 authorized, the success of the USS *Constitution* and USS *United States* in single ship-to-ship actions had against the British provided the stimulus for adding larger ships to the American navy. On December 16, 1812, the House began debate over a \$2.5 million proposal to add four ships rated 74 guns or greater and six ships rated at 44 guns.<sup>38</sup>

Several congressmen considered the construction of these larger warships to be a waste of time and resources. Even if this small number of vessels could be built and ready for action within a year, the numerical advantage possessed by the British fleet made this proposal unrealistic. Congressman Adam Seybert (R - PA), raised one of the principal arguments against this bill. Seybert believed that the object should be to create a "species of force which can be furnished in the shortest period, and which promises to be the most efficient" during the present war.<sup>39</sup> Seybert stated:

Admitting that you had four seventy-four gun ships on your Navy list, they would answer no good purpose. In the course of the following year, their number will be more than doubled and trebled on the part of enemy. The consequence would be, that your most expensive ships must either combat under very unpromising circumstances, or they would be blockaded in your harbors, and then be worse than useless; they must be kept at heavy expense, and their crews would deprive other ships of the men necessary for their equipment.<sup>40</sup>

Despite similar arguments raised by several congressmen, this act passed the House by a comfortable margin (70-56). Construction of these larger warships, however,

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<sup>38</sup> Craig L. Symonds, *Navalists and Antinavalists: The Naval Policy Debate in the United States, 1785-1827* (Newark, NJ: University of Delaware Press, 1980), 173-191.

<sup>39</sup> *Annals of Congress, House of Representatives*, 13<sup>th</sup> Congress, 2<sup>nd</sup> sess, 406.

<sup>40</sup> *Ibid.*, 407.

took more time than smaller vessels. Secretary of the Navy Jones needed ships to break through the British blockade or to lure British ships off station, which allowed other vessels the opportunity to escape or enter American ports. Smaller vessels such as the USS *Argus* and USS *Enterprise*, acting as commerce destroyers, had evaded the British blockade and captured and destroyed a number of British vessels. In February 1813, at Jones' behest, Congressman Burwell Bassett (R - SC) introduced another act to increase the navy, calling for construction of six sloops-of-war on the Atlantic and four for the Great Lakes. After brief debate, this act passed with limited opposition.<sup>41</sup>

The activities of these six Atlantic sloops-of-war (*Erie*, *Ontario*, *Peacock*, *Wasp*, *Frolic*, and *Argus*) represented a "marked contrast to the nearly total failure of the larger frigates."<sup>42</sup> These vessels evaded the British blockade and captured a large number of merchantmen, in addition to engaging several British warships.<sup>43</sup> The success of these vessels provided the federal government with a tentative blueprint for a temporary augmentation of the navy, capable of assaulting British commerce with relative impunity. Instead of offering further support to the private warships, the federal government planned to mimic and undermine American privateers by modeling part of the navy along similar lines.<sup>44</sup> The large American frigates generally languished in port throughout the

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<sup>41</sup> Symonds, *Navalists and Antinavalists*, 185-186.

<sup>42</sup> *Ibid.*, 186.

<sup>43</sup> *Ibid.*, 186.

<sup>44</sup> U.S. Congress, *Journal of the Senate*, 13<sup>th</sup> Cong. 2<sup>nd</sup> Sess., November 30, 1814. 563-568. Senator Joseph Anderson proposed that the Committee on Naval Affairs examine the possibility of transforming the prize law governing the United States Navy. Anderson suggested that the officers and crews of Pleasants' commerce destroyers would be entitled to the full amount of prize money from the sale of captured vessels and cargoes, once condemned as lawful prizes.

latter part of the war, unable to get to sea because of the British blockade. Of the 74s authorized by the Naval Act of 1813, only two were complete before the end of the war, but neither got to sea before the conflict ended.<sup>45</sup> Late in the war, more Americans questioned the wisdom of constructing these 74s. The *Western American* published the following letter, which questioned the value of these ships-of-the-line:

When Congress passed the law to build four 74's it was no doubt done with the purest motives. It was done after we were dazzled by the exploits of the Constitution; when every heart beat high with adjust exultation at the glory of our naval heroes. But now we feel cool enough to calculate and reason a little on the subject, let us see what the cost will be, and the probable annoyance and damage they will do the enemy.

Four 74's gun ships will cost 333,000 dls. Each, which is \$1,332,000 – the annual expense will be \$847,436. Suppose these ships completed, and ready to sail, (and it is not 12 months since their keels were laid and the are not ready) we should have them blockaded by two or three British 74's. But suppose them to get out, and be pursued by an overwhelming force, and ten to one [odds] any of them would ever get back. In this case, I say, they will be a useless expense, without any service to us or injury to the enemy. Now, sir, suppose that in place of these 74's we had built as many 20 gun ships, as would have amounted to the same cost, we should have had them all launched six months ago, and depreddating the enemy to an enormous amount ever since.

The cost of twenty 20 gun ships at \$70,000 each would be \$1,400,000. The annual expense, at \$50,000 each, would be \$1,000,000.

It therefore appears that twenty 20 guns ships can be built and kept in constant service, for a trifle more than four 74's – Any man acquainted with the subject will say that these Baltimore Flyers, stationed on the British shores, would be more use in bringing the British Ministry to terms, than twenty 74's cooped up in our harbors.<sup>46</sup>

Instead of financing the construction of large battleships that would never play a significant part in the war, the United States would have been better served to invest in smaller vessels (as Seybert advocated), with the intent of commerce destroying.

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<sup>45</sup> Symonds, *Navalists and Antinavalists*, 186-187.

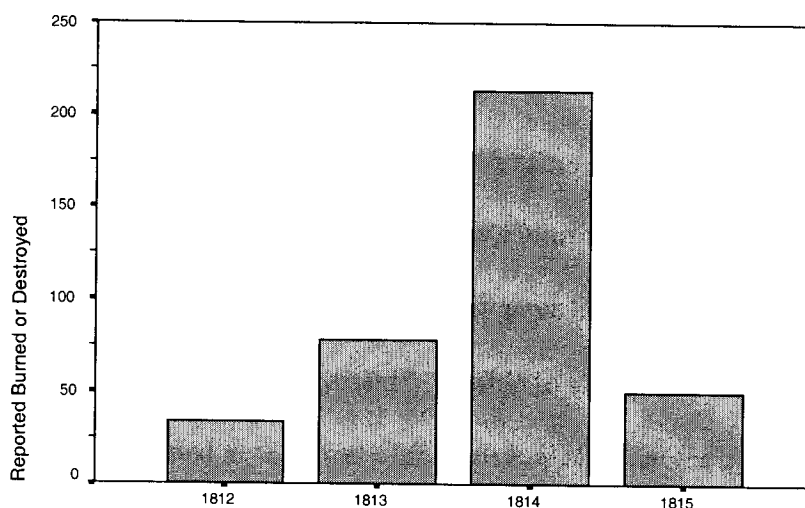
<sup>46</sup> Paul Jones to William Jones, *Western American* (Williamsburg, Ohio), August 20, 1814.

Ironically, the federal government did not have to construct or even outfit vessels for this purpose. A naval force was currently at its disposal, which was already destroying British commerce: American private armed vessels.

According to the prize lists in the *Niles Weekly Register*, American private armed vessels escalated their depredations against British commerce throughout the war.

(See Chart 1.)

Chart 1: Captured Vessels Reported Burned or Destroyed by American Private Armed Vessels from 1812-1815



Source: *Niles Weekly Register (Baltimore)*, 1812-1815.

As the war progressed, American privateers and letter of marque traders appeared more willing to burn or destroy some of their prizes (after divesting the more valuable cargoes), rather than risk their recapture by the British.<sup>47</sup> Despite the overwhelming

<sup>47</sup> Technically, American private armed vessels were not authorized to conduct this mode of destructive warfare. The act concerning letters of marque, prizes, and prize goods specifically stated that all prize goods and vessels were to be brought into port for adjudication. If the prize was later judged to be illegal, then the owners and commanders of these private armed vessels would be liable for damages and restitution. U.S. Congress, *United States Statutes at Large*, Act of June 26, 1812, ch 107, 12 Stat. 1, 761.

naval strength possessed by Great Britain, the Royal Navy was unable to contain or remove the threat of American private armed vessels against British commerce.

Although the Royal Navy captured a large number of American private armed vessels and recaptured or salvaged a larger number of prizes, this did little to stop or even limit depredations committed by American privateers and letter of marque traders.<sup>48</sup>

Admiral Sir John B. Warren, commander of the British ships attached to the North American Station, informed the First Secretary of the Admiralty that "swarms of privateers and Letters of Marque, their numbers now amounting to 600, and the Crews of several having landed at points of the Coast of Nova Scotia and in the Leeward Islands, and cut out of the Harbours some Vessels."<sup>49</sup> Warren immediately requested more men and ships to provide adequate protection for Britain's North American colonies.

The British blockade of American ports may have actually intensified the destruction of prizes by private armed vessels. Unable to slip their prizes past the British navy, American private armed vessels were left with few alternatives other than divesting and destroying their prizes.<sup>50</sup> Throughout this conflict, the reported number of prizes

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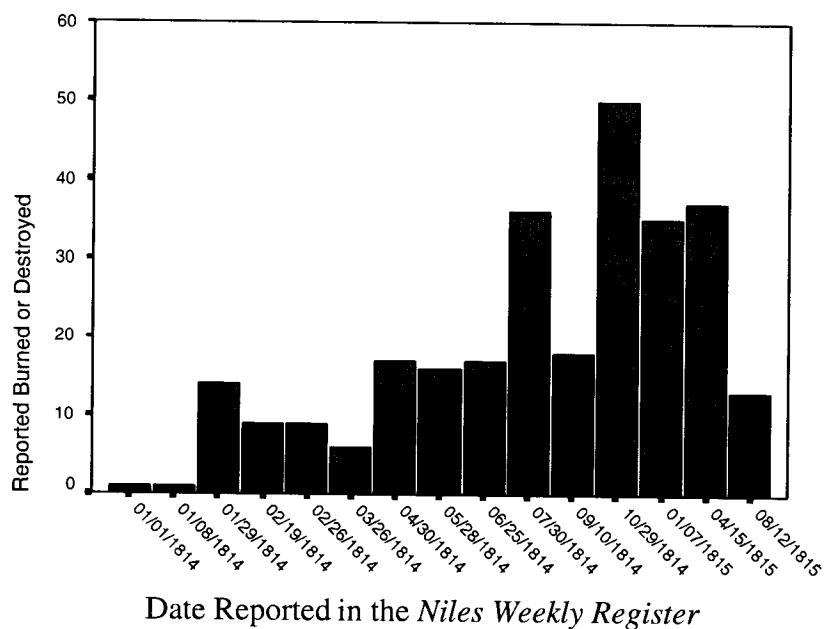
<sup>48</sup> In the first two months of the war, the British Admiralty reported capturing twenty-four American vessels, claiming them all to be American privateers (at least one was not). William S. Dudley, ed. *The Naval War of 1812: A Documentary History, 1812*. (Washington D. C.: Naval Historical Center, 1985), 223-226.

<sup>49</sup> Admiral Sir John B. Warren, R.N. to the First Secretary of the Admiralty John W. Croker, December 29, 1812, from William S. Dudley, ed. *The Naval War of 1812*, 650; Warren to Croker, January 5, 1813, from William S. Dudley, ed. *The Naval War of 1812: A Documentary History, 1813*. (Washington D. C.: Naval Historical Center, 1992), 11.

<sup>50</sup> Rather than destroying their prizes, some privateers "ransomed" them instead. Ransoming was the practice of a capturer "selling" a captured vessel or cargo back to original owners or captain. In 1782, British Parliament prohibited British subjects from agreeing to pay ransoms for their vessels. British subjects who violated this act were subject to a £500 fine. Donald A. Petrie, *The Prize Game: Lawful Looting on the High Seas in the Days of Fighting Sail* (Annapolis, MD: Naval Institute Press, 1999), 17-22.

burned or destroyed by American private armed vessels escalated, especially in the last year and half of the war. (See Chart 2.)

Chart 2: Captured Vessels Reported Burned or Destroyed by American Private Armed Vessels, 1814 to 1815



Source: *Niles Weekly Register*, 1814-1815

British merchants, ship owners, and insurance underwriters were acutely aware of the actions of American privateers and letter of marque traders in the final year of the war. Costs of obtaining marine insurance climbed to unprecedented rates, even in the territorial waters surrounding Great Britain. Historian Wade Dudley noted: "Premiums on Atlantic trade lanes during peace hovered at 2 percent. By late 1814, rates on the Newfoundland-to-London route averaged 10 percent, those on the Newfoundland to Caribbean approached 25 percent, and domestic trade in the Irish Sea purchased

insurance at rates as high as 9 percent.”<sup>51</sup> Disregarding the British Admiralty’s claim that its territorial waters were adequately defended, citizens from Liverpool and Glasgow demanded more protection.<sup>52</sup>

Liverpool merchants sent a memorial to the British Admiralty complaining specifically of “a want of sufficient naval protection against American captures.” They believed that this “novel and extraordinary practice” of destroying prizes, as part of a “new system of warfare,” was having a ruinous effect on their livelihood.<sup>53</sup>

Merchants, manufacturers, ship owners, and underwriters from Glasgow were equally frustrated:

That the number of American privateers with which our channels have been infested, the audacity with which they have approached our coasts, and the success with which their enterprizes has been attended, have proved injurious to our commerce, humbling to our pride and discreditable to the directors of the naval power of the British nation, whose flag till of late waved over every sea and triumphed over every rival.

That there is reason to believe, in the short space of less than twenty-four months, above eight hundred vessels have been captured by the power, whose maritime strength we have hitherto impolitically held in contempt.

That at a time when we were at peace with all the rest of the world, when the maintenance of our marine costs so large a sum to the country, when the mercantile and shipping interests pay a tax for protection under the form of convoy duty, and when, in the plenitude of our power, we have declared the whole American coast under blockade, it is equally distressing and mortifying that our ships cannot with safety traverse our own channels, that insurance cannot be effected but at an excessive

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<sup>51</sup> Wade G. Dudley, *Splintering the Wooden Wall: The British Blockade of the United States, 1812-1815* (Annapolis, MD: Naval Institute Press, 2003), 142.

<sup>52</sup> The British Admiralty claimed, “not fewer than three frigates and 14 sloops were actually at sea for the immediate protection of St. George’s Channel, and the western and northern parts of the United Kingdom.” *Niles Weekly Register (Baltimore)*, November 26, 1814.

<sup>53</sup> *Ibid.*

premium, and that a horde of American cruizers should be allowed, unheeded, unrestricted, unmolested, to take, burn, or sink our vessels in our own inlets, and almost in sight of our own harbor.<sup>54</sup>

Despite the success of American private armed vessels as commerce destroyers, the United States government remained reluctant to encourage their actions with a monetary reward or bounty. It must be remembered that American private armed vessels destroyed their prizes selectively, sending in only the most valuable prizes. Had the destruction of British merchantmen elicited even a partial reward from the United States government, the depredations against British commerce during the final year and half of the War of 1812 would have been much worse.

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<sup>54</sup> Ibid.



## Conclusion

The prospects for a successful conclusion to the War of 1812 for the United States were extremely doubtful after two years of warfare. The abdication of Napoleon early in 1814 provided a hiatus in the Napoleonic Wars (1803-1815) that enabled Great Britain to concentrate more resources in its conflict with the United States. Although the main British invasion force from Canada had been turned back at the Battle of Plattsburg Bay, the British successfully blockaded the Chesapeake, burned Washington, D.C., assaulted Baltimore, and seized control of most of the District of Maine. Thus, former President Thomas Jefferson advocated greater support for American privateers instead of funding additional ship construction for the United States Navy. Jefferson wrote:

Let nothing be spared to encourage [privateers]. They are the dagger which strikes at the heart of the enemy, their commerce. Frigates and seventy-fours are a sacrifice we must make, heavy as it is, to the prejudices of a part of our citizens. They have, indeed, rendered a great moral service, which has delighted me as much as any one in the United States. But they have had no physical effect sensible to the enemy; and now, while we must fortify them in our harbors, and keep armies to defend them, our *privateers* are bearding and blockading the enemy in their own seaports. Encourage them to burn all their prizes and let the public pay for them. They will cheat us enormously. No matter; they will make the merchants of England feel, and squeal, and cry out for peace.<sup>1</sup>

The War of 1812 began as an opportunity for the United States to conduct a limited, aggressive campaign to redress national grievances against an old nemesis. As the war progressed, it descended into a protracted conflict that became marred by

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<sup>1</sup> Thomas Jefferson to James Monroe, January 1, 1815. Paul Leicester Ford, ed. *The Works of Thomas Jefferson in Twelve Volumes* (New York and London: G. Putnam's Sons, 1904). [Accessed online at [www.memory.loc.gov/ammem/collections/jefferson\\_papers/](http://www.memory.loc.gov/ammem/collections/jefferson_papers/)]

incompetent leadership, financial hardship, and political factions.<sup>2</sup> Instead of enacting legislation that promoted the activities of private armed vessels, the federal government limited the effectiveness of America's greatest asset against the British.

From June 18, 1812, through August 2, 1813, when American privateers and letter of marque traders had the most potential to inflict the greatest amount of damage against British commerce, the American government's refusal to reduce import duties severely limited the resulting profits and re-investment opportunities in privateering. As a result of the lack of profits, the eminent threat posed by the Royal Navy, and the increasing pressure of the British blockade, investors lost interest in privateering, and the enterprise declined during the summer of 1813. While Congress attempted to encourage American privateers with a number of other inducements, remuneration in the form of reduced import duties obviously played a key role in the overall revitalization of the privateering enterprise after the summer of 1813.

In the final year of the war, the federal government failed to take advantage of the apparent willingness of American privateers and letter of marque traders to burn or destroy their prizes. Instead, the United States government relied on a small number of government-owned commerce destroyers, because it was financially incapable of offering the appropriate encouragement or incentive for all private armed vessels to pursue a similar course of action on a larger scale.

If the War of 1812 had been the limited conflict the congressional "War Hawks" envisioned, the issues afflicting privateers and letter of marque traders would have been a

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<sup>2</sup> Donald Hickey, *The War of 1812: A Forgotten War* (Urbana: University of Illinois Press, 1989; reprinted, Urbana and Chicago: University of Illinois Press, 1995), 300-301.

moot point. With the original impetus of the war focused on the acquisition of Canada to address the grievances caused by the violation of American neutrality and commercial rights, the roles of American privateers and letter of marque traders were relegated into the lesser theater of military operations. Had support for American privateers and letter of marque traders been more forthcoming during the war, the entire scope and outcome of the War of 1812 would undoubtedly have been dramatically different.

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