Richard D. Herron. CHESAPEAKE BAY PRIVATEERING DURING THE AMERICAN REVOLUTION: THE PATRIOTS, THE LOYALISTS, AND THE BRITISH. (Under the direction of William N. Still, Jr.) Program in Maritime History and Underwater Research, East Carolina University, October, 1984.

The intention of this study is to discuss privateering activities in and from the Chesapeake Bay region during the American Revolution. Probably due to the paucity of contemporary resources, historians have traditionally assumed that privateering associated with the Chesapeake Bay region was extremely limited and, thus, not particularly significant. A closer examination proves that this was not the case.

The American colonists, because of their English heritage, had a long tradition of privateering in wartime. Because of this tradition, the colonists were quick to fit out privateers when the Revolution began in 1775.

Not everyone shared the same views concerning American privateering, however. The English Crown saw it as piracy. Even some American patriots, such as Benjamin Franklin and George Washington, anathematized privateering -- although they themselves fitted out privateers. Conversely, the majority of Americans favored privateering to such a degree that both Thomas Sim Lee and Thomas Jefferson frequently complained of not being able to obtain an adequate supply of commissions.

Historical documentation suggests that throughout the war there were fewer privateers fitted out in Virginia than in Maryland. This is probably true because British forces were nearly ubiquitous in Virginia, and the depredations wrought there were greater than those in Maryland. Nevertheless, privateers from both Virginia and Maryland brought valuable supplies into the Chesapeake region that otherwise would have been unobtainable. This helped to boost patriotic morale and contributed to the war effort in these two colonies.

British- and loyalist-owned privateers were also active in the Chesapeake region. They helped the king's ships blockade the bay and persistently harassed American shipping. But in 1783 England quit the war and privateering was officially terminated. This however, ended American privateering only briefly. Letters of marque were awarded to American vessels during the pseudo war with France; during the War of 1812 privateers, especially from Virginia and Maryland, again harassed the British; and privateers were fitted out even as late as the American Civil War.

CHESAPEAKE BAY PRIVATEERING DURING THE AMERICAN REVOLUTION: THE PATRIOTS, THE LOYALISTS, AND THE BRITISH

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CHAPTER I

PRIVATEERS AND PRIVATEERSMEN: WHAT THEY WERE AND HOW THEY OPERATED

The history of Revolutionary War privateering in and from the Chesapeake Bay does not exist within a vacuum. That is to say, privateering did not begin (or end) with the American Revolution, and the rebelling colonists from the Chesapeake region were not the first to fit out privateering vessels. Virginia, Maryland, and the other eleven American colonies shared a common privateering heritage that began in Europe long before the discovery of the New World.

Although the earliest known privateering commission, or letter of marque, was issued in England during the year 1293, evidence suggests that some form of privateering was practiced before this date. For example, an English document written in 1205 states:

> The King to all to whom these presents shall come, Greeting. Know ye that we have granted to the galleys, which Thomas of Galway has sent to us, one half of the gains which they may make in captures from our enemies; and we will, besides, recompense them for their service . . . in such sort thay they shall be well satisfied.[1]

England first required their privateersmen to pay a security bond in 1486. These bonds, often twice the value of a privateering vessel, were designed to ensure against any

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[1] Gardner W. Allen, Massachusetts Privateers of the Revolution (Massachusetts, 1927), 3-4, hereinafter cited as Allen, Massachusetts Privateers.

damage that might be done to the property of British subjects.[2] This was necessary because privateersmen were not always judicious in deciding what constituted fair prize; as a result, many citizens fell victim to their own country's privateers.

During the years 1589 to 1591 at least 235 English vessels made privateering voyages from the seas south of the English Channel to Cape Verde and west to the Americas.[3] During this period and throughout the seventeenth century English privateersmen were mostly full-time professionals, concerned only with preying on the enemy's shipping. But by the Seven Years War in 1756 French privateers hovered about the coast of Great Britain and threatened commerce to the extent that British merchants were forced to outfit trading vessels as armed cruisers. For example, a Liverpool privateer owned and fitted out by local merchants returned to England with a French cargo vessel from the West Indies. This prize -- worth 20,000 pounds sterling -- acted as a catalyst sending other British merchants into a mania for privateering. No longer were only professional privateersmen applying for letters of marque.[4]

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[2]Allen, Massachusetts Privateers, 7; L. A. Wilcox, Mr. Pepys's Navy (London, 1966), 107.

[3]Kenneth R. Andrews, English Privateering Voyages to the West Indies 1588-1595 (Cambridge, 1959), 16; Allen, Masachusetts Privateers, 9.

[4]Edgar Stanton Maclay, A History of American Privateers (New York, 1899), 5; hereinafter cited as Maclay, American Privateers.

Across the Atlantic, England's North American colonists also eagerly took Royal commissions to strike at the enemy's shipping. However, American privateering began during the seventeenth century -- somewhat earlier than the commissioned ventures of English merchants. One of the oldest extant documents relating to a privateering-like capture in the American colonies was dated 1636. Interestingly, the individuals who attempted the capture were Narragansett Indians.

While the trading vessel belonging to a Mr. Oldham lay at anchor in Narragansett Bay, a dozen or more Indians came up undetected in a canoe, boarded the vessel, and killed Oldham and his crew. Before the Indians could escape with their prize, John Gallop, a merchant captain in a twenty-ton sloop, spotted Oldham's vessel and the Indians attempting to hide themselves on deck.

After a brief battle, Gallop subdued the natives and took Oldham's veseel in tow. But before Gallop could get the recaptured merchantman safe into a Connecticut port, high winds forced him to cut the vessel free and she ended up smashing herself on the nearby shore.[5] Nevertheless, Gallop and the Narragansett Indians won the distinction of being involved in perhaps the first incident resembling privateering in England's North American colonies.

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[5]Maclay, American Privateers, 28-29.

It is important to digress for a moment and to reiterate that this incident only resembled privateering. By definition, the action taken by the Narragansett Indians was actually more piratical. What then was the difference between piracy and privateering? Throughout history these two terms have been used interchangeably and often incorrectly. For example, the word corsair -- from the French word courser meaning one who hunts down game -- was frequently used to describe both pirates and privateersmen. But other terms, such as rover, romantically referred only to pirates. The same was true for the Dutch word vrjbuiter or, as in English, freebooter. In Spanish a freebooter was a filibustero and in French the word was filibustier. Buccaneer was from the word buccan (or boucanier which literally meant barbecuer) and pertained particularly to the pirates active during the seventeenth century who hunted and roasted the wild oxen and cattle found on some Caribbean islands.[6] Ultimately, the pirate was an outlaw who stole in times of "peace and war and was a law unto himself -- or at least tried to be."[7]

Conversely, the privateersman was a practitioner of a "recognized legitimate form of maritime warfare, commissioned

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[6]These animals were not indigenous to the islands. They were originally cargo aboard Spanish vessels destroyed by storms. The animals swam unintentionally to these islands and propagated there.

[7]Donald B. Chidsey, The American Privateers (New York, 1962), 12, hereinafter cited as Chidsey, American Privateers.

and regulated by a government in time of hostilities to prey upon the enemy's seaborne commerce."[8] In short, the privateersman was licensed to steal whereas the pirate was not. But still it was difficult to distinguish between the two. The atrocious acts of Nicholson Broughton and John Selman serve to illustrate this confusion and also to exemplify the incorrect use of the term privateersman.

Selman and Broughton served as officers in George Washington's burgeoning navy during the American Revolution. They were often referred to as privateersmen, but, technically, they were not so classified because they carried no privateering commission. In fact, their deeds more often resembled those of pirates rather than privateersmen or naval officers.

At the beginning of the Revolution, rules governing the actions of both George Washington's "mosquito fleet" and American privateers were either vague or nonexistent.[9] Because of this, both the naval officer and the privateersman took responsibility for determining the justification of

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[8]William J. Morgan, "American Privateering in America's War for Independence, 1775-1783," The American Neptune, 36 (January, 1976), 70, hereinafter cited as Morgan, "American Privateering"; Nathan Miller, Sea of Glory: The Continental Navy Fights for Independence, 1775-1783 (New York, 1974), 256, hereinafter cited as Miller, Sea of Glory.

[9]General Washington's ships were referred to as the "mosquito fleet" and not the Continental Navy because Congress did not officially authorize a naval fleet until October, 1775. For more information, refer to Chapter II.

their actions. In the case of Selman and Broughton, winter lay just ahead and their crew was growing increasingly restless. What few prizes they had captured were legally dubious and the two captains were concerned that their discontented men would mutiny. Because of this, Broughton and Selman launched an attack on Charlottetown, the capital of the Island of St. John (the present Prince Edward Island).[10] The conduct of both Broughton and Selman and their crew convinced Philip Callbeck, the commander and chief of the Island of St. John, that they were pirates. Callbeck intended to meet them in a "civilized manner" upon the wharf at the foot of Queen Street so as to avoid the razing of the poorly protected Charlottetown. But Callbeck's civility did him little good; he was soon taken prisoner and the town was pillaged by Broughton's and Selman's crew. Much of what was not taken from the terrified inhabitants was aimlessly destroyed.[11] Because of actions such as these, the definition, based on deed, began to cloud the issue of who were the pirates, the privateersmen, and the Continental officers.

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[10]Both Selman and Broughton later tried to defend their actions by stressing that even though vague instructions were given as to the capturing of vessels, they never received regulations concerning conduct while attacking homes or communities. William Bell Clark, George Washington's Navy: Being an Account of His Excellency's Fleet in New England Waters (Baton Rouge, 1960), 77, hereinafter cited as Clark, Washington's Navy.

[11]Clark, Washington's Navy, 50-53.

Regardless of the often conflicting and confusing nature of privateering, many American colonists (as discussed further in Chapter II) were in favor of fitting out privateers. Most of these colonists were a maritime people, living along the ocean, the shore of great bays such as the Chesapeake, and along the banks and tidal waters of navigable rivers. Thus, the unleashing of privateers was like a "national reflex action" when in 1775 war developed between the North American colonies and England.[12] During the initial phase of the Revolutionary War, the colonists' naval force consisted of a small fleet of vessels under the command of General George Washington, the state navies which varied in size and degree of preparedness, and the armed merchantmen privateers.[13]

By the autumn of 1775 privateers were being fitted out in Philadelphia and other major ports to such a degree that by January, 1776 American privateers were cruising all parts of the Atlantic Ocean and were soon into the West Indies.[14]

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[12]Morgan, "American Privateering," 80; John Franklin Jameson, Privateering and Piracy in the Colonial Period: Illustrative Documents (New York, 1923), 259.

[13]Ira D. Gruber, The Howe Brothers and the American Revolution (Tennessee, 1972), 103, hereinafter cited as Gruber, The Howe Brothers; Frank C. Mevers III, "Congress and the Navy: The Establishment and Administration of the American Revolutionary Navy by the Continental Congress, 1775-1784" (unpublished doctoral dissertation, University of North Carolina, Chapel Hill, 1972), 4.

[14]The number of privateers grew throughout the war years until more than 2,000 vessels manned by 80,000 men sailed

These American vessels were characterized by speed and maneuverability. Because of trade restrictions imposed by England during the years preceding the American conflict, the colonists gradually developed a sharper hull line on their vessels which made them faster than the average lumbersome, box-like cargo carriers. These characteristics made them suitable for smuggling and illegal trading. Those built in New England and the northeast had a higher freeboard to better sail the often tempestuous North Atlantic, whereas those from the Chesapeake Bay region and further south had less freeboard. These streamlined vessels, when converted to privateers, soon took an impressive toll of England's wartime shipping.[15]

The types of vessels used as privateers remained basically consistent, albeit diverse, throughout the Revolution. They ranged in size from sixty-foot sloops to one

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from American ports. Gomer Williams, History of the Liverpool Privateers and Letters of Marque with an Account of the Liverpool Slave Trade (New York, 1966), 181, hereinafter cited as Williams, Liverpool Privateers; Charles O. Paullin, "The Naval Administration of the Southern States During the Revolution," Sewanee Review 10 (October, 1902), 419; Erna Risch, Supplying Washington's Army (Washington, D.C., 1981), 25, hereinafter cited as Risch, Supplying; John R. Spears, A History of the United States Navy (New York, 1908), 30; George O. Trevelyan, George the Third and Charles Fox 2 (New York, 1914), 324, hereinafter cited as Trevelyan, George the Third.

[15]C. Keith Wilbur, Picture Book of the Revolution's Privateers (Pennsylvania, 1973), 9, hereinafter cited as Wilbur, Revolution's Privateers; Christopher Ward, The War of the Revolution 2 (New York, 1952), 617.

hundred-foot ships. Smaller, faster vessels were normally preferred, however. Fast vessels were favored because of their ability to overtake the enemy and facilitate a swift retreat when necessary.[16] Also, these fast vessels ideally were small in order to ply shallow, narrow waterways which provided sanctuary from the large men-of-war restricted to deep water. But in general, anything that floated could be converted into a privateer.[17]

As mentioned above, sloops were frequently used as privateers. These vessels were usually single-masted, with a gaff-mainsail and jib. Very often, however, any kind of open boat was called a sloop. It was a very loosely used term made more complicated by the navy. A naval sloop was either schooner-rigged, brig-rigged, or even ship-rigged; but, interestingly, it was never sloop-rigged.

Another type of vessel used as a privateer was the brigantine. This two-masted vessel was often used as a merchantman as well as a privateer. It was square-rigged on the foremast and fore-and-aft rigged on the mainmast. Quite

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[16]Most merchant vessels tried to sail under the protection of a convoy. There were, however, faster merchant vessels which took a chance by sailing alone and unimpeded by a time consuming convoy. To capture these swift trading craft usually required a vessel equally fast of faster. But these merchant ships were highly prized by privateersmen -- in spite of them being more heavily armed than regular merchantmen -- as they typically carried a more valuable cargo. Wilbur, Revolution's Privateers, 58.

[17]John F. Millar, American Ships of the Colonial and Revolutionary Periods (New York, 1978), 8.

often vessels such as brigantines carried auxiliary sweeps.[18] As privateers, these vessels were light enough that the crew could row them to safety or after an intended victim during periods of little or no wind.

The galley depended predominantly on rowing. Typically designed to be propelled by a dozen or more banks of oars, galleys also occasionally carried one or two masts rigged with fore-and-aft sails to take advantage of the wind. Galleys were not only popular with privateersmen, but also with state navies as vessels for coastal defense. Because galleys were rowed, they had more maneuverability in narrow waterways. This permitted galleys, whether fitted as privateers or naval craft, to strike quickly at the enemy and then retire to areas unnavigable by larger vessels.[19]

The generic term "spider catcher" usually referred to another type of small, oared-vessel used as a privateer.[20] It was typically not more than thirty feet in length or

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[18] A report from the West Indies stated that an unknown brigantine was spotted in Caribbean waters and was rowed by sixteen oars, eight on either side. However, this was not unusual as most vessels carried oars for periods of no wind. Williamsburg, Virginia Gazette (July 10, 1779).

[19] For a description of the naval galleys built in Virginia and sent to North Carolina, see William N. Still, Jr., North Carolina's Revolutionary War Navy (North Carolina, 1976).

[20] Technically, galleys could be classified as "spider catchers". Usually, however, the term was reserved for rowed vessels too small to be classified as galleys. For example, a whale boat typically would not carry as many oars as a galley and, therefore, was more accurately classified a "spider catcher".

heavier than eight to ten tons. Unless it was intended for long excursions, a "spider catcher" was usually open decked. Like the galley, a "spider catcher" often carried a mast and a sail as an auxiliary means of propulsion, but relied primarily on oars. Like most privateers, a "spider catcher" employed more men than would normally be required on merchant vessels. Depending on the size of the "spider catcher", a crew consisted of twelve to thirty men. This was more than twice the number needed to sail a craft the size of most "spider catchers". The reason for this higher number of crewmen was because while many of the crew were involved with rowing the craft, others were manning the guns or sailing the prize vessel when captured.[21] Again, like the galley, what made the "spider catcher" attractive as a privateer was not its ability to fight it out with a heavily armed man-of-war, but its speed and maneuverability. Therefore, it was unnecessary to burden them with a great quantity of weaponry. Often only a swivel gun or a small cannon was mounted in the bow. This also made "spider catchers" less expensive to fit out and to operate. A number of enterprising individuals with limited capital could pool together and fit

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[21]This was true for other privateering vessels, too. Depending on the size of the craft, crews ranged from six men aboard sloops thirty tons or less, to over 120 men aboard brigantines of only sixty to 100 tons. Charles H. Lincoln, Naval Records of the American Revolution, 1775-1788 (Washington, D.C., 1906), 326-329, hereinafter cited as Lincoln, Naval Records.

out a whaleboat or a barge as a privateering "spider catcher".[22]

The ketch, depending on its size, was another vessel economically fitted out as a privateer. Usually, the ketch was two-masted, fore-and-aft rigged on both the mainmast and the shorter mizzen. Because ketches were typically larger than galleys or "spider catchers", they were commonly used for more lengthy voyages along the American coast, into the West Indies, or across the ocean to Europe.[23]

Like the ketch, the schooner was typically larger than the open-decked galley or "spider catcher". Usually, the eighteenth century schooner was a two or more masted vessel, fore-and-aft rigged, but with the mainmast never shorter than the foremast. The schooner was probably the only original American design in sailing vessels prior to the American Revolution.[24] As was ideal for all privateering vessels, the

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[22]Wilbur, Revolution's Privateers, 8; Miller, Sea of Glory, 258; Melvin H. Jackson, "The French Privateers in American Waters, 1793-1798, the Failure of a Mission" (unpublished master's thesis, Harvard University, 1956), 33; Bernard C. Steiner, "Maryland Privateers in the Revolution," Maryland Historical Magazine 3 (June, 1908), 101; J. Parker, Acting Colo. Comdg., to Gov: Nelson, June 29, 1781, Calendar of Virginia State Papers vol. 2, 190; Elbridge Gerry to John Adams, December 4, 1775, Naval Documents of the American Revolution vol. 2, 1261, hereinafter cited as Naval Documents.

[23]William A. Baker, Colonial Vessels: Some Seventeeth-Century Sailing Craft (Boston, 1962), 152.

[24]Chidsey, American Privateers, 34; Howard I. Chapelle, The History of the American Sailing Navy: The Ships and Their Development (New York, 1949), 38-39.

schooner met the qualifications of being a fast sailer, and easily maneuvered compared to the bulky merchant vessels which privateers often targeted.

Ships were square-rigged, three or more masted vessels, and were seldom used as privateers. A larger crew was required just to sail a ship-rigged vessel and, regardless of the fact that a ship was able to take advantage of a greater diversity of wind conditions, it was not as swiftly maneuvered as vessels such as schooners or other smaller fore-and-aft rigged craft. Large, ship-rigged men-of-war compensated for this by being heavily armed permitting superiority through fire power rather than sailing dexterity. The privateersmen, on the other hand, typically had limited access to ordnance for his vessel and, therefore, was not capable of relying on fire power alone.[25]

Another interesting aspect of the privateer, only rarely elaborated on in the written record, was the vessel's appearance. Fortunately, however, a brief description was occasionally given. For example, the privateer Tartar in July, 1777 mounted:

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[25]As a further example of the limited use of ships as privateers, see Appendix J.

> 20 nine-pounders on the main-deck, 8 four-pounders on the quarter-deck, and 4 four-pounders on the forecastle . . . had an image head, and quarter galleries. All her guns on the main-deck were painted black; those on the quarter-deck and forecastle red. [The vessel] . . . was painted black and yellow, with tarred sides, and short topgallent mastheads.[26]

But it took more than a smartly painted vessel to have a successful privateering venture. There were many techniques for taking a prize and avoiding capture and to do it well required a considerable amount of skill and experience. For instance, the method of sailing under false colors could prove either successful or disastrous. The English privateer St. Mary's Packet, accompanied by the brig Sir George Collier, encountered the American sloop St. George outside Jamaican waters. The St. Mary's Packet, recognizing the vessel as American although flying a British flag, hoisted the colors issued by the Continental Congress while the Sir George Collier pretended to be a tender. The strategy worked. The Yankee vessel was captured and eventually sold as a prize in 1779.[27]

The more common the practice of flying false colors became, the more frequent were the confusions. Occasionally, privateers from the same country, flying the enemy's flag, would meet and flee from one another, jettisoning precious

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[26] Williams, Liverpool Privateers, 205.

[27] E. Arnot Robertson, The Spanish Town Papers: Some Sidelights on the American War of Independence (New York, 1959), 55-56, hereinafter cited as Robertson, Spanish Town.

ordnance to make their superfluous flight more swift. On occasion, privateers fired upon one another only to find they were fighting comrade instead of foe. In 1779 an English warship was chased in West Indian waters by what the captain believed to be an American privateer. The warship hoisted American colors and the privateer did the same. Seeing this, the captain gave chase to the privateer and around ten o'clock that evening finally drew close enough to fire upon the vessel. Suddenly the privateer opened fire from her stern chaser and succeeded in shooting away part of the warship's bowsprit gammoning and wounding a member of the crew. From this maneuver the captain concluded that this was not an American, but an English privateer. Why this maneuver was considered English is not understood; nevertheless, early the next morning, after staying out of reach of the privateer's guns for the remainder of the night, the captain learned that his intended adversary was, in fact, the privateer Tiger out of Bristol.[28]

A successful privateersman needed to be a skillful seaman and naval tactician, as well as almost having a sixth sense of locating enemy ships. To the uninformed, it seemed ridiculous to purposely collide into an opponent's vessel, but calculated collisions proved successful regardless of the risk

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[28]Wilbur, Revolution's Privateers, 71-73; An Account of the Privateer Tiger, August, 1779, The Private Papers of John, Earl of Sandwich First Lord of the Admiralty, 1771-1782 vol. 3, 112, hereinafter cited as Earl of Sandwich.

involved. By fouling the enemy's bowsprit in her main-shrouds, the attacking vessel was then able to rake the enemy's length. Privateersmen accomplished this by positioning their vessel slightly to leeward and about two ship lengths ahead of the enemy. At this point the wind was allowed to luff the sails (to flatten them against the mast) and the helm was then put hard alee (away from the wind) so that the enemy's bow was locked in the rigging. If the privateer miscalculated and overshot her opponent, she at least got a chance to rake the enemy's bow with cannon shot. The real danger came when the privateer undershot her intended victim's course and ended up with her own bow entangled in the enemy's rigging and helplessly exposed to broadside cannon fire.[29]

But before a privateer could take a vessel, she first had to catch it. This made fast vessels imperative. From a journal kept aboard the privateer Yankee, the author, known only as "a wanderer", wrote that:

> At 6 P.M. discovered a sail on the weather bow standing to the N.E. Distant about 42 a league. Lofted up and let reefs out of mainsail and topsail. Set the gib the square and for and aft forsail, upon which the sail tacked to the W. under her mainsail foresail and gib. During the chase several heavy squalls with floods of rain frequently made and took in sail as occasion required. At 7, being within gun shot of the sail, fired several shot at her. Still showing no colours,

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[29]Wilbur, Revolution's Privateers, 71-72.

> we gave her a broadside, when she tacked ship to the N.E. We gave her another broadside as she passed us and tacked ship in pursuit of her. Shortly after it commenced blowing with great violence. Took in gib square foresail and mainsail. At 8, being extremely dark with torrents of rain and blowing a strong gale from the E., lost sign of the sail.[30]

Foul weather prevented the Yankee from battling the vessel she pursued. But when this was not the case, vessels such as the Yankee were capable of inflicting a great deal of destruction.[31] Because of this, it was unwise to attempt approaching an enemy vessel in a small, poorly armed auxiliary craft such as a ship's boat. There were exceptions, however, when this tactic proved successful. For example, on board the Yankee, the diaryist recorded that at ten o'clock in the morning they spotted the English brig Fly at anchor, protected by the guns of Fort Apollonia in the West Indies. At approximately four o'clock in the afternoon the Yankee came in flying English colors until she was only a few yards from the English vessel. Twenty-one volunteers armed with knives and pistols set off in the Yankee's barge and made their way toward the Fly. The officers and six bargemen wore English

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[30] A Wanderer, Journals of Two Cruises Aboard the American Privateer "Yankee" (New York, 1967), 48-49, hereinafter cited as Wanderer, Two Cruises. Although this occurred in 1812, it still serves to illustrate the need for a fast vessel.

[31] For an example of the conditions of vessels after a sea battle, see John S. Barnes, ed., Fanning's Narrative (New York, 1968), 49, hereinafter cited as Barnes, Narrative; Williams, Liverpool Privateers, 288-289.

uniforms and the remainder of the boarding party concealed themselves beneath the boat's sail. The diaryist wrote that:

> According to this plan at 4 P.M. we rounded to within musket shot of the enemy and sent off the barge. Every heart beat high with anxiety as they saw her approach the enemy. In six minutes they were alongside and took possession of the prize. Not a shot was fired. Lieutenant Barton instantly cut the cable, made sail, and stood out to sea close on a wind. The Yankee now filled away and fired two twelve-pound shot directly into the fort, which (strange to tell!) were not returned.[32]

As with the Yankee's crew attacking the Fly from a barge, other privateersmen took considerable risk in taking prizes or avoiding their own capture. When Nathanial Fanning found that he could not escape the enemy warship pursuing his privateer, he knew that he would have to attempt a potentially hazardous gambit to avoid either being captured or running his vessel aground.[33] Deciding quickly on his plan of action, Fanning ordered the yards and the throat and peak ties of the mainsail secured with chains. He then instructed his officers and crew to lie "as flat upon the deck as they could." Fanning directed his vessel straight towards the enemy. In order to keep Fanning from passing, the British tried to bring the bows of their vessels together "head to head". But they did not position themselves in time and Fanning passed between them. The English

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[32]A Wanderer, Two Cruises, 135; Wilbur, Revolution's Privateers, 75.

[33]William Maxwell, ed., The Virginia Historical Register and Literary Advertiser 6 (October, 1853), 164.

frigates opened fire on either side of the privateer. Fanning's vessel was close enough when abreast of the warships that the British officers fired pistols at them. The officers were accompanied by marines and topmen whose musket fire ripped through the waist of the privateer and its boat stowed in the chocks upon deck. One of the twelve-pound chocks broke from the main boom and fell into the cabin. But fortune was with Fanning and his crew. Overall damage was slight and the privateer was able to get far enough to leeward that both frigates ceased firing their broadsides. They continued only with their bow guns until Fanning was out of range. The gamble proved worthwhile; although several men were wounded, no one was killed.[34]

Thus, as discussed above, privateersmen needed daring and skill to make their venture profitable. Also, it was necessary to have a swift, easily maneuvered vessel. In answer to this, privateersmen fitted out vessels such as sloops, galleys, ketches, and schooners.

Vessels such as the sharp-lined schooner and schooner-rigged ketch may have been uniquely American, but there was nothing unique or new about privateering. This had its start long before the American Revolution. Because of the extensive privateering history from the thirteenth century to the colonial wars, American colonists understood privateering and, thus, easily adapted to it in 1775. Once started,

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[34]Barnes, Narrative, 188-189.

privateering reached almost maniacal proportions as to popularity and the number of those involved in fitting out and commanding privateers. As will be seen, Virginia, Maryland, and a majority of the other rebelling American colonies fitted out privateers as did England itself. But regardless of its popularity, there were many opinions concerning privateering -- both pro and con.

CHAPTER II

THE ENDLESS CONTROVERSY

When the Revolutionary War finally erupted in 1775, many colonists from the Chesapeake region, as well as the rest of America, had litte doubt as to the conflict's justification. Moreover, the media encouraged American citizens to fight and, just as important, to fight with optimism. The Virginia Gazette in 1775 printed an article that argued:

> When the Turks were beaten by the Spaniards in the seafight of Lepanto, the latter boasted that they would soon destroy the Turkish empire. A shrewd Genoese reproved them for their vaunting, and told them that the loss of a single battle to the Turks, who had innumerable resources, was but like a man clipping his beard, which would soon grown again; but if the Spaniards were to suffer a great defeat it would be like lopping off an arm. So will it fair in the contest between Great Britain and America; was North or his tools to send 50,000 men to subdue the Americans to slavery it would be all in vain. What the regulars lose they cannot recruit; but should the Americans lose a hundred thousand men, their places would be immediately supplied by those, who would rather die than give up their liberty.[1]

Precisely how America was to fight at sea -- with independent privateers or with a Continental naval force -- was never entirely agreed upon. Many Americans understood the great profitability inherent in privateering; thus, they quickly and adamantly opted for this form of warfare. Massachusetts was already issuing state commissions to privateers by the fall of 1775 and it was not until March, 1776

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[1] Williamsburg, Virginia Gazette (November 2, 1775).

that the Continental Congress even resolved that American privateering was legal. Many Americans understood that to attempt confronting the British naval power head-on was impossible. To construct an American navy which would even come close to matching England's maritime strength necessitated more years and finances than were available. Hence, privateering was considered the only feasible way to challenge England on the high seas. Silas Deane in Philadelphia received a letter from the Continental Congress on August 7, 1775 which explained that by attacking England's shipping through privateering, Congress expected "to Make their Men of war weary of their unprofitable and hopeless Cruises, and their merchants Sick of a Contest in which so much is Risk'd and Nothing gained."[2] But England also used this strategy of weakening an opponent by attacking his shipping. Therefore, John Hancock, the president of the Continental Congress, argued that the only way to protect American trade was by expediently fitting out as many privateers as possible.[3]

Another objective of privateering was to supply the nation with goods otherwise unavailable. On December 5, 1775 James Warren, paymaster general of the main army, wrote

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[2]Committee of Secret Correspondence of the Continental Congress to Silas Deane, August 7, 1776, Naval Documents vol. 6, 103.

[3]The President of Congress to the New Hampshire Assembly, April 12, 1776, Letters of Members of the Continental Congress vol. 1, 418, hereinafter cited as Letters of Congress.

to Samuel Adams assessing that American privateers had exceeded his expectations for capturing supplies. Several vessels were taken, "one from Scotland dunnaged with coal and filled up with Bail [sic] Goods to a very Considerable Amount." Warren believed that if only fifteen privateers had been fitted out by last June, it would have "put an End to War, or at least Obliged the Fleet and Army to leave Boston."[4] By August, 1776, John Adams had been informed that at least 3,000 hogsheads of sugar were recently captured -- not including the two additional vessels sent into Maryland. Adams went on to explain that:

> Thousand of schemes for privateering are afloat in American imaginations. Some want to take Hull ships with woolens for Amsterdam and Rotterdam; some are for the tin ships; some for the Irish linen ships; some for outward bound, and others for inward bound Indiamen; some for the Hudson's Bay ships; and many for West-India sugar ships. Out of these speculations many fruitless and some profitable projects will grow.[5]

On September 7 of that year Abigail Adams reflected her husband's earlier impression. She wrote that in Braintree, Massachusetts the enthusiasm for privateering was as great as anywhere and the success just as good.[6]

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[4]James Warren to Samuel Adams, December 5, 1775, Naval Documents vol. 2, 1286.

[5]John Adams to Mrs. Adams, August 12, 1776, American Archives Consisting of a Collection of Authentick Records, State Papers, Debates and Letters and Other Notices of Publick Affairs ser. 5, Vol. 1, 908, hereinafter cited as American Archives.

[6]Abigail Adams to John Adams, September 7, 1776, Naval Documents vol. 6, 731.

James Warren noted to Samuel Adams in a letter dated August 11, 1776 that in Boston the business most everyone was interested in was the fitting out of privateers and the "condemnation and sale of prizes." Warren expressed amazement at the number of captures already brought into port. He explained that there were so many prizes that it was impossible for him to keep count of them all.[7]

Earlier that year (in March) Adams suspected that the security of Boston harbor was paramount to privateers bringing in their prizes, vital to the wealth and trade of America. Warren's observation proved Adams' point.[8] In Massachusetts, as elsewhere, privateers regularly brought in important supplies ranging from military stores to salt.

Almost as important as gunpowder, salt was a scarce commodity and essential to American trade. Before refrigeration or canning, salt was used as a preservative for fish and meat. New England fisheries developed salted fish into an important trade article long before the Revolution; hence, without salt the fisheries could not have survived. Customarily, Americans imported salt from the British-owned Turk's Island and the Dry Tortugas in the Bahamas. Bermudians at an early date had developed salt works at these two locations

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[7]At the time of Warren's letter, well over twenty vessels had been taken safely into Boston. William M. Fowler, Jr., Rebels Under Sail (New York, 1976), 128.

[8]James Warren to John Adams, August 11, 1776, Naval Documents vol. 6, 143; John Adams to Cotton Tufts, March 29, 1776, Naval Documents vol. 4, 567.

and traded the salt in exchange for flour and grain with the American colonies, or sold it directly to passing American privateers and trading vessels.[9] Eventually, however, the American colonies severed the salt trade with Bermuda. Congress felt that it was diplomatically unwise to trade with the enemy (Bermuda) while trying to improve relations with France and other foreign powers. The American colonists, therefore, had to rely more on the salt supplied by the French West Indies and the coastal salt works of North America. As a result, these salt works became frequent targets for British raiders and the salt supplied by privateering captures increased in importance.[10]

Like salt, military supplies were another highly prized commodity brought in by privateers. Although guns and other military stores were manufactured in the colonies, there were never enough to supply the Continental and state troops' demands. Thomas Jefferson, Virginia's governor, wrote to

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[9]Samuel Martin on February 20, 1777 wrote that he had hoped that by blocking the flow of salt the Southern Colonies would be seriously damaged. However, colonies such as Virginia were actively trading such articles as corn, pork, peas, and other provisions for salt, of which Bermuda maintained an almost uninterrupted supply. Samuel Martin to the Court of Admiralty, February 20, 1777, Earl of Sandwich vol. 1, 220-221; Robert W. Coakley, "Virginia Commerce during the American Revolution" (unpublished doctoral dissertation, University of Virginia, 1949), 288, hereinafter cited as Coakley, "Virginia Commerce."

[10]Risch, Supplying, 198-200; New Bern, The North Carolina Gazette (March 13, 1778); Larry G. Bowman, "The Scarcity of Salt in Virginia During the American Revolution," The Virginia Magazine of History and Biography 77 (October, 1969), 464.

General Horatio Gates on September 23, 1780 and explained that a recent prize cargo of tents and blankets was extremely fortunate because it was nearly impossible to obtain these articles in Virginia.[11] Throughout his correspondence, Jefferson was never opposed to privateering, and, in fact, often lamented that Virginia did not have more. John Page, an old friend of Thomas Jefferson and a prominent Virginia landowner, informed Jefferson as early as November 24, 1775 that if Jamestown was only supplied with powder, cannon, and a few privateers, the patriots there would have been able to deter much of Royal Governor Dunmore's depredation.[12] Virginia, however, was never able to obtain an adequate supply of commissions. Patrick Henry in Williamsburg on January 27, 1778 requested the Virginia delegates to get at least 100 more commissions as he had already issued what they had. Throughout 1779 Jefferson almost continually requested a supply of blank commissions. On June 19 he wrote the Continental Congress that the Virginia delegates had informed him "that one might now obtain blank letters of marque for want of which our people have longed & exceedingly suffered."

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[11] Elizabeth Dabney Coleman, "Guns for Independence," The Virginia Cavalcade (Winter, 1963-64), 40-47; To Horatio Gates, September 23, 1780, The Papers of Thomas Jefferson, vol. 3, 658, hereinafter cited as Papers of Jefferson; Coakley, "Virginia Commerce", 2.

[12] Dunmore's activity is explained further in Chapter III. From John Page, November 29, 1775, Papers of Jefferson vol. 1, 265; Arthur H. Shaffer, ed., Edmund Randolph, History of Virginia (Virginia, 1970), 260.

He requested fifty commissions and hoped that these would result in an increase in the number of prizes brought into Virginia because up to that point the amount was almost nil. "A British prize would be a more rare phaenomenon here than a comet, because the one has been seen, but the other never was."[13]

The different states were strongly in favor of privateering because of the goods that were provided. The majority of individuals, however, became privateersmen for profit. The large scale lucrativeness of privateering was reflected in the optimistic enthusiasm of the practitioners. An article in the Virginia Gazette reported that an unarmed brig was recently sent to Portugal to bring back fruit and wine for the use of Lord Dunmore in Virginia. The writer of the article insouciantly suggested to:

> Keep a sharp lookout for this vessel, boys. PUNCH is a most agreeable and enlivening beverage in hot summer weather; and our good housewives will want plums, &C against Christmas, to trim up many a dainty dish for that festive season.[14]

Although the initial investment in privateering required more capital than what many could afford, the returns were usually high enough to inspire the investor to find alternate ways of financing. Abraham Ten Broeck, president of the

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[13]Thomas Jefferson to John Jay, June 19, 1779, Papers of the Continental Congress, National Archives Microfilm Number M247, (RG 360), reel 85, hereinafter cited as PCC; To John Jay, June 19, 1779, Papers of Jefferson vol. 3, 5.

[14]Williamsburg, Virginia Gazette (April 26, 1776).

New York convention, addressed his constituents on December 23, 1776 and reported that privateers had already brought in more than 1,500,000 pounds sterling worth of British property. A privateer, on the second day of that month, had brought in a ship that alone was worth 37,000 pounds sterling.[15] On June 18, 1776 George Woolsey of Baltimore, Maryland wrote to his partner, George Salmon, and explained that he had made a seventy pound profit from a fifty pound investment in the Rebecca and Sally venture.[16] Just prior to his letter, the vessel cleared at least 400 to 600 pounds profit.[17]

Of course, not all privateering ventures ended successfully. William Preston of Philadelphia asked Colonel John Floyd to try and charter a vessel the next time Floyd was in Williamsburg, Virginia. Preston and two other gentlemen wanted to fit out a privateer and send it to cruise in the West Indies. By November 21, 1776 Floyd wrote and notified Preston that the cost of chartering a vessel in Williamsburg was forty pounds per month plus the value of the vessel if

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[15] An Address of the Convention of the Representatives of New York to their Constituents, December 23, 1776, American Archives, ser. 5, vol. 3, 1386.

[16] George Salmon was detained in Ireland while on business when the Revolution broke out. George Woolsey's letter was intended to encourage Salmon to sail home as soon as possible so that he too could share in the profits being made in America.

[17] George Woolsey to George Salmon, June 18, 1776, Naval Documents vol. 5, 606.

lost. Estimating the additional expenses involved, Floyd believed that these terms were impractical.

By December 16, however, Floyd wrote that he and nineteen others had each invested 200 pounds and purchased the vessel Phoenix, fitted out for a privateering cruise of three months. When the Phoenix left for the West Indies in January of 1777, Floyd went as the vessel's supercargo. The voyage was successful while the Phoenix was in the West Indies, but before the ship could make it past the mouth of the Chesapeake Bay, she was captured by a British cruiser and her crew sent to Forton Gaol in Portsmouth, England.[18]

Mostly out of convenience, the British usually sent rebels captured in American waters to one of the prison ships anchored in Wallabout Bay off Brooklyn, New York. Nevertheless, there were instances -- as in John Floyd's case -- when prisoners were sent to be incarcerated in England. While in the custody of the British, conditions for American prisoners were harsh.[19] A report from Baltimore dated January 21, 1777 stated that when General Mercer's body was exposed before the public in Philadelphia:

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[18]On one of the prizes captured, Floyd even procured a wedding gown for his fiancee. Anna M. Cartlidge, "Colonel John Floyd: Reluctant Adventurer," The Register of the Kentucky Historical Society, 66 (October, 1968), 341-344.

[19]Wilbur, Revolution's Privateers, 85.

> it could not fail to excite the indignation of every person of honor and humanity to view the savage manner in which he was bruised and mangled, it being well proved that several of the stabs which he receive were basely given after he became a bleeding languishing prisoner. A nearly similar fate attended other brave officers, no quarters, being given by the enemy.[20]

Part of the reason for the cruel treatment Americans received from the British was due to England's opinion of her insubordinate colonists. American privateersmen, for instance, were considered nothing more than rebellious pirates and maritime criminals. The Crown viewed the American colonies as being subject to the jurisdiction and precepts of the British government; thus, because the British government certainly had not commissioned a single American to prey on British shipping and trade, the Americans who did so were considered outlaws.[21] The Americans acted under no legal authorization and were to be dealt with in the same manner as pirates of any origin. On September 17, 1775, in a letter written on board the HMS Preston in Boston, Vice Admiral Samuel Graves instructed Captain James Wallace to use any means available to take, burn, sink, or destroy at sea or on shore every American or rebel in arms. In addition, any

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[20] Williamsburg, Virginia Gazette (January 31, 1777).

[21] This, of course, was governmental policy and not necessarily the views of every citizen living in England. For additional information concerning England's views of Americans, see Benard Bailyn, Ideological Origins of the American Revolution (Massachusetts, 1967); Patricia U. Bonomi, A Factious People: Politics and Society in Colonial New York (New York, 1971).

town was ordered destroyed if there was the slightest suspicion that the inhabitants were fitting out or harboring rebel pirates.[22] Graves ordered Captain John Collins of the sloop Nautilus to seize any vessel laden with provisions regardless of whether the vessel was in breach of any act of trade or not.

Technically, Graves' orders were legitimate. English regulations concerning illegal trade read that:

> For the greater freedom of commerce and navigation, it is agreed and concluded, that the king of Great Britain and the States General, shall not receive into their haven, cities, and towns, nor suffer that any of the subjects of either party do receive pirates or sea rovers, or afford them any entertainment, assistance, or provisions, but shall endeavor, that the said pirates and sea rovers, or their partners, sharers, and abettors, be found out, apprehended, and suffer certain punishments, for the terror of others; And shall the ship, goods, and commodities, piratically taken by them, and brought into ports of either party, which can be found; may, although they may be sold, shall be restored to the right owners, or to those who by letters of attorney, shall challenge the same, provide the right of their property be made to appear in the Court of Admiralty by due proofs according to law.[23]

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[22] Instructions to British Officers, September, 1775-August, 1779, The British Admiralty Records, Division of Archives and History, Raleigh; Vice Admiral Samuel Graves to Captain James Wallace, HMS Rose, September 17, 1775, Naval Documents vol. 2, 129.

[23] An American Citizen, An Appeal to the Government and Congress of the United States Against Privateers (Louisville, 1966), 32, hereinafter cited as An American Citizen, An Appeal. For further example of English regulations of trade, see To the Court of Admiralty, January 17, 1780, The Naval Papers of Sir Andrew Snape Hamond, bart., 1766-1783 and Sir Graham Eden Hamond, bart. 1799-1825, roll 2, hereinafter cited as Hamond Papers.

This extreme British animosity thus influenced the way Americans were treated. When the British took possession of Newport, Rhode Island, a man who had served as a lieutenant aboard an American privateer was called before Lord Hugh Percy, Admiral Peter Parker of the Royal navy, and British General Richard Prescot. Upon learning of the man's past activity, Prescot exploded, "Damn your blood, one of the dam'd thieves", and struck the man on the face and wanted the man hanged. The former privateersman tried to defend himself by explaining that as an American he had always provided for British prisoners left in his charge, even when there were no provisions left for himself. Prescot angrily replied that he knew from personal experience how British prisoners were treated and hit the man again.

Lord Percy, himself a general in the British army, finally tried to intervene by stating that Prescot should not act in such a way to a prisoner. Prescot retorted that the prisoner should be "chained neck and heels, and fed with nothing but oatmeal and wetel, and while he lived his life should be miserable." With this, Prescot struck the man again. Eventually the American was saved from further abuse by being taken from Prescot and "mercifully" placed in prison.[24]

Like Colonel Prescot, General Howe ostensibly felt that

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[24]Williamsburg, Virginia Gazette (March 14, 1777).

all American privateersmen should be hanged and shown no mercy. Similarly, when the British frigate Andromeda captured Captain Nathanial Fanning and his crew, they were stripped of their belongings and given ragged and filthy smocks and trousers to wear as this was "good enough for them to be hanged in." The men were imprisoned in the frigate's hold which was described by Fanning as being so hot that they had to go "stark naked" and were allowed on deck only one person at a time, every twenty-four hours.

Fanning described the treatment in the English prison as cruel and unjust. He and his men were fed only one very small meal a day. The prisoners were provided with only a single set of clothing and upon one occasion, the prison warden maliciously set fire to the prisoners shirts as they hung on pickets to dry. As the prisoners ran to save their shirts, the warden commanded the guards to fire into the crowd, killing one prisoner and wounding several others. The warden later defended himself by testifying that he ordered the shooting only to terminate a riot.[25]

Although conditions were bad in the prisons, they were even worse aboard English prison ships. The infamous Jersey, moored just off of Brooklyn in Wallabout Bay, was an old warship of sixty-four guns. In 1776 she was condemned as unseaworthy, dismantled, and converted into a prison ship.

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[25]Nathanial Fanning, Memoirs of the Life of Captain Nathanial Fanning (New York, 1808), 14-22.

Conditions were sadistic and degrading for the inmates aboard the Jersey. Filth was rampant. On deck, the prison keepers raised pigs and did nothing about the animals fecal elimination. This and the unavoidable human waste made the air putrid in the ship's hold. Food was a rare commodity and was often eaten without being cooked as kitchen fires of any kind were usually denied. The food consisted mostly of rotten pork and beef, and worm-eaten bread all of which had been condemned on board British ships of war. Prisoners had to steal grain from the pigs' trough just to stay alive.[26] The drinking water was rancid and stunk, and there was certainly no means for the prisoners to bathe. Vermin covered their bodies, and what little clothing they had was worn and tattered, providing no protection from the cold at all.[27]

Death was a common occurrence among the Jersey's inmates. Once a day, the command "up on deck, you damned Yankee Rebels, and turn out your dead" was shouted and prisoners were allowed on deck, hoisting the dead above them. While out of their cells, the prisoners were kept busy either washing down the portions of the deck not inhabited by livestock, or pumping out the hold. When the ship grounded itself in the mud of the shallow river, which it often did, the mud

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[26]Charles H. Metzger, The Prisoner in the American Revolution (Chicago, 1962), 283-285.

[27]Henry R. Stiles, ed., Letters from Prisons and Prison Ships of the Revolution (New York, 1865), 47-49.

oozed between the poorly caulked timbers and into the pump. When this happened, the prisoners working the filled pumps were often beaten to death by the guards. Statistically, it is difficult to ascertain exactly how many prisoners died aboard prison ships such as the Jersey because no record of the dead was ever kept. But pestilence and starvation must have taken a heavy toll because of the filthy and inadequate conditions.[28]

In contrast, Americans treated British prisoners in a far more humane manner.[29] James Downie and William Thompson, in charge of British military prisoners in Virginia, asked Thomas Jefferson for advice concerning paroles to British privateering captains confined at Hampton Roads. Because the British officers had no friends in Virginia and "scarcely any clothing" except what was on their backs, Jefferson decided to allow the men to return, on parole, to their families in New York.[30]

On a number of occasions, Americans were lenient to the point of irresponsibility. British prisoners on board ships

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[28]Charles H. Jenrich, "The Old Jersey Prison Ship," United States Naval Institute Proceedings 89 (February, 1963), 169.

[29]The French tended to be more humane than either the Americans or the British. John O. Sands, "Sea Power at Yorktown: The Archaeology of the Captive Fleet" (unpublished doctoral dissertation, George Washington University, 1980), 119, hereinafter cited as Sands, "Sea Power"; Barnes, Fanning's Narrative, 227.

[30]James Downie, And Willm Thompson To Gov: Jefferson, May 4, 1781, Calendar of Virginia State Papers vol. 2, 86.

captured by Americans were often left unconfined. Captain Johnson of the Boston privateer Yankee found that this kind of trust spelled disaster. On July 13, 1776 the English prisoners, held on board, captured the Yankee and took her and Captain Johnson to Dover, England. The English did not afford Johnson the same courtesy he had given them while they were prisoners. Johnson was frequently insulted while at sea, "calling him the most opprobrius names, and threatening him with the cruellest and most savage punishments." While at Dover, the English allowed people to board the privateer in order to view and cast insults "in the grossest terms" at Johnson and his men.[31]

In spite of many English subjects' opinions concerning the rebelling American colonists, it was not uncommon for British sailors to desert and escape to America.[32] This was the case with Captain Waterman who commanded a vessel in the London trade before the British evacuation of Philadelphia in February, 1777. While attending his uncle's funeral in London, Waterman was impressed on board a British ship named the Garland. Because he wanted "to reside where he had been always kindly treated", Waterman managed to escape the Garland on board a privateer and eventually "succeed[ed] in

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[31]Extract of a Letter from Dover, July 31, 1776, Naval Documents vol. 6, 517.

[32]Vice Admiral James Young to Philip Stevens, March 8, 1777, Naval Documents vol. 8, 63.

landing on Hog Island on the Eastern shore" and making his way to Yorktown.[33]

British treatment of seamen captured on board privateers may appear to have been excessively harsh. Nevertheless, the American colonies were in rebellion against the Crown. This explained why the British were inimical to American privateering. But many Americans themselves were critical of this form of warfare. Whereas Thomas Jefferson stated that privateering was a "national blessing, when a country like America is at war with a commercial nation", Benjamin Franklin argued that free ships should make free goods and that unarmed trading vessels were best left undisturbed during times of war.[34] Franklin had financed several privateering voyages and, yet, believed that privateering was far from profitable on the whole. Although he admitted that some enemy ships were surprised and taken by privateers, he was quick to point out that this only encouraged more privateers to be outfitted. As a result, an enemy increased its protection by arming ships more heavily and travelling in convoys more frequently. Thus, regardless of the increase in privateering, the number of vessels captured decreased, directly affecting a decrease in profits. This resulted in

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[33]Wm. Reynolds, W. Goosley and Wm. Cary, Magistrates to the Governor, December 31, 1782, Calendar of Virginia State Papers vol. 3, 409.

[34]Williams, Liverpool Privateers, 193; James Beck Perkins, France in the American Revolution (Boston, 1911), 156, hereinafter cited as Perkins, France.

the expenses being more than the gains. Franklin also feared the post-war national loss of labor due to the majority of men being "employed in robbery". Franklin saw these individuals as primarily being concerned with "rioting, drunkeness, and debauchery" and predicted that these men would "lose their habits of industry" because they were "rarely fit for any sober business." Privateers, he believed, served only to increase the number of "highwaymen and house breakers."[35]

The major reason why the Continental Congress initiated privateering was so that it would detrimentally affect the commerce of Great Britain. But as the war wore on, Lloyds' records indicated that American privateers had only a limited effect on English shipping as a whole. In 1775 the total imports into England were worth 31,763,480 pounds sterling. This sum increased continually during and after the Revolution so that by 1787 the total worth of imports and exports rose to 36,000,000 pounds sterling.[36] This caused many, as the Revolution grew to an end, to doubt the sagacity of nationally supporting privateering.[37]

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[35] An American Citizen, An Appeal, 9-10.

[36] Frederick Martin, The History of Lloyds and of Marine Insurance in Great Britain (New York, 1971), 164.

[37] Perkins, France, 194; An American Citizen, An Appeal, 10; For further example of Benjamin Franklin's opinions concerning privateers, see William Bell Clark, Ben Franklin's Privateers: A Naval Epic of the American Revolution (Louisiana, 1956).

One of the major problems with privateering was its adverse effect on the navy. By the end of November, 1775 the navy was still a divided issue; thus, Congress was slow to develop a naval fleet. But on October 13 -- now the official birthday of the navy -- Congress authorized the purchase of two vessels. In the following weeks a total of eight merchantmen were bought, armed as warships, and dispatched in search of the enemy supply vessels. The Naval Committee, which included Richard Henry Lee of Virginia, hurried this tiny fleet to sea.

Within weeks the fleet had successfully captured seven valuable English vessels. This convinced Congress to support a Continental navy. More vessels were fitted out and Esek Hopkins, a former Rhode Island privateersman, was chosen to serve as commander of this growing naval force. Regulations concerning naval administration were resolved; officers, seamen, and marines were enlisted; and by December plans were put into effect to build thirteen new frigates (instead of merely converting used merchant vessels).[38]

By 1775 the various state navies were also developing. Throughout the war the Continental navy was never able to provide protection for all of the states. Because of this,

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[38]Nathan Miller, "Chesapeake Bay Ships and Seamen in the Continental Navy," Chesapeake Bay in the American Revolution, ed. Ernest McNeil Eller (Centreville, 1981), 137. For further information concerning the development and administration of the Continental navy, see Miller, Sea of Glory.

most states had to maintain their own naval protection. Like the Continental navy, the state navies depended on enlistments to man their fleets.[39] But men were more quickly attracted to privateering over naval service because of the chance of making far more money in a much shorter period of time. Although privateersmen were not paid a regular wage, as were naval personnel, privateersmen received a much higher proportion of the prize money when a capture was sold.[40] Usually a naval crew only received one-third of the value of a prize -- the other two-thirds being paid to Congress. Privateersmen received one-half of the prize's value. Later Congress resolved that privateersmen were to receive the entire value of the prize. Privateersmen also had flexibility concerning their duration of service. Unlike sailors, there was no set length of time a privateersman had to serve. Technically, once in port, he could continue his service aboard the privateer or collect his share of the prize money, if any, and go on to something else. The decision to stay was

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[39]Robert Armistead Stewart, The History of Virginia's Navy of the Revolution (Virginia, 1933), 15, hereinafter cited as Stewart, Virginia's Navy.

[40]The rate of pay for naval personnel per month was as follows: Captain or Commander: $32; Lieutenant: $20; Master: $20; Mates: $15; Boatswain: $15; Boatswain's 1st Mate: $9 1/3; Boatswain's 2nd Mate: $8; Gunner: $15; Gunner's Mate: $10 2/3; Surgeon: $21 1/3; Surgeon's Mate: $13 1/3; Carpenter: $15; Carpenter's Mate: $10 2/3; Cooper: $15; Captain's or Commander's Clerk: $15; Steward: $13 1/3; Chaplain: $20; Able Seaman: $6 2/3; Captain of Marines: $26 2/3; Lieutenants of Marines: $18; Corporals of Marines: $7 1/3; Fifer: $7 1/3; Drummer: $7 1/3; Privates or Marines: $6 2/3. Journal of the Continental Congress, November 28, 1775, Naval Documents vol. 2, 1178.

made less difficult by the fact that privateering voyages were usually short. Depending on where the vessel sailed, a cruise frequently lasted only a few months. In contrast, naval voyages could last a year or more. Also, the privateering crew had some say, although it was undoubtedly limited, as to where the vessel sailed. Those in the navy ultimately received their orders from the Continental Congress and, in comparison with privateersmen, had little choice as to their deployment. Many felt that privateersmen took advantage of their situation.[41] For example, George Washington was critical with the way privateersmen exploited their autonomy.[42] In November, 1775 he wrote to Colonel Joseph Reed and commented that "our rascally privateersmen

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[41] William D. Hoyt, "Letters Taken in Prizes, 1778-1780," The American Neptune 5 (April, 1945), 111.

[42] The British had as much difficulty as the Americans when it came to controlling privateers. For example, Captain William Thomas wrote to Thomas Symonds, Commander of HMS Sharon on the Elizabeth River in Virginia during March, 1781 and stated that although the rebels were suffering from lack of supplies, they did have some heavy cannon set up and five armed vessels consisting of two brigs, two schooners, and one sloop between Brown's Point and the windmill. Thomas hoped that the two British privateers, Surprise and Trimmer, would destroy the American vessels and proceed as far as Alexandria to deter the rebels from crossing the river. He knew, however, that privateersmen had their own mind in such affairs and realized that he could not depend on them to fulfill his wishes. Capt. W. Thomas (British) to Thomas Symonds, Esq., Commander of H. M. Ship Sharon, March 20, 1781, Calendar of Virginia State Papers vol. 1, 583.

go on at the old rate; mutinying if they cannot do as they please."[43]

The popularity of privateering caused shipwrights to be lured to the lucrative business of constructing vessels intended as letters of marque. This greatly affected the navy to the extent that they were usually forced to take whatever types of vessels were available: freight boats, fire ships, galleys, packets, brigs, schooners, sloops, ships, or men-of-war.[44] The demand for vessels inflated not only construction prices, but the prices on other items as well. In September, 1776 the cost of a small carriage gun was approximately 400 dollars per ton.[45]

Privateering also lured away soldiers from the army. The problem was serious as early as November, 1776. General Charles Lee suggested that a temporary "embargo" be placed on privateers until each state could fill up their regiments. Likewise, General Nathanael Greene wrote that the "success of

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[43]George Washington to Colonel Joseph Reed, November 20, 1775, Naval Documents vol. 2, 1082.

[44]Miller, Sea of Glory, 205; Charles O. Paullin, "The Navy of the American Revolution: Its Administration, its Policy and its Achievements" (unpublished doctoral dissertation, University of Chicago, 1906), 110-112, hereinafter cited as Paullin, "Navy of the American Revolution."

[45]Commodore Hopkins to the Marine Committee, September 10, 1776, American Archives ser. 5, vol. 2, 202; Petition of Glasgow Merchants, September, 1782, English Records, Box ER12, Division of Archives and History, Raleigh, North Carolina.

privateering has all the troops distracted. 'Tis impossible to oppose the enemy successfully without a good . . . body of troops, subject to proper discipline and well officered."[46]

Ostensibly, the reason some men left the army was that they felt their service to the country was maximized by serving on a privateer. In May, 1776 James Campbell of Maryland resigned his commission as first lieutenant. When writing to Daniel of St. Thomas Jenifer for material to outfit a privateer, Campbell explained that he honestly would never have left the army if he did not believe he would benefit the cause more as a privateersman.[47] Campbell may have been speaking the truth and more than likely there were many who agreed with him. Nevertheless, the majority recognized that serving on a privateer was far more advantageous than in the army.

For the average soldier to leave the army to become a privateersman was not so simple as merely writing a letter of resignation, however. In February, 1782 General William Smallwood of the Continental army reported that several Maryland state soldiers in the Continental service had recently deserted and were believed to be on board the

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[46] General Lee to the New Hampshire Council, November 27, 1776, American Archives ser. 5, vol. 3, 872.

[47] James Campbell to Daniel of St. Thomas Jenifer, May 1, 1776, Archives of Maryland vol. 11, 398; Lieutenant James Campbell to Daniel of St. Thomas Jenifer, May 1, 1776, Naval Documents vol. 4, 1369.

Maryland privateer Matilda in the port of Baltimore. The council informed the captain of the Matilda, James Belt, of the deserters and requested their apprehension and return to the army.[48]

Not only Americans were guilty of desertion so as to become privateersmen. In September, 1782 Chevalier De La Vallette, commander of the French ship Romulus, also lost several of his men, including the cook, to the Matilda while in the port of Baltimore. Unfortunately, the Matilda had already sailed. Abashed, the Maryland State Council wrote an apologetic letter to Monsieur De La Vallette and explained that they were doing everything possible to stop the Matilda before she left the bay and retrieve the commander's men.[49]

It is difficult to estimate just how effective privateers were. It is true that they did supply commodities to an American economy very much disrupted by the war.[50]

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[48]Council to Capt. James Belt, February 26, 1782, Archives of Maryland vol. 48, 87.

[49]Council to Chevalier De La Vallette, Brigadr commanding the French troops at Baltimore, September 4, 1782, Archives of Maryland vol. 48, 252.

[50]The war cut the import and export supplies of Port Roanoke, North Carolina from 1,400 tons in 1773 to less than eighty tons in 1776. In Virginia and Maryland, the exports to England dropped from 758,356 pounds in 1775 to zero in 1778 through 1782. Ira Wilson Barber, "The Ocean-Borne Commerce of Port Roanoke, 1771-1776" (unpublished master's thesis, University of North Carolina, Chapel Hill, 1931), 51, hereinafter cited as Barber, "Port Roanoke"; Charles H. Evans, Exports, Domestic and Foreign, From the American Colonies to Great Britain from 1697 to 1789 (New York, 1976), 8; Ellen C. Semple, American History and its Geographic Conditions (New York, 1903), 167.

Between April, 1775 when the war started, and the signing of the peace treaty in 1783, the Continental navy and American privateers together may have captured more than 2,000 vessels. It is also true that American privateers hampered British shipping to such a degree that England was forced to increase ship ordnance and the number of men-of-war sent in convoys.[51] In fact, Congressman Josiah Bartlett was disgraced with his fellow congressman, William Whipple, when in June, 1778 Whipple wanted privateering stopped. Bartlett in Yorktown explained that privateering had done far more to hamper British shipping and to provide supplies to America than what could ever have been hoped from the Continental navy.[52]

Indeed, the effect of the American privateer on the war varied considerably. On the one hand, it was a major factor in stimulating economic inflation and seriously undermined military enrollment in the American colonies. But the valuable supplies brought in by privateers, which would otherwise have been unavailable to either the military or the general populace, tended to keep up the patriotic morale of the American people. This was true regardless of the fact that

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[51]Miller, Sea of Glory, 260; Gardner W. Allen, A Naval History of the American Revolution 2 (New York, 1940), 246; Lincoln, Naval Records, 91; Trevelyan, George the Third vol. 1, 158; W. M. James, The British Navy in Adversity (New York, 1926), 38.

[52]Josiah Bartlett to William Whipple, June 20, 1778, Letters of Congress vol. 3, 309.

American privateering did little to English shipping as a whole. Also, privateering helped maintain open communication with the rest of the world thus preventing the complete isolation of the colonies. Lastly, privateers bearing the American flag were "tangible evidence of America's determination to see the issue through to a conclusion -- an implication not lost on France, Spain and Holland."[53]

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[53]Morgan, "American Privateering", 86.

CHAPTER III

VIRGINIA PRIVATEERING: THE DILATORY REBELLION

The historical record suggests that Virginia privateering was very limited during the first years of the Revolution and did not increase to any extent until approximately 1781.[1] Part of the reason for this was due to the depredations wrought by British officials such as Lord Dunmore and those who succeeded him.

Between 1775 and 1776 Lord Dunmore, royal governor of Virginia, was the bane of Chesapeake Bay and of Virginia in particular. When Dunmore arrived in Virginia in 1771, nearly all of Williamsburg found this well-mannered, graceful governor captivating. But over the next four years revolutionary sentiment spread throughout the colonies. Eventually, the situation became dangerous enough that Dunmore sent his family to England on board the HM schooner

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[1] To give a comprehensive and complete description of Virginia privateering is most difficult because the extant historical documentation is incomplete. Although this is discussed in more detail later, it should be explained that, by utilizing personal correspondences and newspaper advertisements concerning prize cargo sales, it is possible to piece together at least a better understanding of privateering in Virginia during the first years of the Revolution. What follows is not by any means a complete analysis of Virginia privateering, but, instead, is intended only as a general description to point out that Virginia privateersmen were more active than most historians have previously suggested. Authors such as Donald B. Chidsey in The American Privateers, and Charles O. Paullin in his dissertation "The Navy of the American Revolution: Its Administration, its Policy and its Achievement", both suggested that although Virginia did have privateering, it was never really a very important activity.

Magdalen. By July 15 Dunmore himself retreated to the HM sloop Otter and tried "to govern Virginia from the quarter-deck."[2] Vehemently opposed to America's rebellion, Dunmore tried whatever tactic he could to squelch Virginia's opposition to the Crown.[3] He wrote to Lord Dartmouth on October 5, 1775 explaining that it was galling to watch the rebels constantly developing a defense for themselves, especially when "a very small force well applied now would not only effectually frustrate all their schemes for the present, but soon reduce the whole of his Southern part of his Majesty's Continent to a proper State of Submission."[4] With this sentiment, Dunmore deployed his naval vessels and soon took severe and tyrannical measures attempting to control Chesapeake Bay. The Virginia Committee of Safety on November 11, 1775 calculated that Dunmore's naval force consisted of the Ship Mercury of twenty guns and 170 men; four schooners, one of which was seized at Norfolk; three sloops, including the Otter; three pilot boats with several four- and three-pounders as well as swivels; the William[5]

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[2]Alf J. Mapp, Jr., "The 'Pirate' Peer: Lord Dunmore's Operations in the Chesapeake Bay," Chesapeake Bay in the American Revolution, ed. Ernest McNeil Eller (Maryland, 1981), 66.

[3]William H. Gaines, Jr., Virginia History in Documents, 1621-1788 (Virginia, 1974), 33-36.

[4]Lord Dunmore to Lord Dartmouth, October 5, 1775, Naval Documents vol. 2, 316.

[5]The William, like the Eilbeck, was probably ship-rigged.

which carried fourteen guns and about 300 men; the Eilbeck, a new ship pierced for twenty-two guns but not quite fitted; and a brig which had only recently arrived from New York with 500 men.[6] Hence, Dunmore's flotilla was somewhat of a heterogeneous assortment. Some vessels, such as the Otter, were British war vessels while others were commandeered private vessels owned by rebels and loyalists alike. The crews manning Dunmore's vessels were a combination of loyalists from Virginia and Maryland and British military personnel. With his "floating town", as Andrew Snape Hamond coined, Dunmore raided the coastal settlements and shipping of Virginia.[7]

Norfolk suffered more than any other community in America during the Revolution. After his defeat at Great Bridge, Dunmore was forced to retreat from his center of operations at Norfolk and seek refuge aboard the Eilbeck anchored in the harbor. Because of the inhabitants preventing Dunmore from procuring water and provisions, he threatened to raze Norfolk. At four o'clock on January 1, 1776 he began the task with terrifying effectiveness. Allan Schaffer, an observer, wrote that "red-hot shot from a total of sixty guns descended on the town for seven hours" while

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[6]Virginia Committee of Safety to the Virginia Delegates in the Continental Congress, November 11, 1775, Naval Documents vol. 2, 993.

[7]A. S. Hamond to Hans Stanly, November 22, 1775, Hamond Papers, r.2.

landing parties from the fleet set fire to wooden structures along the wharves. For almost three days the raging fires consumed nearly all of the town.[8]

An article appearing in the Virginia Gazette suggested that the reason for Dunmore's success was due to weak politicians not mustering enough men to combat Dunmore and his forces. These politicians sacrificed "a wide extended coast to the mean consideration of saving a little public money."[9] But Dunmore was not to continue his success. By March, 1776 a violent "jail distemper" had ravaged Dunmore's baseless fleet to the extent that 150 men had died. A sergeant and a corporal of the marines deserted their ship and, once on shore, reported that the conditions were so bad that as soon as the men died they were tossed overboard "to regale the sharks, which . . . swarm thereabouts."[10]

Finally, Lord Dunmore's "piratical depredations" were put to an end. The Virginia Gazette carried an article on

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[8]Thomas J. Wertenbaker, Norfolk: Historic Southern Port (North Carolina, 1931), 73, hereinafter cited as Wertenbaker, Norfolk; Darret B. Rutnam, ed., The Old Dominion: Essays for Thomas Perkins Abernathy (Virginia, 1964), 136-152; Allan Nevins, The American States During and After the Revolution: 1775-1789 (New York, 1924), 333; Lyon G. Tyler, History of Virginia (New York, 1922), 209.

[9]Williamsburg, Virginia Gazette (November 2, 1775).

[10]Williamsburg, Virginia Gazette (March 8, 1776); Virginia Gazette, March 8, 1776, Naval Documents vol. 4, 244.

August 9, 1776 explaining that Dunmore:

> after dividing his fleet and burning ten or twelve vessels, took leave of the capes of Virginia, where he has, for more than twelve month past, perpetrated crimes that would even have disgraced the noted pirate BLACK BEARD. Once part of the fleet was seen to stand to the southward, it is imagined for South Carolina, the other to the northward, supposed for New York. Their strength, from the information of two negroe deserters, who came up to Hampton in the evening, amounts to near 400, regulars, negroes, and tories; that they were now tolerably healthy, and lately got a supply of provisons, which they took from a Rhode Island vessel. -- So respectable a band, will, no doubt, be a most valuable acquisition to the generals Howe and Clinton![11]

In March, 1778 Sir Henry Clinton was dispatched to America as commander in chief of Britain's military forces. Clinton appreciated the importance of maintaining a blockade of Chesapeake Bay. It was believed that because the southern colonies were built on a plantation economy dependent on exports, they were particularly susceptible to military operations based on sea blockade and riverine warfare. By controlling the southern colonies, those in the north would be cut off and eventually forced to succumb.[12] With this strategy, the Chesapeake was intended as the seat of operations. An extract from a letter appeared in the February 28, 1777 issue of the Virginia Gazette explaining that the

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[11]Williamsburg, Virginia Gazette (August 9, 1776), September 20, 1776); Virginia Gazette, September 20, 1776, Naval Documents vol. 6, 132; Dr. Edward Bancroft to Silas Dean, September 20, 1776, Naval Documents vol. 6, 605.

[12]Sands, "Sea Power", 17.

"war is likely to go on another year, in which case Chesapeake bay will be the seat. A plan for that purpose has been laid before Lord Germain, and it is said is approved of."[13]

The Chesapeake was important because it served as a major entrepot for supplies to American citizens and military forces. This area, as Clinton called it, was "the great station from which all must start". The British believed that without their control, supplies would continue to flow via the Chesapeake and succor rebel forces in the north as well as the south. As early as 1776 the British understood that unless foreign supplies were prevented from entering the bay, the American rebellion was likely to turn into a long and tedious war.[14]

Thus, Sir George Collier, the former governor of Nova Scotia, and General Matthews sailed from New York to Chesapeake Bay with 1,800 regular British troops in May, 1779. Collier commanded the fleet and Matthews the army. During the twenty-four days the king's ships were in Virginia waters they succeeded in destroying at least 137 vessels still on the stocks at Portsmouth and Norfolk as well as considerable quantities of trade items such as pork, tobacco, planks, tar, masts, and cordage. Around a million pounds

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[13]Williamsburg, Virginia Gazette (February 28, 1777).

[14]Douglas W. Marshal and Howard H. Peckham, Campaigns of the American Revolution, an Atlas of Manuscript Maps (Michigan, 1976), 86, hereinafter cited as Marshall, Campaigns; Gruber, The Howe Brothers, 104.

sterling of Virginia property and goods was destroyed.[15]

But Clinton could not spare the troops for long and, by the end of the month, he was forced to recall them in order to battle General George Washington's rebel forces in New York. Collier's consternation was great. He lodged a formal complaint with Clinton and stated that the very best chance of starving Washington's army was forfeited when the British were taken out of the Chesapeake.[16]

This did not, however, entirely end the British presence in the Chesapeake region. Never forgetting the importance of at least deterring, if not stopping, American shipping, Clinton always maintained some form of blockade. Later, Charles Cornwallis, lieutenant general in command of British forces in the south, was determined to re-establish Virginia as the seat of war and to induce Clinton to abandon New York

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[15]Lyon G. Tyler, "Virginia and the Revolution," Tyler's Quarterly Historical and Genealogical Magazine 2 (October, 1920), 76-77, hereinafter cited as Tyler, "Virginia and the Revolution"; Sands, "Sea Power", 18, 21-22; Coakley, "Virginia Commerce", 145; Williamsburg, Virginia Gazette (September 25, 1779).

[16]Benjamin Franklin Stevens, ed., The Campaign in Virginia, 1781. An exact Reprint of Six rare Pamphlets on the Clinton-Cornwallis Controversy with very numerous important Unpublished Manuscripts by Sir Henry Clinton, K. B. (London, 1887), 386; William Maxwell, ed., "Collier and Matthews' Invasion of Virginia in 1779," The Virginia Historical Register and Literary Advertiser 4 (October, 1851), 186-191.

in favor of a British occupied Chesapeake.[17]

In spite of the British blockade and extreme harassment, Virginia continued sending out privateers. On the 17th day of May, 1776 the Virginia Gazette published Edmund Pendleton's notice that the Council of Safety was ready "to grant commissions for making reprisals upon the property of the people of Great Britain, at sea, or in the rivers, below high-water mark."[18] Shortly after, Captain Andrew Snape Hamond, on board the HMS Roebuck, complained that regardless of the blockade, Virginian rebels were still able to capture valuable English vessels.[19]

For instance, Captain James Powell of the privateer schooner Northampton brought into Virginia the prize ship

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[17]Tyler, "Virginia and the Revolution", 77; Marshall, Campaigns, 114; Sir Henry Clinton to Earl Cornwallis, June 1, 1780, The State Records of North Carolina vol. 15, 245; Gruber, The Howe Brothers, 265; Stewart, Virginia's Navy, 80-81.

[18]This ruling, however, did not apply to anyone who, before April 19, 1775, owned or was part owner of a privateer cruising against the American colonies as these individuals were "prohibited from migrating to or becoming citizens" of Virginia. An Act Prohibiting the Migration of Certain Persons to this Commonwealth, and for Other Persons, October 20, 1783, The Statutes at Large Being a Collection of all the Laws of Virginia from the First Session of the Legislature in the Year 1619 vol. 11, 325; Williamsburg, Virginia Gazette (May 17, 1776); Announcement By the Virginia Council of Safety, May 17, 1776, Naval Documents vol. 5, 139. For further information regarding the details of the privateering rules resolved by the Continental Congress, and for an example of prize court proceedings, see Appendix B through Appendix F, and Appendix H.

[19]The English Situation in the Chesapeake, 1776, Hamond Papers, r. 2.

Friendship of 300 tons burden. Powell's prize was sold in April, 1777 at Portsmouth along with her cargo consisting of "a large Quantity of MOHOGANY, LOGWOOD, and SARSAPARILLA, one NEGRO MAN, a ship Carpenter by Trade, a Quantity of DEERSKINS, and sundrey other Things." The Northampton apparently was only briefly under the command of Captain Powell because by September 26 of that year, she was advertised for sale along with her seven carriage guns, five swivels, and thirty muskets. At the time of her sale, the Northampton was nearly new.[20]

At the time the Northampton sailed, the British were blockading the Virginia Capes with a small naval force including the Phoenix, the brig Raleigh, and the ten-gun sloop Senegal. They were situated at the entrance to Chesapeake Bay so that it was very difficult for any vessel to escape them. Nevertheless, Virginians were successful enough in their captures that notice was made to all "Captains, Mates, and Mariners" taken prisoner aboard any British merchant vessel to report to Williamsburg in order that an exchange might be made for Americans held by the British.[21]

Although the Virginia Capes were blockaded by the

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[20]Williamsburg, Virginia Gazette (February 14, 1777), (April 4, 1777), (September 26, 1777).

[21]Williamsburg, Virginia Gazette (May 30, 1777); Journal of the Virginia Council, February 18, 1777, Naval Documents vol. 7, 1232.

British, about 4,823,000 pounds sterling worth of British property was taken by American privateers between May, 1777 and January, 1778. Nonetheless, Admiral Richard Howe felt confident that by the continued blockade of Chesapeake, as well as areas such as Charleston, Delaware, and Boston, American shipping would eventually be closed off. But throughout 1778, reports continued filtering in of American vessels slipping through the blockade. On October 8 an article appeared in the Virginia Gazette reporting that Captain McGoe of the Bird, eight weeks out of Nantz, had arrived in York River. During the passage, McGoe took a salt-loaded brig sailing from Leghorn to Newfoundland. But for reasons not explained, McGoe was forced to abandon his prize.[22]

By November, 1779 approximately thirty privateering commissions were issued to Virginia vessels.[23] Also at this time, privateers from other states were bringing prizes into Virginia to be condemned. The privateer Bellona from North Carolina brought into Williamsburg the prize Georgia. Soon after April 2 the Georgia was sold at public auction and the Bellona crew paid. But the privateer brig Royal Lewis out of Boston was not as fortunate as the Bellona. Captain

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[22]Gruber, The Howe Brothers, 265; Williamsburg, Virginia Gazette (October 16, 1778).

[23]Accounts of Letters of Marque Issued in Virginia, November 1, 1779, PCC m332, (RG 360), r. 6. No information such as owner's name or vessel description was provided.

Robert Wilson, bound for Williamsburg, was forced to run the Royal Lewis on shore while being pursued by the British sloops of war Delaware and Spinx, and the frigate Richmond.[24]

From 1780 until the end of the war, records indicate that Virginia privateers were increasing in number and their voyages were more successful.[25] But escaping the British vessels stationed at the mouth and throughout the inland waters of Chesapeake Bay grew no easier. An example of the deftness often required just to get into the relatively open ocean was related by John Cowper, lieutenant of the Virginia privateer Marquis Lafayette.

Captain Joseph Meredith, along with Thomas Fisher, gave bond of 20,000 dollars for the Marquis Lafayette's letter of marque on March 7, 1781.[26] John Cowper's father and brother, both of the firm of Wills, Cowper, and Company, owned the vessel and mounted her with 12 six-pounders. Originally, she was designed to carry 26 six-pounders, including six

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[24]Williamsburg, Virginia Gazette (April 2, 1779), (March 26, 1779).

[25]By July 28, 1780 a calculated twenty commissions were issued. This number soars in 1781 with seventy-two commissions being issued between January and November, and seventy-one commissions issued in 1782. Virginia probably did not have this many privateering vessels. These high numbers for 1781 and 1782 more likely indicate captains renewing their letters of marque and, therefore, receiving more than one commission per year. By 1783, however, the number of commissions understandably dropped so that by March only nineteen were recorded. List of Ships' Bonds, March, 1783, PCC m332, (RG 360), r. 6.

[26]List of Ships' Bonds, March 7, 1781, PCC m332, (RG 360), r. 6.

quarterdeck guns, but because ordnance was difficult to acquire in Virginia, Meredith had to settle for only twelve guns in all.

The Marquis Lafayette was built about one-half mile from Suffolk. By the middle or latter part of October, 1780 she was scheduled to be launched from the stocks. But before this was accomplished, Major General Alexander Leslie, with his army aboard a fleet of British warships, took command of the area around Portsmouth and the Nansemond River. Realizing the British would either capture or burn the Marquis Lafayette if found, the owners hastily launched the vessel and scuttled her in about eighteen feet of water. Approximately thirty minutes later the British arrived in Suffolk. Probably due to the rushed sinking, the Marquis Lafayette was inadequately hidden and the British soon located her, raised her, and sent her to Portsmouth.

In Portsmouth the Marquis Lafayette was to be fitted out and sent to New York. This was never accomplished, however, because General Leslie received orders to evacuate Virginia. The Marquis Lafayette was sunk again, but this time by the British at Gosport.

It was not long before the owners raised the Marquis Lafayette and took her up the Nansemond where she was rigged and made ready to sail. But British military invasion was not at an end. On December 30 General Benedict Arnold,

now serving in the British forces, landed in Hampton Roads with 1,600 troops and raided throughout Virginia. In April, 1781 General William Phillips arrived in Virginia and brought 2,000 British troops from New York. By June Cornwallis and his troops had entered Virginia and eventually settled at Yorktown.[27]

When Captain Meredith took command of the Marquis Lafayette, the situation in Virginia was serious. The British daily patrolled the banks of the Nansemond; thus, the Marquis Lafayette was in a very dangerous position while in the river's narrow waters. Because of this, she was moved to the mouth of the Nansemond where the river was wide and difficult to navigate. Meredith felt confident no English pilot had enough knowledge of this area to attempt bringing a ship of sufficient strength to attack the Marquis Lafayette.

It took until May 1 before an adequate crew was assembled. Two days later Meredith decided that if he deliberated any longer it would be too late to get the Marquis Lafayette out of Nansemond River. The next morning he and one of the other owners were taken in the vessel's barge by a Hampton pilot named Ross Mitchell "to reconnoiter the position of the enemy's ships." They discovered that:

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[27]John Cowper, "The Ship Marquis Lafayette," The Virginia Historical Register and Literary Advertiser 2 (July, 1849), 146-147, hereinafter cited as Cowper, "Marquis Lafayette".

> one ship of the line, a frigate, and a sloop of war lay under Newport Noose [sic]; 2 frigates and 2 sloops lay off Hampton bar, about half a mile from each other; 3 vessels of war were at the entrance of Elizabeth river, near Seawell's point; and several vessels of war . . . were near Old Point Comfort.[28]

Meredith's plan that night was literally to sneak out beneath the bowsprits, as it were, of the British vessels. He gave strict orders that no alcohol was to be consumed that day as he wanted every crew member as alert and as quiet as possible. While sailing past the British, no cannon fire was to be returned even if the British ships were to fire directly into the Marquis Lafayette. Meredith realized that if fire were returned, the British would know for certain that the Marquis Lafayette was an American vessel; however, by refraining from aggression the British might believe that they had mistaken an English merchantman for an enemy. In this way, the British would allow the Marquis Lafayette to pass without further harassment.

By nightfall, everything was ready. At ebb tide the Marquis Lafayette got underway. A moderate breeze blew from the north by northwest. The Hampton Roads pilot took charge and a boat was made ready to take off the river pilot.

But suddenly the wind died and the Marquis Lafayette was left to drift in a calm. Cowper described it as "an awful moment -- to return was impossible, on account of the tide --

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[28]Cowper, "Marquis Lafayette", 148.

nothing remained but to anchor." Captain Meredith anxiously paced the quarterdeck, looking to the northwest. The pilot urged him to drop anchor immediately because the vessel could not be controlled. Meredith angonizingly agreed; but just as the order was given, Meredith commanded the men to stop. He had spotted a large cloud and knew that it would provide enough wind to sail by. Almost immediately the top canvasses swelled and the Marquis Lafayette was underway.[29]

John Cowper continued:

> We now entered fully into the roads. The first ships we passed were those under Newport Noose; we saw them very distinctly when the clouds did not obscure the moon. They probably did not see us, as they gave no signal to ships below. We now approached the frigate that was highest up, and passed her at a distance of a quarter of a mile. We soon got among the transports, passing most rapidly, and often so near as to hear the conversation on board. We were never hailed by one. It may be well imagined that with a strong ebb tide -- wind sufficient -- a fast sailing ship -- a press of sail -- and a smooth water -- there was little time for observation; and I am certain that, by the time a gun would have been brought to bear, we should have been out of site. [The] Great danger was from notice being given by the ships above to those below.[30]

After making her way past one last ship which had probably "come in that afternoon, and anchored upon the making of ebb tide", the Marquis Lafayette cleared Cape Henry and sailed successfully to open water.[31] In the months that followed,

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[29]Cowper, "Marquis Lafayette", 148-149.

[30]Cowper, "Marquis Lafayette", 149.

[31]Cowper, "Marquis Lafayette", 153.

the Marquis Lafayette made many voyages along the coastline of North America. But she met her demise prematurely while carrying a cargo of tobacco from Virginia to France.

> Under an indiscreet commander a little to the southward of Cape Henry, she was chased by a frigate, from whom she was getting away fast, when another frigate was discovered, shaping her course to cut the Marquis off from Cape Henry. The Virginia officers that remained assured the commander that they could round the Cape without the danger of more than one or two broadsides at most, and perhaps without one. He was not a Meredith, but ordered the helm to be put up, and ran this gallant, enterprising little ship ashore; and thus, after so many hair-breath escapes from danger, she was lost when the danger existed only in apprehension.[32]

The Continental navy was petitioned to provide protection for Virginia shipping, but it was neither large enough nor powerful enough to comply with Virginia's demands. Likewise, Virginia's state navy was never strong enough at any one time to adequately protect shipping in or out of Chesapeake Bay. Therefore, vessels, like the Marquis Lafayette, relied predominantly on their ability to sneak past the British forces. In 1778 merchants and naval captains arranged a grapevine-like warning system at the capes to transmit information concerning the whereabouts of British vessels. Other vessel owners chose to rely not on secret signals but on sailing in convoys protected by a combination of armed merchantmen, state naval vessels when available, and

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[32]Cowper, "Marquis Lafayette", 154.

privateers. But to enlist enough vessels to create an effective convoy was not always possible. In addition, although the system of warning signals from the capes worked, it was far from fool-proof. Hence, in order to avoid the British, other routes were established to get supplies in and out of the Chesapeake region.[33]

Ocracoke Inlet, along North Carolina's Outer Banks, was an important alternative route for supplying Virginia and Maryland. Unlike the large British men-of-war, small merchant vessels of twenty-three to thirty-one and a half tons could easily sail into the sound and up to Edenton, North Carolina. Here they either unloaded their cargo or continued northward via the Chowan and Blackwater rivers to South Quay.[34] From there goods were transported overland to Virginia and, thence, down the Nansemond River and around into the James. Upon the rare occasion that the bay was clear of English vessels, supplies were transported to Maryland by water. When this was not possible, a difficult combination of land and river routes became necessary. The inhabitants of the Eastern Shore, however, often found themselves completely cut off from any supplies at all

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[33]Coakley, "Virginia Commerce", 157-158.

[34]Barber, "Port Roanoke", 7, 26. Cargo brought into North Carolina usually consisted of cloth, fruits, tea, coffee, guns, ammunition, and other items.

when the British blockade of Chesapeake Bay was particularly heavy.[35]

Because of the protection offered by the Outer Banks and barrier islands of North Carolina, many Virginia privateers used the Pamlico and Albemarle sounds as a base of operations. John Banks, the founder and general manager of Hunter, Banks, and Company of Richmond, Virginia wrote from North Carolina in 1781 to his brother, Henry, and requested at least six blank privateering commissions. Most of the vessels belonging to the company had been pressed into service by the Virginia navy. Nevertheless, Banks recognized the potential for successful privateering voyages out of North Carolina. He invested his time and his money, and, because the company's vessels were inaccessible, he began fitting out new ones in Beaufort. Banks chose Beaufort because it was near the ocean and "contiguous to Charleston", South Carolina. Beaufort provided a place of rendezvous for "privateers, letters of marque, sailors, and others attached

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[35]Paullin, "The Navy of the American Revolution", 455; Norman C. Delaney, "The Outer Banks of North Carolina during the Revolutionary War," The North Carolina Historical Review 36 (January, 1959), 3, hereinafter cited as Delaney, "Outer Banks"; Coakley, "Virginia Commerce", 159; Barry E. Frye, "Privateers and Letters of Marque in North Carolina During the American Revolution" (unpublished master's thesis, East Carolina University, 1980), 13, hereinafter cited as Frye, "The Privateers in North Carolina"; Alfred T. Mahan, The Influence of Sea Power Upon History, 1660-1783 (Boston, 1890), 28.

to the cause, and particularly the sea", and was a deposition center for valuable export articles and nearly every sort of naval store. Banks was soon bringing very valuable prizes in which "gave new life to the inhabitants, and stimulated the entire population of that section of country, so as to secure their attachment and adherence to the United States."[36]

John Banks was so successful that he became a particular bone of contention for the English commandant in Charleston. A British expedition consisting of armed vessels and soldiers was fitted out with the object of attacking Beaufort and, hopefully, taking Banks prisoner. The attack was made, Beaufort being taken completely by surprise. The British captured or destroyed nearly everything of value from the small town. Although Banks escaped, his losses totalled more than 100,000 dollars.[37]

After this, Banks began making privateering raids along the southeastern coast in cooperation with General Nathanael Greene, commanding the American army in the south. But Banks was falsely accused of profiteering at the expense

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[36]Henry Banks, A Memorial to the Congress of the U. States Relating to Revolutionary Events (Kentucky, 1827), 7, hereinafter cited as Banks, A Memorial; To William Lewis, March 8, 1781, Papers of Jefferson vol. 5, 93.

[37]Jeffrey J. Crow, "What Price Loyalism? The Case of John Cruden, Commissioner of Sequestered Estates," The North Carolina Historical Review 53 (July, 1981), 223-227.

of the military. Although this misunderstanding was eventually resolved, Banks still suffered loss. Robert Morris, acting as financier for the United States, refused to indemnify any of Banks' vessels captured by the British while Banks was in the service of the army. Incensed, Henry later wrote that his brother was "the saviour of the southern army . . . when the southern army was not only destitute of clothing and provisions, but was also in a mutinous condition" and yet the American government not only accused him of criminality, but refused to pay the debt they owed him.[38]

After his loss at Beaufort and during his work with Greene, John Banks fitted out privateers at Edenton and Pitch Landing in North Carolina. From these locations, more voyages were made successfully along the coast of America and the West Indies. For example, the ship Saucy Jack claimed many valuable prizes. She was fitted out in Edenton and issued a privateering commission first in January and then in June, 1782.[39] But the Saucy Jack was captured by the British in the West Indies after the Treaty of Paris

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[38]Henry Banks, The Vindication of John Banks of Virginia (Kentucky, 1826), 5, hereinafter cited as Banks, John Banks; Genl: Nathl. Greene to Gov: Harrison of VA., February 3, 1783, Calendar of Virginia State Papers vol. 3, 428-430.

[39]Henry Banks, however, claimed that the Saucy Jack was not launched until the same date as the Treaty of Paris. List of Ships' Bonds, January 1782, PCC m332, (RG 360), r. 6.

was signed. England, as was its responsibility according to the agreement of peace, neither returned Banks' vessel nor paid for her loss.

Because of poor health, John Banks never resolved his financial injustices. In August, 1784 he died "far from home friends and relatives" at the age of twenty-seven in Washington, North Carolina.[40]

Summarizing his brother's contributions, Henry Banks stated that if it had not been for privateering, the State of North Carolina would have, due to British plundering and devastation, been forced to take the oath of allegiance to the Crown. But because "the course of events produced by the enterprise and patriotism of John Banks, in that section of the country, the inhabitants, instead of arraying themselves in hostility . . . remained steadfast and faithful" to the American cause. Moreover, when Cornwallis established headquarters in Wilmington, North Carolina he intended "to organize a British establishment, and claim the allegience of the inhabitants of the surrounding country", but instead of getting levies and increases to strengthen and enlarge the British army, many British soldiers deserted and "joined the privateering establishments." Instead of receiving new

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[40]Banks, John Banks, 6; List of State Pensioners, October 20, 1785, William and Mary College Quarterly and Historical Magazine ser. 1, vol. 20, 12.

recruits, Cornwallis' army was "daily diminishing by deserters" who became "very active enemies against their former commander and fellow soldiers". Although Henry wrote as if his brother had won the Revolution single-handedly, John probably did at least help arrest "the course of the British army and the intentions of its leaders" by inducing them "to leave the country exposed to the Americans, and pursue a career in Virginia which terminated in their destruction, and the entire capture of the British army at Yorktown."[41]

Not all Virginia privateering ventures were as welcomed in North Carolina as John Banks'. Such was the case with the capture of the Three Friends. On February 13, 1782 the schooner Three Friends, loaded with an estimated 8,000 pounds sterling worth of British-owned goods, sailed from Charleston, South Carolina to Edenton. Although she travelled under a flag of truce, Captains Cornellius Schermerhorn of the Grand Turk and Madett Engs of the Dolphin[42] quickly boarded her and claimed her as a prize.[43]

Legally, Schermerhorn and Engs had the authority to

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[41]Banks, A Memorial, 12.

[42]Although Schermerhorn was from New York, the fourteen-gun brigantine Grand Turk was owned by James Brade and Thomas Walker and Company of Virginia and commissioned on October 1, 1781. The Dolphin was a ten-gun brig owned by James Neilson of Richmond, Virginia, but partly bonded by Henry Banks on November 7, 1781. Lincoln, Naval Records, 273, 321; List of Ships' Bonds, November 7, 1781, PCC m332, (RG 360), r. 6.

[43]Deposition of Thomas Bog, March 8, 1782, Depositions of Jahbel Smith and John Conn, March 8, 1782, Executive Papers, Virginia State Library.

capture the Three Friends based on Congress' ordinance of the 1st of February, 1782 stating:

> It shall be lawful to capture and to obtain condemnation of the property hereinafter enumerated, if found below high water mark; that is to say,
>
> All ships and other vessels of whatsoever size or denomination belonging to an enemy of the United States, with their rigging, tackle, apparel and furniture,
>
> All goods, wares and merchandises belonging to an enemy, and found on board of a ship or other vessel of such enemy.[44]

But controversy occurred when the captains removed the Three Friends from North Carolina and brought her to Virginia to be condemned. Governor Thomas Burke wrote to Governor Benjamin Harrison of Virginia and explained that the:

> Insult offered to the dignity of this State consisted in the Violent Seizure and removal of the Vessel after her having been duly Surrendered and reported to the Officer of this State, while She was under his orders, and while the Question which belonged only to the Military Sovereignty of this State, viz.: whether She should be admitted as a flag or not was under Consideration. Her papers, her passengers, though principally Intrusted to this State, were by this means intirely [sic] removed out of our power, and we must appear to all foreign potentates as utterly unable to give the usual protection in our ports to Vessels which may arrive within them . . . .[45]

Regardless of his indignation, however, Governor Burke received no satisfactory response from Virginia. Nevertheless, Burke avoided any further confrontation with Virginia

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[44] An Ordinance Respecting Captures, December 4, 1781, Journals of the Continental Congress vol. 21, 1153-1154.

[45] Gov. Thos. Burke to Gov. Harrison of VA., March 23, 1782, The State Records of North Carolina vol. 16, 556.

"while the two faced a common enemy" and thereby prevented a potentially dangerous situation from becoming worse.[46]

Historical records generally suggest that Virginia confined much of its maritime activity to American waters.[47] There is evidence, however, to indicate that Virginia privateers plied the waters of the West Indies. An article in the September 5, 1777 edition of the Virginia Gazette reported that a letter of marque from Virginia seized a vessel "with a Number of Tories on board" from New Bern, North Carolina. Although the report did not indicate what became of the captured vessel, it did point out that the letter of marque took its prize cargo of 200 hogsheads of tobacco into Martinique. Moreover, John Banks made profitable voyages to the West Indies. Captain Travis in "a cruiser from Virginia" and Banks aboard the privateer Saucy Jack together took three valuable prizes, at least one of which was from Jamaica, during the latter part of 1776.[48] But it is possible that Travis served as a naval officer and not as a privateersman. If this was the case, Travis technically was not required to

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[46]Randolph D. Campbell, "The Case of the Three Friends: An Incident in Maritime Regulation during the Revolutionary War," The Virginia Magazine of History and Biography 74 (April, 1966), 209.

[47]Stewart, Virginia's Navy, 50

[48]Williamsburg, Virginia Gazette (December 20, 1776), (September 5, 1777), (September 19, 1777); North Carolina Cazzette [sic], August 15, 1777, The State Records of North Carolina vol. 11, 753.

carry a letter of marque.

Those reporting the news of captures commonly made the mistake of labelling state naval vessels as privateers. The problem was confused further when state-owned vessels were provided with privateering commissions. One such example was the Mosquito, commanded by John Harris.[49] Technically, the Mosquito belonged to the Virginia navy; yet, records indicate that she was issued a letter of marque.[50] For instance, Richard Harris, Virginia's agent in St. Pierre, asked to borrow the Mosquito's letter of marque so that a French vessel could be fitted out as an American privateer. On several occasions, the Mosquito was referred to as a privateer belonging to the State of Virginia.[51] But whether the Mosquito was a privateer or not is largely a matter of semantics. The fact remains that she did carry a letter of marque and sailed in the West Indies.

Other Virginia privateers navigated the waters of the northern Atlantic.[52] On June 10, 1777 a twelve-gun ship,

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[49]There was little consistency in the spelling of ship names; thus, the Mosquito often appeared as: Muskito, Mosketo, Musketo, or Musquito.

[50]Paullin, "Navy of the American Revolution", 407.

[51]Caleb C. Gough to Governor of Virg'a, November 3, 1782, Calendar of Virginia State Papers vol. 3, 365; Williamsburg, Virginia Gazette (November 8, 1776); Alan Jamieson, "American Privateers in the Leeward Islands, 1776-1778," The American Neptune 63 (January, 1983), 22.

[52]Whether they were state- or privately-owned was not indicated.

valued at 100,000 pounds sterling, sailing from London to Quebec was brought into Boston by a privateer from Virginia.[53] This, and the reports from the West Indies, not only indicate that Virginia privateers occasionally ranged further than the American coast, but also suggest why Virginia privateering seemed so limited.

Historical records suggest that during the early years of the Revolution, Virginians were not very active in privateering.[54] Probably this was only partly true. The depredation wrought by Dunmore and the host of British commanders afterwards, kept Virginia from fitting out privateers to the same degree as the northern maritime states. Also, it was true that many Virginia investors chose to finance merchant voyages exporting tobacco, rather than fit out privateers.[55] These investors already had most of their capital tied up in the growing of tobacco, Virginia's main export, and they were less inclined to risk their money fitting out privateers which might not bring a high return. But much of the Virginia privateering data were obscured or destroyed. For example, the incident of the privateer which brought the

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[53]Williamsburg, Virginia Gazette, (June 27, 1777).

[54]List of Prizes taken by His Majesty's Ships in North America under the command of Rear Admiral Graves, between the 20 Aug. and 31 Octr. 1781, The Graves Papers and other Documents Relating to the Naval Operations of the Yorktown Campaign, 151-155.

[55]Coakley, "Virginia Commerce", 164, 376.

Quebec-bound vessel into Boston, was a common occurrence.[56] Prizes were regularly taken to ports safer than those in Virginia. Privateers from Virginia selling their captures in distant ports were not always able to notify the Virginia media of their success. This caused Virginia privateers and captures to appear less numerous.

Many Virginia investors who supported privateering ventures outside of their state inadvertantly added to the problem. For example, during the years 1776 and 1777 Carter Braxton and others financed Joseph Cunningham's voyages on the Phoenix from Philadelphia.[57] Other than this, little else is known about the Phoenix's Virginia investors. Also, many Maryland privateers were financed by Virginia investors. Technically, this was all Virginia privateering.

The obscurity becomes even greater when those intending to outfit Virginia privateers were forced to apply for Maryland commissions. This happened frequently when the supply of Virginia commissions were low and new commissions were unattainable because of British presence inhibiting mail delivery.[58]

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[56]See page 72 for a discussion of this incident.

[57]Williamsburg, Virginia Gazette (December 5, 1777); Robert Morris to the President of Congress, [no date], American Archives ser. 5, vol. 3, 1373; List of Ships' Bonds, PCC m247, (RG 360), r. 2.

[58]Chas. Thomson, Secry, Philadelphia, to Gov. Lee, June 26, 1781, Archives of Maryland vol. 47, 319; The Secretary of Congress to the Several States, June 26, 1781, Letters of Congress vol. 6, 128.

Obscured data can be discovered, but destroyed data can only be inferred. Destruction of privateering documents was probably the main reason why Virginia privateering appeared limited. On September 20, 1781 Archibald Blair, a prominent merchant, explained to Charles Thomson, the secretary of Congress, that he was unable to supply Congress with all of the information concerning Virginia's letters of marque because General Arnold, just prior to evacuating, had destroyed most of the papers of the Virginia "executive".[59]

Virginia privateering, however, was still likely a dilatory rebellion because the British blockade prevented many potential privateering ventures from ever becoming a reality. But, from Cornwallis' defeat at Yorktown until the end of the war, Virginia privateering ostensibly blossomed. Just how much more active privateers became compared to the first years of the war cannot be calculated accurately. But once rid of the British, Virginia at least attempted to gain lost privateering time and, as a consequence, their commissions increased more dramatically than at any other period during the war.

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[59]Archibald Blair to Charles Thomson, September 20, 1781, PCC m247, (RG 360), r. 85; Paullin, "Navy of the American Revolution", 413; William P. Sheffield, Privateersmen of Newport (Rhode Island, 1883), 3; Frye, "Privateersmen in North Carolina", 83.

CHAPTER IV

AMENDING THE DEFICIT

What Virginia lacked in privateering was made up for by Maryland. This was not apparent, however, early in the war. In March, 1776 when Congress voted to legalize American privateering, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Virginia, and North Carolina all voted in favor of privateering. Only Pennsylvania and Maryland voted against it.[1] But the commander of the British fleet at Halifax, Vice Admiral Molyneaux Shuldham, received an intelligence report which suggested that not all the people of Maryland agreed with their Congressional representatives. This report stated that at least two ships armed with twenty guns each were being fitted out in Baltimore.[2] Thus, months before a vote on privateering was taken in Congress, Maryland citizens were busy preparing to send out privateers.

During the war an estimated 224 Maryland vessels were issued privateering commissions.[3] But getting enough blank

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[1]Diary of Richard Smith, March 18, 1776, Letters of Congress vol. 1, 398; Diary of Richard Smith, March 18, 1776, Naval Documents vol. 4, 398. The remaining four colonies did not have a vote in Congress at that time.

[2]Intelligence Report to Vice Admiral Molyneaux Shuldham, January 23, 1776, Naval Documents vol. 3, 941.

[3]This is probably a very rough estimate because many vessels changed masters, rigging, or owners. Because of

forms from Congress for these commissions was difficult. Between November, 1779 and June, 1780 Thomas Johnson, Jr. had written three times for a "supply of Commissions, Bonds and Instructions."[4] Maryland's inability to obtain enough commissions became so serious that applicants were willing to risk sailing without any legal documentation rather than wait for the letter of marque to be processed. This practice was very dangerous because, technically, without a privateering commission, those who engaged in this activity were pirates. If caught by the British, they were liable to be hanged without further consideration, whereas privateersmen were, at least theoretically, afforded the rights of prisoners of war. Maryland was cognizant of the jeopardous position its uncommissioned privateers were in; hence, by 1782 the Maryland Council attempted to assuage the situation by issueing temporary certificates to privateers pending an official letter of marque. There was no guarantee that the British would recognize these certificates as legal. It was, however, better than having no documentation at all.[5]

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this, the actual identity of vessels is often obscure. Bernard C. Steiner, "Maryland Privateers in the American Revolution," Maryland Historical Magazine 3 (June, 1908), 99, hereinafter cited as Steiner, "Maryland Privateers"; Paullin, "Navy of the American Revolution", 444.

[4]Thomas Johnson, Jr. to Charles Thomson, June 15, 1780, PCC m247, (RG 360), r. 203.

[5]The town of Annapolis to Charles Thomson, January 15, 1782, Archives of Maryland vol. 48, 57. An example of a certificate issued to the Harlequin is given in Appendix G.

Whether they carried an official commission, a certificate, or merely their promise that a commission was forthcoming, Maryland privateers roamed the waters of North America, the West Indies, and even Europe. French officials, however, were concerned at the beginning of the American Revolution about American privateers operating in European waters. Count de Vergennes wrote that if American privateers do cruise "European seas where the English are less on their guard . . . it will be rather embarrassing to decide what to do if they want to send their prizes to our ports for security."[6] Although French officials had reservations about American privateers, they nevertheless permitted them to use French ports -- including those in the West Indies. In June, 1776 news circulated that the ports in the French West Indies were open to American shipping and that French warships were ordered to protect any American vessel using these ports.[7] This was important to the American colonies because many valuable items such as gunpowder and salt were supplied by France through the West Indies.[8]

To secure their friendly association with France, in July, 1776 the Continental Congress negotiated an agreement

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[6]Vergennes to M. Garnier, June 21, 1776, Naval Documents vol. 6, 431.

[7]Williamsburg, Virginia Gazette (June 21, 1776).

[8]Gruber, The Howe Brothers, 140.

with that nation. This "treaty" stated that if either country's men-of-war or privateers did damage to the other, the perpetrators would be tried as pirates. Article nineteen stated that American and French ships with enemy prizes were allowed duty-free passage into the ports of either country. No ship with stolen French or American property was allowed into port unless "forced by Stress of Weather, or the Danger of the Sea," provided that "all proper means shall be vigorously used, that they go out, and retire from thence as soon as possible."[9] This same agreement was negotiated with Holland and by November all of St. Eustatius was open to Americans. In general, the Continental Congress wished to secure the ports of France and Holland for America and encourage French and Dutch privateers and warships to ply American waters while harassing the British.[10]

The negotiations were successful; American vessels had more freedom than any other nation's ships in the ports of France and Holland. Spain -- wary of a direct conflict yet desirous of adding to England's detriment -- also opened its ports to American vessels. A report from Commander Charles

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[9]Congressional Resolves, July 18, 1776, Journals of the Continental Congress vol. 5, 582-585.

[10]James Beck Perkins, France in the American Revolution (New York, 1911), 153; Congressional Resolves, February 22, 1779, Journals of the Continental Congress vol. 13, 219-234; John Franklin Jameson, "St. Eustatius in the American Revolution," The American Historical Review 8 (October, 1902 - July, 1903), 690-691, hereinafter cited as Jameson, "St. Eustatius".

Barns of the British armed snow Blake stated that he chased an American ship into Cadiz but could not take the vessel because of Cadiz being a foreign port. Spain was supposedly neutral; thus, Barns was shocked to see "three American privateers riding. . . at single anchor, and a number of their merchant vessels loading and unloading at the quays."[11]

By November, 1776 news increased of Americans in and around Spain: five captured English ships were brought into Oporto by Americans; Americans were fitting out privateers in the port of Ferrol; near Gibralter an American schooner was spotted flying the colors consisting of a "red field with thirteen stripes . . . denoting the united rebellious Colonies."[12] In May, 1777 Spain opened the colonial port of New Orleans to American privateers and their prizes.[13]

Also in 1777 nearly all of the Mediterranean ports were opened to Americans and supplied American privateers with arms and ammunition. For example, in March a shipment of 600 to 700 barrels of gunpowder arrived in Maryland from one

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[11]Williamsburg, Virginia Gazette (October 18, 1776); Silas Deane to John Jay, December 3, 1776, American Archives ser. 5, vol. 3, 1051-1052; Trevelyan, George the Third vol. 2, 12-13.

[12]An Extract of a Letter Received in London, November 11, 1776, American Archives ser. 5, vol. 3, 637.

[13]Williamsburg, Virginia Gazette (April 18, 1777); Oliver Pollock to Andrew Allen and Robert Morris, May 4, 1777, Naval Documents vol. 8, 912.

of these ports.[14]

French sentiment grew increasingly favorable. Captain John Martin brought news from the West Indies that Frenchmen in Martinique "parade with Weapons, about the Quays and Docks, have unanimously resolved to oppose any violence which may be done them, and rather die than assist the Royalists in shedding the Blood of their American Brethren."[15] This goodwill was not lost on Maryland privateers.

The schooner Enterprize operated in American waters as well as foreign. When she received her commission on June 14, 1776 she was probably one of the first Maryland privateers. She would also become one of the most successful Maryland privateers in the Revolution.[16] In August, 1776 a report appeared in the Maryland Journal announcing that "Capt. John Campbell, Commander of the Enterprize Privateer, from Baltimore, has taken and sent into Chingteague, a brig loaded with Molasses; and a ship from Barbadoes, to England,

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[14]The Mediterranean ports under the auspices of Portugal and Russia remained closed to Americans. John Adams to James Warren, March 31, 1777, Letter of Congress vol. 2, 313; Williamsburg, Virginia Gazette (February 7, 1777).

[15]Report from the Maryland Journal, March 25, 1777, Naval Documents vol. 8, 199.

[16]Lincoln, Naval Records, 282; Marshall Booker, "Privateering from the Bay, Including Admiralty Courts and Tory as Well as Patriot Operations," Chesapeake Bay in the American Revolution, ed. Ernest McNeil Eller (Maryland, 1981), 271, hereinafter cited as Booker, "Privateering from the Bay".

is sent into Sinepuxent on the 24th ult." The ship was loaded with a "great Quantity of Spanish dollars" and other valuable cargo.[17] Soon after Campbell had sent this prize into Maryland, he was in pursuit of another heavily laden vessel which he hoped to capture within a few hours.

Although twenty-nine out of Campbell's crew of fifty-three had never been to sea before, and Campbell had been ill most of the time, the Enterprize had several successful captures to its credit by September 8, 1776. For instance, the ship Lancashire was a Guineaman of four guns and sixteen men. The Betsey was a Jamaican brigantine sailing from Guadalupe to Halifax with a cargo of over 120 hogsheads of molasses. The ship Black River was captured along with its cargo of 158 hogsheads of sugar, fifty-eight hogsheads of rum, and sixty hogsheads of molasses while sailing for Bristol from Dominica. The snow James was sailing from Antigua with a cargo of sugar, baled cotton, rum, and fustic.[18] Another brigantine named Betsey was carrying rum from St. Croix when taken. The sloop Modesty also carried a cargo of rum and was sailing from Barbadoes to Newfoundland. Bound for Montreal from Anguilla, the schooner Liberty carried 1,000 bushels of salt

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[17] Maryland Journal, August 7, 1776, Naval Documents vol. 6, 105; Williamsburg, Virginia Gazette (August 16, 1776).

[18] Fustic is the wood from the tropical tree Clorophora tinctoria of the mulberry family and was commonly used to create a yellow dye.

and fourteen hogsheads of rum. The only vessel not successfully taken into port was a sloop from Tortula with a small, apparently inconsequential cargo of salt and rum. Although the sloop was captured, her crew outnumbered that of the Enterprize. As it appears, Campbell felt that because his crew was outnumbered by the British, the possibility of the British retaking their sloop and then capturing the Enterprize as well, was too great a risk. Because of this, Campbell decided it prudent to release the vessel and not try to take her into port.[19]

Not all of the Enterprize's captures went unremonstrated. The capture of the snow George caused some controversy when brought into port. Originally, Captain George Cook of the Maryland ship Defence had taken the George as a prize, but the Defence lost her to HMS Camilla. Eventually, the Enterprize recaptured the George and brought her into port. When Cook learned of this, he wrote a letter to the Maryland Council of Safety complaining that because he had originally taken the George, the state was entitled to at least some percentage of the vessel's sale. The state agreed, but all Cook ended up with was some ship's canvas.[20]

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[19]James Campbell to the President of Congress, September 8, 1776, American Archives ser. 5, vol. 2, 232; Intelligence from Antigua, August 24, 1776, Naval Documents vol. 6, 296-297; Extract of a Letter from Bristol, September 22, 1776, Naval Documents vol. 6, 608.

[20]Jesse Hollingsworth to Maryland Council of Safety, December 11, 1776, Naval Documents vol. 7, 389; Captain

The disagreement between the Enterprize and the Defence was not the only conflict Maryland had relating to privateering. Nicholas Martin of the brig Nesbitt brought into Maryland 5,000 Mexican dollars intended for the state. But the Nesbitt's owner in Baltimore, Stephen Steward, kept the money claiming that he would consider it payment for the debt the state owed him.[21] The Maryland Council wrote to Thomas Sollers of the Maryland Naval Office and explained that because the money was appropriated by law to the recruiting service, Steward's action was completely illegal.[22] Samuel

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George Cook to Maryland Council of Safety, American Archives ser. 5, vol. 3, 1093.

[21]Stephen Steward was only part owner of the Nesbitt. On April 28, 1779 the Nesbitt was commissioned as a Pennsylvania brig owned by John M. Nesbitt and Company of Philadelphia. Steward did not buy into the Nesbitt until she was commissioned on June 23, 1780. At that time John M. Nesbitt and Robert Morris of Philadelphia were the co-owners. James Forbes was master in 1780; Nicholas Martin replaced Forbes in March, 1781. By May, Forbes was again master only to be replaced a second time by Martin in July. The commission issued in July indicated that the Nesbitt was rigged as a brigantine. By January 30, 1782 she was referred to as a brig. Whether this was an oversight made by those describing the vessel or whether she was rerigged is not known. Since she ostensibly was rerigged at least twice as a brigantine between June 23, 1780 and July 19, 1781, it is likely that between July, 1781 and January, 1782 her rigging was changed back to a brig. Lincoln, Naval Records, 404-405; Orders in Council, June 23, 1780, Archives of Maryland vol. 43, 201; Orders in Council, March 13, 1781, Archives of Maryland vol. 45, 281; List of Ships' Bonds, April 28, 1779, PCC, m247, (RG 360), r. 203.

[22]Council to Thomas Sollers Esqur Navl Offr 4th District, January 30, 1782, Archives of Maryland vol. 48, 62.

Smith was instructed that if Steward did not give over the money, and should be:

> . . . imprudent enough to persist in his unwarrantable Conduct, . . . we hereby empower and request you to seize the same wherever it can be found, and to search any Place, in which you have Reason to believe it is lodged or concealed, and to summon and call to your Aid, any Number of Persons you may deem necessary to execute this Order. You will perceive . . . [that] we wish not to be forced into rigorous Measures, and it will give us much Pleasure, if you can accomplish the Business without.[23]

Whether or not Steward surrendered the money is not known. However, by August of that same year Steward applied for a letter of marque for the Nesbitt and received a temporary certificate.[24] This suggests that the problem was probably solved.

The Nesbitt case is interesting because it indicates a privateer operated by a state. Although the vessel was privately owned, she carried specie intended for Maryland's recruiting service. A number of historians agree that privateers, such as the Nesbitt, employed by a state were not truly privateers. This opinion is inaccurate, however, because these vessels ultimately remained under the auspices

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[23]Council to Colo Samuel Smith, January 30, 1782, Archives of Maryland vol. 48, 62.

[24]Orders in Council, August 1, 1782, Archives of Maryland vol. 48, 227. The commission indicates that Nicholas Martin was replaced by Jesse James. Also, Robert Morris apparently sold his share of the Nesbitt because only John M. Nesbitt and Stephen Steward were listed as owners.

of the owner or owners and not the state.[25]

When in agreement with the owners, Maryland frequently employed privateers for a number of tasks. The Porpoise was one such vessel. On December 10, 1780 the Maryland Council asked Stephen Steward, who "managed" the sloop Porpoise, to help with the state's defense.[26] Two British privateers were wreaking havoc along the Choptauck and Patuxent rivers. The Council reasoned that "these Pickaroons" could be easily captured by a vessel such as the Porpoise. But speed and secrecy were most important. Steward quickly concurred with Maryland's request. By December 31, under the command of Major John Stewart, a small naval force, comprising the state boat Dolphin and the privateer sloop Porpoise, was ready to

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[25]Authors such as Donald B. Chidsey in The American Privateer, Jack Coggins in Ships and Seamen of the American Revolution, and Charles O. Paullin in his doctoral dissertation, "The Navy of the American Revolution" all suggested that privateers employed by the state became state vessels. This, perhaps, was the case with Virginia's Mosquito. But the Mosquito was state-owned, whereas many vessels commissioned as privateers were privately-owned and merely loaned, temporarily along with their crew, for state use. This loaning of a vessel in no way changed the vessel's privateering status.

[26]The Porpoise, or Porpus, was first commissioned as a privateer in April, 1779. At that time she was owned by John Davidson and Company of Annapolis and her master was John Harrison. A year later she was commissioned a second time and owned by Robert Morris in Philadelphia and Stephen Steward and Company of Baltimore. Captain William Weemes replaced Harrison as master. On January 1, 1781 the Porpoise was commissioned for the final time. William Weemes was retained as master, but the owners listed were John Davidson, Charles Wallace, both of Annapolis, Stephen Steward, and Robert Morris. Lincoln, Naval Records, 419.

expel "the Privateers of the Enemy . . . within the Chesapeake [,] Patomack and Patuxent River."[27]

These enemy privateers consisted of three schooners, each mounting 12 four-pounders, another with 6 three-pounders, and a fifth schooner carrying only 4 three-pounders. Accompanying the schooners were at least "three or four Barges of considerable strength." While stalking these enemy privateers, the Porpoise was to avoid engaging any vessel which might prove more powerful. The length of the cruise was left to Major Stewart's discretion; nevertheless, the Council assured him that they expected him to conduct the expedition with not only zeal and courage, but with sound judgment, as well.[28]

The expedition proved successful. Several British privateers were captured, one of which was the schooner Active, spotted one morning just at daybreak. Stewart on board the Porpoise wrote the governor and described the incident. He explained that twenty-one men were dispatched in a barge to overtake the British schooner. After sailing to windward for about five hours, the barge finally got within

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[27]Council to General Gist, the Commanding officer at Baltimore, December 19, 1780, Archives of Maryland vol. 45, 246; Council to Major John Stewart, December 31, 1780, Archive of Maryland vol. 45, 258.

[28]Council to Major John Stewart, December 31, 1780, Archives of Maryland vol. 45, 258.

a mile of the vessel. The barge's crew fired a volley into the Active and then boarded her with "unsurpassable gallantry". Stewart ended his report to the governor by announcing that at that moment his force was in pursuit of two more prizes.[29]

Before long, the Porpoise was back in Baltimore and, because her old letter of marque had expired, she was issued a new commission. She also replaced the ammunition and other stores expended during the expedition.[30] The amount of combat the Porpoise was involved in during her voyage is unknown, but she did receive some damage. Captain Beriah Mayberry and John Bullen, both from Maryland, were ordered by the Council on January 15 to survey the amount of this damage sustained by the Porpoise. In addition, John Bullen

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[29]John Stewart to Governor Lee, December 4, 1780, Archives of Maryland vol. 47, 562. There was considerable confusion concerning dates. John Stewart's letter was dated December 4, 1780 and the other documents referring to the Porpoise's work with the state were dated much later. Therefore, the Porpoise probably worked with the state and was simply asked to do so again at the end of December. If this was not the case, then the documents which discussed Maryland chartering the Porpoise, referred to a time earlier than December 4 and were merely written at a later date.

[30]The military stores supplied to the Porpoise consisted of 2 four-pound guns and their carriages, two ladles and two wormers for the guns as well as four rammers and sponges. Also, nine prickers, six pounds of match rope, twenty-four cutlasses, four powder horns, 66 four-pound cartridges of grape shot, twelve thimbles, twenty-four pair of handcuffs, eight muskets with bayonets, ten cartridge boxes, eight bayonet bells, 200 musket cartridges, and sixty gun flints. Orders in Council, January 3, 1781, Archives of Maryland vol. 45, 259.

was instructed to deliver to the Council eight blankets and a quantity of "coarse linen for six Matrasses for the Soldiers wounded in the Porpoise."[31]

Precisely how many captures were made by the Porpoise is not clearly indicated, but the most documented was the previously mentioned British privateer Active. After being brought into port, the Active's commander, Captain Whitehead, was exchanged for Captain Alexander Murray who was taken prisoner by a British armed brig in March, 1780.[32]

During the same month that Murray's exchange was being negotiated, the owners of the Porpoise agreed to ship flour from Baltimore. They had already been paid 4,000 dollars by the state for the use of the Porpoise, and now were interested

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[31]Orders in Council, January 15, 1781, Archives of Maryland vol. 45, 275; Council to Major John Stewart, January 1, 1781, Archives of Maryland vol. 45, 258.

[32]Originally, Captain Whitehead was to be exchanged for Captain John Harrison of Maryland. Harrison was confined at New York, but how long he had been a prisoner is not indicated. By February 23, however, Maryland had heard nothing further from New York concerning the Whitehead-Harrison exchange. Therefore, the council granted a parole to Captain Whitehead in order that he could go to New York and "procure the Release of Capt. Harrison in his Stead, and such of Capt. Harrison's Crew against Those of Whitehead[']s." But, for reasons not explained, Harrison was returned to Maryland in March, 1781 with no exchange taking place. The Council then decided that Whitehead could be exchanged for Captain Murray who was residing in Maryland on parole from New York. Council to Daniel Hughes, Esqr., February 23, 1781, Archives of Maryland vol. 45, 323; Council to Capt. Alexander Murray, March 7, 1781, Archives of Maryland vol. 45, 341.

in the trade developing between Cuba and Maryland.[33]

Basically, this trade, usually in Maryland bottoms, consisted of flour sent from Maryland to Havana in exchange for military stores. An act passed in November, 1779 by the Maryland government authorized privateers to act as cargo vessels for the state.[34] Usually an owner of a privateer purchased a cargo of flour for shipment with the understanding that the state would fully reimburse him for the purchase as well as pay him a five percent commission. After transporting the cargo to Cuba, or wherever the state decided, the owner of the vessel received fifty percent of the cargo's profit. The state, however, was entitled to one-half of the cargo space on the return voyage, free of charge. The state also received one-third of any prize money made by the privateer while sailing to or from its destination. Loading and unloading the cargo as well as any port charges in America or Cuba were the

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[33]Orders in Council, January 28, 1781, Archives of Maryland vol. 45, 290; Orders in Council, March 6, 1781, Archives of Maryland vol. 45, 340.

[34]This act was titled "An Act relating to the Officers and Soldiers of this State." Before November, 1779 only Maryland merchant vessels were allowed to carry state goods. But because of the need for military stores in America, privateersmen were encouraged to become involved in the flour trade to Havana and other foreign ports. For an example, Captain Deshan of the sloop Molly was instructed to carry flour as well as tobacco to Richard Harrison, the Maryland agent in Martinico(Martinique). Council to James Calhoun, Esqr. & same to Colo Henry Hollingsworth, January 28, 1781, Archives of Maryland, vol. 45, 637; Van Bibber & Harrison's Account Against the Sloop Molly, March 18, 1777, Naval Documents vol. 8, 957; Council to R. Harrison, Archives of Maryland vol. 21, 93.

responsibility of the privateer owners.[35]

The Porpoise successfully transported shipments of flour between Maryland and Cuba until July, 1781 when she was wrecked off the Capes of Delaware. Some of her cargo was salvaged, but the Maryland Council initially felt that to transport the cargo by land would be too expensive. Stephen Steward was directed to send it by water to a "reputable" person in Williamsburg, Virginia. Once Steward had decided who was to receive the cargo in Williamsburg, he was to notify the Council. By the end of July, however, the Council decided that since Steward best knew the area where the Porpoise sank, he should be the one to decide the most econo-nomical manner to transport the state's share of the cargo. The exact amount lost along with the Porpoise was not given; nevertheless, losses such as this did not deter others from entering cooperative ventures with the state.[36]

The vessels Cato and Nautilus, like the Porpoise, were both privateers which carried cargo for Maryland.[37] The brig Cato was owned by Samuel and William Smith, Daniel Bowley, and John Gwin, all of whom were from Baltimore. She was

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[35]Council to Col. Sam'l Smith, November 30, 1780, Archives of Maryland vol. 45, 230.

[36]Council to Stephen Steward, Esqr., July 21, 1781, Archives of Maryland vol. 45, 513; Council to Stephen Steward, Esqr., July 24,, 1781, Archives of Maryland vol. 45, 519.

[37]Council to Commodore James Tibbet, November 19, 1781, Archives of Maryland vol. 45, 217.

issued a letter of marque on December 30, 1780 after her master, Benjamin Weeks (or Wickes) and Samuel Smith together paid the 20,000 bond.[38] The schooner Nautilus was commissioned as a privateer on January 13, 1781. Her 20,000 dollar bond was paid by her master, James Kiersted, and owner, John Dorsey of Baltimore.[39]

In the weeks that followed, the Cato and the Nautilus waited until the bay was reasonably clear of enemy craft. Just before the end of January the two vessels left Baltimore destined for Cuba. But it was not long before they both met disaster. Samuel Smith wrote to Governor Lee and explained that on January 22 both the Cato and the Nautilus were driven

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[38]There was some discrepency in the date the Cato was commissioned. William H. Browne in Archives of Maryland recorded the date as December 30, whereas, Charles H. Lincoln's Naval Records has it as December 20, 1780. The Naval Records' date is probably incorrect because on December 29 Samuel Smith wrote to Governor Lee explaining that he hoped to get a letter of marque. Samuel Smith to Governor Lee, December 20, 1780, Archives of Maryland vol. 45, 211; Orders in Council, December 30, 1780, Archives of Maryland vol. 45, 257; Lincoln, Naval Records, 247. For an example of the form used for privateering bonds, see Appendix E.

[39]The amount of cargo carried by the Nautilus is not indicated. Assuming, however, that a smaller ship would have a smaller crew and carry fewer guns, the Nautilus was probably not as big as the Cato. The 103-ton Nautilus had a crew of twenty men and carried only eight carriage guns. The Cato's tonnage was not given, but her crew consisted of forty men and she carried fourteen carriage guns. This suggests a larger vessel. Jno Dorsey, Baltimore to Gov. Lee, December 21, 1780, Archives of Maryland vol. 45, 207; Lincoln, Naval Records, 401; Dorothy Mackay Quynn, "The Cato and the Nautilus, Maryland Privateers," The South Atlantic Quarterly 36 (January-October, 1937), 40, hereinafter cited as Quynn, "Maryland Privateers".

on shore by the British privateer Iris near the mouth of the Patuxent River "between Cedar Point & St Jeroms Creek." After running both vessels aground, the British crew boarded the Cato and "began to plunder & as is suppos'd went into the Magazine which blew up carrying off 10 of theirs" and six of the Cato's crew. This explosion entirely destroyed the Cato's pumps and the water easily flowed in destroying much of her cargo. The surviving members of the British crew soon left the two American privateers, taking the Iris up the Potomac.[40] Exactly how much of the Cato's cargo the British took is not indicated.

Fortunately, the Nautilus was in good enough condition that she was later dislodged from the shore and was able to sail her cargo back to Baltimore. As for the Cato, she remained grounded and, for a time, her cargo was left unguarded and exposed to the thievery of the local inhabitants. Samuel Smith complained that probably more than "50 Bbbs" of flour had been taken by those living in the area where the Cato wrecked. What Smith found most irritating, however, was that "some Men of Considerable property" were

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[40]Samuel Smith, Cedar Point, Major Taylors, to Gov. Lee, January 25, 1781, Archives of Maryland vol. 47, 37; Quynn, "Maryland Privateers", 50. It was later reported that at least one-third of Cato's hull had been blown away to the keel. Samuel Smith, Baltimore, to Governor Lee, February 8, 1781, Archives of Maryland vol. 47, 60-61.

among the plunderers.[41]

The final fate of the Nautilus is uncertain and it is possible that she may never have sailed again as a privateer. Regardless, there were other privateres to take her place.

The schooner Harlequin was active early in the Revolution. Throughout June, 1776 George Woolsey and George Salmon of Baltimore wrote to John Pringle, a Philadelphia merchant, requesting various military stores and other articles so as to fit out their "little Private Tear". On June 15 they wrote requesting "two tons more of Rod Iron, . . . & four good swivels." Three days later they requested "a few Pistolls & two or three bolts of Canvas." Finally, by the end of June they optimistically informed Pringle that they were able to get him a twenty-fourth share in the Harlequin and that he should expect to make a "Very large Estate" from his investment.[42]

On July 6, 1776 the Harlequin received her first commission. The letter of marque indicates that she was owned by George Woolsey, and Daniel Bowley and Company of Baltimore

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[41] An estimated "800 Bbbs" were saved of the Cato's cargo of flour. It is uncertain whether or not the citizens who "perloined" part of the cargo were ever prosecuted, but a Mr. Ignatius Taylor at least had compiled a list of their names. Samuel Smith, Baltimore, to Governor Lee, February 8, 1781, Archives of Maryland vol. 47, 60-61; Council to Ignatius Taylor, February 7, 1781, Archives of Maryland vol. 45, 303; Jno Dorsey & Co., Annapolis, to the Governor and Council, February 6, 1781, Archives of Maryland vol. 47, 53.

[42] Woolsey and Salmon to John Pringle, June 15, 18, 29, 1776, Naval Documents vol. 5, 551, 607, 819.

with William Woolsey as her master.[43]

One of the first captures made by Captain Woolsey was the ship Caroline in September, 1776. The Carolina, loaded with a cargo of rum and sugar, was taken to Chincoteague in Virginia and sold at auction. The Caroline was described in the Virginia Gazette as a six year old ship, rebuilt after being stranded on the English coast. Her "keel, stern, stern post, many of her futtocks and floor timbers" were of English oak and supposedly she was "equal, if not superior, to a new American built vessel."[44] Adhering to the resolves of Congress, William Lux, a bonder of the Harlequin, paid the wages due the crewmen of the Caroline soon after the vessel's capture.[45]

Very shortly after taking the prize Caroline into port to be sold, the Harlequin, accompanied by the Pennsylvania privateer General Greene, took a ship just off the Virginia

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[43]List of Ships' Bonds, July 6, 1776, PCC m247, (RG 360), r. 203; Smith to Tilghman, July 5, 1776, Archives of Maryland vol. 11, 554. It is not certain why George Salmon's name does not appear on any additional documentation concerning the Harlequin.

[44]Williamsburg, Virginia Gazette (October 11, 1776).

[45]The Continental Congress resolved on March 19, 1776 "that all seamen and mariners on board of merchants ships and vessels, taken and condemned as prize, shall be entitled to their pay, according to the terms of their contracts, until the time of the condemnation." Resolves of Congress, March 19, 1776, Journals of the Continental Congress vol. 4, 214; Notice to the British Crew of the Prizeship Caroline, December 6, 1776, Naval Documents vol. 7, 391; Maryland Council of Safety to the Secret Committee of Congress, September 25, 1776, American Archives ser. 5, vol. 2, 510.

Capes. This prize was the 310-ton St James out of Jamaica. She carried 312 hogsheads of sugar, eighty-two puncheons of rum, over four hogsheads of Madeira wine, and 800 pounds of copper. The Harlequin and General Greene took the St James *into* port at Providence, Rhode Island where she was sold on October 10, 1776.[46]

On October 11, 1776 William Woolsey was replaced as master by Benjamin Handy. William Lux wrote to the Maryland Council of Safety stating:

> Gentlemen: The privateer Harlequin being now ready to sail, and Captain Benjamin Handy appointed Commander, he now waits on you to obtain a new commission, the former one being in the name of Captain William Wolsey [sic], and he being now on the Eastern Shore, we cannot procure it to return to you, but we hereby engage and pledge our honours that it shall be returned immediately on his getting here, hoping you will not on that acount detain our vessel, as she is now rather late for the Jamaica fleet, some of which we flatter ourselves with bringing in.[47]

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[46]Although the St James was reported as being taken off of the Virginia Capes, apparently by the time the capture was actually made, Providence, Rhode Island was the closest safe port. To Richard Devens, Esq., September 26, 1776, American Archives ser. 5, vol. 2, 560; List of All the Vessels Cargoes &c Brought into the Port of Providence and Libelled Tried and Condemned in the Maritime Court AD 1776, Naval Documents vol. 7, 642.

[47]William Lux to Maryland Council of Safety, October 11, 1776, American Archives ser. 5, vol. 2, 988-989; Lux to Council, October 11, 1776, Archives of Maryland vol. 12, 336; Williamsburg, Virginia Gazette (October 18, 1776). On that same date the Council of Safety issued the new commission to the Harlequin with Handy as her master. The Harlequin was recorded as carrying five swivels, twenty-one men, six guns, twenty-three muskets, six rifles, eight pair of pistols, thirteen lances, ten poles, fifteen swords, 700 shot, thirty pounds of grape shot, 350 pounds of powder, 300 pounds

One of Captain Handy's most documented captures was the Lydia. This cargo ship was taken into Baltimore during the month of December. She was commanded by Captain Thomas Dean and was bound from Jamaica to London. She carried a cargo of "168 hhds of sugar, 30 tierces of ditto, 230 hides, 7 barrels of turtle shell, 9 mahogany planks, 12 bags of cotton," over three hogsheads of pimento, "and several casks of Indigo." Her cargo was estimated as being worth more than 20,000 pounds sterling.[48] By January, 1777 the Lydia and her cargo were auctioned off:

> at the House of Capt. Thomas Elliot, at Fell's Point [Maryland], on Thursday the 9th Day of January instant, at Ten o'Clock in the Forenoon [the ship] Lydia . . . Burthen about Two Hundred Tons, Philadelphia built of Live Oak, and Cedar, five Years old, a remarkable fast Sailer, a handsome Ship, well found in every particular, and maybe sent to sea at a very small Expense.[49]

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of lead shot, six barrels of beef, six barrels of pork, 1,800 pounds of bread, two barrels of flour, fifty gallons of whiskey, and two boxes of candles. List of Ships' Bonds, October 11, 1776, PCC m247, (RG 360), r. 203. At that time William Lux was the state prize agent in charge of selling and distributing the money made from privateering captures. He was not listed as an owner of the Harlequin until May 26, 1777. Lincoln, Naval Records, 327.

[48]Maryland Journal, December 11, 1776, Naval Documents vol. 7, 453; Woolsey and Salmon to John Pringle, Philadelphia Merchant, December 10, 1776, Naval Documents vol. 7, 439; Williamsburg, Virginia Gazette (December 20, 1776). For more information concerning the value of tortoise shell, see Roger Craig Smith, "The Maritime Heritage of the Cayman Islands: Contributions in Nautical Archaeology" (unpublished master's thesis, Texas A & M University, 1981).

[49]Advertisement for the Sale of the Lydia and her Cargo, January 1, 1777, Naval Documents vol. 7, 839. For information concerning the trial and condemnation of the Lydia, see Appendix I.

The Lydia's crew was paid by George Woolsey and Daniel Bowley.[50] The Lydia was purchased by the Maryland Council of Safety for 4,400 pounds sterling, which the Council's agent, Jesse Hollingsworth, considered a very fair price for such a fine vessel.[51]

Almost five months after capturing the Lydia, the Harlequin was sold to William Lux in Baltimore.[52] She was bonded as a letter of marque for 5,000 dollars in May by Charles Wallace and her new master, Benjamin Joline.[53] After this date, the fate of the Harlequin is unknown.[54]

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[50]For an explanation concerning the rules requiring that crew members of prizes be paid, see footnote 45 of this chapter. Williams, Liverpool Privateers, 201; Maryland Journal, January 1, 1777, Naval Documents vol. 7, 839; Maryland Journal, February 11, 1777, Naval Documents vol. 7, 1173.

[51]Advertisement of Sale of British Prize Ship Lydia and Cargo, January 11, 1776, Naval Documents vol. 7, 839.

[52]There were other Baltimore merchants who owned the Harlequin along with Lux, but the letter of marque issued on May 26 does not give their names. Lincoln, Naval Records, 327.

[53]Marshall Booker incorrectly stated that she was sold a year later. Booker, "Privateering From the Bay", 269.

[54]No documents were located concerning captures made by Captain Joline, and the issue is increasingly confused by the fact that several vessels named the Harlequin sailed the Chesapeake area. For instance, in 1778 vague accounts were given concerning a privateer schooner named the Harlequin operating off of the Virginia Capes. This may have been the same vessel, but no evidence was located to substantiate this. In 1781 Cornwallis scuttled a schooner named Harlequin to form a defensive line along the beach near Yorktown. If this was the same vessel, it had been captured because Cornwallis had purchased her from a Virginia loyalist named

Because of incomplete documentation, it is difficult to trace the entire history of vessels such as the Harlequin. This is also true for the sloop Baltimore Hero. She was another of Maryland's successful privateers that cruised the waters of America, Europe, and the West Indies.

The Baltimore Hero was first commissioned on September 16, 1776. She carried twelve guns and a crew of twenty men. Her Baltimore owners were John Crockett, Thomas Ringgold, and Abraham Van Bibber; the fourth, Robert T. Hooe, was from Virginia. After the owners had paid her 5,000 dollar bond, this fifty-ton sloop was ready to begin her cruise.[55]

By November, 1776 the Baltimore Hero's captain, Ezekial John Dorsey, was sailing the waters of the Dutch West Indies.[56] While only a short distance from Fort Orange on

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William Skinner. Adding to the confusion, Daniel Bowley, one of the original owners of the Harlequin, and William Taylor fitted out a schooner named the Harlequin in July, 1782. It is unlikely that this was the same vessel, however, because it was registered as being eighty-eight tons. The original Harlequin was only fifteen tons. List of Ships' Bonds, July 6, 1776, PCC m247, (RG 360), r. 203; Sands, "Sea Power", 230; Certificate granted to Capt Simon White of the Schooner Harlequin, July 18, 1782, Archives of Maryland vol. 48, 170; Lincoln, Naval Records, 327.

[55]Lincoln, Naval Records, 232; Octavius Pickering, The Life of Timothy Pickering 1 (Massachusetts, 1867), 295-296; Application for Commission of Letter of Marque and Reprisal for the Maryland Sloop Baltimore Hero, September 16, 1776, Naval Documents vol. 6, 864.

[56]Thomas Waters was originally listed as master on the letter of marque for the Baltimore Hero. No information was located concerning the exact length of time he served in this capacity, but by November, 1776 Captain Dorsey was

St. Eustatius, Dorsey captured an Irish merchant vessel from Cork. She was a brigantine called the May and was carrying a cargo from the "Island of Dominica" to St. Eustatius.

This capture created an extremely controversial disagreement between the Dutch and the British. Craiser Greathead, the British governor of "Dominica", wrote to the governor of St. Eustatius, Johannes De Graaff, and complained that the Dutch on St. Eustatius not only supplied:

> . . . all sorts of Provisions and warlike Stores . . . to His Majesty's said rebellious Subjects, but that Vessels have been also equipped & set forth in a warlike manner from that Island for the express and avowed Purpose of Cruising against & making Prize of the Ships and properties of his peaceable & faithful Subjects.[57]

The British insisted that the Baltimore Hero's actions were piratical and that De Graaff's response concerning the capture of the May was unacceptable. Not only did the Dutch allow the May to be captured in full-view of Fort Orange, but De Graaff permitted Captain Dorsey to put into St. Eustatius to dispose of his capture as legal prize. The arrogant attitude of the Americans did not help the diplomatically sensitive situation. For example, Mathew Murray,

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listed as master. Application for Commission of Letter of Marque and Reprisal for the Maryland sloop Baltimore Hero, September 16, 1776, Naval Documents vol. 6, 864; Lincoln, Naval Records, 232.

[57]Deposition of Foster McConnell, January 31, 1777, Naval Documents vol. 7, 917; Governor Craiser Greathead to Governor Johannes De Graaff, December 17, 1776, Naval Documents vol. 7, 507.

a British subject living on the island of St. Christopher, met two men while travelling to Eustatius. Although he could not recall their names, he did remember one man mentioning that he was a "North American and had been in Several Engagements there with the King's Troops." The man contended that he hoped to get into other "Employ". Murray told the man that there was a merchant vessel at St. Christopher bound for New York and because the vessel "was in the king's Service", the man would be in no danger from British capture while on board her. The man replied that he had no desire to return to North America and that he wanted to go to England. But, as Murray learned later, the man was only being sarcastic. Upon their arrival in St. Eustatius, they pulled along side of a sloop at anchor. The men aboard the sloop "came running forward and spoke to the before mentioned stranger". After speaking with his comrades, the man "Cried out aloud" to Murray and the other passengers aboard the transport vessel: "'now you may all know me I am Gunner of this Sloop, She is an American Privateer, and is called the Baltimore Hero, and is the one which took the Irish Brig off here the other Day.'" Afterwards, the man put his belongings into a canoe and paddled over and boarded the sloop.[58]

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[58]Deposition of Mathew Murray, December 9, 1776, Naval Documents vol. 7, 427.

Vice Admiral James Young, commanding the British fleet in the West Indies, further exemplified the consternation of the British when he complained:

> that the Subjects of the [Dutch] States not satisfied with giving all manner of Assistance to the American Rebels, of Arms, Ammunition, and whatever else may enable them to Annoy and disturb the Trade of His Brittannic Majesty's Loyal and Faithful Subjects, and that even the Government of St. Eustatia, daily suffer Privateers to be Manned, Armed, and fitted in their port, and the Subjects of the states are said to be part Owners of such Privateers. The Piratical Vessel [Baltimore Hero] named in the inclosed Memorial, was known to be fitted out at St. Eustatia, and part owned by a Mr Vanbibber of that place.[59]

Abraham Van Bibber served as the Maryland agent to St. Eustatius and was allowed to reside on the island regardless of the fact that he was part owner of an American privateer.[60]

Both Greathead and Young warned the Dutch officials that the type of relationship developing between Holland and America seriously threatened the peace between the Dutch and the English. Greathead demanded that De Graaff not only exert his authority:

> to prevent a Repetition of those Breaches of Faith, but . . . also take effectual steps, that ample Reparation may be made to the Sufferers by the Piracy committed by the Sloop the Baltimore Hero, and that the Partners, Sharers and abbettors in that act be found out & apprehended, & that they may suffer condign Punishment for a Terror to others.[61]

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[59] Vice Admiral James Young to Governor Johannes De Graaff, December 14, 1776, Naval Documents vol. 7, 487.

[60] Jameson, "St. Eustatius", 685.

[61] Governor Craiser Greathead to Governor Johannes De Graaff, December 17, 1776, Naval Documents vol. 7, 508.

De Graaff's response to the British accusations was firm. He did not want to create a national incident between Holland and England, but, at the same time, he refused to be bullied. He informed Greathead that the Baltimore Hero was fitted out in Maryland and not St. Eustatius. Also, her prize, the May, was not taken within gun range of Fort Orange, but, in fact, much closer to St. Christopher. When the May was brought into St. Eustatius and tried, the courts of St. Eustatius failed to recognize anything piratical about her capture. Nevertheless, De Graaff assured Vice Admiral Young that he would do everything in his power to remunerate the owners of the May. As to individuals supporting American privateering and residing in St. Eustatius, such as Van Bibber, De Graaff commented that "irregularities will . . . be committed by individuals: of which . . . there are many instances on both sides . . . ." De Graaf pointed out that if the British expected the Dutch to avoid infringing on England's rights, then England would have to show the same courtesy to Holland. He did not enumerate the offenses committed by England, but the wording of his letter suggested that the Dutch had difficulties with the British which were "heretofore the causes of repeated Complaints."[62] De Graaff concluded that neither English nor

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[62]Letters to Vice Admiral James Young from Governor Johannes De Graaff, December 19, 1776, Naval Documents vol. 7, 524; Jameson, "St. Eustatius", 694; Liverpool's The General Advertiser, April 11, 1777, Naval Documents vol. 8, 743.

Dutch rights were violated and that St. Eustatius would continue its policy of open trade -- both with England and America.[63]

Regardless of these debates between the British and the Dutch governor, the Baltimore Hero was soon out of the West Indies. By May, 1777 she had reportedly put into Bordeaux, France "in a very leaky condition." It was not clear, but she may have been damaged during "some engagement with one of his Majesty's cruising frigates."[64]

Apparently the Baltimore Hero was repaired and, eventually, made her way back to Maryland. She was issued a new commission on May 15, 1779. Her master, John Earl of Philadelphia, and owner, John Crockett of Baltimore, paid the 5,000 dollar bond. Her other Baltimore owners were Ben Crockett and John Sterett. Her rigging was changed from a sloop to a schooner and her crew was increased to thirty men and her armament to twenty-two guns.[65]

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[63]Governor Johannes De Graaff to Governor Craiser Greathead, December 23, 1776, Naval Documents vol. 7, 582.

[64]Captain Lambert Wickes to Captain Samuel Nicholson, May 23, 1777, Naval Documents vol. 8, 862.

[65]The Baltimore Hero had other owners than those mentioned; however, their names were not listed on the letter of marque. Also, her recorded number of twenty-two guns may have been a mistake as other sources, as will be seen, describe her as carrying only twelve guns -- the same number she carried when she was first commissioned. Lincoln, Naval Records, 232; Orders in Council, May 14, 1779, Archives of Maryland vol. 21, 62.

Soon the Baltimore Hero was again sailing for the West Indies. One month later a report came from Annapolis which stated that:

> Captain Earl, in the schooner Baltimore Hero of 12 guns, bound to St. Eustatia, going down our bay last Saturday, in the company with the brig Lively, Capt. Bell, the brig Lady Washington, Capt. Greenway, and four pilot boats, off Rappahannock, fell in with two of the enemies privateers of 12 guns, who had with them two prizes; Captains Earl and Bell after an obstinate engagment of two hours and a half, had every prospect of taking them, had not two more brigs and schooners of the enemy bore down, which obliged them to make the best of their war after retaking one of the prizes, which they sent into Rappahannock. Capt. Earl had only three men slightly wounded, but was much damaged in his sails, rigging, and hull. Capt. Bell had two men mortally wounded, and is much shattered; they were chased up as high as Point No Point [Maryland]. As they are now refitting and will be ready to sail in a day or two, in company with several vessels of force it is not doubted, should they come across them again, they will give them a very warm reception.[66]

It is not known if the Baltimore Hero ever gave her intended "warm reception" to the British. No documents have been located to indicate that she was ever recommissioned and precisely what happened to her is uncertain.[67]

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[66]Williamsburg, Virginia Gazette (July 3, 1779).

[67]It is entirely possible that the schooner Baltimore Hero was a completely different vessel from the sloop Baltimore Hero. No records have been found discussing the Baltimore Hero after she had put into Bordeaux for repairs, and it was nearly two years later that she received a new commission. At that time she was double-masted with almost twice the number of guns, suggesting a larger vessel than the twelve gun, single-masted sloop commissioned in 1776.

As with the Baltimore Hero, the historical records concerning the privateer Buckskin are also incomplete. During the Revolution there were actually several commissioned privateers named the Buckskin. At least two of them were from Maryland.[68] Probably the first was the schooner owned by George Handy and others of Baltimore. This particular Buckskin was schooner-rigged and armed with ten guns (three carriage guns and seven swivels). Her crew consisted of thirty men, commanded by Joseph Handy. James Martin and Joseph Handy paid 5,000 dollars bond and were issued a commission on November 11, 1776.[69]

By December the Buckskin was in the waters just off of the southeast coast of Bermuda. While in this area, Captain Handy spotted a British brigantine and fired upon her. The brigantine surrendered with little opposition and Handy discovered that she was the merchant vessel Sally en route from the Caribbean to England. Handy placed a prize master on

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[68]A Pennsylvania schooner named the Buckskin was owned by Robert Morris. This Buckskin was commissioned in November, 1778, July 1780, and June, 1781. She was a small vessel, carrying only six men and armed with fifteen or sixteen guns. Another vessel named the Buckskin was the ship owned by Hunter, Banks, and Company of Richmond, Virginia. Commissioned in January, 1782, she was apparently a much larger vessel than Morris' schooner because she had a crew consisting of 150 men and was armed with twenty guns. For further discussion concerning the Hunter, Banks, and Company, see Chapter III. Lincoln, Naval Records, 244-245; List of Ships' Bonds, January 13, 1782, PCC m247, (RG 360), r. 203.

[69]List of Ships' Bonds, November, 11, 1776, PCC m247, (RG 360), r. 203; Lincoln, Naval Records, 243.

board the Sally and took her into Beaufort, North Carolina. There she was sold with her cargo of over 25,000 hogsheads of sugar, a quantity of rum, 630 bags of pimento, several tons of fustic, a bag of cotton, two dozen mahogany planks, a box of tortoise shell, and at least twenty-five cowhides.[70]

Unfortunately, this initial success was not repeated. Late in December, the HMS Galatea fell in with the Buckskin approximately ninety-five miles east of Bermuda. Captain Thomas Jordan of the Galatea wrote in his logbook that on the morning of December 25 he spotted a sail and gave chase.

> At 10 AM fired two Shot and brot too the Buckskin privateer from Maryland[.] At noon in Company with the 3 schooner Prizes Strong Gales and Squally Wear[.] At 1 PM hoisted out the Cutter and sent on board the privateer [and] at 3 the Cutter return'd much damaged in boarding the Schooner.[71]

Captain Handy and his crew were taken on board the Galatea, and the Buckskin was stripped and then burned. Eventually, Handy was sent back to Baltimore in exchange for one of the British officers held prisoner in Maryland. By the summer of 1781 Handy was busy fitting out and commissioning a privateer barge named Independence. But this time he was listed as only an owner and, apparently, chose not to

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[70] Jno Cook to Richard Cogdell, January 8, 1777, Treasurer's and Comptroller's Papers: Ports, Division of Archives and History, Raleigh, North Carolina.

[71] Journal of the HMS Galatea, December 25, 1776, Naval Documents vol. 7, 597.

command her.[72]

The other Buckskin from Maryland was a 200-ton ship-rigged vessel belonging to Samuel and Robert Purviance, John Crockett, and others of Baltimore. She was fitted out during the latter part of 1778 and commissioned on January 9, 1779.[73] In the ship's manifest, Aquila Johns was recorded as master and, along with John Davidson, provided the 10,000 dollars for the ship's bond. This Buckskin's crew consisted of nearly 100 men, she was armed with twenty-eight carriage guns as well as twenty-four muskets, twenty-four cutlasses, some pikes, and at least eight pole axes.[74]

No documentation has been located concerning the Buckskin's activity for the remainder of 1779 and January, 1780. However, in February Samuel and Robert Purviance wrote Governor Thomas Sim Lee and stated that the Buckskin was anchored in the Patuxent River -- blocked by ice.[75] The

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[72]Henry Tucker to George Tucker, January 13, 1777, Naval Documents vol. 7, 948; Providence Gazette, February 15, 1777, Naval Documents vol. 7. 1209; Williamsburg, Virginia Gazette (March 28, 1777).

[73]During the first part of November, 1778 the Council agreed to loan the owners of the Buckskin the 5 nine-pounders located at Indian Landing, Maryland. The owners agreed to return the cannon in good condition or to pay for them if lost or damaged. By the House of Delegates, November 5, 1778, Archives of Maryland vol. 21, 252.

[74]Orders in Council, January 9, 1779, Archives of Maryland vol. 21, 62; List of Ships' Bonds, January 9, 1779, PCC m247, (RG 360), r. 203; Lincoln, Naval Records, 243.

[75]Along with the Buckskin were the Maryland privateers Fanny, Revenge, Hercules, and King Tammany.

Purviances explained that the river would have to thaw before the Buckskin could resume her privateering activity. This delay proved costly for the Purviances and the other owners of the Buckskin. Because she was not bringing in any prizes, the owners were making no profit on their investment. In addition, the ship still had to be revictualled before it could sail again.[76] Nevertheless, the Buckskin eventually was able to break free of the ice with the ensueing spring and continue her privateering activities. What this privateering entailed, however, is uncertain.

There is a gap in the historical record concerning the Buckskin's activity during the months of February to November, 1780. She was never issued a second letter of marque and, by December, Captain Johns had been captured and was on parole as a prisoner of war in Charleston, South Carolina. From this it is assumed that Johns was taken while on board the Buckskin and the Buckskin either remained in British possession, or was destroyed.[77]

In contrast, the privateer Sturdy Beggar was ostensibly more active than the Buckskin. The Sturdy Beggar was built in 1776 by Colonel Richard Graves, "a reputable Maryland

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[76]Samuel and Robert Purviance to Governor Thomas Sim Lee, February 4, 1780, Archives of Maryland vol. 43, 415.

[77]Orders in Council, December 16, 1780, Archives of Maryland vol. 45, 244.

shipbuilder."[78] Graves was known for high quality, fast sailing vessels, and the Sturdy Beggar was considered one of his best. An advertisement described "the celebrated and well-known" Sturdy Beggar as the "handsomest Vessel ever built in America . . . remarkable for fast sailing, having never chased a Vessel but she came up with."[79]

It was not surprising then that the Sturdy Beggar was expected to do well for her Baltimore owners: Samuel and Robert Purviance, William Lux, and others. On November 19, 1776 she received her commission and her 10,000 dollar bond was paid by John Muir, Frederick Green, and her master, John McKeel. She was rigged as a brig and carried fourteen guns and a crew of approximately 100 men.[80]

Soon after the Sturdy Beggar received her commission, Captain McKeel set his course for the high seas. In February McKeel wrote to the owners in Baltimore:

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[78]Arthur Pierce Middleton, "Ships and Shipbuilding in the Chesapeake Bay and Tributaries," Chesapeake Bay in the American Revolution, ed. Ernest McNeil Eller (Maryland, 1981), 134. For a bill listing the cost of materials required to build the Sturdy Beggar, see Richard Graves' Bill for Building the Maryland privateer Brigantine Sturdy Beggar, September 20, 1776, Naval Documents vol. 6, 917-919.

[79]Williamsburg, The Virginia Gazette (July 25, 1777).

[80]Charles Henry Lincoln in Naval Records of the American Revolution listed the Sturdy Beggar as a brigantine which carried twenty-four guns. Most sources describe her as a brig with only fourteen guns. Continental Bond for the Maryland Privateer Brig Sturdy Beggar, November 19, 1776, Naval Documents vol. 7, 212; Commission issued to John McKeel, November 19, 1776, Archives of Maryland vol. 12, 455.

> about two weeks aGon we Ingaged a large ship but could make nothing of her fighting Consaderable more Guns then us and all under Cover appearing to be an old India man[.] Yesterday we feil in with Eight sail and Came in more with them but appearing seaverel vessels of Consaderable force did not ingage them . . . You may depend on my prolonging the Cruise to the best advantage.[81]

From his letter Mckeel sounded as though his cruise was not very seccessful. But in January, prior to McKeel's letter, the Sturdy Beggar had taken a brig loaded with oats off of the Madeira Islands near Portugal. In addition, during the first part of February, she captured a fourteen gun ship from Bristol. Although it took nearly five hours of fighting to subdue the English vessel, her value of 8,000 pounds sterling apparently made the confrontation worth while.

Shortly after this difficult capture McKeel took two more vessels. One was a ship called the Elizabeth sailing from London to the West Indies. The other, accompanying the Elizabeth, was the brig Providence and Mary from Cork. It took nearly three hours of fighting before the British vessels surrendered. Unfortunately, the two prizes were not worth the effort it took to capture them. After boarding the vessels McKeel found that they carried "nothing . . . but Bread flour & coales."[82]

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[81]Captain John McKeel to Robert Purviance and Daniel Bowley, Baltimore Merchants, February 2, 1777, Naval Documents vol. 7, 1092.

[82]Libel Filed in Maryland Admiralty Court Against Prize Ship Elizabeth, March 24, 1777, Naval Documents vol. 8, 193-194; Libel Filed in Maryland Admiralty Court Against

Another disappointment for McKeel was the loss of his prize the Marquis of Rockingham. McKeel had captured this merchant ship in early February while she was en route from Bristol to St. Kitts in the West Indies. McKeel intended to send the Marquis of Rockingham into a safe port to be sold. Before this was accomplished, however, Captain George Keith Elphinstone of the HMS Persus spotted the captured British merchant vessel early in the morning on February 14 and gave chase. At approximately five o'clock that evening the HMS Persus got close enough to fire a shot at the Sturdy Beggar's prize. The prize master, apparently to avoid any further engagement, quickly surrendered the merchant vessel.[83]

Towards the end of February the Sturdy Beggar had put in at Martinique. Two of her crewmen were dead and she was in serious need of refitting.[84] The Sturdy Beggar was repaired and in March was once again cruising. Early in April she made her most valuable capture, the St. George sailing from Senegal in western Africa to the West Indies.

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the Prize Brig Providence and Mary, March 21, 1777, Naval Documents vol. 8, 173; Williamsburg, Virginia Gazette (April 4, 1777).

[83]Journal of HMS Persus, Capt. Geo. Keith Elphinstone, February 17, 1777, Naval Documents vol. 7, 1206; Vice Admiral James Young to Philip Stephens, March 9, 1777, Naval Documents vol. 8, 70-71.

[84]George Woolsey to John Pringle, March 24, 1777, Naval Documents vol. 8, 193; Extract of a Letter from a Gentleman at St. Lucia, to a Merchant in this town [London], March 10, 1777, Naval Documents vol. 8, 81.

When captured, the St. George was carrying not only the governor of Senegal with his retinue, but also a valuable cargo of ivory, gold dust, and over 400 African slaves. McKeel, afraid of losing his prize to the British privateers operating out of Jamaica, placed the St. George under the protection of Captain De Folique Deschalonge of the French frigate Le Marquis de la Chalotois. Captain Deschalonge was sailing from France to Hispaniola when he met the Sturdy Beggar and agreed to take the St. George into his convoy. The St. George arrived safely in Hispaniola where she and her cargo were sold for more than 20,000 pounds sterling. The governor of Senegal was taken to Martinique and released.[85]

Between April and June the Sturdy Beggar had at least two narrow escapes. A letter, dated April 30 from an unknown source, stated that the British sloop of war Fly had taken the Sturdy Beggar off of the coast of Grenada. Supposedly "the Captain of the privateer and a number of his hands were killed."[86] If Captain McKeel, in fact, had been killed and the Sturdy Beggar captured, the crew was not long in choosing

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[85] Gazette of the State of South-Carolina, May 12, 1777, Naval Documents, vol. 8, 957; Pennsylvania Journal, May 14, 1777, Naval Documents vol. 8, 966; Extract of a Letter from Grenada, April 18, 1777, Naval Documents vol. 8, 372; Williamsburg, Virginia Gazette (May 9, 1777), (May 30, 1777).

[86] Extract of a Letter from Grenada, in the West Indies, April 30, 1777, Naval Documents, vol. 8, 489.

other captain and regaining control of the brig. During the latter part of June the Virginia Gazette published an article stating that the Sturdy Beggar and the merchant schooner Franklin had been run aground by an unidentified English frigate along the coast of South Carolina. The Sturdy Beggar's crew were able to free their ship, but the schooner remained grounded.[87]

The Virginia Gazette gave no indication of whether or not Captain McKeel was commanding the Sturdy Beggar when she was chased ashore. Nevertheless, by August she had received her second commission from Maryland while anchored at New Bern, North Carolina. Her new master, James Campbell, was from Baltimore as were her owners Samuel and Robert Purviance, and Lux, Bowley, and Company.[88] John Kilby, who signed aboard as a seaman on August 6, wrote that the Sturdy Beggar at that time was fitted out with "14 Double Fortify 6 pounders" and was "manned with 100 men."[89]

The Sturdy Beggar was still anchored at New Bern; therefore, Kilby and the rest of the new crew members sailed from

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[87]The next day a Captain Granbury of Virginia spotted the stranded schooner from his vessel. Although he was unable to get the schooner from the shore, he did reserve part of her cargo consisting of military stores and all of the passengers. Williamsburg, Virginia Gazette (June 27, 1777).

[88]Commission of Lre of Marque, August 5, 1777, Archives of Maryland vol. 16, 326; Lincoln, Naval Records, 465.

[89]Durwood T. Stokes, ed., "The Narrative of John Kilby," Maryland Historical Magazine 67 (Spring, 1972), 24, hereinafter cited as Stokes, "Kilby".

Baltimore in a transport vessel to rendezvous with Captain Campbell in North Carolina.

> On our way down the bay we were pursued by the Enemy, and Compelled to put into a place called Chessconnessex, on the Eastern Shore of Virginia, near Norfolk [Virginia], where we lay 8 days, then set out and arrived at North landing, Virginia, at which place we all Remained 8 days, waiting for Crafts to take us on, then set off and arrived in Newbern, North Carolina, . . . at which place found our Capt. James Campbell, the Commander.[90]

The Sturdy Beggar soon left New Bern to pass through Ocracoke Bar. But misfortune struck before she could get into open water. The Sturdy Beggar was too heavy to cross the bar with all of her guns on board. Because of this, a lighter had to be used to carry the guns out to the Sturdy Beggar waiting in deeper water. Kilby did not explain why, but before the lighter was able to cross the bar, it sank with all of the Sturdy Beggar's guns. The voyage was delayed until the guns were raised and once again mounted on board the privateer.

By November the privateer was finally away from North Carolina and shaping her course for the Bay of Biscay. On November 15 she "Fell in with a Double Deck Brig . . . from Glasgo [Glasgow], bound to St. Johns, new found land [Newfoundland], loaded with King's navel [naval] Stores." After approximately two hours of fighting, the Sturdy Beggar captured the brig. Campbell put his sailing master, Gabrel

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[90]Stokes, "Kilby", 25.

Slakum, on board and told him to take the prize to the nearest, safest port.[91]

In late November the Sturdy Beggar captured the eighteen gun ship Smurney Galley after an engagement which lasted only about fifty-five minutes. The ship was "from Smurney [Smyrna, Turkey] bound to London" and the "invoice of her Cargo was Eighty thousand pounds sterling."[92]

The vessel from Smyrna was the Sturdy Beggar's final capture. On December 9 the English warship Resolution discovered the Sturdy Beggar and gave chase. "The little Brig halld [hauled] her wind and out sailed" the Resolution. But the weather became very rough towards evening and the Sturdy Beggar had to hove to and and reef her topsails. The officers of the Resolution, convinced they were about to capture the Sturdy Beggar, pressed on. The Sturdy Beggar "filled her Topsails and kept close on a-wind." The Resolution "pressed so much sail that about 1/2 an houre by sun at night she carried away her four Topmast . . . and lost 3 men overbrd." Eventually the Resolution quit the chase but never lost sight of the Sturdy Beggar. A few days later, a violent storm struck "which lasted nearly 50 hours." Before the storm had dissipated, the Sturdy Beggar sank. The Resolution, herself

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[91]Stokes, "Kilby", 26; Joseph Leech to Governor Caswell, September 17, 1777, The State Records of North Carolina vol. 11, 623.

[92]Stokes,"Kilby", 26.

almost lost in the storm, brought the privateersmen into Spithead, England. Two months later Kilby and the rest of the crew stood trial. They were all found guilty of piracy and treason and sentenced to imprisonment in Fortune's Jail, Gosport.[93] No mention was made concerning the fate of Kilby's crew, but, after almost two years of imprisonment in England, Kilby escaped and eventually served on board John Paul Jones' famous vessel, the Bonhomme Richard.

The Baltimore Hero, Buckskin, Harlequin, Sturdy Beggar, and other Maryland privateers all helped the American cause during the Revolution. For reasons discussed in chapters III and V, there were at least twice as many privateers from Maryland than Virginia throughout the war and because of this, naval and military stores, as well as other supplies, were more available in the Chesapeake region.[94] Maryland privateers not only brought in valuable cargo and occasionally helped defend the state, but they also harassed British supply lines in the Atlantic and West Indies. Vice Admiral James Young wrote from Antiqua: "these Seas now Swarm with American Privateers; . . . which it is probable will do a great deal of Mischeif unless I am enabled to send out more Cruisers to annoy them."[95]

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[93]Stokes, "Kilby", 27.

[94]Booker, "Privateering from the Bay", 281.

[95]Vice Admiral James Young to Philip Stephens, March 9, 1777, Naval Documents vol. 8, 71.

But American patriots were not the only ones fitting out privateers. Loyalists as well as other British subjects were quick to fit out letters of marque and prey on the shipping of America and its allies.

CHAPTER V

THOSE WHO SAILED AGAINST THEM

A bill for allowing the Lords of Admiralty "to grant letters of marque and reprisals against the Americans" was presented in the House of Commons on December 2, 1776. A sizeable number of British officials were strongly in favor of the bill. The Earl of Sandwich was informed that:

> the trade of this kingdom has been abominably annoyed by small vessels who escape the pursuit of the men of war by getting into shallow water. If your Lordship got 20 or 30 of these smacks . . . and dispatch them to the American coasts, they could look in to every port, burn, cut out, and cause such a consternation throughout the whole continent by cruising in shore, that it would be equal to six times the expense of such armament . . . and be a means of bringing the sons of rebellion to a speedy and proper submission . . . .[1]

By April, 1777 the House of Commons had approved the bill. Soon it became popular in England -- as in America -- to own stock in privateers. An observer noted that "there was scarcely a man, woman, or child in Liverpool, of any standing, that did not hold a share in one of these ships."[2] Individuals frequently used their privateering stock as collateral for investments, or bought shares to give as gifts for weddings or other special occasions. Also like America,

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[1] Samuel Martin to John, Earl of Sandwich, January 13, 1777, Earl of Sandwich vol. 1, 218; Williamsburg, Virginia Gazette (April 25, 1777).

[2] Williams, Liverpool Privateers, 186.

however, not everyone in England was in favor of privateering.[3]

Thirty months after the outbreak of the Revolutionary War only eighty American merchantmen had been captured. This compelled many Parliament members to believe that letters of marque "'were of little service, unless those who had them fell in with an American tobacco ship; and that was as much a matter of chance as the obtainment of a ten, or twenty, thousand pound prize in the Lottery.'"[4] The effect privateering had on naval personnel supported this animosity towards letters of marque. Like American sailors, the British seamen were more attracted to privateering than naval service. Admiral Hugh Palliser complained that privateering "Caused desertion from his Majesty's ships" and that something had to be done immediately to eradicate the deplorable situation. But regardless of the problems privateers caused and the belief, such as that expressed by Admiral George Rodney, that privateers were "an enormous and almost useless expense", British privateers remained active throughout the Revolution.[5]

Reports frequently appeared in newspapers describing

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[3]Williamsburg, Virginia Gazette (May 9, 1777).

[4]Trevelyan, George the Third vol. 1, 160.

[5]Admiral Hugh Palliser to Earl of Sandwich, May 2, 1776, Earl of Sandwich vol. 1, 210; Memorandum from Sir George Rodney, [undated], Earl of Sandwich vol. 3, 176; To Captain James Nicholson, April 8, 1777, Out-Letters of the Continental Marine Committee and Board of Admiralty vol. 1, 94, hereinafter cited as Out-Letters.

British privateering activity. In February, 1779 the Virginia Gazette informed its readers that there were at least six privateers "lying in the river Thames . . . ready to put to sea, as soon as they can procure hands to man them. For able sailors, they offered twelve guineas per man." The Gazette also pointed out that, in spite of those who viewed it as worthless, successful privateering ventures greatly subsidized the economy of England and Ireland. A letter from Liverpool quoted in the paper stated that "the armed vessels that have sailed out of our port, have already brought in a clear profit to the owners of upwards of 30,000£." Ireland was so dependent on privateering that if it were discontinued, "a great part of the natives must either emigrate, or adopt Swift's plan of eating their own children."[6]

Although Ireland's situation may have been somewhat over-stated, the fact remains that British privateers were a threat to the American colonies.[7] By February, 1779 the situation was serious enough to persuade the majority of the merchants in Baltimore to stop shipping until the Chesapeake

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[6]Williamsburg, Virginia Gazette (February 12, 1779), (February 26, 1779), (March 26, 1779).

[7]There were British vessels acting as privateers months before the House of Commons passed the bill allowing letters of marque. These vessels were considered "Self-appointed privateers: and their legality was questionable. Nothing was really done about them, however, and the Earl of Sandwich suggested that those opposed should "proceed with a spirit of accomodation" because soon these privateers would be made legal, anyway. Earl of Sandwich to Admiral James Young, May 1, 1777 Earl of Sandwich vol. 1, 395-396.

ay was cleared of at least some of the "enemy's privateers." his constant harassment of American shipping in the hesapeake greatly affected military supply lines. In 1780 eneral Horatio Gates, in command of the American forces in he south, learned that the vessel carrying "3,000 stand of rms, &c.", which he badly needed, had been "chased ashore n Virginia by one of the Enemy's privateers."[8] Colonel oseph Dashiell informed Governor Lee of Maryland: "Very few f our Vesels Escape the Enemy. and I am realy of oppinion hat the risk to Trentown is not as great, as to the head of lk [Maryland] at present."[9] In Virginia, Governor Jefferson xplained that because of the British privateers "nothing can enture out of our rivers."[10]

The situation was no better in 1782. Colonel Thomas ewton, Jr. in Norfolk wrote: "we hear fighting every day & ight here (off our Capes), the coast if full of privateers & few vessels get in . . . ."[11] Captain Richard Servent in

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[8]War Office to Major Gen. Gates, August 4, 1780, The State Records of North Carolina vol. 14, 533; Williamsburg, Virginia Gazette (March 12, 1779).

[9]Joseph Dashiell, Somerset County, to Governor Thomas Sim Lee, August 30, 1780, Archives of Maryland vol. 45, 67.

[10]These British privateers consisted of "six to eleven" vessels, the largest carrying twenty guns. Thomas Jefferson to The Committee of Congress at Headquarters, July 2, 1780, Papers of Jefferson vol. 3, 476.

[11]Col: Thos: Newton Jnr: to [name not indicated], March 14, 1782, Calendar of Virginia State Papers vol. 3, 99.

the vessel Patriot, out of Hampton, was attacked by two British privateers off the capes. The Patriot's crew fought the privateers for nearly two hours before Servent was forced to run his vessel ashore. The British tried to board the Patriot but were driven back. During the battle, however, Servent was shot through the thigh. When his men tried to move him from the deck to safety, he commanded them to leave him and ordered that the vessel should not be surrendered.

The British gave no quarter; they attacked again. This time Servent was shot through the body. Falling again to the deck, Servent cried: "'I am a dead man, do not mind me[,] boys, your bravery will save the vessel.'" Servent's men assured him that they would not allow him to fall into the hands of the enemy. But while Servent was being carried ashore the Patriot was captured. Servent died twenty-four hours after being landed and his vessel remained in the hands of the enemy.[12]

The Virginia Capes were a prime area for British privateers to operate, but, as pointed out above by Dashiell, one of the most exposed locations was the Eastern Shore. The inhabitants of the Eastern Shore and its vicinity had to adapt

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[12]Williamsburg, Virginia Gazette (June 26, 1779). For further example of the number of British privateers and their effect, see The Letters and Papers of Louis Manigault of Charleston, South Carolina, 1776-1816, Manuscript Collection, Duke University, Durham, North Carolina; Correspondence of Vice Admiral Arbuthnot, 1780-1781, Admiralty Papers, Box ER2, Department of Archives and History, Raleigh, North Carolina.

to the fact that they were almost completely cut off from supplies and protection during most of the war. In spite of the consternation expressed by officials from Maryland and Virginia, many inhabitants cooperated with the British. Elija Sturgis of Maryland testified that while sailing up the bay, he and his vessel were taken by the British privateer Suky. That night the privateer's captain, James Ridley, landed on Sharpe's Island. Captain Ridley, his lieutenant, and Sturgis spent the night at the "house of one Crier". While on the island Sturgis saw several of the inhabitants exchanging "Provisions for Salt". Interestingly, however, Sturgis later could remember none of the inhabitants' names.[13]

"Devils Island", one of the bay's upper Tangier Islands, was a rendezvous for British privateers to cache their plunder. Because George III's vessels operated so freely in the eastern half of the bay, they thought that "any Precaution for their Security, unnecessary."[14] William Peachy of Richmond County, Virginia, advised Governor Jefferson that the pilot on Gwin's Island, a Mr. Keeble, was providing the British with provisions. Also, Keeble's son was "employ'd in one of their whale Boats" and was seen wearing British "Cap & dress" on board a privateer operating along the

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[13]William Hyde to Governor Lee, December 22, 1780, Archives of Maryland vol. 45, 208.

[14]William Paca, in Council, to Captain John Lynn, March 21, 1783, Archives of Maryland vol. 48, 388.

eastern part of the bay.[15]

Loyalists came from areas other than the Eastern Shore, as well. Isaac Costin was a citizen of Baltimore. While Lord Dunmore's vessel Otter was anchored at Norfolk, Costin went on board and, supposedly, pledged his allegiance to King George. Costin returned to Baltimore and tried to persuade his neighbors to join the British. He even went as far as to personally offer them "a guinea and a crown advance and standing pay, a gun, a bayonet, &c., and a suit of regimentals each." How successful Costin was at recruiting loyalists is uncertain. Nevertheless, Costin himself volunteered to act as a lieutenant on a privateer which was being fitted out by the British in Virginia. Costin agreed to cruise up "Pocomoke River to take the Committee of Worcester County prisoners, and to carry them to Lord Dunmore." Before Costin could accomplish his somewhat grandiose scheme, he was arrested in Maryland. The Council decided that Costin was inimical to America and charged him 200 pounds "common money, for his future good behavior, and thereupon be discharged on paying the charges of his prosecution."[16]

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[15]Wm Peachy to Gov. Jefferson, March 31, 1781, Calendar of Virginia State Papers vol. 1, 610; From Wm Peachy, March 31, 1781, Papers of Jefferson vol. 5, 305. For more information concerning loyalists on the Eastern Shore, see Adele Hast, Loyalism in Revolutionary Virginia: The Norfolk Area and the Eastern Shore (Michigan, 1979), 136-143; Edwin M. Jameson, "Tory Operations on the Bay," Chesapeake Bay in the American Revolution, ed. Ernest McNeil Eller (Maryland, 1981), 378-401.

[16]Maryland Convention, September 2, 1776, American Archives ser. 5, vol. 3, 99.

Like Isaac Costin, William Dixon of Georgetown, Maryland was accused of treason. In June, 1778 Dixon had taken an oath of allegiance to the rebelling American colonies, but by April, 1781 he was captured while serving as a privateersman on a British letter of marque out of New York. Dixon and several others with a small pilot boat sailed up the Potomac to Alexandria during the night and secretly tried to board and capture a vessel. Captain Fraser of the Baltimore schooner Peggy saw the privateersmen stealing the vessel and fired upon them. Dixon and his companions deserted their potential prize and tried to escape back down the river in the pilot boat. Fraser gave chase and eventually ran them aground near Boyd's Hole, Virgina. Dixon and the others fled their grounded vessel, but to no avail; the Virginia militia soon captured them and brought them into Alexandria where they were incarcerated.[17] The presence of British troops under Arnold in Virginia, followed by General Phillips, and then Lord Cornwallis, resulted in the tories of Princess Ann and Norfolk counties becoming increasingly open in their loyalty to the Crown. They began to enlist in considerable numbers, while some of the exiles came back to take possession of their confiscated estates.[18] Because of high taxes and

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[17]John Murdock Montgomery to His Excy the Governor and the Honble the Council, April 7, 1781, Archives of Maryland vol. 47, 168-169.

[18]Wertenbaker, Norfolk, 72.

frequent militia drafts, the support for the Revolution in the back country of Virginia steadily eroded. Likewise, while Dunmore was still in Virginia, many of the Scots in Norfolk and the back country declared themselves loyalists: "'Dem it, they will be for the old King George.'"[19]

Perhaps the most infamous loyalist privateersmen from Virginia were John Goodrich and his sons. Owners of a successful shipping business in Portsmouth, the Goodriches were politically neutral when war first broke out between England and the American colonies. But profit was the Goodriches' main interest; thus, in 1775 they agreed to the proposal presented to them by the Virginia Convention to ship gunpowder from the West Indies.

The supply of gunpowder was delivered to the patriots in October. Approximately two weeks later, however, Lord Dunmore learned of the Goodriches' voyages and arrested William Goodrich, his brother John, Jr., and their brother-in-law Robert Shedden. While the Goodriches were incarcerated on board the Otter, Dunmore succeeded in convincing the family that "their most profitable future was with him, the British fleet, and the British Empire."[20]

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[19]Marshall, Campaigns, 114; Wertenbaker, Norfolk, 53.

[20]Williamsburg, Virginia Gazette (October 1, 1775); George M. Curtis, III, "The Goodrich Family and the Revolution in Virginia, 1774-1776," The Virginia Magazine of History and Biography 84 (January, 1976), 60, hereinafter cited as Curtis, "The Goodrich Family"; Stewart, Virginia's Navy, 5-6; From Robert Carter Nicholas to the Virginia Delegates in Congress,

Throughout the following months the Goodriches made privateering voyages along the coast of North Carolina as well as Virginia and Maryland. They were frequently captured but rarely stayed long in prison. For example, John Goodrich, Sr. and three other prisoners escaped from the Baltimore jail by bribing the jailor with 600 pounds sterling.[21] John Goodrich, Jr. was captured in Pamlico Sound, North Carolina while trying to seize four merchant vessels. He was taken and held in Williamsburg, but in May he paid 1,000 pounds sterling as bail and was released on parole. Soon he was back commanding one of the family's privateers.[22]

After Lord Dunmore left Virginia in 1776, the Goodriches made New York their base of operations and continued to be involved in privateering in Chesapeake Bay and along the

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November 25, 1775, Papers of Jefferson vol. 1, 267; Fairfax Harrison, "The Goodriches of Isle of Wight County, Virginia," Tyler's Quarterly Historical and Genealogical Magazine 2 (October, 1921), 130-131.

[21]Williamsburg, Virginia Gazette (August 22, 1777); Council to Col. Hooe, May 30, 1777, Archives of Maryland vol. 16, 268.

[22]Extract of a Letter from North-Carolina, April 22, 1776, Naval Documents vol. 4, 1209; Isaac S. Harrell, Loyalism in Virginia (North Carolina, 1926), 97; List of Ships in Lord Dunmore's Fleet, July 10, 1776, American Archives ser. 5, vol. 1, 152; Report of Enquiry Read in Open Congress, May 10, 1776, The Colonial Records of North Carolina vol. 10, 601; Lord Dunmore to Lord George Germain, March 30, 1776, Naval Documents vol. 4, 586; Curtis, "The Goodrich Family", 66; Griffith J. McRee, Life and Correspondence of James Iredell 1 (New York, 1857), 279; Williamsburg, Virginia Gazette (April 27, 1776); Virginia Convention, May 20, 1776, American Archives ser. 4, vol. 6, 1530; Journal of the Virginia Convention, June 11, 1776, Naval Documents vol. 5, 487.

coast of North Carolina. The North Carolina Gazette reported in May, 1778:

> There are now cruising on this coast, three privateers, Capt. McFarling, . . . and Captains Neale and Goodrich, in 10 gun sloops. They have lately taken several vessels near Occacock bar [sic], and a few days ago Captain Goodrich decoyed the pilots at old Topsail inlet, came in and took a brig, a prize sent in by the continental frigate Rauleigh [sic], and a vessel just arrived from Charlestown with a valuable cargo and a large sum of money on board. He endeavoured to carry off the brig, but not being able to get her out set her on fire and left her. She had on board 1200 bushels salt, had just been condemned by the court of admiralty and sold . . . .[23]

Throughout the war the Goodriches continued their privateering activity from New York. Thomas Jefferson was informed in 1780 that "Mr. Goodrich's Boat had made a considerable siezure of Goods plate &c. from the Eastern Shore." In May, 1781 John Buchanan, master of the privateer Goodrich, captured two Dutch vessels and sent them on to New York.[24]

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[23]New Bern, North Carolina Gazette (May 15, 1778); North Carolina Gazette, May 15, 1778, The State Records of North Carolina vol. 13, 418; Letter to Governor Richard Caswell, North Carolina from Cornelius Harnett, September 15, 1778, Letters of Congress vol. 3, 413; Orders of the Lords of the Privy Council, February 22, 1779, Journal of the Commissioners Trade and Plantations vol. 14, 230; Delaney, "Outer Banks", 12; To Captain John Barny, August 24, 1778, Out-Letters vol. 1, 287.

[24]Thomas Jefferson to Thomas Sim Lee, November 2, 1780, Papers of Jefferson vol. 4, 89-90; Intercepted Letters of W. Thomas Written on board the Hope, March 20, 1781, Papers of Jefferson vol. 5, 343; Sands, "Sea Power", 65; Petition of Bermuda Loyalists, 1781, English Records, Box ER12, Division of Archives and History, Raleigh, North Carolina; Capt: W. Thomas to Messrs: Goodrich and Mackay, March 20, 1781, Calendar of Virginia State Papers vol. 1, 584.

Like the Goodriches, other privateersmen used New York as a base of operations. After Washington was defeated by General William Howe in August, 1776 at the Battle of Long Island, New York became a haven for privateers belonging to the British and American loyalists. These privateersmen found the Chesapeake Bay most alluring. A report from Baltimore dated February, 1779 stated that at least thirteen New York privateers were operating in the Chesapeake and had taken several valuable prizes.

> A Captain Finlay in a small privateer schooner from New York (late the Swallow of this port) is now cruising in Chesapeake. A few days ago in Piankitank inlet, he captured a sloop under the command of Capt. John Martin, on her outward bound passage from hence, laden with tobacco. Capt. Martin was slightly wounded on the occasion.[25]

In October the New York privateer Irish Hero, Captain Robert B. Cary, ran ashore in Northampton County, Virginia while chasing two schooners. Captain Cary and his crew set fire to the privateer so that she would not fall into the hands of the colonists. Cary, his lieutenant, and six crewmen armed themselves with muskets and cutlasses, took the Irish Hero's long boat, and made their way back to New York. The rest of the crew, almost fifty in number, were essentially abandoned and before long were captured by the Virginia militia.[26]

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[25]Williamsburg, Virginia Gazette (February 12, 1779).

[26]Williamsburg, Virginia Gazette (October 29, 1779).

British privateers from Bermuda, Charleston, South Carolina, and elsewhere operated in Chesapeake Bay. Nevertheless, those out of New York were the most numerous. These privateers had a detrimental effect on the inhabitants of the Chesapeake area. Many who favored the colonial cause were forced to defend their property rather than actively participate in the rebellion. In 1779 Colonel John Cropper, Jr. wrote to John Jay, president of Congress, and submitted his resignation from the army. He explained that in February the crew of a privateer from New York had landed at his plantation on the Eastern Shore. With the help of his slaves, the privateersmen destroyed and carried off a great quantity of his property. Because of this, Cropper felt that he could not afford to spend any more time away from his plantation.[27]

A similar incident occurred to Ralph Wormeley, Jr., a landowner in Rosegill, Virginia. Wormeley was neutral to the war; nevertheless, Captain Ross of the New York privateer Surprise landed at Wormeley's residence on the Rappahannock just before midnight on June 4, 1781. Ross "deluded twenty negroes to join them in robbing" Wormeley's house. They stole household goods such as plates, silverware, and clothing amounting to approximately 4,000 pounds sterling. Ross and

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[27]Lieut: Col: John Cropper Jnr: to His Excellency John Jay Esqr President of Congress, August 16, 1779, Calendar of Virginia State Papers vol. 1, 325; Col: Thos. Gaskins to Gov. Jefferson, April 13, 1781, Calendar of Virginia State Papers vol. 2, 38.

his crew "under the pilotage of the negroes" then proceeded to Philip Grymes' house, a neighbor of Wormeley's, and indulged themselves in "every excess of riot and plunder; destroying in wantonness what they could not bear off to profit . . . ."[28]

This practice of enlisting the help of slaves was used by the British early in the war. Attempting to undermine the rebellious Virginia colonists, Lord Dunmore, during the summer of 1775, declared that any slave who would leave his master and join the British would be given his freedom. This encouraged scores of blacks to attempt to gain their own liberty by turning against their masters and running to the apparent protection offered by Dunmore. The Virginia Gazette reported: "Last week several slaves . . . were discharged from on board the Otter where it is now shamefully notorius, many of them for weeks past have been concealed, and their owners in some instances ill-treated for making

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[28]Gov: Thos: S. Lee, in Council, to Gov: Nelson of Virginia, September 8, 1781, Calendar of Virginia State Papers vol. 2, 404; "Genealogy: The Wormeley Family," The Virginia Magazine of History and Biography 37 (January, 1929), 82-86. Wormeley later petitioned the owner of the Surprise, Frederick Rhinelander, and explained the unfair situation of Captain Ross' plundering. Since Wormeley was neutral concerning the rebellion, he felt that Rhinelander should repay at least some of his losses. Whether or not Rhinelander was in agreement was not known; no record was located indicating Rhinelander reimbursing Wormeley. Thos: C. Williams to Frederick Rhinelander Esqr., Merchant, New York, December 31, 1781, Calendar of Virginia State Papers vol. 2, 691-692; Ralph Wormeley Jnr: to Mann Page Jnr: Esqr of Mansfield, May 11, 1778, Calendar of Virginia State Papers vol. 1, 301.

application for them."[29] Tories were quick to encourage and organize the escape of slaves owned by rebels. William Bartlet Townsend of Worchester County, Maryland was accused of transporting slaves out of the state for Dunmore's forces.

The Goodriches regularly used runaway slaves aboard their privateers. For example, at least eight members of the sloop Lady Susan's crew were runaway slaves.[30]

Most slaves, however, escaped without the help of loyalists. Jack Jones, for instance, was a young black man, approximately twenty-four years old, spoke English well, and was literate. His Maryland owner postulated that Jones had forged a freeman's pass and shipped out on John Paul Jones' privateer the Providence. When the Providence's first prize was recaptured by the British, Jack Jones apparently escaped aboard the prize and joined the British.[31]

Not all slaves were as successful as Jones. In February, 1776 thirteen runaways stole a Maryland schooner

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[29]Holt's Virginia Gazette, August 16, 1775, Naval Documents vol. 1, 1162; General Thomas Gage to William Legge, May 15, 1775, Naval Documents vol. 1, 338.

[30]Journal of the Maryland Convention, December 14, 1775, Naval Documents vol. 3, 102. The Lady Susan was owned by William Goodrich and was captured by the brigantine of war Lexington, commanded by Captain John Barry in August, 1776. Pennsylvania Packet, September 10, 1776, Naval Documents vol. 6, 766; New York Journal, August 8, 1776, Naval Documents vol. 6, 106.

[31]Advertisement for a Deserter from the Continental Sloop Providence, November 23, 1776, Naval Documents vol. 7, 263.

loaded with provisions and tried to escape to Lord Dunmore. The next morning the crew on board a state naval vessel from Maryland spotted the stolen schooner, ran it aground, and returned the schooner and the slaves to Baltimore.[32]

For the most part, the Americans considered runaway slaves who joined the British to be traitors. An article in the Pennsylvania Evening Post stated that the slaves serving aboard Dunmore's vessels were "in actual rebellion, and punishable as such." In accordance with this opinion, the French thought it pitiful that England "be reduced to freeing the slaves in order to protect its Colonies against its own Colonists."[33] As a result, Virginia frequently took severe steps to retard the number of runaways. In April, 1776 two escaped slaves mistook a Virginia armed vessel at Jamestown for an English tender. They spoke with the men on board and "expressed their inclination to serve Lord Dunmore." The two blacks were subsequently taken into custody and later sentenced to death "as an example to others."[34]

But Lord Dunmore was a fickle liberator. He promised freedom from slavery, but when he left Virginia in August, 1776 he sent most of the blacks in his flotilla to the West

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[32]Captain James Kent and William Henry to Maryland Council of Safety, February 28, 1776, Naval Documents vol. 4, 111.

[33]Count de Guines to Count de Vergennes, July 7, 1775, Naval Documents vol. 1, 1319.

[34]Williamsburg, Virginia Gazette (April 13, 1776).

Indies and sold them.[35] Nevertheless, this did not inhibit slaves from continuing to escape and join the British forces. Throughout the war, advertisements appeared offering rewards of five to fifty dollars or more for the return of runaway slaves.[36]

For a number of reasons, British privateer captains frequently took on runaway slaves as crew members. Blacks worked and fought hard as privateersmen and could often provide the captain with more detail about a particular region than was available on charts and maps. Details such as the most recent naval deployment, the strength of the local militia, and the merchant vessels carrying the most valuable cargo were all things slaves often knew about the area in which they lived. In addition, blacks were valuable because, at the end of the voyage, they could be taken and sold in the West Indies -- a point rarely considered by the runaways

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[35] North Callahan, Royal Raiders: The Tories of the American Revolution (Indianapolis, 1963), 85.

[36] Williamsburg, Virginia Gazette (February 14, 1777), (August 1, 1777), (October 10, 1777), (November 21, 1777), (June 12, 1778), (June 26, 1779). It is important to point out that blacks, in spite of the fact they were slaves, frequently were loyal to their masters and were often taken by force to join Dunmore's "Royal Regiment of Black Fusileers". Williamsburg, Virginia Gazette (March 22, 1776); Purdie's Virginia Gazette, March 22, 1776, Naval Documents vol. 4, 457. For information concerning blacks who served in the American military forces, see Luther Porter Jackson, Virginia Negro Soldiers and Seamen in the Revolutionary War (Virginia, 1944); Herbert Aptheker, The Negro in the American Revolution (New York, 1940); Benjamin Quarles, The Negro in the American Revolution (New York, 1961).

at the time of their enlistment.[37]

Slaves retaken by American naval vessels or privateers were treated like any other prize cargo. Typically, notification concerning the capture of the slaves was made three times in the local newspaper and posted as broadsides throughout the town in which the slaves were being held. By the third notice, if no one showed legal ownership, the slaves were sold at public auction to the highest bidder.[38]

Runaway slaves and loyalists had a detrimental effect on the rebellion in Maryland and Virginia. However, supporters of the Crown in Maryland or Virginia were never really numerous enough to pose a serious threat. In Maryland most of the loyalists were isolated on the Eastern Shore and although their activity was "persistent and stubborn", usually they were "poorly organized and ineffective." The Virginia loyalists were predominantly Scottish immigrants living in tidewater towns such as Norfolk, Portsmouth, and Gosport. These Scottish immigrants made their living as merchants in trade and shipping. Because of their support of Lord Dunmore,

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[37]Williamsburg, Virginia Gazette (May 9, 1777), (January 31, 1777); Colonel Thomas Newton, Jr. to Governor Harrison, August 23, 1782, Calendar of Virginia State Papers vol. 3, 266; Col: John Hull to the Governor, July 31, 1782, Calendar of Virginia State Papers vol. 3, 242. When the war ended in 1783 Britain agreed to return to America the slaves who were taken. Precisely how may of these slaves were returned is not known, but the number was probably not great. Resolves of Congress, April 14, 1783, Journals of the Continental Congress vol. 24, 242.

[38]Williamsburg, Virginia Gazette (July 24, 1779), (August 21, 1779); Orders in Council, October 6, 1781, Archives of Maryland vol. 45, 634.

the loyalists found themselves in jeopardy when the royal governor evacuated his forces. Patriots were confiscating land, property, and imprisoning many who were suspected of being tories. Thus, a large percentage of the Virginia loyalists moved to New York.[39]

What was most damaging to Maryland and Virginia was the British privateersmen and loyalists who returned as privateersmen. Like the Goodriches out of New York, privateersmen inadvertantly helped the British navy blockade the Chesapeake. As previously discussed, privateersmen were essentially independent agents and not under the auspices or command of the Royal navy. Because of this, naval officials typically felt that privateers were not as effective as they would have been if they were under naval control. Nevertheless, British and loyalist privateers continued to plague America throughout the war and in Chesapeake Bay their harassment was continual.

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[39]Joseph Dashiell to Governor Lee, September 30, 1780, Archives of Maryland vol. 45, 129; Robert M. Calhoon, The Loyalists in Revolutionary America, 1760-1781 (New York, 1965), 458; Wallace Brown, The Good Americans: The Loyalists in the American Revolution (New York, 1969), 235; Adele Hast, Loyalism in Revolutionary Virginia: The Norfolk Area and the Eastern Shore (Michigan, 1979); Robertson, Spanish Town, 94-95. The tories leaving Virginia is another indication of why Virginia had a fewer number of privateers than Maryland (See Chapter III). In Virginia the greatest number of patriots were wealthy plantation owners who were more concerned with growing and exporting tobacco than fitting out privateers. Privateering usually required capital which planters more lucratively invested in the tobacco trade. Conversely, in Maryland there were many patriot merchants involved with shipping. For them privateering was a very sound investment and, thus, they were quick to apply for letters of marque.

CHAPTER VI

CONCLUSIONS

England's North American colonists had a privateering tradition that was nearly 600 years old when the Revolutionary War finally ended in 1783. This tradition probably first began in England during the early part of the thirteenth century and was well ingrained in the colonial culture when war developed in 1775. Many colonists in the Chesapeake region, as elsewhere, were quick to fit out privateers and plague British shipping. But not everyone shared the same views concerning American privateering.

The Crown, of course, initially viewed American privateering as piracy. The severe treatment usually inflicted on captured American privateersmen reflected this British sentiment and animosity. Many American patriots also opposed privateering. Benjamin Franklin, for one, feared that privateering would only result in a nation of felons with little knowledge or ambition to do anything other than prey upon the property of others. George Washington, too, was not entirely in favor of privateering because of the adverse effect it had on the military. A major factor in the high desertion rate for both the army and the navy was privateering. It was far more lucrative and, therefore, much more attractive than military service. But other influential Americans such as Samuel Adams, Thomas Sim Lee, and Thomas Jefferson were very

much in favor of privateering. In fact, both Lee and Jefferson complained that there were not enough privateers being fitted out.

Statistical information concerning the success of privateering ventures is also conflicting. Some sources suggest that American privateers took a heavy toll on British shipping, while other information indicates just the opposite.

The exact amount of damage wrought by American privateers was probably not as important as the effect they had on the attitudes of people and of governments. For example, many British believed that their country's shipping was in a very perilous position because of American privateers. This undoubtedly helped precipitate the end of hostilities in 1783. Also, the effectiveness of American privateering probably was a factor in persuading France and Spain to enter the war. Moreover, American privateers did, in fact, bring in a considerable quantity of valuable supplies which not only provided economic assistance, but also helped boost patriotic morale. This was one of the most important effects of privateering and, contrary to some authors' opinions, privateers from Maryland and Virginia were very active in bringing in their share of valuable supplies.

Because of the almost continual presence of British forces, Virginia was handicapped in fitting out privateers. Nevertheless, vessels such as the Marquis Lafayette,

Northampton, and others from that colony were successful in running the British blockade and returning with valuable prizes.

In Maryland, merchants and other entrepeneurs financed many prosperous privateering ventures. Because depredations wrought by the British were not as widespread in Maryland as they were in Virginia, Maryland investors were able to send out a far greater number of vessels than Virginia during the war. Privateers such as the Sturdy Beggar, Harlequin, Enterprize, and a host of others all supplied the Chesapeake region with valuable provisions and other commodities, as well as harassed British mercantile activities.

With the Treaty of Paris in 1783 privateering activity in the Chesapeake officially ceased and the British terminated their blockade of the bay.[1] Benjamin Franklin's fearful predictions of a nation populated with privateering cut-throats proved erroneous. Like swords beaten into plow-shares, many privateers were converted into merchantmen and other kinds of commercial vessels. But this indicated neither the end of American hostilities with other nations nor the end of privateering.

During the pseudo war with France, American privateers were fitted for many of the same reasons as in the Revolution. By the War of 1812, privateers, particularly those from

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[1] Thos: Newton, Jnr: To the Governor, April 16, 1783, Calendar of Virginia State Papers vol. 3, 469.

Maryland and Virginia, were again sailing against English forces. Even during the American Civil War, the Confederate forces fitted out privateers to prey on the enemy's shipping.

Thus, when the American Revolution ended in 1783, privateering was not dead. Instead, it remained only dormant until the fires of war again beckoned enterprising citizens, inspired perhaps by patriotism and profit, to commission and fit out privately armed vessels commonly known as privateers.

APPENDIX A

MANLY'S PRIVATEERING SONG

In the AMERICAN FLEET
Most Humbly Addressed to all the JOLLY TARS who are fighting
for the RIGHTS and LIBERTIES of AMERICA.
By a SAILOR--It may be sung to the Tune of WASHINGTON.
BRAVE MANLY he is stout, and his Men have proved true.
By faking of those English Ships, he makes their Jacks to rue;
To our ports he sends their Ships and Men, let's give a hearty Cheer,
To Him and all those valiant Souls who go in Privateers.
And a Privateering we will go, my Boys, my Boys,
And a Privateering we will go.

Oh all ye gallant Sailor Lads, don't never be dismay'd.
Nor let your foes in Battle ne'er think you are afraid,
Those dastard Sons shall tremble when our Cannon they do roar,
We'll take, or sink, or burn them all, or them we'll drive on Shore,
And a Privateering we will go, &c.

Our Heroes they're not daunted when Cannon Balls do fly,
For we're resolv'd to conquer, or bravely we will die,
Then rouse all you NEW-ENGLAND OAKS, give MANLY now a Cheer,
Likewise those Sons of Thunder who go in Privateers.
And a Privateering we will go, &c.

Their little petty Pirates our Coast shall ne'er infest,
We'll catch their sturdy Ships, Boys, for those we do like best;
Then enter now my hearte Lads, the War is just begun,
To make our fortunes at their Cost, we'll take them as they run.
And a privateering we will go, &c.

While Shuldham he is flying from WASHINGTON's strong Lines,
Their Troops and Sailors run for fear, and leave their Stores behind,
Then rouse up, all our Heroes, give MANLY now a Cheer,
Here's a health to hardy Sons of Mars who go in Privateers.
And a Privateering we will go, &c.

They talk of Sixty Ships, lads, to scourge our free-born Land,
If they send out Six Hundred we'll bravely them withstand;
Resolve we thus to conquer, Boys, or bravely we will die.
In fighting for our Wives and Babes, as well as LIBERTY.
And a Privateering we will go, &c.

While HOPKINS he is trimming them upon the Southern Shore,
We'll scour our northern Coast, Boys, as soon as they come o'er;
Then rouse up, all my Hearties, give Sailor Lads a Cheer,
Brave MANLY HOPKINS, and those Tars who go in Privateers.
And a Privateering we will go, &c.

I pray you Landsmen enter, you'll find such charming Fun,
When to our Ports by Dozens their largest Ships they come;
Then make you Fortunes now, my Lads, before it is too late,
Defend, defend, I say defend an INDEPENDENT STATE.
And a Privateering we will go, &c.

While the Surf it is tossing and Cannon Balls do fly,
We surely will our Foes subdue, or cheerfully will die,
Then rouse, all you bold Seamen, brave MANLY'S COMMODORE
Should we meet with our desp'rate Foes, bless us, they will be tore,
And a Privateering we will go, &c.

Then cheer up, all my hearty Souls, to Glory let us run,
Where Cannon Balls do rattle, with sounding of the Drum,
For who would Cowards prove, or even stoop to Fear,
When MANLY he commands us in our bold PRIVATEER.
And a Privateering we will go, &c.

SOURCE: Boston Gazette, December 11, 1775, Naval Documents vol. 3, 47.

APPENDIX B

THE ORIGINAL DRAFT OF THE DECLARATION ON PRIVATEERING

MARCH 19, 1776

Whereas the british [sic] Nation, through great Corruption of Manners, and extream Dissipation and Profusion both private and publick, have found all honest Resources insufficient to supply their excessive Luxury and Prodigality, and thereby have been driven to the practice of every Injustice which Avarice could dictate or rapacity execute, and, whereas, not satisfied with the immence plunder of the East, obtained by sacrificing Millions of the human Species, they have lately turned their Eyes to the West, and gruding us the peaceable enjoyment of the Fruits of our hard Labour and Virtuous Industry, have for Years past been endeavoring to extort the same from us under Colour of Laws regulating trade; and have thereby actually succeeded in draining us of large sums to our great Loss and detriment, and whereas impatient to seize the whole they have at length proceeded to open Robbery, declaring by a solemn Act of Parliament that all our Estates are theirs and all our Property found upon the Sea divisible amoung such of their armed plunderers as shall take the same; and have even dared in the same Act to declare that all the Spoilings, Thefts, burnings of Houses and Towns, and murders of innocent People perpetrated by their wicked and inhuman Corsairs on our Coasts, previous to

any war declared against us were just Actions, and shall be so deemed, contrary to several Commandments of God, which by this Act they presume to repeal, and to all the Principles of Right and all the Ideas of Justice entertained heretofore by every other Nation Savage as well as Civilized thereby manifesting themselves to be hostes humani generis: And whereas it is not possible for the People of America to subsist under such continual Ravages without making some Reprisals. . . .

SOURCE: Journal of the Continental Congress, March 22, 1776, Naval Documents vol. 4, 454.

APPENDIX C

CONTINENTAL CONGRESS'S PRIVATEERING INSTRUCTIONS

ISSUED APRIL 3, 1776

1. You may, by force of arms, attack, subdue, and take all ships and other vessels, belonging to the inhabitants of Great Britain, on the high seas, or between high water and low water marks, except ships and vessels bringing persons who intend to settle and reside in the United Colonies; or bringing arms, ammunition, or warlike stores, to the said Colonies, for the use of such inhabitants thereof as are friends to the American cause, which you shall suffer to pass unmolested, the commanders thereof permitting a peaceable search, and giving satisfactory information of the contents of the ladings, and destinations of the voyages.

2. You may, by force of arms, attack, subdue, and take all ships and other vessels whatsoever, carrying soldiers, arms, gunpowder, ammunition, provisions or any other contraband goods, to any of the British armies or ships of war employed against these Colonies.

3. You shall bring such ships and vessels as you shall take, with their guns, rigging, tackle, apparel, furniture, and ladings, to some convenient port or ports of the United Colonies, that proceedings may thereupon be had, in due form, before the courts which are or shall be there appointed to hear and determine causes, civil and maritime.

4. You, or one of your chief officers, shall bring or send the master and pilot, and one or more principal person or persons of the company of every ship or vessel by you taken, as soon after the capture as may be, to the Judge or Judges of such court as aforesaid, to be examined upon oath, and make answer to the interrogatories which may be propounded, touching the interest or property of the ship or vessel, and her lading; and, at the same time, you shall deliver, or cause to be delivered, to the Judge or Judges, all passes, sea-briefs, charter-parties, bills of lading, cockets, letters, and other documents and writings found on board, proving the said papers by the affidavit of yourself or of some other person present at the capture, to be produced as they were received, without fraud, addition, subduction, or embezzlement.

5. You shall keep and preserve every ship or vessel and cargo, by you taken, until they shall, by a sentence of a court properly authorized, be adjudged lawful prizes; not selling, spoiling, wasting, or diminishing the same, or breaking the bulk thereof, nor suffering any such thing to be done.

6. If you, or any of your officers or crew, shall, in cold blood, kill or maim, or by torture, or otherwise, cruelly, inhumanely, and, contrary to common usage and the practice of civilized nations in war, treat any person or persons surprised in the ship or vessel you shall take, the

offender shall be severely punished.

7. You shall, by all convenient opportunities, send to Congress written accounts of the captures you shall make, with the number and names of the captives; copies of your Journal from time to time; and intelligence of what may occur or be discovered concerning the designs of the enemy, and the destination, motions, and operations of their fleets and armies.

8. One-third, at least, of your whole company shall be landsmen.

9. You shall not ransom any prisoners or captives, but shall dispose of them in such manner as the Congress, or, if that be not sitting in the Colony whither they shall be brought, as the General Assembly, Convention, or Council or Committee of Safety of such Colony shall direct.

10. You shall observe all such further instructions as Congress shall hereafter give in the premises, when you shall have notice thereof.

11. If you shall do anything contrary to these instructions, or to others hereafter to be given, or willingly suffer such things to be done, you shall not only forfeit your commission, and be liable to an action for the breach of the condition of your bond, but be responsible to the party grieved for damages sustained by such malversation.

SOURCE: Continental Congress, April 3, 1776, American Archives ser. 4, vol. 5, 1658-1659.

APPENDIX D

THE PRIVATEER COMMISSION FORM

ISSUED IN MAY, 1780

The Congress of the United States of America, to all to whom these presents shall come, send greeting:

KNOW YE, That we have granted, and by these presents do grant, license and authority to , mariner, commander of the called the of the burden of tons, or thereabouts, belonging to mounting carriage guns, and navigated by men, to fit out and set forth the said in a warlike manner, and by and with the said and the officers and crew thereof, by force of arms to attack, subdue, seize and take all ships and other vessels, goods, wares and merchandizes belonging to the crown of Great Britain, or any of the subjects thereof, (except the ships or vessels, together with their cargoes, belonging to any inhabitant or inhabitants of Bermuda, and such other ships or vessels bringing persons with the intent to settle within any of the said United States; which ships or vessels you shall suffer to pass unmolested, the masters thereof permitting a peaceable search and giving satisfactory information of the lading and their destination) or any other ships or vessels, goods, wares or merchandizes, to whomsoever belonging, which are or shall be declared to be subjects of capture by any resolutions of Congress, or which are so deemed by the law

of nations: and the said ships and vessels, goods, wares and merchandizes so apprehended as aforesaid, and as prize taken, to bring into port or ~~place within the said United States~~, [sic] in order that ~~the courts there instituted to hear and determine~~ [sic] proceedings may be had concerning such captures ~~may proceed thereupon~~ [sic], in due form of law, and as to right and justice appertaineth: and we request all kings, princes, states and potentates, being in friendship or alliance with the said United States, and others to whom it shall appertain, to give the said all aid, assistance and succour in their ports, with his said vessel, company and prizes: We, in the name and on behalf of the good people of the said United States, engaging to do the like to all the subjects of such kings, princes, states and potentates, who shall come into ports within the said United States. And we will and require all our officers whatsoever, to give to the said all necessary aid, succour and assistance in the premises. This commission shall continue in force during the pleasure of the Congress, and no longer.

In testimony whereof, we have caused the seal of the Admiralty of the United States to be affixed hereunto. Witness His Excellency Esq. President of the Congress of the United States of America, at this day of in the year of our Lord, one thousand seven hundred and and

the year of our independence.

Passed the Admiralty Office.

Attest. Secretary of the Board of Admiralty.

SOURCE: The Form of the Commission, May, 1780, Journals of the Continental Congress vol. 16, 404-405.

APPENDIX E

THE BOND FORM

ISSUED IN MAY, 1780

Know all men by these presents, that we, are held and firmly bound to A. B. Esq. Treasurer of the United States of America, in the penalty of twenty thousand Spanish milled dollars, or other money equivalent thereto, to be paid to the said A. B. Treasurer as aforesaid, or to his successors in that office. To which payment well and truly to be made and done, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the day of in the year of our Lord and in the year of the independence of the United States.

The condition of the obligation is such, that whereas the above bounden master and commander of the called the belonging to mounting carriage guns, and navigated by men, and who hath applied for and received a commission, bearing date with these presents, licensing and authorizing him to fit out and set forth the said in a warlike manner; and by and with the said and the officers and crew thereof, by force of arms, to attack, subdue, seize and take all ships and other vessels, goods, wares and merchandizes, belonging to the crown of Great Britain, or any of the subjects thereof, (excepting

the ships or vessels, together with their cargoes, belonging to any inhabitant or inhabitants of Bermuda and such other ships or vessels bringing persons with intent to settle within the said United States) and any other ships or vessels, goods, wares, and merchandize, to whomsoever belonging, which are or shall be declared to be subjects of capture by any resolutions of Congress, or which are so deemed by the law of nations. If therefore the said shall not exceed or transgress the powers and authorities given and granted to him in and by the said commission, or which are or shall be given and granted to him by any resolutions, acts or instructions of Congress, but shall in all things govern and conduct himself as master and commander of the said and the officers and crew belonging to the same, by and according to the said commission, resolutions, acts and instructions, and any treaties subsisting, or which may subsist between the United States of America and any prince, power or potentate whatever: and shall not violate the law of nations or the rights of neutral powers, or of any of their subjects, and shall make reparation for all damages sustained by any misconduct or unwarrantable proceedings of himself or the officers or crew of the said then this obligation to be void, otherwise to remain in full force.

Signed, sealed and delivered

in the presence of us,

SOURCE: The Form of the Bond, May, 1780, Journals of the Continental Congress vol. 16, 405-406.

APPENDIX F

INSTRUCTIONS FOR PRIVATEERS

ISSUED IN APRIL, 1781

Be it ordained, and it is hereby ordained, by the United States in Congress assembled, that the following instructions be observed by the captains or commanders of private armed vessels commissioned by letters of marque or general reprisals, or otherwise, by the authority of the United States in Congress assembled:

I. You may by force of arms attack, subdue, and seize all ships, vessels and goods, belonging to the King or Crown of Great Britain, or to his subjects, or others inhabiting within any of the territories or possessions of the aforesaid King of Great Britain, on the high seas, or between high-water and low-water marks. Any you may also annoy the enemy by all means in your power, by land as well as by water, taking care not to infringe or violate the laws of nations, or laws of neutrality.

II. You are to pay a sacred regard to the rights of neutral powers, and the usage and customs of civilized nations; and on no pretence whatever, presume to take or seize any ships or vessels belonging to the subjects of princes of powers in alliance with these United States; except they are employed in carrying contraband goods or soldiers to our enemies; and in such case you are to conform

to the stipulations contained in the treaties subsisting between such princes or powers and these states: and you are not to capture, seize or plunder any ships or vessels of our enemies, being under the protection of neutral coasts, nations, or princes, under the pains and penalties expressed in a proclamation issued by the Congress of the United States, the 9th day of May, in the year of our Lord one thousand seven hundred andseventy-eight.

III. You shall permit all neutral vessels freely to navigate on the high seas, or coasts of America, except such as are employed in carrying contraband goods or soldiers to the enemies of these United States.

IV. You shall not seize or capture any effects belonging to the subject of the belligerent powers on board neutral vessels, excepting contraband goods; and you are carefully to observe, that the term contraband is confined to those articles which are expressly declared to be such in the treaty of amity and commerce, of the sixth day of February, 1778, between these United States and his Most Christian Majesty, namely: arms, great guns, bombs, with their fuses and other things belonging to them; cannon-ball, gun-power, matches, pikes, swords, lances, spear, halberts, mortars, petards, grenadoes, salt-petre, muskets, musket-ball, bucklers, helmets, breast-plates, coats of mail, and the like kind of arms proper for arming soldiers, musket-rests, belts, horses with their furniture, and all other

warlike instruments whatever.

V. You shall bring all such ships and vessels as you shall seize or capture, with their guns, rigging, tackle, apparel and furniture, and ladings, to judgment in any of the courts of admiralty that now are or hereafter may be established in any of these United States, in any court authorized by his Most Christian Majesty, or any other power in alliance with these United States, to take cognizance of captures and seizures made by the private armed vessels of these states, and to judicially hear and determine thereon.

VI. You shall send the master or pilot and one or more principal person or persons of the company of every ship or vessel by you taken, in such ship or vessel, as soon after the capture as may be, to be by the judge or judges of such court as aforesaid examined upon oath, and make answer to such interrogatories as may be propounded, touching the interest or property of the ship or vessel and her lading; and at the same time you shall deliver or cause to be delivered to the judge or judges, all passes, sea briefs, charter parties, bills of lading, cockets, letters, and other documents and writings found on board, proving the said papers by the affidavit of yourself, or of some other person present at the capture, to be produced as they were received, without fraud, addition, subduction or embezzlement.

VII. You shall keep and preserve every ship or vessel and cargo by you taken, until they shall, by sentence of a

court properly authorized, be adjudged lawful prize, or acquitted; not selling, spoiling, wasting, or dimishing the same, or breaking the bulk thereof, nor suffering any such thing to be done.

VIII. If you or any of your officers or crew shall, in cold blood, kill or maim, or by torture or otherwise, cruelly, inhumanly, and contrary to common usage, and the practice of civilized nations in war, treat any person or persons surprized in the ship or vessel you shall take, the offender shall be severely punished.

IX. You shall, by all convenient opportunities, send to the Board of Admiralty, or Secretary of Marine, written accounts of the captures you shall make, with the number and names of the captives, and intelligence of what may occur, or be discovered, concerning the designs of the enemy, and the destinations, motions and operations of their fleets and armies.

X. One-third at least of your whole company shall be landsmen.

XI. You shall not ransom or discharge any prisoners or captives, but you are to take the utmost care to bring them into port; and if from necessity you shall be obliged to dismiss any prisoners at sea, you shall, on your return from your cruize, make report thereof on oath to the judge of the admiralty of the State to which you belong, or in which you arrive, within twenty days after your arrival, with your

with your reasons for such dismission; and you are to deliver, at your expense or at the expense of your owners, the prisoners you shall bring into port, to a commissary of prisoners nearest the place of their landing, or into the nearest county goal [sic].

XII. You shall observe all such further instructions as shall hereafter be given by the United States in Congress assembled, when you shall have notice thereof.

XIII. If you shall do any thing contrary to these instructions, or to others hereafter to be given, or willingly suffer such thing to be done, you shall not only forfeit your commission, and be liable to an action for breach of the condition of your bond, but be responsible to the party grieved for damages sustained by such malversation.

SOURCE: Resolves in Congress, April 1, 1781, Journals of the Continental Congress vol. 19, 361-364.

APPENDIX G

TEMPORARY CERTIFICATE FOR THE SCHOONER HARLEQUIN

JULY 18, 1782

The following Certificate was granted to Capt. Simon White of the Schooner Harliquin [sic].

William Taylor having made Application to the Board for a Commission of Letters of Marque and Reprisal for the Schooner Harliquin belonging to Daniel Bowly and William Taylor of Baltimore commanded by Simon White, of the burthen of eighty eight Tons, mounting six Carriage Guns navigated with twenty eight men and the said Simon White, Captain of the said Schooner having given Bond with Sufficient Security in the usual form, and the Owners and Captain having paid all the Fees of Office, and Complied with all other Requisites and there being no blank Commissions issued by Congress now in the Possession of this Board. We have at the earnest Solicitation of the said Owners and Captain made this Certificate, and to obviate the Difficulties and Inconveniences which might otherwise arise from the said Vessel's Sailing without a Commission[.] We do hereby give full Power and Authority to the said Captain and Crew to seize and make Prize of any Vessel and Cargo, which might or would be subject to seizure and Capture under a Regular Commission issued by Congress and that all such Captures and Seizures ought and shall be as good and effectual to every Intent and

Purpose as if the same had been made under such regular Commissions.

SOURCE: Orders in Council, July 18, 1782, Archives of Maryland vol. 48, 217.

APPENDIX H

TRIAL AND CONDEMNATION IN VIRGINIA ADMIRALTY

COURT OF THE PRIZE SLOOP VULCAN

At a Court of Admiralty held at the Capitol in the City of William[s]burg the 19th Day of August 1776

Present

William Holt and George Seaton Esquires two of the Judges of the said Court

The Court was opened, and the Libellant Joyne having giving Bond for Costs. The Marshall returned the Citation issued out of this Court against the Sloop Vulcan and the Cargo Executed. Whereupon Bartlet Williams Esquire Advocate exhibited a Libel in the following Words-Before you William Holt and George Seaton Esquires Judges of the Court of Admiralty of the Commonwealth of Virginia. Come Leven Joyne who Prosecuted as well for himself as for Thomas Teackle and the Company under his command and gives the Court here[with] to understand and be informed that on the Twelfth Day of July last past on the high Seas and within the jurisdiction of this Court. He seized and made Prize of the Sloop Vulcan near the Shore of this Commonwealth then in Possession of James Parker and James Ingram with her Guns Rigging Apparel Tackle and furniture together with two Negro Slaves named Glasgois and Fanny Sparrow the property of James Ingram, and a Considerable Cargo of Goods Wares and Merchandize to the

Value of two Thousand Pounds Sterling of the Growth Produce and Manufacture of Great Britain Ireland and the West Indies, and imported contrary to the terms of the Continental Association. And the said Libillant on behalf of himself, Thomas Teackle, and his Company aforesaid gives the Court to know and be informed that the Vessel Cargo & Slaves aforesaid belonged to and were the Property of the Enemies of the United Colonies of America and that the said Sloop was at that time employed and carrying the said goods and Supplies to the Enemies of America then carrying on a Piratical War Against this Commonwealth, whereby and by force of the several Resolutions of the General Congress and Ordinances and Resolutions of the Convention of this Commonwealth and said Vessell together with her Rigging, Guns, Tackle and Apparel together with the Slaves and Cargo aforesaid are become forfeited to the Libellant and his said Company to be divided among them pursuant to the resolutions of the said General Congress and the Libellant prays the Judgment of this Court in the Premises. Proclamation being made as the manner is and no Person appearing to Claim the said Sloop Vulcan and Cargo or the Slaves aforesaid, The Court adjourned till Tomorrow Twelve O'Clock.

Wednesday the 21st August 1776

Present

The same Judges as Yesterday

The Court was opened and Proclamation being made a third time

against the Sloop Vulcan and no Person appearing to Claim the same or the Cargo and Slaves aforesaid, the Libel was by Order of the Court taken for Confessed and a Jury impanneled to try the Charge to wit. James Geddy, John Mayo[,] Henry Field, Joseph Hawkins, Robert Anderson, Robert Nicolson, Edward Charleton, John Carter, John Halley Norton, James Craig, Humphry Harwood and William Pearson who being duly sworn on hearing the Testimony of Sundry Witnesses went out of Court and after deliberating on the matter -- returned with their Verdict in these Words, "We of the Jury find the within Vessel, Cargo, Slaves, Appurtenances &c a Lawful Prize.["] Whereupon it Decreed and Adjudged by the Court that the said Sloop Vulcan with her Rigging, Tackle Apparel Furniture and Cargo and the Slaves aforesaid be Condemned and forfeited -- And all Charges which may attend the Capture and Trial of the Said Vessel being first paid out of the Money arising from the sale thereof, that the remainder be equally divided among all those who have been actually engaged in takeing [sic] said Prize according to the Proportions -- settled by order of General Congress Ordered, That Isaac Smith, Thoroughgood Smith, George Hack, William Seymour and Abraham Outten, or any three of them being first Sworn before a Justice of the Peace for that purpose do Appraise in Current Money the Sloop Vulcan with all her appurtenances and the Cargo and Slaves aforesaid and make a return of Appraisement to this Court. That the Marshall

make Sale thereof (after notice duly given) at Public Auction and return the appraisement together with the Account of Sales to the Court on the twenty fifth day of September next. --

Ordered That Thomas Teackle, John Darby and Henry Lewis be allowed each for three days attendance on this Court Travelling eighty Miles with Ferriages across the Bay as Witnesses for Leven Joyne and others against the Sloop Vulcan.

Ordered That the Court be adjourned till the Twenty fifth Day of September next[.]

SOURCE: Trial and Condemnation in Virginia Admiralty Court of the Prize Sloop Vulcan, August 19, 1776, Naval Documents vol. 6, 258-259.

APPENDIX I

TRIAL AND CONDEMNATION OF THE PRIZE SHIP LYDIA

DECEMBER 31, 1776

Baltimore County ss At a Court of Admiralty held at the Court House in Baltimore Town the 31st day of December 1776 for the State of Maryland

Present the Honble Benja Nicholson Esqr judge

The Schooner Harlequin James Handy Commander	)Libell filed
	)11th December
agst	) 1776
	)Monition issued
The Ship Lydia/Thomas Dean Commander	)Same Day
	)Register filed

Schooner Harlequin	) By Interogatories [sic] the Examination
	) of James Handy
vs	) Master of Schooner Harlequin
	) in Open Court this 31st Decr by the
Ship Lydia	) Judge as follows-
	) Vizt

Question did you make Prize of the Ship Lydia Commanded by Thomas Dean on the high Seas

Ansr- he did

Question did you take the Register of the Ship Lydia now in Court aboard her at the time you made Prize of her and was it then produced to you as the Register of Said Ship

Ansr- it was

Question was there any other papers taken on board the Ship Lydia at the time you made Prize of her

Ansr- No -- that the Captain Dean informed him he had thrown all the Other papers Overboard Ja Handy

By Interogatories the Affirmation of Thomas Dean Captain of the Ship Lydia in Court

Question is the Register of the Ship Lydia now in court the proper Register of said Ship

Ansr- it is the Present Register of the Ship Lydia

Questn has the property of the Ship Lydia been changed since the taking of said Register & before the Capture

Ansr- She has not

Question is there no Other papers belonging to the Ship Lydia

Ansr he had but threw them overboard

Question in whom was the Property of the Cargo on board the Ship Lydia at the time of the Capture

Ansr the Property of Sundry Subject of the King of Great Britain and Inhabitants thereof but their names he Cannot recollect. Thos Dean

Court Adjourns till tomorrow Morning 8 O Clock

Court met According to Admournment

Present as on Yesterday

Condemnation entered

day of Sale Ordered to be on Thursday the 9th of Janry 1777

SOURCE: Trial and Condemnation in Maryland Admiralty Court of the Prize Ship Lydia, December 31, 1776, Naval Documents vol. 7, 669.

APPENDIX J

LIST OF PRIVATEERING BONDS GIVEN IN VIRGINIA

OCTOBER 1, 1781

Dates		Commander	Vessel	
January	1781	Thomas McNally	Sloop	Catherine
January	1781	John McCabe	Ship	Friendship
March	1781	Thomas Williams	Brig	Willing Lass
March	1781	Christopher Gardner	Schooner	Hannah
March	1781	George Balty	Brig	Morning Star
March	1781	Joseph Meredith	Ship	Marquis de Lafayette
March	1781	William Cunningham	Brig	Wilkes
April	1781	John Galo	Brig	Engilbest
April	1781	John Young	Whale Boat	Liberty
April	1781	Nicholas Laurence	Boat	Revenge
May	1781	William Roan	Boat	Capitol Landing's Revenge
June	1781	Christopher Gardner	Schooner	Hannah
July	1781	John Addison	Schooner	Non Pariel
July	1781	John Brown	Boat	Thomas Swift
July	1781	Nathan Parker	Whale Boat	Intrepid
September	1781	William Wootten	Cutter	Lincoln

JANUARY 23, 1782

September	1781	John Cooper	Schooner	Hannah
September	1781	Levin Tippe	Galley	Tartar
September	1781	John McClure	Schooner	Hunter
October	1781	George Cross	Brig	Jolly Lass
October	1781	William Cunningham	Brig	Wilkes
October	1781	Henry Stratton	Brig	Morning Star
October	1781	Alexander Stockdale	Schooner	Count De Grasse
November	1781	Madell Engs	Brig	Dolphin
November	1781	James Paslour	Brig	Rising States
November	1781	Christopher Clark	Brig	----------
December	1781	Ezekiel Brown	Brig	----------
December	1781	Elisha Smith	Brig	Nestor

APRIL 30, 1782

June	1781	George Cross	Schooner	Hannah
September	1781	Nathan Parker	Brig	Governor Nelson
October	1781	Cornelius Schermerhorn	Brig	Grand Turk
November	1781	Alexander Murray	Brig	Prosperity
January	1782	Phillip Turner	Brig	Jolly Lass
January	1782	John Cooper	Ship	Saucy Jack

January	1782	William Lersis	Ship	Buckskin
January	1782	William Thompson	Brig	Cornet
February	1782	Robert Harris	Brig	Perseverance
March	1782	Nicholas Seabrook	Brig	Goldfinder
March	1782	John Audobon	Ship	Aunatt
March	1782	Thomas Ogborne	Schooner	Venus
April	1782	William Hill Lerjeant	Ship	Nancy
April	1782	James Starr	Brig	Pilgrim
April	1782	Isaiah Keel	Schooner	York

SOURCE: List of Bonds taken on Granting Commissions for Privateers in the State of Virginia, October 1, 1781, January 23, 1782, April 30, 1782. RCC m247, (RG 360),

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