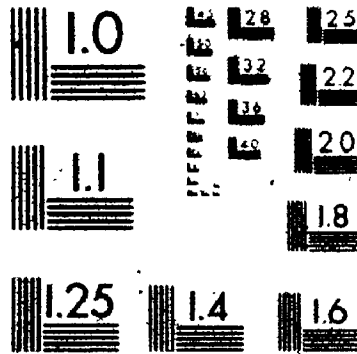


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THE FORTUNES OF WAR:
PRIVATEERING IN ATLANTIC CANADA IN THE WAR OF 1812

by

Faye Kert, B.A. (Hon.)

A Thesis Submitted to
the Faculty of Graduate Studies and Research
in Partial Fulfillment of
the Requirements for the Degree of
Master of Arts

Department of History
Carleton University
Ottawa, Ontario
April, 1986

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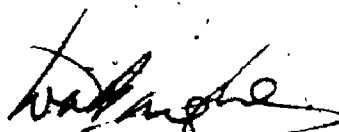
The undersigned recommend to the Faculty of Graduate Studies
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"The Fortunes of War: Privateering in
Atlantic Canada in the War of 1812"

submitted by Faye Margaret Kert
in partial fulfilment of the requirements for
the degree of Master of Arts



Thesis Supervisor



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May, 1986

ABSTRACT

With the declaration of the War of 1812, New Brunswick and Nova Scotia outfitted the first of 40 armed merchant vessels. Carrying a royal commission or letter-of-marque, these ships were licensed to capture enemy vessels. Because they were privately owned and operated, both the ships and the men who sailed them became known as privateers.

Privateering in British North America was part of a longstanding maritime practice which had evolved over six centuries. It was administered through the Vice-Admiralty Court system. Practice and practicality had shaped the procedure to the point that internationally accepted regulations governed all aspects of prize-making from capture to courtroom. For those who participated, privateering was a legitimate business, motivated more by profit than patriotism. By 1812, "guerre de course" or privateering had become a sophisticated, albeit secondary, weapon of commerce destruction.

Protected by geography as well as the Royal Navy, New Brunswick and Nova Scotia had little fear of American invasion. Instead, they were able to focus their attention on the hundreds of small coastal

vessels carrying American trade along the Atlantic seaboard. By means of the Halifax Vice-Admiralty Court records of the period and a variety of secondary sources, this thesis traces the activities of the colonial privateers during the War of 1812 as a case study of an important maritime tradition. Privateering in New Brunswick and Nova Scotia represented a legitimate war-time activity for a small number of family-linked concerns. Captures were well-conducted, small-scale, non-violent and moderately profitable.

Both at sea and in the courts, the colonial privateers chipped away at American commerce disabling ships, capturing valuable cargoes, disrupting trade, forcing up prices and insurance rates and generally disheartening a population which had grown weary of war. While the impact of 200 privateer captures on the United States cannot be compared to the effect of the British naval blockade the contribution of the colonial privateers was nonetheless important. By examining the role of these men and their ships during the War of 1812, this paper hopes to shed light on what was probably the final, if not the finest, hour of privateering.

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ACKNOWLEDGEMENTS

It is fortunate that this thesis topic was chosen and embarked upon before I read J.S. Bromley's review of Kenneth R. Andrews's book Elizabethan Privateering: English Privateering During the Spanish War, 1583-1603.^{*} Like Bromley, I too had occasion to wonder "Why has privateering attracted so few historians and almost no good ones?" The subject is a fascinating, if elusive, one and virtually untreated in its Canadian context during the War of 1812. Without the suggestion of the late Professor Peter Brown of Carleton University, I would have never begun the research, let alone pursued it through hundreds of archival records.

With no idea of what to expect, Dr. D.A. Muise of Carleton and Dr. W.A.B. Douglas, Director of History, Department of National Defence, agreed to serve as my advisors. I think it was a learning

^{*}Bromley, J.S.. Review of "Elizabethan Privateering: English Privateering During the Spanish War, 1583-1603" by Kenneth R. Andrews, The Mariner's Mirror, Vol. 51, No. 3, Cambridge University Press, August, 1965, (pp. 282-285).

experience for all of us and I would like to thank them for their encouragement and support and absolve them from any responsibility for the research or the conclusions, which are purely my own. I am also grateful to Carol Peters for her help in typing the manuscript.

According to J.S. Bromley, in order to interpret the scattered records of privateering "the historian ought to be something of a lawyer (and perhaps a Latinist), an economist and a seaman." Having never read law, studied economics or been to sea, I have tried to let Canada's Atlantic privateers speak for themselves. If, in seeking answers, I have generated questions for future study, my debt to the privateers would be repaid. To them, and those who would sail with them, I wish fair winds and good fortune.

INTRODUCTION

The War of 1812 in the maritime colonies of New Brunswick and Nova Scotia meant an opportunity for economic expansion, commercial enterprise and wartime excitement with little danger of American attacks on the population. For Upper Canada, the threat of invasion was all too real and questions of defence and counter-attack took precedence over private profit. This fact, combined with a smaller lake fleet, may account for the lack of evidence for any privateering activity on the Great Lakes. While economic prospects certainly arose in Upper Canada during the war, only New Brunswick and Nova Scotia seem to have produced seaborne entrepreneurs known as privateers.

Between July 1812 and January 1815 some 40 New Brunswick and Nova Scotia privateer vessels carrying letters of marque signed by Sir John Coape Sherbrooke, Lieutenant Governor of Nova Scotia and Vice Admiral of North America, captured more than 200 prizes, most of them small American cargo ships. From

Liverpool and Halifax, Nova Scotia, St. John and St. Andrews, New Brunswick, came the ships, crews and investors. For many, privateering was a longstanding family tradition learned against Britain's enemies on the Spanish Main. For others, it represented an opportunity for independent adventure, a chance for enormous wealth and an escape from "humdrum merchant voyaging"¹. In its British North American context during the War of 1812, privateering proved to be well-regulated, small-scale, non-combative and family-linked. It was also socially respectable, strategically effective and commercially profitable.

The War of 1812 was the last major international conflict in which privateering was officially sanctioned.² By that time, the regulations governing prize law had been so well established that ships from all maritime nations understood and respected the

¹Forester, C.S. The Naval War of 1812. London: Michael Joseph Ltd., 1957, p. 74.

²Adams, Henry. Historical Essays. New York: Charles Scribner's Sons, 1891, p. 237-on. The Declaration of Paris, 1856, officially abolished privateering although the United States was not among the maritime nations that eventually signed the agreement at this time.

process. Central to privateering was the ship's commission or letter of marque permitting the crew to take as prize, ships of any nation with which they were at war. A successful capture entitled the privateer to the proceeds from the sale of the captive ship and cargo, sometimes amounting to several thousand dollars.³ The lure of such profits shared between investors, owners and crew was irresistible.

However, not all privateering ventures were so lucrative. Some ships with letters of marque do not appear to have made a single capture. Others had hard-won prizes restored to their owners in court. Often prize crews sailing a captured vessel home were in turn captured by American privateers. Storms, navigation hazards and accidents took their toll as well.⁴ Competing for prizes were British naval ships blockading the American coast; opposing the New

³The schooner Armistice captured by the Retaliation in June 1814 is estimated to have had a cargo worth £3,000. Mullins, Janet E. Liverpool Privateering 1756-1815, Queen's County Historical Society, 1936, p. 38.

⁴Maclay, E.S. A History of American Privateers. New York: D. Appleton and Co., 1899, p. vii.

Brunswick and Nova Scotia privateers were American naval vessels and more than 500 privateers. So great were the hazards, it is no wonder that the arrival in port of one ship in three was considered a good average for the times.⁵

Despite these odds, the Vicé-Admiralty Court documents held in the manuscript files of the Public Archives of Canada record 190 cases of privateer captures during the War of 1812. Contained in each file are the legal documents pertaining to the prize action as well as any documents removed from those ships condemned as legal prize. Since each capture had to be supported by a sworn affidavit from some member of the captive crew as well as an affidavit from the prize master, there is an opportunity to see how certain prizes were made and how well individual privateers adhered to their instructions. Neither these, nor other captures referred to, appear to be heroic actions. Few shots were ever fired and both sides seem to have behaved rather well. This does not mean that abuses did not occur; the documents contain numerous

⁵Snider, C.H.J. Under the Red Jack. Toronto: The Musson Book Co. Ltd., 1927, p. 112.

5.

references to items stolen from the crews or taken from the cargo. But, generally, the process was a straightforward one of confrontation, capture and court case.

As interesting as the testimonies from both crews, are the letters, manifests, licences and captain's papers belonging to the captured ships. From these emerges a profile of the American coastal trade during the War of 1812. The effect of both the New Brunswick and Nova Scotia privateers and the British naval blockade can be read in the letters and deduced from the shift in ship destinations over the period. The cargo manifests also indicate what products were being shipped despite the obvious risk of capture and, therefore, what was considered important. An analysis of captured vessel licences also shows that Nova Scotia privateers toward the end of the war were capturing fishing vessels as well as coasters probably indicating that American commercial traffic had seriously declined. Whether this was a significant reduction, and whether it was due to the activities of letter-of-marque vessels as opposed to those of the blockading squadron, are questions which have some bearing on the effectiveness of privateering for commerce destruction.

Jacobs and Tucker argue:

War against an enemy's commerce - guerre de course - has always been the national resource of a weaker against a stronger maritime power, and privateering could be a potent adjunct of such a war.⁶

During the War of 1812 the dominant sea-power, Britain, had the largest merchant fleet and was thus the most vulnerable to attack on her seaborne commerce - a fact not lost on the American privateers. With even fewer ships than the United States, New Brunswick and Nova Scotia had no way to confront the enemy except by guerre-de-course. Britain's navy was eventually able to bottle up most of the American navy and a great number of privateers with a coastal blockade. The United States, despite the closer links between her privateers and her navy,⁷ had a great deal of difficulty defending her coastal trade from the Nova Scotians and New Brunswickers. It is fortunate for the United States that the Atlantic Provinces had so few

⁶Jacobs, Major James Ripley and Glenn Tucker. The War of 1812 - A Compact History. New York: Hawthorn Books, Inc., 1969, p. 169.

⁷Maloney, Linda in K.J. Hapan (ed.) In Peace and War - Interpretations of American Naval History, 1775-1978. Westport, Ct.: Greenwood Press, 1978, pp. 52-55.

privateers, since the potential for prize-making among unprotected American coasters was far higher than the actual total of captures.

On the North American side the privateers supplemented the role of the British naval blockade along the northeastern seaboard, especially during the early months of the war, when British forces were preoccupied in Europe. For the United States, the lack of a significant naval force throughout the war meant that "private armed vessels were the only successful American weapon after 1813 ...".⁸

The principles of privateering followed in both American and Nova Scotian Vice-Admiralty Courts during the War of 1812 derived from six centuries of English practice rather than the variations of *guerre-de-course* developed by France, Spain and Holland. However, while the two systems may have shared the same legal framework, the political context was unique to British North America, as Chapter Two will explain. This situation

⁸Garitee, Jerome. The Republic's Private Navy. Middleton, Conn.: Wesleyan University Press for Mystic Seaport, Inc., 1977, p. 244.

stemmed from the origins of the war itself and the importance of maritime issues.

The names and relationships, both in blood and in business, of the privateers reveal a closely-linked mercantile society of respectable investors, ship owners and crews in both Nova Scotia and New Brunswick. Clearly, ship owners were in the best position to build or convert existing ships for privateering. Merchants could afford to invest and would be able to resell captured cargo or ships. They would also know where each cargo would fetch the highest prices. Meanwhile, seamen or fishermen whose regular livelihood was disrupted by the war would be seasoned sailors anxious to work for shares of prizes instead of being pressed into the British navy. One group supported the other and the list of owners, investors and masters (Appendix 2) gives an indication of this interdependence.

With the legal and political background established, privateering as it was actually practised in New Brunswick and Nova Scotia in the War of 1812 can be examined. On the basis of the documents and related readings, I have tried to derive a sequence for

obtaining a commission, capturing a vessel and bringing it to adjudication. Over the centuries procedures and regulations had become clearly defined by law and every aspect of privateering was internationally recognized if not consistently respected. Once a prize reached port, it entered the Vice-Admiralty's jurisdiction where petitions, decrees, affidavits, appeals and a battery of other legal procedures were used to prosecute the case. Once a case was decided (a process that could last years) court costs, customs duties, wharfage, legal fees and other charges were levied against the assessed value of the prize. The prize crew and investors were left to divide what remained. Yet in spite of being lengthy, cumbersome and expensive, the Vice-Admiralty Court system served to monitor the process and eliminate the worst abuses while contributing to the establishment of "maritime and commercial regularity".⁹

⁹Fraser, D.G.L. "The Origin and Function of the Court of the Vice-Admiralty in Halifax, 1749-1759". Collections of the Nova Scotia Historical Society. Vol. 24, 1938, p. 80.

Historians have concluded that, although not nearly as large in scale as the American operations in Charleston or Baltimore, privateer activity by New Brunswick and Nova Scotia deprived the enemy of supplies, interrupted his communications and caused prices and insurance rates to rise. It harassed the American merchants and embarrassed their government. At the same time, privateering brought substantial financial gains to certain provincial owners and crews, stimulated the local economy by providing employment, investment opportunities and badly-needed prize cargoes, and contributed heavily to the coffers of the customs house and courts.

From the number of vessels captured, it is obvious that New Brunswick and Nova Scotia privateers took a fair toll of enemy shipping, mostly small American coastal vessels whose loss directly affected local merchants and citizens in neighbouring New England. Since most of the northern states had been opposed to the war from the beginning, their having to bear the brunt of colonial privateer attacks made them more vociferous in demanding an end to hostilities. Would the war have lasted longer had there been no

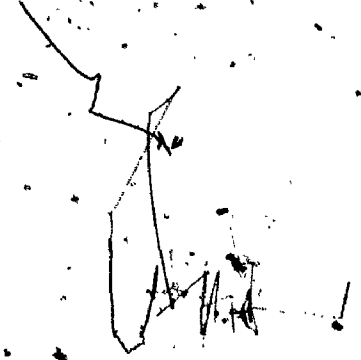
privateers? One can only speculate. Lohnes credits the colonial privateers with "helping to cripple American commerce before the close blockade was implemented by Admiral Cochrane".¹⁰

By the time both parties were ready to approach the peace table, the American economy had become a shambles and Britain faced a monumental national debt. At the same time, the economy of Nova Scotia in particular experienced unprecedented growth. Receipts for the port of Halifax trebled between 1812 and 1814¹¹, as did rents. It would seem the prosperity of Britain's northern colonies was at the expense of America. Although I have not attempted to quantify the economic influence of privateering in the War of 1812, the documentary evidence points to its playing an important, if secondary, role through commerce destruction in American waters.

¹⁰Lohnes, B.J. "British Naval Problems at Halifax During the War of 1812". The Mariner's Mirror, Vol. 59, No. 3. London: Society for Nautical Research, August, 1973, p. 328.

¹¹Rawlyk, K.G. (ed.). W.R. Copp. "Nova Scotian Trade During the War of 1812". Historical Essays on the Atlantic Provinces. Toronto: Macmillan and Stewart Ltd., 1967, p. 86. (See Table, p. 128)

The practice of privateering in Nova Scotia and New Brunswick represents a unique case study of a longstanding maritime tradition. While the Vice-Admiralty Court records furnish excellent primary documentation, the secondary literature on this topic is relatively sparse. As a result, much of the historical information concerning privateering has been gleaned from a variety of disparate but, nevertheless, authoritative sources. Although authors such as Thomas Raddall and C.H.J. Snider present a rather romantic view of the War of 1812, many of Snider's facts, in particular, are borne out in other works. Both are used sparingly but offer a Canadian perspective comparable to that of pro-British or pro-American authors on the topic of privateering. By looking at the various political, social and economic factors that influenced the privateers of the Atlantic colonies in the War of 1812 it is hoped that their wartime role will be better understood. Then, perhaps, the same sense of adventure that inspired the privateers will encourage historians to follow them further.



actions, Captain Godfrey was offered a commission in the Royal Navy and his own command, both of which he apparently declined.³⁴ Aside from these few examples, there is little evidence for cooperation between the navy and the privateers. As Kendall suggests:

... the Navy never quite approved of privateering, complaining among other things, that it was a mercenary institution which demoralized seamen by substituting greed for patriotism.³⁵

Yet naval crews were as anxious for prize money as privateers and of 466 prize cases recorded, over 58% of the captures were made by His Majesty's ships.³⁶ There are even several cases where navy ships tried to claim a share of privateer captures. For example, HMS Nieman, in sight at the time of the capture of Janus by the Liverpool Packet, claimed that they were cooperating in making such capture and are by law entitled to a share of the said Sloop Janus and her cargo ...³⁷

³⁴Mullins, op. cit., p. 22.

³⁵Kendall, op. cit., p. 1.

³⁶The 466 captures documented include 190 by privateers, 274 by the Royal Navy and 2 by Nova Scotia militia units.

³⁷P.A.C., RG8, IV, Vol. 87, Janus, Claim of HMS Nieman, 4 August 1813.

the case and the rewards involved. Despite its sometimes dubious and not undeserved reputation, by 1812, privateering was a legitimate form of maritime warfare "legally conducted and internationally recognized".¹⁵ Although a direct descendant of British law and custom, privateering as practised in Nova Scotia and New Brunswick had its own unique flavour, partially as a result of the nature of the War of 1812, but also due to the particular evolution of the maritime traditions of North America.

The expansion of Britain's colonial system to the New World ensured that privateering became part of seventeenth and eighteenth century life, and the "predatory business of Empire-building".¹⁶ Its legacy, according to Kendall, included the infamous Caribbean buccaneers who were usually of British nationality. Inspired by such adventures and encouraged by the potential for great wealth, colonial merchantmen were often armed and ready to sail the moment war was

¹⁵MacIntyre, Captain Donald. The Privateers. London: Paul Elek, 1975, p. 5

¹⁶Kendall, op. cit., p. 3.

declared. For those who invested, as well as those who went to sea, privateering was above all a business.

And in its organizational structure, capitalization, method of operation and distribution of profits, privateering as a business was as soberly directed as any conventional commercial, industrial or banking enterprise.¹⁷

Although Garritee was referring to nineteenth century American privateers, the description could be applied to their New Brunswick and Nova Scotia counterparts as well as their British forefathers.

In their motives, methods and development, privateers were quite distinct from both pirate and naval vessels. Whereas pirates earned their notoriety capturing ships of friend and foe alike, obeying no laws but their own and seizing or destroying whatever they chose, privateers carried royal commissions or letters of marque to capture only enemy vessels in accordance with Vice-Admiralty Court regulations. Since piracy was a crime against the King, among the Royal Instructions with which colonial governors had to

¹⁷Garritee, op. cit., p. xv.

be familiar was An Act for the More Effectual Suppression of Piracy (1700; 11 William III, c. 12) which was revised in 1721 under George I, made perpetual in 1729 by George II and amended by him in 1745.¹⁸ As Kendall suggests, the line between privateering and piracy was often extremely fine, giving grounds to the dictum "nulli melius piraticani exercunt quam angli". (Given the chance sailors can be first-class pirates.)¹⁹ Thanks to their commission, privateers were legally recognized as vessels of war. If captured by the enemy, privateers were treated as prisoners of war; pirates were hanged.²⁰ Although driven by a similar desire for financial gain as pirates, the privateersmen as a rule,

... respected personal property and took as prizes only public goods or private property which, because of its nature as merchandize in transit, was part of a belligerent nation's resources, and, as such, legally subject to seizure.²¹

¹⁸Labaree, L.W. (ed.) Royal Instructions to British Colonial Governors. New York: Octagon Books, 1967, p. 754.

¹⁹Kendall, op. cit., p. 59.

²⁰Cranwell, J.P. and W.B. Crane. Men of Marque. New York: W.W. Norton & Co., 1940, p. 17.

²¹ibid, p. 16.

Of course, such was not always the case. Under Queen Elizabeth I when explorers and merchant adventurers such as Drake, Frobisher, Gilbert and Raleigh carried letters of marque as they roamed the sea for Queen and country, admonitions were often ignored. The fact that new laws were required to make privateers bring prize cargoes in to port in 1589 and to carry back at least one member of the captured crew to give testimony after 1591²², gives some idea of the areas of abuse. And if Andrews is correct in assuming that all English voyages to the West Indies between 1585-1595 were privateering ventures, this would indicate the scope of the problem.

While all privateer ships had to carry letters of marque to ensure legal claim to their prizes, not all letter of marque ships were privateers. It was in the seventeenth century that an English Admiralty Court judge, Sir Leoline Jenkins, coined the term "privateers" to describe licensed ships outfitted

²²Andrews, K.R. (ed.). English Privateering Voyages to the West Indies, 1588-1595. Cambridge: Hakluyt Press, 1959, p. 1.

²³Garitee, pp. cit., p. 6.

"privateers" to describe licensed ships outfitted strictly for raiding.²³ Although the distinction was a subtle one, according to Cranwell, it was the vessel's purpose on setting out which made the difference.²⁴ A letter of marque ship was usually an armed merchantman with extra crew aboard who worked for set wages. If a likely prize were encountered in the course of a normal voyage, the commission entitled them to attempt a capture and share the prize money as a bonus.

Privateers, on the other hand, carried larger crews, more guns and no cargo. Powder shot and supplies for four to six weeks filled the holds of privateers and each man signed on for a specified share in any prizes from the cruise. Financially, the difference between a cruise and a voyage could be substantial.

These ships, which made no pretense to trade, were part of a system Garitee describes as "extensive in size, financially profitable, and largely out of control".²⁵ The degree of abuse can be inferred from the passage of

²⁴Cranwell, op. cit., p. 22

²⁵ibid, p. 5.

a 1666 law forbidding English privateers to kill or maim captive crews in cold blood!²⁶

Yet, in the opinion of Garitte and Kendall, it was this very lack of discipline in the early days of privateering that encouraged the development of navies, especially when predatory privateer actions threatened to turn neutral countries into belligerents. With the development of the fighting galleon of the late sixteenth century, the private armed merchantman could no longer afford to play an effective combat role. State fleets were left to battle for supremacy of the seas while the privateers were used to attack the enemy's seaborne trade²⁷. As a result, by the seventeenth century

... the gradual suppression of the old maritime militia by the regular fleet tended progressively to relegate freebooting ships to a secondary role of mere commerce destroyers and general auxiliaries to the navy.²⁸

²⁶Pares, Richard. Colonial Blockade and Neutral Rights. Oxford: Clarendon Press, 1938, p. 53.

²⁷Garitte, op. cit., p. 9.

²⁸MacIntyre, op. cit., p. 3.

Naval ships could be ordered into combat and used to achieve a sovereign's strategic or political objectives. Privateers could not. Being privately owned, the letter of marque ships sought enemy prey according to their instructions but, being business ventures motivated more by profit than by patriotism, they could not be relied upon to further any but their own interests. As Cranwell suggests "hard knocks, blood and glory" had "small commercial value."²⁹

Perhaps as a result of this basic philosophical difference, the relationship between the navy and the privateers was generally uneasy. Almost from the beginning the British navy competed with privateers for men, ships and prizes. While privateers had no apparent difficulty obtaining crews to work for shares in whatever adventure came their way, the British navy was chronically short of men and had to resort to the press gang and harsh discipline to keep their ships afloat. In fact, Mullins records that the privateer Retaliation was robbed of some of her crew by HMS

²⁹Cranwell, op. cit., p. 19.

Superb and many were never heard of again.³⁰ Under Admiralty Law both naval ships and privateers were entitled to capture prizes and share in any profits that might be realized. In fact, "naval pay was so low that officers were largely dependent on prize money".³¹ However, when a prize was divided among a privateer crew of 50 as compared to the crew of a large warship numbering up to 200 men and boys, it is understandable why the navy resented the privateers and tried to discourage their activities.

In order to exercise some control over their activities, the navy obliged privateers to assist them by keeping track of enemy shipping and reporting back on a regular basis. The letter of marque for the privateer Broke ordered the captain to keep an exact journal, list all prizes (when and where taken), their value, the movements and strength of the enemy and any other information obtainable regarding the "Design of the Enemy", and transmit this to the commissioner for the Admiralty or the Secretary. There is, in fact, one

³⁰Mullins, op. cit., p. 29.

³¹Snider, op. cit., p. 92.

documented instance of a privateer passing on naval intelligence. In the file of the Mary, dated March 1813, is a roughly written note to Admiral Warren, in charge of the British squadron, from the privateer Sir John Sherbrooke. It read:

Nave in Boston/Prasedent/Congres Rede For Sea/
& the Constetutation RF Sea.³²

There is no indication what use was made of this information.

Colonel Joseph Freeman, master of Simeon Perkins' privateer Duke of Kent, is singled out by Snider as one of the few privateers to earn the respect of British naval officers.³³ Another Nova Scotian commander, Alexander Godfrey, master of the Perkins'-built privateer Rover is cited by Mullins as achieving similar acclaim. Apparently on the Rover's first cruise in 1800, Godfrey evaded six enemy vessels, captured two, drove a Spanish schooner ashore and captured a half-dozen others. In recognition of this and other gallant

³²P.A.C., RG8, IV, Vol: 90, Mary.

³³Snider, op. cit., p. 132.

actions, Captain Godfrey was offered a commission in the Royal Navy and his own command, both of which he apparently declined.³⁴ Aside from these few examples, there is little evidence for cooperation between the navy and the privateers. As Kendall suggests:

... the Navy never quite approved of privateering, complaining among other things, that it was a mercenary institution which demoralized seamen by substituting greed for patriotism.³⁵

Yet naval crews were as anxious for prize money as privateers and of 466 prize cases recorded, over 58% of the captures were made by His Majesty's ships.³⁶ There are even several cases where navy ships tried to claim a share of privateer captures. For example, HMS Nieman, in sight at the time of the capture of Janus by the Liverpool Packet, claimed that they were "cooperating in making such capture and are by law entitled to a share of the Said Sloop Janus and her cargo ...".³⁷

³⁴Mullins, op. cit., p. 22.

³⁵Kendall, op. cit., p. 1.

³⁶The 466 captures documented include 190 by privateers, 274 by the Royal Navy and 2 by Nova Scotia militia units.

³⁷P.A.C., RG8, IV, Vol. 87, Janus, Claim of HMS Nieman, 4 August 1813.

In fact, Janus possessed a British licence allowing her to carry her 700 barrels of flour; and a crewman testified that Nieman did not realize the ship she had seen captured was taken by the Liverpool Packet until boarding the latter and reading her log. Nieman not only lost her case but had to pay the Packet's court costs. In the case of HMS Atalante and the privateer Crown, the question of ownership of the prize Sibae hinged on what vessels were in sight at the time of capture and how long it took a ship to reach the site and establish her presence. The Crown's crew swore they had seen the ship before dawn but waited for daybreak to ensure the prize was worth taking. The capture was then made about 7:00 a.m. followed by approximately two hours of transferring crew. The Atalante's men maintained they heard the Crown's crew say the capture occurred about 9:00 or 10:00. Since Atalante reached the Sibae about noon, the actual time of capture was vital to her case. The value of the prize at stake is indicated by the behaviour of the Atalante. John Adams, master of the Crown, testified that when he protested against this highhandedness, the captain of the Atalante called him an "insolent fellow" and threatened him with impressment. He even ordered

the ship's surgeon to determine whether Adams' wounds from previous battles in His Majesty's navy indeed rendered him unfit for service. The captain then pressed two of his best prize men instead. Left with only 22 men and boys and seven prisoners on board, Adams had to put into Shelburne for more men. Unfortunately, three men deserted for fear of impressment and he hastily put to sea with 17 men. Lacking sufficient crew to defend her, the Crown was subsequently captured by the Americans. Yet despite the seeming injustice of HMS Atalante's actions, she was awarded a share of the Sibae worth £4,909.³⁸

Although privateers were officially protected from impressment by Admiralty Law, the British navy was so short of men by 1814 that they began taking crews off privateers. Lohnes suggests that this is one reason why there were fewer privateers in 1814 and thus less American ships captured.³⁹ However, this theory is difficult to prove, since by 1814, the British

³⁸p.A.C., RG8, IV, Vol. 96, Sibae, Response of Captain, 25 August 1813.

³⁹Lohnes, op. cit., p. 324.

blockade had virtually brought American coastal traffic to a standstill leaving few ships on which the privateers could prey.

Whatever their official relationship, privateers actually "... hampered the Navy by attracting all the best seamen and buying up the best ships".⁴⁰ In light of this rivalry it is no wonder the British Navy wanted to distinguish their ships from those of privateers lest anyone confuse a licensed trader with a ship of His Majesty's navy. Accordingly, in the war against Spain in 1739 privateers were forbidden to wear any jack, pendant or ensign worn by British Navy ships.

Marsden quotes from Article 11 of that War:

... but that besides the colours born usually by merchant ships they do wear a red jack with the Union Jack described in the canton at the upper corner thereof near the staff.⁴¹

Like the Union Jack flown by British men-of-war, the privateers' red jack was flown on the staff of the bowsprit⁴² effectively announcing the vessel's

⁴⁰Pares, op. cit., p. 33.

⁴¹Marsden, Vol. II, op. cit., p. 428.

⁴²Kendall, op. cit., p. 156.

intentions long before the quarry was within range of their guns. Fortunately, the naval code of honour did not oblige ships to fly their authentic colours until preparing to open fire.⁴³ Thus, privateers could, and did, fly any flag they chose until they could get close enough to decide whether to fire or retire. Once the risks were weighed and the prize deemed worthy, up ran the red jack and the privateer sailed forth.

What set privateers apart legally from both pirate and naval vessels was the ship's commission. The first recorded English example from Edward I to the Duke of Aquitaine is dated 1293, but Kendall suggests the practice was probably older, and originally applied to reprisals on land as well as at sea.⁴⁴ In an era when sovereigns had no recourse to police forces, navies or international law, a system which permitted a private citizen to redress his own grievances against a foreign power without embroiling the king in a war was to

⁴³Jacobs and Tucker, op. cit., p. 200.

⁴⁴Kendall, op. cit., p. 4. "Marque" may come from the High German 'Marcha' or boundary, implying that with such a letter, one could cross borders for reprisals. (p. 13).

everyone's advantage. In this way, a merchant unable to obtain restitution for losses suffered at the hands of a ship of another nation could petition the king for a letter of reprisal (if the offense occurred in his own territorial waters) or a letter of marque (if beyond the national waters).⁴⁵ Armed with such a license, the offended merchant could try to compensate himself, but only at the expense of the nation identified by the letter and only in the amount of his loss. In his study on privateers, MacIntyre distinguishes between "general" licenses issued during wartime against the king's enemies and "special" licenses for personal reprisals against a nation with which the king was at peace. Over time the two became indistinguishable and letters were simply bought from the Admiralty Court.⁴⁶

Aside from being expedient, this system could also be turned to the advantage of chronically embattled fourteenth- and fifteenth-century rulers. By offering private ship owners a share of prize money from the

⁴⁵Garitee, *op. cit.*, p. 4. Eventually the two terms became synonymous and all privateer commissions were identified as letters of marque.

⁴⁶MacIntyre, *op. cit.*, p. 2.

sale of a captured ship and cargo, a sovereign could, in effect, create his own private navy. Since most merchant vessels carried guns for their own protection, a royal commission merely guaranteed legal title to any enemy prize that happened along.⁴⁷ Issued originally by the king, the sale of letters of marque became one of the perquisites of the man who administered the laws of the sea in the Admiralty Court - in England, the Lord (or Lord High) Admiral.⁴⁸

The opportunities for abuse in such a system led to the development of the Admiralty Court in the mid-fourteenth century to handle marine-related legal cases.⁴⁹ According to Marsden, this created the first distinction between the Common Law of the King's Court and the prize law of the Admiralty.⁵⁰ By 1540 the administration of Admiralty affairs fell under three jurisdictions: the Lord High Admiral, chosen by the King, who was the Chief Administrative Officer with

⁴⁷Pares, *op. cit.*, p. 2.

⁴⁸MacIntyre, *op. cit.*, p. 1.

⁴⁹*idem.*

⁵⁰Marsden, *op. cit.*, p. xi.

executive power; the Navy Board, fulfilling civil and administrative duties under the Lord High Admiral; and the High Court of Admiralty, with legal and judicial functions under the nominal control of the Lord High Admiral. 51

The growth of England's American colonies necessitated extension of Admiralty Court powers overseas in 1615⁵² to adjudicate disputes over such issues as fishing rights, salvage and foreign prizes captured in colonial waters. By the mid-seventeenth century, the Admiralty Court was recognized as the "sole tribunal of first instance for the trial of the legality of captures made at sea".⁵³ The Prize Acts of 1648 simplified prize judgements by replacing Latin with English as the language of the courts and by developing regulations for taking inventories and

⁵¹Doty, Joseph D. The British Admiralty Board as a Factor in Colonial Administration, 1689-1763. Philadelphia: 1930, p. 10.

⁵²Fraser, op. cit., p. 57.

⁵³Marsden, op. cit., p. xxx.

interrogating captive crews.⁵⁴ However, since all cases had to be tried in England, the legal process was lengthy and expensive. Finally, in 1689, colonial governors were commissioned as Vice-Admirals to enable them to adjudicate cases at home.⁵⁵ However, doubts as to the wisdom of this step were voiced from within the Admiralty itself. Sir Henry Penrice, judge of the High Court of Admiralty (1715-1751) cautioned the Secretary of the Admiralty in November, 1718 against such courts in the Plantations:

... since it is much to be feared that they are not well versed in the Law of Nations and Treaties between Us and other states; and it is well known that they do not proceed in that Regular Manner as is practised by His Majesty's High Court of Admiralty.⁵⁶

By the same token, Doty acknowledges that strenuous

⁵⁴Kendall, op. cit., p. 69.

⁵⁵Jameson, J. Franklin (ed.). Privateering and Piracy in the Colonial Period. New York: Augustus M. Kelley, 1970, p. xi.

⁵⁵Fraser, op. cit., p. 62.

⁵⁶Doty, op. cit., p. 45. Doty feels that the American colonies never really acknowledged the legal rights of the Vice-Admiralty Courts on anything but marine-related questions throughout the 18th century.

objections were also raised by certain American colonies who wanted to establish such courts as part of their own charters. According to Doty, this was particularly true of proprietary or corporate colonies such as Pennsylvania and Carolina. They resented the imposition of British jurisdiction on such civil matters as breaches of trade laws and the preservation of New England's white pine stocks, although they did not seem to object to the Vice-Admiralty Court's legal responsibility for marine-related cases. Nevertheless, by 1700, colonial governors were given jurisdiction over cases relating to the Trade Acts, over prizes taken during war, and finally over:

... all manner of maritime contracts and agreements, felonies within the jurisdiction, treasure trove, anchorages, salvages and collisions.⁵⁷

Because the Vice-Admiralty Courts sat the first and third Wednesday of each month year round and offered a faster, less complex process than common law courts, colonial merchants preferred to try their cases in these courts. Since claims could also be made against

⁵⁷Fraser, op. cit., p. 63.

a vessel or cargo and not just a person as in common law, merchants felt they had more chance of success. Customs officials appreciated the opportunity of having to convince only a single judge instead of a whole jury who ~~might well be sympathetic to a ship trying to avoid~~ customs duties.⁵⁸ Although each step of the Vice-Admiralty adjudication process had a fee attached, the swifter, more efficient administration of justice was deemed to be cost effective by those directly involved.

In the British provinces, Vice-Admiralty Court responsibilities were assumed by the Lieutenant Governor, of Nova Scotia upon the arrival of Lord Cornwallis in the fall of 1749.⁵⁹ By 1763, there were 11 Vice-Admiralty Courts in the New World. Judges in these courts were appointed by the governor as were the other officials such as the registrars, marshalls and clerks, and

⁵⁸Ubbelohde, Carl. The Vice-Admiralty Courts and the American Revolution. Chapel Hill: University of North Carolina Press, 1960, p. 21. Ubbelohde points out that the absence of a jury was one of the key complaints against the Vice-Admiralty Courts during the Revolution. Yet when the system was tried by the Americans using a jury it was found to be unworkable.

⁵⁹Fraser, op. cit., p. 63. The Court's first case on October 5, 1749 was over non-payment of a seaman's wage which Cornwallis ordered paid.

governors used this power to reward friends and supporters. While the position of Vice-Admiralty Court judge entailed a certain amount of prestige, there was no salary since judges received a percentage of the goods they condemned as well as fixed fees allotted by colonial statute. However, in 1764, as part of the new Imperial rule, the Plantations Board in England decided to streamline the system by creating a new Vice-Admiralty "supercourt" in Halifax under Dr. Robert Spry, "when and where all causes, civil and maritime, arising in any province of America or maritime Parts thereof, or thereto adjacent ... (might) be prosecuted".⁶⁰ Needless to say, American merchants complained strongly against this decision since Halifax was far away and maritime cases were thus more costly to pursue. Subsequent American colonial complaints against the Stamp Act of 1765 meant that Vice-Admiralty Courts in most of the New England states continued to handle their own cases in spite of the ruling. Fortunately for Judge Spry, his salary had been fixed at £800 per annum regardless of cases tried, since by June

⁶⁰ *ibid*, p. 59.

1766 he felt compelled to write a post script to his official dispatch:

The Employment I have had here in my Court has been too inconsiderable and trifling to be communicated.⁶¹

Bowing to the exigencies of politics and geography, the king revised his Vice-Admiralty instructions creating four regional courts in Halifax, Boston, Philadelphia and Charleston with each judge paid £600 for his services. There is no record that Spry's successor, the former attorney-general of Massachusetts, Jonathan Sewall, ever came to Halifax to take up his position. Nevertheless by the outbreak of the American Revolution, the legal apparatus for administering the practice of privateering in North America was firmly in place.

Similarly, the regulations governing privateer activities evolved over the same period. In his study of Law and Customs of the Sea, Marsden discusses the key areas of privateer activity and the instructions

⁶¹ibid, p. 82. By January, 1767, Spry had left Halifax to become Governor of Barbados.

which governed them. It seems that, although prize law became more complex, the Instructions of 1756 differed little in the essentials from those of 1585.⁶² Letters of marque were gradually regularized so that commissions were only issued to "suitable persons under adequate safeguards".⁶³ Each ship was required to post a bond to ensure compliance with royal instructions. Penalties for wrongful use could range from forfeit of up to £3,000 bond, to seizure of prize, to execution for piracy.⁶⁴ After 1655, any ship taken by an improperly commissioned vessel reverted to the Crown as a Droit of Admiralty.⁶⁵ This was to be significant during the War of 1812 when Britain was slow to issue letters of marque to Canadian privateers.

Since the basic motive for privateering was the capture and sale of valuable enemy ships and cargo, it is no wonder that instructions regarding what constituted a valid prize and how the proceeds were to be

⁶²Marsden, op. cit., p. 9.

⁶³Jameson, op. cit., p. x.

⁶⁴MacIntyre, op. cit., p. 4.

⁶⁵Marsden, op. cit., p. 400.

shared underwent such cautious development. In 1243 the master of the bark LeHeyte was required to share "half of all their gain" with the King.⁶⁶ Over the years this amount was gradually reduced. In 1652 letter of marque ships were instructed to have all prizes appraised and inventoried on arrival in port.⁶⁷ The Admiralty usually received a share of one-tenth of the proceeds of the voyage. Custom duties on captured goods were levied at five percent (5%). Two-thirds of what remained went to the suppliers and investors in relation to their share of the enterprise and the last third to the crew according to rank or rating.⁶⁸ In 1663, shares were allotted in the amount of one-third to the Crown, one-third to the colonial governor and one-third to the captor or informer.⁶⁹ Since the privateers were doing all the work for the smallest portion of the profits, additional monetary incentives were provided by a proclamation the next year concerning prize, gun money and pillage.⁷⁰ According to

⁶⁶ *ibid.*, p. 407.

⁶⁷ MacIntyre, *op. cit.*, p. 1.

⁶⁸ *ibid.*, p. 4.

⁶⁹ Fraser, *op. cit.*, p. 60.

⁷⁰ Marsden, Vol. II, *op. cit.*, p. 51.

Marsden, prize money allowed the crew an extra ten shillings for every ton of captured ship. Gun money in the amount of £6.13.4 per piece of ordnance (iron or brass) was paid within 10 days of the seamen's wages to be shared between them. Finally, pillage entitled the captain and crew to everything but the cargo or "all such goods and merchandise that shall be found ... upon or above the gun deck of the said ship and not otherwise".⁷¹ Andrews adds that captors were also entitled to personal belongings of crew and passengers up to "fortie shillings (excepte apparrell)".⁷² All material was then brought to the mainmast and shared according to custom. Unfortunately, the richest cabins on most prize ships were below the gun deck and subsequent plundering led to recommendations for changing the system in 1664.⁷³ Cargo on the other hand was strictly off limits. Opening the cargo or disposing of it was called "breaking bulk" and the 1649 Instructions concerning cargoes declared:

... and noe parte of them solde, spoiled, wasted, diminished, or the bulke thereof broken, untill judgement hath first passed in the highe courte of

⁷¹Idem.

⁷²Andrews, op. cit., p. 25.

⁷³ibid, p. 65.

Admiralty and that the said goods are lawful prize.⁷⁴

Like pillage, ransom was another profitable practice. Until the mid-eighteenth century, privateer captains could demand that a captured ship pay a specified amount to be allowed to continue its voyage. It was to the privateer's advantage because it meant crew did not have to be allotted to man the prize, no prisoners had to be dealt with, there were no court costs and little cruising time was lost. In general, prizes were ransomed when damaged or disabled, too small for the privateer crew was shorthanded. Sometimes cargoes were taken as prize and the ship set on fire. According to Pares, the British government objected to the Royal Navy taking ransoms instead of prizes because there were no prisoners to exchange, it did nothing to halt enemy trade, the ransom was often less than the value of the prize (especially if the captured captain undervalued the cargo) and it gave the captors an opportunity to cheat the customs man.⁷⁵ So arbitrary was the system that complaints against unscrupulous

⁷⁴Marsden, op. cit., p. 406.

⁷⁵Pares, op. cit., p. 15

captains probably contributed to its repeal by 1744.⁷⁶ Nevertheless, during the War of 1812, prize files indicate that Royal Navy ships were stopping coastal vessels, ransoming them for several hundred dollars apiece and letting them go.⁷⁷ Cranwell refers to one English naval officer who "is alleged to have made a very neat business of issuing licences to permit American merchantmen to reach Lisbon unmolested, then holding them up for ransom on their way back."⁷⁸

Throughout the period preceding the War of 1812, privateering evolved as a legitimate pursuit. After 1797 both Europeans and Americans forbade their subjects to accept letters of marque against any nation with which they were at peace, effectively ending privateering by neutral states.⁷⁹ The Crown's share of profits was reduced to 5% in 1693⁸⁰ and finally

⁷⁶ibid, p. xix.

⁷⁷Mahan, A.T., Sea Power in its Relations to the War of 1812. Boston: Little, Brown & Co., 1905, Vol. I, p. 194.

⁷⁸Cranwell, op. cit., p. 33.

⁷⁹Kendall, op. cit., p. 179.

⁸⁰pares, op. cit., p. 6.

renounced in 1708 which "... prevented the executive from interfering in prize cases when justice or diplomatic interests required it".⁸¹ With the remission of British customs duties on captured goods in 1740, privateers were given full title to their prizes. Once they no longer had to share their prizes with the governor or the tax collector, they were able to concentrate on closer prey, less well armed ships that were easier to capture and simpler to adjudicate. This encouraged smaller investors, such as Halifax grocers William Bond and Francis Muncey, bondsmen for Weazle, to participate in such ventures since the odds for success were increased, the risks reduced and return on investment repaid quickly. In the maritime communities of Nova Scotia, and to a lesser extent New Brunswick, many sailors and fishermen were thus tempted to try their luck.

The final legal step which clearly established the principles of prize law was contained in the 1753 Report of the Law Officers. It affirmed:

When two powers are at war, they have a right to

⁸¹idem.

make prizes of ships, goods and effects of each other upon the high seas.⁸²

As Marsden explains, enemy property could be captured but not that of a friend, provided he observed his neutrality. For example, enemy goods on a friend's ship would be restored. However, any contraband goods shipped to the enemy by a friend would be seized. A valid prize was determined by "the maritime law of nations universally and immemorially received."⁸³

By the time Britain began preparing for the eventuality of a war against the United States, she was already embroiled in an all-out war with France. Her navy was urgently needed in Europe and only a token force could be spared for the Atlantic Squadron. Meanwhile, the Canadian provincial marine could muster only the Queen Charlotte (16 guns) General Hunter (6) Royal George (Corvette 22) and three armed schooners for Lake Ontario and one for Lake Champlain. Although Upper Canada's naval forces were inadequate, undermanned and led by often incompetent commanders, their land troops

⁸²Marsden, op. cit., p. 350.

⁸³idem.

were well equipped. Unfortunately for the Americans, their officers, at least up to 1813, "were the worst military leaders of any war in which the United States has ever been engaged".⁸⁴ President Jefferson's belief in small, inexpensive and ineffective gunboats meant that the United States fleet consisted of five frigates, three sloops and seven brigs⁸⁵ plus assorted small vessels, although her young crews were to prove themselves superior seamen and tacticians. Maclay compares the 23 United States naval vessels with 556 guns to 517 privateers with 2,893 guns to indicate how important privateers were to the American effort.⁸⁶

In the absence of a powerful naval force the way lay open for private letter of marque ships from either side to prey on each other's merchant vessels. Following universally accepted admiralty laws and procedures the privateers of Atlantic Canada began readying their ships and looking out to sea.

⁸⁴Morison, S.E. The Oxford History of the American People. New York: Oxford University Press, 1965, p. 391.

⁸⁵Hitsman, J.M. Safeguarding Canada 1763-1871. Toronto: University of Toronto Press, 1968, p. 85.

⁸⁶Maclay, op. cit., p. viii.

THE WAR FOR MARITIME RIGHTS

The War of 1812, like many wars, has been viewed by historians in retrospect as a war which never should have happened. It was, it seems, unnecessary,⁸⁷ uneconomical,⁸⁸ and inconclusive⁸⁹ and the reasons why Britain and the United States finally came into conflict are still the subject of some debate. What is even more ironic is that contemporary observers felt the same way. In June, 1812, New York State representatives are reputed to have called the war "a most rash, unwise and inexpedient measure".⁹⁰ Similarly, in August, the war was referred to as "an

⁸⁷Perkins, S., The Diary of Simeon Perkins 1797-1812. Toronto: The Publications of the Champlain Society, 1967, p. 114.

⁸⁸Resford in Taylor, G.R. (ed.) The War of 1812 Past Justifications and Present Interpretations. Boston: D.C. Heath & Co., 1963, p. 102.

⁸⁹MacNutt, W. S., The Atlantic Provinces: The Emergence of Colonial Society 1712-1857. Toronto: McClelland and Stewart Ltd., 1965, p. 152.

⁹⁰Auchinleck, G. A History of the War Between Great Britain and the U.S.A. During the Years 1812, 1813 and 1814. Toronto: Arms and Armour Press, 1972, Introduction.

act of folly and desperation"⁹¹ by the Assembly of Upper Canada. On the eve of war, Britain's treasury was already drained battling Napoleon in Europe and she could ill afford to lose fighting men and ships in North America. Meanwhile, the United States' army was "moribund"⁹², their navy small and unprepared, the South was experiencing an economic recession, and the New England States were flatly opposed to a war which would upset the existing "excellent trade with Canada."⁹³ Finally, New Brunswick and Nova Scotia were dependent on their American neighbours for food and manufactured goods and vulnerable to seaborne attacks at many points, including Halifax, whose defenses in 1812 are described by Copp as inadequately manned, dilapidated and untenable.⁹⁴ Such was the situation when on June 18, 1812 President Madison declared war on Britain.

⁹¹idem.

⁹²Jacobs, J.R. op. cit., p. 14.

⁹³Cranwell, op. cit., p. 32.

⁹⁴Copp, W.R. "Military Activities in Nova Scotia During the War of 1812", Collections of the Nova Scotia Historical Society. Vol. 24, 1938, p. 59.

According to Taylor, the causes of the War were six: British violation of American rights of uninterrupted commerce on the high seas, impressment of American seamen, arming and incitement of frontier-Indians, American annexationist ambitions for Florida and Canada, belief that Britain was somehow responsible for the economic depression in the South, and accumulated insults to American national honour.⁹⁵ While all could be considered serious provocations, none appears sufficient to precipitate a war.

The issue of American neutral rights was a long-standing one arising out of Britain's life and death struggle with France. In 1806, Britain began a blockade of Europe. Napoleon retaliated with the Berlin Decree in January 1807 which forbade any ship that had stopped in an English port to enter a French harbour. In November, to counter this, Britain issued an Order-in-Council extending the blockade and requiring neutral, i.e. American, vessels to clear from a British port, obtain a licence and pay duties. By December

⁹⁵Taylor, op. cit., p. vi.

1807, Napoleon's Milan Decrees effectively eliminated neutral rights by threatening to confiscate any ships obeying the British Order-in-Council.⁹⁶ Blaming Britain for the destruction of American trade, President Madison enacted his own fourteen-month embargo against British ships which did little to hinder British commerce but served to further depress American trade and cause severe economic hardship in many areas.⁹⁷ The ill will generated among inhabitants of the northeastern states may have contributed to their lack of enthusiasm for the war. By the time the embargo was repealed in 1809, Britain had passed the Compulsory Convoy Act establishing an Atlantic convoy system with six crossings a year⁹⁸ while the inhabitants of Maine, Vermont, New York, Nova Scotia and New Brunswick had established a clandestine network for smuggling operations which merely continued

⁹⁶ *ibid.*, p. 69.

⁹⁷ Morison, S.E. The Maritime History of Massachusetts 1783-1860. Boston: Houghton Mifflin Co., 1961, p. 191. The author refers to soup kitchens and the immigration of Massachusetts families to Canada.

⁹⁸ MacNutt, *op. cit.*, p. 130. Not only were ships crossing the Atlantic legally obliged to travel in convoy, but, as Mahan points out, if they chose not to do so, their insurance would be forfeit (p. 319).

what had been "a normal by-occupation since the border was created".⁹⁹ For America, the issue was one of economic rivalry; Britain's Orders-in-Council reduced America's overseas trading opportunities. But for Britain, it was strategically essential to isolate France. As Horsman states:

the crux of the problem was that the United States wanted to continue her extensive overseas trade undisturbed by the European conflict, while Britain was determined that neutral trade should not be allowed to aid the French.¹⁰⁰

The impressment issue, which had been a sore point since the Revolution,¹⁰¹ blew up over the Chesapeake incident in 1807. Chronically short of manpower, the Royal Navy frequently boarded American ships in search of deserters. When the HMS Leopard forcibly removed one British and three American deserters from His Majesty's navy off the Chesapeake, the two nations came to the brink of war. Yet the maritime constituencies

⁹⁹ Heaton in Perkins, B. (ed.), The Causes of the War of 1812. New York: Holt, Rinehart and Winston, 1962, p. 38.

¹⁰⁰ Horsman, Reginald. The War of 1812. London: Eyre and Spottiswoode, 1969, p. ix.

¹⁰¹ Heaton in Perkins, op. cit., p. 2.

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of New England, those who were most clearly threatened by impressment, rejected the vote for war.¹⁰² However, American outrage against the Leopard and the obvious bellicosity of some segments of the population caused concern in Britain. Hitsman refers to a letter from Vice-Admiral of the White Berkeley to the President of the Board of Trade, Lord Bathurst, dated August 1807. In it he apparently suggested a naval attack on New York city and the destruction of 1200-1400 American fishing boats returning from Newfoundland and Labrador to "prevent their seamen from subsequently becoming privateers"¹⁰³ The Vice-Admiral's suggestion would have led to war five years earlier when Britain was even less able to cope with it.

The accusation of British agitation of the Indians in the War of 1812 was more propaganda than truth. Mahon estimates the warrior strength of Indians in the

¹⁰²Burt in Taylor, op. cit., p. 85. In his account, Coggleshall mentions that two of the four men taken from Chesapeake in June, 1807 were finally restored to their ship almost exactly five years later.

¹⁰³Hitsman, Safeguarding Canada, op. cit., p. 68.

Great Lakes regions as not more than 1500.¹⁰⁴ Although Britain was not above exploiting a very real American fear of Indian attack to her own advantage, she had, in fact, a healthy respect for her Indian allies, typified by Castlereagh's attitude:

We are to consider not so much their Use as Allies, as their Destructiveness if Enemies.¹⁰⁵

However, the real issue was not the claim that Britain was stirring up the Indians and supplying them with guns (unlikely since she needed all her weapons in Europe) but the American desire for Indian lands in the Ohio Valley. The steady expansion of American settlement was pressing the Indians farther west but the excuse of British interference was dismissed by John Randolph of Virginia as surmise. He admitted:

It is our own thirst for territory that has driven these sons of nature to desperation.¹⁰⁶

¹⁰⁴Mahon, John K. The War of 1812. Gainesville: University of Florida Press, 1972, p. 15.

¹⁰⁵Caffrey, Kate. The Lion and the Union: The Anglo-American War 1812-1815. London: Andre Deutsch, 1978, p. 126.

¹⁰⁶Raddall, Thomas H., The Path of Destiny. Toronto: Doubleday Canada Ltd., 1957, p. 182.

Whether Canada or Florida was the focal point of American ambitions is subject to some interpretation. Raddall suggests "many Americans regarded the conquest of Canada as a piece of unfinished business left over from 1783".¹⁰⁷ Certainly popular opinion in the United States felt that taking Canada would be a simple matter where they would revenge themselves upon Britain and force her to change her policies on impressment.¹⁰⁸ In the opinion of American historian Julius Pratt, it was the South's desire to annex Florida for agrarian, commercial and strategic reasons that was the main expansionist thrust of politicians such as Madison and Monroe. In fact:

Monroe's official correspondence shows that he never really desired or expected the annexation of Canada.¹⁰⁹

¹⁰⁷ibid, p. 179. Apparently Benjamin Franklin wanted Britain to cede Canada to the United States in the Treaty of Versailles to eliminate future problems. Harlow, V.T., The Founding of the Second British Empire 1763-1793, Vol. 1. London: Longman's Green and Co., 1952, p. 249.

¹⁰⁸Horsman, op. cit., p. 98.

¹⁰⁹Pratt in Taylor, op. cit., p. 35.

On the other hand, Canadian historian G.F.G. Stanley feels:

... the basic motives prompting the Madison administration's declaration of war in June 1812 were to satisfy national honour and to acquire control over Canada - in brief, pride and acquisitiveness.¹¹⁰

While Canada's small population of approximately 500,000¹¹¹ must have seemed easy pickings to an American population of 7,500,000,¹¹² it must be remembered that many New Englanders had relatives in Canada, some of whom had been there since the Revolution. Neither the northeastern states nor the Atlantic Provinces had anything to fight about. Trade flowed naturally north/south and in return for providing a market for British manufactured goods, the Americans supplied the maritimes with essential foodstuffs. As Canada's closest neighbours, the New England states had the most to gain from an annexationist policy, yet they were

¹¹⁰Stanley, G.F.G. The War of 1812: Land Operations. Toronto: Macmillan of Canada/National Museums of Canada, 1983, p. 35.

¹¹¹Mahon, op. cit., p. 15.

¹¹²Hitsman, J. McKay. The Incredible War of 1812. Toronto: University of Toronto Press, 1965, p. 44.

consistently opposed to war. Despite embargoes and trade restrictions, goods had always found their way across the border and a war that would interrupt this traffic was to be avoided at all costs.

As for those who felt that British trade policies were somehow responsible for the south's economic problems, they failed to consider the inevitable upheaval of war, not to mention the possibility of defeat, that would cause even more hardship. Instead, the Southern War Hawks argued that a successful war would "remedy commercial and agrarian distress".¹¹³ As Caffrey points out, at least 80 percent of American cotton, produced in the south, went to Britain until 1811.¹¹⁴ In short, the southern economic argument was at best weak and at worst willfully misleading. Yet it too served to fuel the war machine.

Taylor's final motive for war - accumulated insults to America's national honour - harks back to

¹¹³Taylor, op. cit., p. 107

¹¹⁴Caffrey, op. cit., p. 50.

the Revolution and the popular perception of the War of 1812 as a second struggle for independence.¹¹⁵ So strong was the anti-British bias in Congress that French interference in America's trade and foreign policy were completely overlooked.¹¹⁶ According to the historian Irving Brant, another major factor in the deterioration of American-British relations was the absence of an American ambassador in London. A group of pro-British Federalists had given British officials a false impression of President Madison as an indecisive "puppet" of France. This, coupled with the lack of understanding by British Foreign Secretary Spencer Perceval as well as Wellesley and Castlereagh, ensured that British politicians "totally misread the situation in America".¹¹⁷ In Stanley's opinion:

... callousness in Britain and oversensitivity in the United States were the twin legacies of the American Revolutionary War; they were, in consequence, the fundamental forces behind the renewal of the struggle in 1812.¹¹⁸

¹¹⁵ibid, p. 177.

¹¹⁶Jacobs, op. cit., p. 12.

¹¹⁷Brant, Irving in Perkins, op. cit., pp. 106-107.

¹¹⁸Stanley, op. cit., p. 8.

However, aggravation of old wounds does not really seem adequate grounds for war.

What then led President Madison to declare war on Britain in spite of the fact that the United States had "neither fleet, nor army, nor money, nor unity against England"?¹¹⁹ The official declaration lists four charges: impressment, British harrassment of neutral American commerce, blockade of United States ports and the restriction of American trade through Orders-in-Council. Although the latter grievance was eliminated when Britain repealed the Orders two days before the war bill was signed, Congress felt the other three were justification enough for war.¹²⁰ The fact that Madison was facing re-election and declared war "as the only chance of remaining in power" is suggested in a contemporary letter from Major General Hunter to Lord Liverpool.¹²¹ While the personal ambitions of individual politicians from the War Hawks to the

¹¹⁹Mahon, op. cit., p. 35.

¹²⁰Morison, op. cit., p. 196.

¹²¹Stanley, op. cit., p. 7.

President cannot be discounted, it would appear that of all the reasons for war, maritime rights were the most critical and without them there would have been no war.¹²²

Britain had so misread the American situation that when war was declared in spite of her belated diplomatic efforts "the government was surprised, the manufacturers shocked. To everyone it seemed a useless war"¹²³ and for several weeks Britain delayed her official response. Over-extended and over-confident, Britain's politicians believed hostilities would soon be over. The Morning Post promised its readers that

a war of a very few months, without creating to England the expense of a single additional ship would be sufficient to convince America of her folly by a necessary chastisement of her insolence and audacity.¹²⁴

Statistically speaking, such bravado seemed justified. The British navy was the largest and most powerful

¹²²Pratt in Taylor, op. cit., p. 35.

¹²³Horsman, op. cit., p. 24.

¹²⁴Bonnett, Stanley, The Price of Admiralty, Robert Hale Ltd., 1968, p. 22.

force afloat. Nelson's glorious victory at Trafalgar was still fresh in people's minds and there was no reason to believe that the tiny, untried American navy would offer any resistance. In fact, the London Times dismissed America's 6-ship navy as:

... a few fir-built frigates with strips of bunting, manned by sons-of-bitches and outlaws.¹²⁵

What they failed to realize was that the naval blockade of France had left only a skeleton fleet on the Atlantic station. According to Mahon, of the 650-700 vessels in the British navy, only 3 ships-of-the-line, 23 frigates, and 53 sloops, brigantines, and schooners were in the waters of the New World, and of these, only 25 were off North America.¹²⁶ This fact compounded by what Lohnes describes as "Admiralty neglect, rotten ships, mediocre commanders and few seamen"¹²⁷ had rendered the Royal Navy's Halifax Squadron virtually impotent. This weakness was brought home sharply in

¹²⁵Mahon, op. cit., p. 9.

¹²⁶ibid, p. 14. These included 1-64 gun ship, 7 frigates, 7 sloops, 7 brigantines and 2-3 schooners.

August, 1812, when the British brigantine Alert became the first vessel to surrender to Captain David Porter of the Essex. Mahon contends

Superb American gunnery and shiphandling had wrecked her in eight minutes.¹²⁸

Horsman, in acknowledging the effectiveness of the few American ships refers to secret Admiralty instructions to avoid single-ship combat!¹²⁹ Although no corroboration for this statement was found, it is certain that this, as well as several other losses in individual ship actions, embarrassed and humiliated England and created a grudging respect for American seamanship.

There is little doubt that the United States was as surprised, as Britain by her early naval success. However, each victory was a propaganda tool reinforcing the War Hawk arguments and convincing the uncommitted

¹²⁷Lohnes, Barry, op. cit., p. 317.

¹²⁸Mahon, op. cit., p. 42.

¹²⁹Horsman, op. cit., p. 53.

moderates in the community.¹³⁰ What was supposed to be a war to protect American maritime rights was opposed, in fact, by the very New England States it was declared to protect. Numerous instances are cited to indicate the widespread popular distaste for war. The Connecticut Courant fulminated against a war that had "commenced in folly ... to be carried on with madness ... and (unless speedily terminated) will end in ruin".¹³¹ In New England recruitment was slow and the governors of Massachusetts and Connecticut refused to furnish state military quotas.¹³² In fact, the former proclaimed a day of fast on the declaration of war against the nation from which America was descended.¹³³ Meanwhile, the inhabitants of northern Vermont let it be known in Lower Canada that they wished to continue with the normal trade of British manufactured goods for American produce.¹³⁴ In return, the July 3, 1812 Minutes of Nova Scotia's Council record that citizens

¹³⁰Auchinleck, op. cit., p. 74.

¹³¹Caffrey, op. cit., p. 147.

¹³²Hitsman, Safeguarding Canada, op. cit., p. 88.

¹³³Mahon, op. cit., p. 32.

were actually forbidden to molest their American neighbours as long as the latter refrained from hostilities.¹³⁵

One reason England was reluctant to declare war against the United States was her reliance on American food and military stores for her troops in Spain as well as for the Halifax garrison. Throughout the Napoleonic War, despite trade restrictions from both sides, American ships had been licenced to carry specific cargoes to Spain and Portugal without fear of molestation by the Royal navy. Issued by Vice-Admiral Herbert Sawyer, these licences stated:

... all captains and commanders of His Majesty's ships and vessels of war, which may fall in with any American or other vessel bearing a neutral flag, laden with flour, bread, corn and pease, or any other species of dried provisions, bound from America to Spain or Portugal, and having this protection on board, to suffer her to proceed without unnecessary obstruction or detention in her voyage; provided she shall appear to be steering a due course for those countries ...¹³⁶

¹³⁴Hitsman, Safeguarding Canada, op. cit., p. 88.

¹³⁵Copp in Rawlyk, op. cit., p. 83.

¹³⁶Hitsman, The Incredible War of 1812, op. cit., p. 50.

On October 12, by Order-in-Council, Governor Sherbrooke authorized a limited trade with American ships to deal in food and such naval stores as pitch, tar and turpentine.¹³⁷ Trading with the enemy and supplying his troops with food and military supplies was clearly not perceived as treasonous by the participants. In fact, Kendall confirms:

during the war there was a tacit treaty on the Maine and New Brunswick frontier for the interchange of goods between the United States and Canada. Customs officials did not recognize it but American and British merchants did.¹³⁸

Yet despite the apparent lack of hostility and the desire for "business as usual" on both sides of the border, America and Britain were nonetheless at war. According to Garitee, because of the "inability of the American navy to meet the British fleet on anything near equal terms" merchants and shipowners hastened to put their own vessels into action.¹³⁹ A letter of marque, inexpensive and easily obtainable, allowed an

¹³⁷Copp in Rawlyk, op cit., p. 84.

¹³⁸Kendall, op. cit., p. 282.

¹³⁹Garitee, op. cit., p. 47.

armed merchantman to take advantage of any prize-making opportunities that might arise on a trading voyage. The neatness of carrying a licence to empty the enemy's pockets while filling one's own was not lost on the Yankee traders.

American merchants at the east coast ports hastened to commission and obtain letters of marque for every pilot boat, coaster and fishing schooner while the ship yards busied themselves turning out new craft.¹⁴⁰

The first American privateer of the war was the 30-ton Chebaco boat Fame, commissioned July 1, 1812.¹⁴¹ She was followed quickly by hundreds of other commissions representing over 500 different ships from ports along the American coast from Charleston to Penobscot.

In the maritime colonies the reluctance of the British government to declare war against the United States meant that Lieutenant Governor Sherbrooke was not given official authorization to issue letters of marque against the United States until October 1812.

¹⁴⁰MacIntyre, op. cit., p. 172.

¹⁴¹Morrison, op. cit., p. 200.

However, so anxious were provincial captains to undertake privateering cruises that Sherbrooke assumed that he could legally grant letters of marque based on his authority as Vice-Admiral. These licences commissioned New Brunswick and Nova Scotia ships against France and the Batavian Republic, including "other enemies of the King" (or the United States).¹⁴² Unfortunately, all prizes seized under these early letters of marque were subsequently disallowed by the Vice-Admiralty Court and made "the Rights and Perquisites of Admiralty", "by virtue of his Majesty's Order-in-Council imposing a general embargo on the ships, vessels and goods belonging to Citizens of the United States of America".¹⁴³ However, this disappointment lay in the future and on July 17, the 623-ton Caledonian set sail with Nova Scotia's first wartime commission. Since no prizes are attributed to this ship,¹⁴⁴ she may, in fact, have been an armed letter of marque trader rather than a licenced privateer. Just over a month later, a commission was issued to John Freeman of Liverpool, Nova Scotia for the private armed schooner Liverpool

¹⁴²P.A.C., RG8 IV, Vol. 139, Caledonian.

Packet. A former American slave tender called the Black Joke, the Packet is acknowledged as Canada's most successful privateer with over 40 captures to her credit in a 30-month career and a reputation as "the evil genius"¹⁴⁵ of the American coasting trade.

For at least the first few months of the war, as ill-prepared military and naval forces desperately began to organize their defences on both sides and individual citizens tried to ignore or circumvent the war, it was the merchants, ship owners and crews of private armed ships that pursued the cause of free trade and sailors' rights along the eastern seaboard. However, so closely was their patriotism tied to their profits that most privateers perceived the only maritime rights worth fighting for to be their own.

¹⁴³p.A.C., RG8 IV, Vol. 74, Little Joe. Allegation by Admiralty Agents, Jan. 27, 1813.

¹⁴⁴see Appendix 1, p.140.

¹⁴⁵Mullins, op. cit., p. 51. This reference to the Liverpool Packet is cited from The American Shipping Intelligence, May 1813.

A PRIVATE WAR AT SEA

The American declaration of war put the merchants on both sides of the border in an awkward position. On one hand, they were reluctant to allow a political decision to interfere with long-established trade patterns; on the other, they were fully aware of the possibilities which opened up to entrepreneurs in a wartime economy. Privateering was an obvious choice and many more ships applied for letters of marque than actually used them. However, in the United States, according to Jameson, privateering employed so many men it became one of the leading American industries.¹⁴⁶ The city of Baltimore alone issued 185 commissions during the war.¹⁴⁷ While Appendix 1 lists only 38 Canadian privateers, they represent a similar commitment, proportionately, on behalf of New Brunswick and Nova Scotia. For those who were successful, there were fortunes to be made. The Yankee of Rhode Island is acclaimed as America's top privateer capturing

¹⁴⁶Jameson, op. cit., p. viii.

¹⁴⁷Garitee, op. cit., p. 32.

9 ships, 25 brigantines, 5 schooners and 1 sloop in six cruises which MacIntyre estimates were worth approximately five million dollars.¹⁴⁸ By comparison, Nova Scotia's Liverpool Packet held a career total of 44 captures worth, according to Snider, at least one quarter of the one million dollars generally credited to her.¹⁴⁹ The difference is not just one of scale. American ships, blockaded at home, were forced to cruise the oceans in search of prizes. By necessity they had to be larger and better armed and were thus, more likely to attack heavily-laden merchant vessels than were their smaller colonial cousins who cruised the American coast in search of lesser fry.

Letters of marque were just one way merchants could generate income. In fact, during the first six months of the war, most New England ships carried food and naval supplies to colonial ports under licence from

¹⁴⁸MacIntyre, op. cit., p. 178.

¹⁴⁹Snider, op. cit., p. 51.

¹⁵⁰Morison, op. cit., p. 205.

the British blockading squadron.¹⁵⁰ Once Governor Sherbrooke had authorized this limited trade¹⁵¹ American merchants were anxious to take advantage of the opportunity. Not only did a British licence entitle the bearer to trade in specified goods, it was also supposed to guarantee him exemption from capture by the blockading squadron and marauding privateers. However, from the number of cases in which ships claim to have produced their licences only to be seized anyway, it would appear that privateers treated such trade with some disdain. The captain of the Wolverine explained to the Mary's owners that he had taken her despite her licence because she had tobacco and "sigarroes" on board which he considered contraband and not likely destined for Halifax "or if she was, I consider myself justified in sending her in as the Articles found is not agreeable with the tenor of her Licence".¹⁵² Because it could be obtained in Bermuda, tobacco for the use of sailors was not licenced,¹⁵³ and

¹⁵¹Copp in Rawylk, op. cit., p. 84.

¹⁵²P.A.C., RG.8, IV, Vol. 90. Letter from captain.

¹⁵³Copp in Rawylk, op. cit., p. 95.

the Wolverine was awarded the contraband while the ship and the rest of the cargo was restored.

In fact, such mistrust of licence-holders was probably justified. Any American ship with a British licence stopped while heading north could claim to be sailing to a Canadian port. This furnished a useful excuse for the northeastern coasting trade and was brought to the attention of readers of the Acadian Recorder, March 27, 1813:

That they (licences) are employed to cover the coasting trade of the United States, or for other fraudulent purposes, is evident, because of above one hundred licences which have been granted within the last eight months, not more than twenty have found their way with cargoes of corn and provisions into the port of Halifax.¹⁵⁴

However, the continuation of this licenced trade was virtually guaranteed because it worked to the benefit of both sides. American merchants were able to supply Britain's colonies with the food and material they needed, while as MacNutt explains:

¹⁵⁴ibid, p. 92.

Most of the goods that entered the United States during the war came via the ports of the provinces into the hands of ... licenced traders who smuggled them past often conniving customs officials into the ports of northern Maine.¹⁵⁵

Certainly, the strategic value of this trade was not lost on Lieutenant Governor Sherbrooke. In a letter to Lord Bathurst, Secretary of State for the Colonial Office, dated August 17, 1813, Sherbrooke acknowledges:

In this way, I think the licence trade has operated more to our security than an additional force of several thousand men.¹⁵⁶

However, while the licencing of American merchant ships enabled the government to stimulate a certain amount of trade, and the ingenuity of the participants generated additional economic opportunities:

Commercial money and the aggressive commercial spirit often found their principal outlets in privateering.¹⁵⁷

¹⁵⁵MacNutt, op. cit., p. 135.

¹⁵⁶Copp in Rawlyk, op. cit., p. 90.

¹⁵⁷Garitee, op. cit., p. xvi.

With a respectable privateering tradition, a group of serious investors to share the financial burden and relatively modest ambitions, Canada's private maritime force was ready to challenge the American coasting trade.

Despite the fact that a privateer was more expensive to outfit, took longer to make ready, and cost more to insure than a merchantman, there was always the expectation that one substantial prize would recoup the original investment. Garitee estimates that the cost of a first-class American privateer of the time was approximately \$25,000.¹⁵⁸ Since merchants are generally careful investors, it is unlikely that they would have participated in such a costly enterprise without feeling that it would be financially worthwhile. Mahan describes privateering as a practical business "of the nature of a commercial project or speculation conducted by commercial men upon principles of mercantile calculation and profit".¹⁵⁹

¹⁵⁸ *ibid*, p. 111. Presumably, outfitting a Canadian privateer would have cost about the same.

¹⁵⁹ Mahan, Vol. 1, *op. cit.*, p. 396.

As with any business venture, privateering entailed a certain amount of risk on the part of investors. Yet, "Local circumstances, profit-making, wartime conditions allowing for few entrepreneurial alternatives, and a desire to contribute to the national welfare ..."160 led a number of well-established, respectable merchants on both sides of the border to invest in privateering.

Merchants, however, were not the only group to benefit from the possibilities offered by letters of marque:

From an economic and social viewpoint privateering employed the fishermen and all those who depended on shipping, taught daring seamanship and strengthened our maritime aptitude and tradition.161

In agreeing to work for shares, privateersmen (such as the crew of the Liverpool Packet described by Mullins as mostly fishermen162) accepted the same risks as investors, but as Morison indicates, not only did

160Garitee, op. cit., p. 47.

161Mahon, op. cit., p. 29.

162Mullins, op. cit., p. 43.

privateering usually pay better than the navy, it was also safer and more fun.¹⁶³ In the case of New Brunswick and Nova Scotia privateers this was especially true and since heavily-armed British naval ships tended to attack larger vessels in search of more lucrative prizes, this left the privateers to prowl the American coast where ships and cargoes were smaller but less well defended.¹⁶⁴ Endeavouring to capture as many prizes as possible with the least danger to crew and ship offered colonial seamen "scope for initiative and ingenuity as well as for courage and endurance".¹⁶⁵ That they were successful is indicated not only by the profits out of which grew several private fortunes but also by the fact that despite over 200 prize-making encounters "not more than half a dozen men were killed in the privateering of the War of 1812".¹⁶⁶

¹⁶³Morison, op. cit., p. 199. From Marblehead, Massachusetts came 726 privateersmen, 120 naval seamen and 57 soldiers.

¹⁶⁴Leefe, op. cit., p. 9.

¹⁶⁵Forester, op. cit., p. 74.

¹⁶⁶Mullins, op. cit., p. 68.

Strategically privateering was important because it "provided a means of defence managed at the local level".¹⁶⁷ The previously mentioned weakness of the British garrison at Halifax, the few troops available, and the preoccupation of British naval vessels with the American blockade, meant that New Brunswick and Nova Scotia coastal waters were protected largely by their own privateers. In Copp's opinion, these privateers were more important to the safety of the maritimes than the militia.¹⁶⁸ However, Pares feels that privateers had only a limited value as a defensive force since, although they engaged enemy privateers and recaptured merchant ships, they did not deliberately search out warships.¹⁶⁹

Who were these privateers who were so ready to risk their livelihoods and even their lives in pursuit of a prize? Williams describes a typical privateersman as:

¹⁶⁷Leefe, *op. cit.*, Introduction.

¹⁶⁸Copp, *op. cit.*, p. 34.

¹⁶⁹pares, *op. cit.*, p. 25.

... a sort of half-horse, half-alligator, with a streak of lightning in his composition - something like a man-of-war's man, but much more like a pirate - generally with a superabundance of whisker ...¹⁷⁰

Aside from the famous Elizabethan privateers such as Drake and Hawkins, virtually every eighteenth century pirate captain at one time or another plied his trade under a letter of marque.¹⁷¹ Kendall indicates that Dutch East India Company ships occasionally took the odd prize as well.¹⁷² Many well-known people participated in privateering ventures in one way or another. Benedict Arnold apparently received £2,068 of Chesapeake prize money for supporting Britain.¹⁷³ Lord Nelson, who reviled privateers as being no better than pirates, was not above complaining to his wife in 1795 that his share of a prize would only be £50 instead of £700 because it had to be shared with the whole

¹⁷⁰Williams, G., History of the Liverpool Privateers. London: William Heinemann, 1897, p. 5.

¹⁷¹Botting, Douglas. The Pirates. Amsterdam: Time-Life Books, 1978, p. 141.

¹⁷²Kendall, op. cit., p. 53.

¹⁷³Lawrence, J.W., Foot-prints: Or Incidents in Early New Brunswick. St. John: J. & A. McMillan, 1883, p. 70.

squadron.¹⁷⁴ Benjamin Franklin accused revolutionary privateers of being a "gang of ruffians"¹⁷⁵ but Thomas Jefferson put the role of privateers into perspective:

One man fights for wages paid him by the government, or a patriotic zeal for the defence of his country; another, duly authorized, and giving the proper pledges for his good conduct, undertakes to pay himself at the expense of the foe and serve his country as effectually as the former, and government drawing all its supplies from the people, is, in reality, as much affected by the losses of one as the other, the efficacy of its measures depending upon the energies and resources of the whole.¹⁷⁶

The list of privateer owners and investors in Appendix 2 reveals that most came either from major ports such as Halifax or St. John or from ship-building communities such as Liverpool or Lunenburg. Names such as Collins, Allison, Freeman, Barss, Cunard, Moody and

¹⁷⁴Naish, G.P.B., (ed.) Nelson's Letters to his Wife and Other Documents 1785-1831. U.K.: Routledge & Kegan Paul, 1958, p. 225.

¹⁷⁵Kendall, op. cit., p. 291.

¹⁷⁶Coggleshall, History of the American Privateers and Letters of Marque During our War with England in the Years 1812, 1813 and 1814. New York: Published by and for the author, 1856, p. xliv.

Pagan appear as both owners and investors as well as ships' masters from time to time. For many Nova Scotia families, privateering was an established tradition dating back to the late eighteenth century. The first privateer vessel in Liverpool, Nova Scotia was the Lucy built in 1780 by Simeon Perkins and William Freeman with Joseph Freeman as Master.¹⁷⁷ Perkins was born in Norwich, Connecticut in 1735, moved to Liverpool in 1762, and became involved in "shipping, trading, fishing, lumbering and shipbuilding".¹⁷⁸ His diary, written over forty-five years in four volumes, describes the activities of one of the province's most successful merchants and offers an insight into the early commercial and political life of Nova Scotia, as well as an insider's view of privateering. In 1798, Perkins and his next-door neighbour, Snow Parker, were co-owners of another privateer, the Charles Mary Wentworth.¹⁷⁹

¹⁷⁷Leefe, op. cit., p. 18.

¹⁷⁸Perkins, S. The Diary of Simeon Perkins, 1797-1803. Toronto: The Publications of the Champlain Society, 1967, p. xix, (Vol. III).

¹⁷⁹Leefe, op. cit., p. 42.

¹⁸⁰Mullins, op. cit., p. 14.

Among her crew the following year were two Liverpool natives, Enos Collins and Benjamin Knaut.¹⁸⁰ By 1800, the Charles Mary Wentworth was owned by Joseph Freeman and Perkins; Collins, Parker and others were co-owners of three other privateers - Duke of Kent, Rover, and Nymph.¹⁸¹

A careful reading of the biographical footnotes to Perkins' diary reveals the close relationship between the families of privateer investors. The brothers John, James and Joseph Barss were members of one of the original Liverpool families.¹⁸² They had extensive mercantile investments including the Liverpool Packet, which they shared with their brother-in-law, Enos Collins. Simeon Perkins describes a "fray" between John Barss and Edward Dewolf, member of another prominent family. One member of the Dewolf family owned shares in the privateer Retaliation and another in the Rolla; they married into the Barss and Freeman.

¹⁸¹ Perkins, S., Vol. 1797-1803, op. cit., p. xlvi.

¹⁸² Leefe, John G., "Barss, John". D.C.B., Vol. VIII (1851-1860). Toronto: University of Toronto Press, 1985, p. 62.

families of Nova Scotia and the Pagans of New Brunswick who were co-owners of the Sir John Sherbrooke.¹⁸³

Benjamin Ellenwood, prize master and privateer captain of the Retaliation and Shannon, was related to the Freeman's on his mother's side.¹⁸⁴ Many sons of the

seafaring Barss family served on Joseph Barss and Company privateers including the Liverpool Packet,

Thorn, Wolverine, and Rolla. One of the Barss

daughters married Snow Parker's son¹⁸⁵ while another

wed Freeman Collins, brother of Enos.¹⁸⁶ Since Collins

father married three times and sired 26 children¹⁸⁷ it

is not surprising to find one sister married to

Benjamin Knaut, co-owner with Collins of the Liverpool

Packet¹⁸⁸ and another wed to Caleb Seely, one of the

¹⁸³Perkins, Vol. 1804-1812, pp. 197, 210, 308.

¹⁸⁴ibid, p. 18.

¹⁸⁵ibid, p. 13.

¹⁸⁶ibid, p. 40.

¹⁸⁷Barker, Diane M. and D.A. Sutherland, "Collins, Enos", D.C.B., Vol. X (1871). Toronto: University of Toronto Press, DATE, p. 188.

¹⁸⁸perkins, op. cit., p. 46

¹⁸⁹Leefe, op. cit., p. 47.

masters of the same ship. In 1816, the Seely's purchased Simeon Perkins' house from his widow¹⁸⁹ while Perkins' son John lived in a house formerly owned by the Freemans.¹⁹⁰ Enos Collins, an ambitious entrepreneur with "a gnarled and unmistakable personality"¹⁹¹ moved to Halifax before the war and lived in a house built by John Moody with whom he shared part of the first bond for the Liverpool Packet in 1812.

The close business and personal relationships between these groups of owners, investors and crew are borne out by the fact that many of the prize masters and captains served on a number of different ships. Both John Freeman and John Morine appear as prize masters for the Sir John Sherbrooke, Retaliation and Wolverine. Isaiah Barss served on the Liverpool Packet, Wolverine, Rolla and Minerva while Siphorous Cole, one of the few casualties of the war, escorted prizes for the Liverpool Packet, Wolverine and Rover until he was killed in January 1815 defending his prize

¹⁹⁰perkins, op. cit., p. xvi.

¹⁹¹Anderson, Peggy. "Enos Collins 1774-1871" Canadian Antiques and Art Review. July, 1982, p. 29.

from recapture.¹⁹² Since officers (and probably crew) seem to have moved from ship to ship, it would appear that this was acceptable practice within the small privateer-owning community. For some, such as Thomas, James, Joseph and John Barss, there was a progression from prize master to master to owner as profits were reinvested in privateering. Certainly, the overlapping interests which characterized privateer activity would seem to indicate that when prizes were brought into port, the entire mercantile community stood to profit no matter whose ship actually made the capture.

The participation of such prominent merchants as Simeon Perkins, Joseph Barss and Enos Collins in privateering ventures implies that this investment was considered "an honest, even honourable pastime".¹⁹³ In 1805 Perkins confided in his diary concerning co-ownership of the privateer Duke of Kent:

¹⁹²Mullins, op. cit., p. 39.

¹⁹³Leefe, op. cit., p. 39.

... in these hard times, I am glad to undertake any lawful business to support my family and pay my debts.¹⁹⁴

Since Perkins was a Justice of the Peace, a Justice of the Inferior Court of Common Pleas, a Judge of Probate Court for Queen's County, Liverpool Town Clerk, County Treasurer of Queen's County and county representative in the Nova Scotia House of Assembly, not to mention "a pillar of the Methodist Church",¹⁹⁵ it is unlikely that he would have become so involved in privateering had it not been a respectable business. John Barss represented Queen's County in the House of Assembly from 1813-1820 and from 1826-1830.¹⁹⁶ John Freeman, master of the Liverpool Packet, was also a member of the Nova Scotia Assembly for twenty-five years after 1812.¹⁹⁷ The shipping empire of Samuel Cunard is attributed by Payne to the "fortunate" purchase of a prize ship. Although Cunard is not listed as an owner in Appendix 2, he does appear to have put part of the

¹⁹⁴Perkins, Vol. 1797-1803, op. cit., p. xlvi.

¹⁹⁵ibid, p. lxii.

¹⁹⁶Leefe, John G. "Barss, John". D.C.B., Vol. VIII, op. cit., p. 63.

¹⁹⁷Snider, op. cit., p. 145.

bond money for the Dart, Ann and Snapdragon, of which the Dart captured 11 prizes. This success apparently "established a reputation for reliability in large and important transactions which quickly placed the firm in the front rank of the numerous enterprising concerns of the day".¹⁹⁸

Enos Collins' multi-million dollar fortune is attributed by Leefe to his investment in privateering. His astute wartime partnership with Joseph Allison enabled him to purchase American prize ships and sell their cargoes at a profit. There is also some suggestion that the firm also prospered "by illegally including New England in the war trade between Nova Scotia and the West Indies."¹⁹⁹ However, such activities did not seem to affect Collins' standing in the community since he went on to found the Halifax Banking Company in 1825, with which Cunard was associated. Collins died in 1871 at age 97 with an estate estimated

¹⁹⁸ Payne, *op. cit.*, p. 76.

¹⁹⁹ Barker and Sutherland, "Collins, Enos", D.C.B., Vol. X, *op. cit.*, p. 1889.

at \$6,000,000 and a reputation as the richest man in Canada.²⁰⁰

That privateering was deemed both lucrative and respectable would seem obvious from the type of men who participated in it. Their degree of commitment is evident in the fact that many invested in a succession of ventures. Moreover, since each ship had to post a bond of £750-£3000 as a guarantee that the crew would abide by the legal regulations governing privateer activities obliging "themselves, their heirs, executores and administrators unto our sovereign lord the king",²⁰¹ investors must have also been confident that the privateers would conduct their end of the business responsibly. To a large extent, Snider's opinion of the Canadian privateers as men "whose conduct on the whole was gallant and creditable" is true.²⁰² However, the individualistic nature of

²⁰⁰Stewart, Walter. Towers of Gold - Feet of Clay. Toronto: Totem Books, 1983, p. 31:

²⁰¹P.A.C., RG8, IV, Vol. 77, Ann.

²⁰²Snider, op. cit., p. 92.

privateering, the personalities involved, the opportunities for interpreting instructions once at sea and the temptations of a plump prize often drove captains to bend regulations to suit their situation. Frequently, their initiative was rewarded; occasionally their prize was returned to its owners. The presence of the Vice-Admiralty Court and the clear definition of the legal aspects of privateering ensured that the entire process was neither haphazard nor overly speculative. And the capitalization of these ventures by businessmen who "no matter how highly they were motivated by patriotism, were far more horrified by red ink than blood",²⁰³ meant that even the necessary risks were kept to a minimum. Thus, despite a few exceptions:

... the majority of the men who sailed in private armed vessels, whether French, English, or American, behaved themselves with all the honesty consistent with the proper conduct of a well-regulated war.²⁰⁴

²⁰³Jackson, M.H., op. cit., p. vi.

²⁰⁴Cranwell, op. cit., p. 17.

With experienced crews, reputable backers, and an established procedure to follow, the taking of prizes by privateers was "as formalized as a quadrille".²⁰⁵ In order to obtain a letter of marque, the ship's owners submitted to the Lieutenant Governor of the Province "a petition setting forth the name, tonnage and armament of the vessel, together with the names of her commander and owners".²⁰⁶ The owners also had to post bond for the ship and sign an Affidavit of Sureties declaring themselves to be worth more than the sum of the bond over and above their just debts. A week or so later was issued a declaration reiterating the particulars and indicating the length of cruise for which the ship was victualled, the number and type of ordnance, the amount of sails, anchors and spare cordage on board and, in general, the degree of readiness of the ship. Since letters of marque were issued in the name of the master rather than the vessel, every time the command changed, a new set of papers were

²⁰⁵Jackson, op. cit., p. vi.

²⁰⁶Nichols, G. "Notes on Nova Scotia Privateers".
Collections of the Nova Scotia Historical Society.
Vol XX, 1908, p. 131.

required. The same hold true if the ship were sold. Once an application was approved (and few were ever denied), a warrant under the Great Seal was submitted to the Judge of the Court of Vice-Admiralty directing him to issue the Commission.

With a letter of marque in hand and bail posted ashore, a privateer was ready for action. The Liverpool Packet's commission from Governor Sherbrooke to captain Joseph Barss ordered him:

to apprehend, seize and take any ship, vessel or goods belonging to the citizens of the United States or bearing the flag of the said United States and to bring the ships, vessels and goods into a British port there to remain until His Majesty's pleasure and final determination shall be known therein ... and not to detain any ship with a British licence ... and to abstain from all predatory acts on shore or upon any unarmed fishing vessel peaceably following the said fishery and that you keep a regular and an exact account of your proceeding against the enemy and that you take every opportunity of transmitting copies thereof to the Secretary of the Province and for my information and for your regular proceeding herein these presents shall be to you a sufficient warrant and authority ... 207

In fulfillment of their instructions New Brunswick and Nova Scotia privateers sailed out in search of prizes. From the documentary evidence, it would appear that the majority of prizes were small sloops or schooners (under 100 tons), unarmed, with three- to five-man crews carrying cargoes of foodstuffs and lumber along the eastern seaboard between Eastport, Maine and Virginia. Occasionally, a West Indiaman carrying rum, molasses, or sugar to Boston or New York was also taken. However, many of these carried licences from their British governors and, as in the case of the George (Bermuda) and Caravan and Diamond (Antigua), they were restored. Nevertheless, from Appendix 3, it can be seen that the majority of prizes were condemned. Among the documents in each prize file is the affidavit of the prize master giving the exact latitude where the ship was taken. Most captures seem to have occurred within 40° to 44° latitude in the Cape Cod area where the ragged island-strewn coastline afforded shelter for colonial privateers on the alert for north-setting sails.

Since the ships used by both colonial and American privateers were similar, even occasionally, the same :

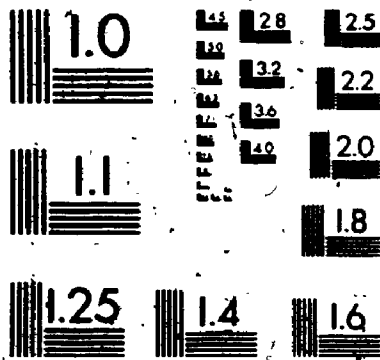
ship (i.e. the Gleaner, Shannon and Sherbrooke were all former United States privateers), it was often difficult to distinguish friend from foe. This was further complicated by the strategem of flying enemy colours right up until joining battle under the Red Jack. The examination of John Rowe, mate of the Frederick Augustus reveals that the crew of the Sir John Sherbrooke captured their prize "under American colours and her officers were in American uniforms".²⁰⁸ Cranwell mentions the unfortunate battle between the Nonsuch and the Joseph and Mary, both of Baltimore, who fired on each other at the expense of several lives before realizing they were both flying the same flag!²⁰⁹ Sometimes light air prevented a conventional capture as in the case of the Matilda, whose crew simply rowed over to take the Minerva. In his article on the Guernsey privateers, Timewell describes the taking of a prize:

The technique of capturing a prize was to avoid doing much damage to the victim and to rely upon a show of force to cause the enemy to strike. A few shots across the bow were usually sufficient.

²⁰⁸p.A.C., RG8, IV, Vol. 84, Frederick Augustus.

²⁰⁹Cranwell, op. cit, p. 58.

2 OF 2



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS
STANDARD REFERENCE MATERIAL 1010a
(ANSI and ISO TEST CHART No. 2)

and an engagement rarely lasted for more than thirty minutes.²¹⁰

Once a prize struck its colours and was brought to, the procedure for capture was relatively straightforward. The captors boarded the ship, took possession of the ship's papers (including licences, registration, cargo lists, mail, etc.) and removed most of the crew. The ship's papers were very important and every crew member interrogated was asked by question 27 to testify whether any papers had been falsified or destroyed before capture. In his Law and Customs of the Sea, Marsden states:

The law of nations requires good faith; therefore every ship must be provided with complete and genuine papers, and the master at least should be privy to the truth of the transaction.²¹¹

According to Marsden, so seriously was this regulation taken that if papers were missing or improperly prepared or the mate or master "grossly prevaricate", the law of nations allowed for the owner of the ship to

²¹⁰Timewell, H.C., "The Guernsey Privateers." The Mariner's Mirror, Vol. 56, No. 2. London: Cambridge University Press, May 1970, p. 205.

²¹¹Marsden, Vol. II, op. cit., p. 351.

lose his claim for court costs or even restitution of the ship, depending on the degree of misbehaviour and the pertinent treaties.

Once the papers were placed in a sealed envelope and handed over to the prize master, they were not opened until presented in court. With the ship's papers in hand, a captor had a legally solid claim to the prize. Thus, when Captain Hickey of HMS Atalante came on board the Sibae captured by the Crown, he demanded the ship's papers to justify his claim.²¹² The objections of the Crown's prize master nearly caused his own impressment. The ship was then put in control of the prize master and two or three crew who were responsible for bringing the prize into port. Even when prize crews left their ship, they were still entitled to shares of any prizes captured subsequently. Since prize masters got extra shares in recognition of their skills and did not have any on-board responsibilities until a prize was made, they would seem to have had an easy job. However, Cranwell argues that the prize master's lot was not a happy one:

²¹²P.A.C., RG8, Vol. 96, Sibae.

He was forced to operate most of his prizes with barely hands enough to work the vessel; he frequently had a hold full of prisoners who were always waiting for a chance to retake their ship; and he had to be constantly on the watch for enemy cruisers and privateers.²¹³

Many ships by the time they were taken were in a leaky condition and there are frequent references to prizes having to be emptied of crew and cargo and abandoned or pumped constantly all the way back to port. The problem of prisoners was often solved by capturing a ship simply to serve as a cartel. The crew of the Mary were put aboard an American schooner taken by the privateer Broke for the express purpose of delivering them to an American port.²¹⁴ Sometimes the mere sight of a privateer caused the crew to jump ship. Such was the case with the Flower, Jane and Eliza Ann whose crews and ship's papers were missing when the captors arrived.²¹⁵ In the case of Recovery, the ship's papers had already been presented to customs officials at Castine when the ship was taken by the privateer Hare.

²¹³Cranwell, op. cit., p. 290.

²¹⁴p.A.C., RG8, IV, Vol. 90, Mary.

²¹⁵p.A.C., RG8, IV, Vol. 84, 87, 104 respectively.

Then, before the prize crew could take possession, the mate "took charge of the money hoisted it into the Long Boat and escaped with it on shore".²¹⁶

Because privateers were provisioned for a set crew over a specified period of time, the care and feeding of captive crew and passengers was often a problem. For this reason, prisoners were generally dropped off near land leaving one or two representative to answer the questions of the Vice-Admiralty Court. Of course, some captains were kinder than others. For example, when Captain Ross of the Dart captured the schooner Camden, the mate and master both pleaded ill health and "intreated" him to let them and the master's young nephew go. Ross' affidavit indicates he landed them nearby and took only the ship and cargo.²¹⁷ On the other hand, when John Harris was captain of the same ship, he not only refused to acknowledge a Halifax import licence presented to him by Alex Newcombe, Master of the Joana, but threatened Newcombe:

²¹⁶P.A.C., RG8, IV, Vol. III, Recovery, Examination of Thomas Benhall, Seaman before the Mast.

²¹⁷P.A.C., RG8, IV, Vol. 79, Camden. Affidavit of James Ross.

... if he did not pull away from the Privateer he would sink the Boat in which he was and positively refused to give him a Passage in either of the said vessels.²¹⁸

Nor was leaving a crew on a nearby shore always a kindness. Sometimes captains who knew about special licences or mitigating circumstances were deliberately left off as far away from major ports as possible to prevent them from presenting their information to the court. Instead, an illiterate cook or simple seaman would be asked the standard questions and the case would be decided on the basis of his uninformed answers. Winslow Thomas, owner and master of the brigantine Richmond captured by the Retaliation near Eastport, Maine, was kept on board the privateer until he could be put onto a ship heading in the opposite direction. While waiting for Thomas to reach Halifax, Michael Tobin, a local merchant had to submit a claim on Thomas' behalf to prevent condemnation of his ship. In this case, the ship and cargo were restored.²¹⁹

²¹⁸P.A.C., RG8, IV, Vol. 88, Joana. Affidavit of Alexander Newcombe.

²¹⁹P.A.C., RG8, IV, Vol. 95, Richmond.

A ship once captured might change hands several times before reaching port. In the case of the San Gabriel, en route from Havana to New York in the spring of 1813, she was captured May 1 by the British frigate Spartan, then seized by an American privateer on May 16 only to be recaptured by the Sir John Sherbrooke three days later. Fortunately for the San Gabriel, since Spain was not an enemy of Britain and the owner was Spanish the courts restored the ship.²²⁰ Many ships were stopped by Royal Navy vessels and let go, only to be captured by privateers a few days later. In August 1813, the Hero was halted by HMS Tenedos, ransomed for \$200 and released, only to fall to the Dart the next day.²²¹ A year later, when the schooner Dove was taken by HMS Nimrod, it cost her \$600 to continue but she fell to the Lively within the month.²²²

Fierce Atlantic gales were another problem for both privateers and their quarry. Since the documents

²²⁰P.A.C., RG8, IV, Vol. 96, San Gabriel.

²²¹P.A.C., RG8, IV, Vol. 86, Hero.

²²²P.A.C., RG8, IV, Vol. 104, Dove.

reveal only those cases that reached the stage of adjudication, there is no way of knowing how many prizes never made it to port. However, the San Domingo's file provides an interesting example. When captured by the George, the ship was ordered to Halifax under James Boatland, prize master. His affidavit indicates they were caught in a storm near the Sambro Light just off Halifax. With fore and main sails gone, he hailed a passing shallop to guide them to safety. Unfortunately, while following directions to Jeddore Harbour, he bilged his ship on the rocks and, with his sails already damaged, he could not get off. Luckily, his crew were able to salvage some sugar and coffee "much injured by Salt Water" which was awarded to them, but the vessel itself was lost.²²³ Even more fortuitous was the escape of an American privateer. Driven into port by a storm, the prize master of the captured ship Ceres spent two days in Shelbourne, Nova Scotia before realizing it was not an American town. When he tried to leave, he was brought to by an armed schooner. The quick-thinking captain produced the ship's original

²²³P.A.C., RG8, IV, Vol. 96, San Domingo.

papers, claimed to have lost his convoy in the storm and escaped!²²⁴

Having overcome any number of these obstacles and actually taken a prize, privateers were under strict instructions to respect the property of the captured ship. Article XV of the instructions enjoined privateers not to touch goods under \$600 belonging to any female prisoner and to restore any other private property under \$300 at the discretion of the captain and officers.²²⁵ That this rule fell victim to a somewhat looser interpretation from time to time is indicated in the testimonies of various captive crew members. Most of the complaints concern articles removed from the ship's stores, usually food and drink, possibly indicating how tightly supplies on board privateers were calculated. The Minerva's second mate accused the Weazle's captain of removing sugar, pepper, spirits and a pot of tamarinds with no promise of compensation. Foods such as sugar and cheese (Little

²²⁴Cranwell, op. cit., p. 278.

²²⁵Snider, op. cit., p. 95.

Joe), lemons (Union), molasses (Richmond), chocolate (Bunker Hill), rice (Polly) and flour (Janus, Nymph, Nancy) were removed from ships carrying several hundred barrels of the commodity. Captors of the Mary appropriated one barrel of gin while those taking the Betsey celebrated their victory with three times that amount! A passenger on board the Experiment testified that gin from the cargo was taken and "he saw the prize crew drawing it off and using it freely".²²⁶ The Adventure lost two demi-johns of syrup and a greater part of her cabin stores. In order to replace some of her crockery, the Liverpool Packet helped herself to one of 50 barrels aboard the Anson. The Eunice lost some of her cargo of wood.

Personal losses are even rarer. The master of Falun lost his watch while the mate of the Minerva claimed that the Retaliation's Captain Ellenwood took his quadrant, quarter wages and two chests for himself. Clothes and money were the other main

²²⁶p.A.C., RG8, IV, Vol. 105, Experiment. Examination of Passenger Simeon Gardner.

losses. A seaman aboard the Three Friends swore he had lost all his clothes as did the cook aboard the Comet while a man from the Hannah was missing just one pair of stockings. Both the mate and master of Falun were compensated by the court for lost clothing. One seaman on the Atlas lost both clothes and money. The Union's master claimed to have lost a few clothes, a razor and \$90, removed to the Liverpool Packet for "safe-keeping". All the money the Minerva's mate had on board - \$2.50 - was taken, as was a crewman's \$50 from Hero. Yet the Richmond's cooper said he received compensation for sugar and molasses removed from the vessel. Nor were Royal Navy ships above helping themselves to occasional cargoes. According to an agent for the San Gabriel, a boat crew from the Spartan (likely without their captain's knowledge) removed a cask of rum and two or three barrels of sugar for the sailors. When stopped by HMS Superbe, the Experiment put on board "a quantity of Caps or Welsh Wigs for the use of the British Seamen to keep their ears from Freezing" as well as candles and apples. She subsequently lost some of her gin to the Lunenburg.²²⁷

227 *ibid.*

There is no evidence that any of these claimants ever received compensation for their losses but the fact that so few irregularities are reported is indicative of the law-abiding character of the privateers.

Cargoes were also considered sacrosanct since His Majesty's customs took their five percent of captured goods very seriously indeed. In the nearly 200 cases reviewed, only the Liverpool Packet is accused of willfully breaking bulk by the mate of the schooner Falun. The prize masters crew is accused of breaking into the cargo of dry goods with a "Crow Barr" and filling their jackets with so much material "that they appeared almost as big as a hogshead with their coats buttoned round them". When the Falun's mate complained, he was told

... that if he did not hold his tongue he (the prize master) would put him in irons, calling him a Damn Rascal and many other opprobrious terms.²²⁸

²²⁸P.A.C., RG8, IV, Vol. 105, Falun. Examination of Mate, William Cross.

The owner's agents reported that the damage and losses to the ship, cargo and private property as a result of the capture was £2,050.16.3 $\frac{1}{2}$ including their fee of £3.10. Not only were the claims of the Retaliation and Liverpool Packet denied after this breach of regulations, but they were ordered by the court to pay damages.

With the Vice-Admiralty Court dispensing justice and controlling individual excesses in the privateer system, the risks faced by maritime merchants were kept to a minimum. They took advantage of gains to be made under licence, or under cover of darkness, and invested steadily in privateering ventures throughout the war. Linked by overlapping relationships in family, business and politics, they supported each other and contributed heavily to the economic development of their communities. At sea, the New Brunswick and Nova Scotia privateers conducted themselves according to their instructions respecting private property and caring for their captives. Once their prizes reached port, their private war gave way to a court of law. Capture, despite its many uncertainties, was only the first step in the legal process.

THE CASE IN POINT

Leaving behind the hazards of capture, combat blockade and storm, the prize crew made sail for home. The close links between merchants, ship owners and privateers generally ensured that prizes were delivered to the port from which the privateers originated. This way merchant investors would be able to bid directly on the cargoes at auction and resell them at a profit in whatever market was most advantageous to them. The procedure seems to have been well understood and, for the most part, accepted. However, the case of Falun, joint prize to Liverpool Packet and Retaliation in January, 1814, provides an interesting study in commercial rivalry. When captured, Falun was taken to Liverpool where, while lying at dockside, the ship was broken into and the hatches left open causing considerable damage to the cargo. William K. Reynolds of Halifax, acting for Falun's owners, petitioned the court to have the ship taken to Halifax where the damage could be appraised by disinterested parties. His argument ran:

That your Petitioner has been informed and verily believes that most of the respectable people in Liverpool are interested in the privateers Liverpool Packet and Retaliation, and tho they are in the opinion of your petitioner honest men, yet he most humbly conceives that they may be prejudiced by their interest.²²⁹

However, Reynolds' real fear was probably not that the evaluation of ship and cargo might be questionable, but that "they will not sell for anything like their value in Liverpool".²³⁰ As agent for the owners, Reynolds' objectivity was equally suspect. Enos Collins and Joseph Allison, co-owners of the two privateers and also Halifax merchants, countered that the sixty miles between Halifax and Liverpool made little difference and besides they could prove "there are a great many persons of the first respectability in that place (Liverpool) totally disinterested".²³¹ While they were willing to compensate the owners for any losses due to plundering, they were certainly not responsible for making the sale of the prize any easier for the owners.

²²⁹P.A.C., RG 8, IV, Vol. 105, Falun, Affidavit from William King Reynolds, 1 April 1814.

²³⁰idem

²³¹idem., Petition of Enos Collins and Joseph Allison, 3 May 1814.

In the end, two "disinterested" Liverpool merchants recommended by Collins and Allison and supervised by Reynolds, surveyed the damage and assessed the loss at £2050.16.3⁴ Nova Scotia currency. On April 22, Falun was restored with "Captors to pay all costs and to make good all damages Occasioned by Plunder, or Losses".²³² Clearly, even when an experienced privateer crew made a secure prize and fulfilled its legal requirements of submitting the ship's papers to the Vice-Admiralty Court or its local representative and notifying the ship's owners, the fate of the prize was not assured.

The seizure of a prize became much of a gamble because of high legal costs, delays in the Prize Courts, litigation between partners and other claimants, together with the cost of maintaining a prize in port while awaiting adjudication.²³³

However, since privateering was a legally-conducted business, part of the prize master's job was to bring the ship into a port where its particular cargo would obtain the highest prices.²³⁴ For example, if several

²³²idem., Monition

²³³Timewell, op. cit., p. 213

²³⁴Cranwell, op. cit., p. 358

ships carrying corn and flour were awaiting adjudication in Liverpool, a prize carrying these commodities would probably find a better market in Halifax. Such practical considerations ensured that prices remained reasonably stable throughout the war and profits, for those who made them, were steady.

From the variety of documents contained in the prize case files, and the fact that each one represented a specific service and fee, it is easy to see why legal costs could virtually eliminate any profits from a moderately successful cruise. Equally costly were the delays brought about by the sheer volume of cases, especially in the early months of the war, when, for instance, 30 American prizes made a bridge across the harbour of St. John.²³⁵ As each prize sat at anchor waiting for the requisite 20 days after posting the monition, plus any additional time for appeals, claims or evaluations, the court charged customs duties on all cargo as well as wharfage for the ship. The question of who paid was usually settled as

²³⁵MacNutt, op. cit., p. 152

part of the judgement although the captor was generally responsible for court costs as well as any damages incurred to ship or cargo as a result of capture. The sample bill of court costs for the ship Minerva in Appendix 4 does not indicate how long the process took, but bills for custody total £257.9.1 out of a total court cost of £330.19.1 or, 76%.

Nor were delays the only expense. Cargoes left on board risked damage due to spoilage, exposure to damp, overheating, theft, etc. Many files contain Petitions for Unlivery and Sale of Cargo from ship owners requesting that cargoes of corn, flour, sugar and other perishable commodities be removed from the ships and sold with the proceeds being kept by the court until the case was decided. In this way, at least some profit might eventually be realized by whoever won the case.

However, no legal action could occur until the prize was officially registered. This was done by means of a standard Affidavit of Papers, given by the prize master under oath to the local registrar for the Vice-Admiralty. This document gave the names of the

captor and prize, latitude of capture, closest landmark, time of day, cargo captured, prize's port of origin and destination and the names of any other ships in sight. Since the ship's papers were crucial to the judgement, the deponent listed every document captured with the ship and concluded with:

... papers now produced to the Honourable Court were found onboard the same schooner ... and that no other Papers, Books or Writings were found on board at the time of seizure aforesaid, or since ...²³⁶

With the affidavit filed and all papers numbered as evidence, the owners or their agents could then arrange for the preparation of several standard petitions to issue from the representative of the British Crown, ²³⁷ the Provincial Prosecutor or Advocate-General (Richard John Uniacke in Nova Scotia) to the Court Judge (Alexander Croke). The Petition for Warrant asked that the ship and cargo be taken into the

²³⁶P.A.C., RG 8, IV, Vol. 73. Anson - Affidavit of Prize Master, 24 October 1812. Marsden (p. 53) cites the Regulations for Adjudication 1665: 4. Any ship resisting or destroying ships documents or having false documents or no documents shall be condemned.

²³⁷Ubbelhode, op. cit., p. 10

custody of the court marshal for safekeeping. The Petition for Monition requested a monition or public notice be affixed to the mainmast of the prize so that "... anyone with Right, title or interest, in ship, tackle, apparel and furniture and goods on board..."²³⁸ would appear at the Halifax Court House 20 days after the notice was posted or the nearest court day, at 11:00 a.m., and show why the ship and cargo should not be condemned to the captor. In cases where only the cargo was at issue or where the ship had been abandoned or destroyed, the monition was nailed to the customs house door. The final Petition for Commission required that an appropriate person from the captured crew be examined by the Registrar's Office on the basis of the Standing Interrogatories, a set of 34 standard questions presented as Appendix 5. Although ship's masters were most commonly interviewed, mates, seamen, passengers, supercargoes, cooks and coopers all appear as deponents. On those occasions when no representatives from the prize were available, a member of the capturing crew was asked for a deposition. When the

²³⁸ *ibid*, Petition for Monition, 2 November 1812. The cost to the Minerva for this, £1.16.8.

captive witness was a foreign seaman as was the case with the Spanish mate José Olivarez of the San Gabriel, a translator was obtained. Since Vice-Admiralty court proceedings were not conducted in open court before a jury and any testimony was obtained in the form of written depositions, it was important that examinations be both thorough and searching to enable the judge to make his decision.²³⁹ Each time the Interrogatories were asked, according to the Minerva's bill, the registrar was paid £1.3.4.

While the monition was posted, those with claims on the prize could submit a variety of petitions to the court. The most common of these was the previously mentioned Petition for Unlivery of all or part of the cargo. That of the Experiment refers to the fact that corn in the cargo has gotten into the well room blocking the pump so that the crew had to empty the bilges with buckets.²⁴⁰ Polly's cargo of rice had "...

²³⁹Jameson, op. cit., p. 525

²⁴⁰P.A.C., RG 8, IV, Vol. 114, Experiment

suffered very much from the leaky state of the vessel"²⁴¹ and would be lost if not unloaded and sold. Corn on board Joanna was in a "perishing state",²⁴² as were cheese and salt aboard Anson.²⁴³ In the case of the Little Joe, one of 18 ships captured by the Liverpool Packet in the first few months of the war and claimed by the Admiralty, several months at anchor meant that the cargo of hops, pepper, allum, gum and codfish was overheating and would be "much injured if not totally destroyed should they remain long in their present state".²⁴⁴ The file of the Little Joe also contains an Appeal on behalf of Enos Collins, Joseph Freeman and other owners dated four months later, requesting that all the cargoes of these 18 ships, consisting mostly of corn and flour be sold, not just to preserve them from spoiling, but also to take

²⁴¹P.A.C., RG 8, IV, Vol. 75, Polly, Petition for Unlivery and Sale

²⁴²P.A.C., RG 8, IV, Vol. 88, Joanna. Petition for Sale of Cargo, 5 June 1813.

²⁴³P.A.C., RG 8, IV, Vol. 73, Anson. Petition to Sell Cargo.

²⁴⁴P.A.C., RG 8, IV, Vol. 74, Little Joe. Petition for Unlivery and Sale of Cargo, 10 November 1812.

advantage of the current scarcity of flour and corn in Liverpool creating a "very advantageous market".²⁴⁵

Another document contained in virtually every case was known as the Allegation in a Prize Cause. This was a standard form reiterating the legal grounds for prize taking and specifying the details of prize, master, captor and master, date of seizure and port to which the ship was taken. Filing and entering this piece of evidence, according to the Minerva's costs, was the same as filing a Petition for Monition, £1.10.0 to the judge and 6s.8d to the registrar.

Claims and allegations by other interested parties could also be filed. Virtually all of the cases for ships taken by the Liverpool Packet in 1812 include an Allegation of the Agents of Admiralty, a five-point statement claiming that since the privateer was not "duly commissioned", its claims should be ignored and the prizes should be condemned as Droit of Admiralty. Ordinarily, this procedure was applied to enemy ships

²⁴⁵ibid, Appeal, 18 February 1813.

sitting in port when war was declared which were automatically confiscated by the Admiralty.²⁴⁶ Lieutenant Governor Sherbrooke countered with his own appeal justifying his commission and claiming that the prize should be in provincial custody. Although all of the prizes were condemned as Droit of Admiralty in February, 1813, subsequent appeals by the owners of the Liverpool Packet resulted in the owners and crew being awarded £21,814 for twelve prizes two years after their capture.²⁴⁷

For some owners, the prospect of such a long drawn-out appeal process was not worth the wait. The owner of Randolph filed a Retraxit withdrawing his claim after a year of waiting for a decision:

... the said Jabez Monry, now taking into consideration the great uncertainty and expense that will attend the prosecution of the said Appeal, and that the said Sloop and Cargo are of very trifling value ...²⁴⁸

²⁴⁶Snider, op. cit., p. 28.

²⁴⁷idem

²⁴⁸P.A.C., RG8, IV, Vol. 94, Randolph. Retraxit, August 1814.

Owners of Penelope (prize to General Smyth in 1812) were awarded only part of the cargo yet persevered for 785 days awaiting adjudication of 13 casks of coffee. Because of the long detention they were only charged half rates, but that £163.10.10 fee added to other duties and court costs reduced the £338.10.11⁴ profit from the sale of the coffee to less than £70¹²⁴⁹.

Owners, captors or other claimants wishing to appeal a capture were required to post a bond for the prosecution of their appeal. If the appeal was successful, the captor paid, if not, the claimant footed the legal expenses incurred. In the case of Friendship, a Halifax merchant launched an appeal on behalf of the ship's three American owners against Captain Joseph Barss, Jr. of the Liverpool Packet who had captured Friendship in spite of a valid British licence. The appellant had to give £300 bond to prosecute the case within an allotted time or pay all

²⁴⁹P.A.C., RG 8, IV, Vol. 92, Penelope. Record of Sales, 25 May 1815.

charges. The appeal requested that the case be heard by a commission created under the Great Seal and reserved the right to "alter, amend and render more perfect this appeal ... for the attainment of Justice".²⁵⁰ Unfortunately, there is no indication whether the original Decree of Condemnation was reversed.

It was also possible to appeal a decision of the Vice-Admiralty Court, but this had to be taken through the British system:

If a party to a prize appealed from a sentence of the Vice-Admiralty Court, ... (he) was required to give bond ... for due prosecution of the appeal in England ... after 1708 (appeals) went to a body of privy councillors specially commissioned for the purpose, called the Lords Commissioners of Appeal in Prize Causes ...²⁵¹

²⁵⁰P.A.C., RG 8, IV, Vol. 85, Friendship. Appeal by Stephen W. Deblois, 31 August 1813.

²⁵¹Jameson, op. cit., p. xii. According to Swanson, Section VIII of the privateers instructions stated that any appeals had to be filed within 14 days of the decree with the claimant providing surety to cover costs. If the Privy Council upheld the Vice-Admiralty Court verdict, the appellant had to pay treble the costs! Swanson, p. 37.

Lack of evidence would seem to point to the fact that very few ship owners or privateers took advantage of this appeal process.

On the date that the monition was returnable, if no appeals or claims had been filed, the court passed judgement. If the ship and/or cargo were considered "good and lawful prize", a Decree of Delivery, usually dated the same day, charged the marshal of the Vice-Admiralty Court (James Putnam) to sell the ship and cargo at auction to the highest bidder "after giving due notice thereof in a Public Newspaper for at least fourteen days".²⁵² Such advertising and a cryer cost Sibae £1.2.6.²⁵³

Ships that were not adjudged as prize were restored to their owners by means of a Decree of Restitution to which both captors and claimants had to agree. The Decree of Restitution of Middlesex made the claimant responsible for paying the King's Advocate, court costs and their own proctor and advocate. The

²⁵²P.A.C., RG 8, IV, Vol. 73, Anson. Decree of Delivery, 27 November 1813.

²⁵³P.A.C., RG 8, IV, Vol. 96, Sibae.

captor, Liverpool Packet agreed to pay the marshal and the collector of customs.²⁵⁴ In the case of George Washington taken by Retaliation in May and restored in June, the ship was restored without cost and even "the Judge was pleased to give up all his fees in this cause".²⁵⁵ Others were not so fortunate. Adventure, faced with court costs of £250 and repair and refitting expenses totalling £1258.10.0 petitioned the court to sell as much of her cargo of sugar, coffee and molasses "as may be necessary to discharge said costs and expenses".²⁵⁶ Similarly, agents for owners of Experiment, whose cargo was already choking her pump, asked to be allowed to sell as much cargo as necessary, to defray the following expenses:

254 p.A.C., RG 8, IV, Vol. 84, Middlesex. Decree of Restitution, 2 October 1812. Court costs were £52.11.10.

255 p.A.C., RG 8, IV, Vol. 85, George Washington. Decree of Restitution, 23 June 1813.

256 p.A.C., RG 8, IV, Vol. 113, Adventure. Commission of Unlivery and Sale.

Registrar's bill	£220.18.6
Sails and rigging	150. 0.0
Wages advanced to crew	25. 0.0
Claimant's private expenses	50. 0.0
Claimant's legal expenses	50. 0.0
Expenses of reshipping cargo	10. 0.0
Sundry stores	15. 0.0
Agents commission (5%)	23.11.0
	<u>£544. 9.6</u> 257

The most common reason for restitution was the possession of a British licence issued in England or one of her colonies by either a naval blockade officer or a Lieutenant-Governor. Although such a licence did not, in fact, guarantee immunity from capture, it was perceived by American sailors as a safeguard against seizure or impressment. Two crewmen who signed on board Victory in Lisbon testified that they had asked to see the ship's licence before joining "because we objected to ship on board any vessel which was not protected from capture".²⁵⁸ While these licences may have forced British naval vessels to allow the bearers to continue, they were generally regarded with not undeserved scepticism by the privateers. On numerous

²⁵⁷P.A.C., RG 8, IV, Vol. 114, Experiment. Petition for Sale of Cargo, 14 March 1815.

²⁵⁸P.A.C., RG 8, IV, Vol. 99, Victory. Testimony of Christopher Williams and Ephraim Simonds, 31 March 1815.

occasions testimonies indicate that the ship was boarded by naval officers, had her documents inspected and was let go only to fall in with a privateer and be condemned. Toward the end of the war when captures were reduced, experienced privateers like Benjamin Ellenwood appeared to prefer the risk of having a prize restored in court to passing it by at sea. Like their American counterparts to which Garitee refers:

The privateersmen delighted in harassing the licenced trade even when they could not get a decree of condemnation.²⁵⁹

The fact that Sandbird, Industry, Janus and Recovery were condemned to their captors despite their licences indicates the gamble frequently paid off.

For many American ships, a British licence was a mixed blessing. While it protected them from seizure by British ships to some degree, it could be viewed as treasonous and grounds for confiscation by their own navy or countrymen. This precarious situation, combined with the penchant of provincial privateers to

²⁵⁹Garitee, op. cit., p. 51

disguise themselves as Americans, led to a great deal of confusion. Thinking the Sir John Sherbrooke was an American privateer, the captain of Frederick Augustus burnt his British licence only to discover the privateer was British and his documentation up in smoke.²⁶⁰ Nor did Cuba's captain show his British licence to boarders from a ship flying American colour claiming to be from Rhode Island.²⁶¹ By the time he discovered her to be the New Brunswick privateer Dart, his ship was taken. Despite the licence, Cuba was subsequently condemned.

In order to carry their licenced cargoes to British ports, American captains resorted to a number of stratagems including the deliberate falsification of the ship's log. Henry Rider, the Cuba's pilot answered the standard question about the ship's papers saying they "were not true and fair but false and colorable, and that the deponent made false entries in the Log

²⁶⁰p.A.C., RG 8, IV, vol. 84, Frederick Augustus. Examination of Mate, John Rowez.

²⁶¹p.A.C., RG 8, IV, vol. 80, Cuba. Examination of Pilot, Henry Rider.

Book ...²⁶² to deceive American cruisers and conceal their destination. Examinations of the rest of the seven-man crew revealed that four were convinced they were heading for Portland and two had no idea of their destination. The Diamond carried false Swedish clearance papers²⁶³ while the mate of Don Carlos stated that the ship was cleared for Puerto Rico "as they were obliged to do to deceive the American Government".²⁶⁴

Another technique involved spurious bills of lading. Three Friends, taken by Liverpool Packet, carried a licenced cargo as well as hemp:

shipped for the express purpose of deceiving the American vessels of war, and intended to be landed in Boston aforesaid, and that the property so shipped in the different (sic) names and marks was also intended and meant for the above reason.²⁶⁵

This was because a Baltimore ship like Three Friends, cleared for Boston would, arouse less suspicion than one

²⁶²idem

²⁶³P.A.C., RG 8, IV, Vol. 81, Diamond.

²⁶⁴P.A.C., RG 8, IV, Vol. 82, Don Carlos. Examination of Mate, Thomas Sinclair, 13 August 1813.

²⁶⁵P.A.C., RG 8, IV, Vol. 76, Three Friends. Affidavit of Joseph Chase and Otis Fall.

cleared for Eastport, since Halifax and Eastport lay on the same heading. Unfortunately for Three Friends, her duplicity came to naught because, although he had a genuine licence, the master was instructed not to show it to anyone until reaching Halifax. Once there, and in spite of letters from Samuel Cunard of Halifax and James Kennedy (a British subject who owned the cargo) confirming that the cargo was British property, the court condemned the prize as a Droit of Admiralty.

Finally, Mahon suggests that many American captains deliberately allowed themselves to be captured.²⁶⁶ This way their cargoes would be carried to the desired market, they could sell their produce under pretence of ransoming it, and return safely home. Such collusion seems to have been quite common in the waters between Maine and New Brunswick where many captures were probably "prearranged shipments to Maritime importers".²⁶⁷

²⁶⁶Mahon, op. cit., p. 222. Swanson, p. 40 indicates that Instruction XIX threatened confiscation by the Vice-Admiralty Court if there was any evidence of collusion in taking a prize.

²⁶⁷Stanley, op. cit., p. 363

Despite the risks, many felt as did the master of Nymph, that a British licence was "better than privateering".²⁶⁸ However, for ship owners such as Joseph Austin of Nymph and Ethel Olmstead of Richmond, who were British subjects still living in the United States, the discovery of their double identity could have had serious repercussions. Accordingly, neither ship's licence indicated the name of the actual owner. In a letter to Halifax merchant, Michael Tobin,²⁶⁹ Olmstead requested that he obtain a note to make it appear that Richmond had been ransomed. He did not want anyone to know he had a licence "as I am an Englishman & would be delt with roughly should some people in this country hear of it".²⁷⁰

Decrees of Restitution were also granted to ships registered to owners of Spanish, Swedish or Portuguese nationality, countries not at war with Britain.

²⁶⁸P.A.C., RG 8, IV, Vol. 91, Nymph. Examination of Seaman, Joseph Dixon, 15 June 1813..

²⁶⁹Tobin was one of the bondsmen for three privateers: Herald, Edward, and Eleanor. See Appendix 2.

²⁷⁰P.A.C., RG 8, IV, Vol. 95, Richmond. Letter, 13 April 1813.

Adventure, San Gabriel and Gustavia were typical of such ships. However, for other vessels, their foreign registry was very recent indeed. The Eagle of Boston became Calson under a Swedish flag in 1813, since her new owner was a resident of St. Bartholomew's, a Swedish island in the West Indies.²⁷¹ Marianne became Don Carlos without even leaving Boston with the aid of the Spanish Consul and \$550 from a Spanish buyer.²⁷² Captain Hayes of the Majestic on blockade duty off Boston wrote to Admiral Warren regarding the issuing of blank licences by the Portuguese Consul who:

... is said to be making quite a trade of that flag, covering the property and furnishing the necessary papers for any person at a thousand dollars a ship.²⁷³

Since this price represented twice the cost of the average cargo ship, it must be assumed that the trade advantages of a neutral registry justified the effort.

²⁷¹P.A.C., RG 8, IV, Vol. 78, Calson. Sale of Calson, 15 April 1813.

²⁷²P.A.C., RG 8, IV, Vol. 82, Don Carlos.

²⁷³Mahan, op. cit., p. 171, Vol. 2.

American fishing vessels provide another example of ships protected in theory by their licences, yet all too often condemned as prize. In his list of 1652 Instructions to Privateers, Marsden notes that French fishermen were specifically protected from capture at that time.²⁷⁴ The Liverpool Packet's unofficial commission also forbade the taking of unarmed fishing vessels.²⁷⁵ During the War of 1812, American privateers generally ignored fishing vessels feeling, according to Cranwell.

There was little sport and little profit in running down small and smelly fishermen from Canadian ports.²⁷⁵

However, as far as the New Brunswick and Nova Scotia privateers were concerned, fishing vessels were as good prey as any other ships. In fact, since the

²⁷³Mahan, op. cit., p. 171, Vol. 2.

²⁷⁴Marsden, op. cit., p. 407.

²⁷⁵Snider, op. cit., p. 22.

American fishing vessels considered themselves immune from capture, they were frequently sitting at anchor and made no attempt to escape when hailed by the privateers, thus becoming easy prizes. As Appendix 3 indicates, every vessel identified as having a fishing licence was condemned to its captors. The fact that these cannot have been valuable prizes may be indicative of a shortage of other, more lucrative traffic for the privateers to attack, or it may signify what Garitee referred to as the privateers' "practical patriotism". By capturing an American fishing vessel, the privateers struck a blow at the enemy's economy at virtually no risk to themselves and perhaps made a few pounds into the bargain. The willingness of the Vice-Admiralty Court to condemn these prizes, no doubt encouraged the practice.

The Vice-Admiralty Court process of allegation, adjudication and appeal could be both lengthy and expensive for the claimants. In 1708 and 1740, when Britain issued new sets of instructions to regulate

colonial privateering, a number of clauses attempted to address the problem of delays and added court costs. Under Sections VI and VII judges could be fined £500 for unnecessary delays and the maximum fees payable to officers of the court were set at £10 or £15 for a ship of over 100 tons burden.²⁷⁷ From Appendix 4, it seems clear that the Vice-Admiralty Courts charged what they felt the market would bear for the performance of various legal services by Vice-Admiralty Court personnel. Four basic fee schedules emerge: Costs for Prosecution and Claim; Settlement; Costs of the Claims; and Costs on Proceedings and Salvage. On the latter bill, salvage was shown as one-eighth of the appraised value less the cost of the registrar's commission and the copy of the settlement. Although these expenses have not been investigated thoroughly, it would seem that except for the captors of really valuable prizes, those who made the greatest profits from the business of privateering might well have been the agents, marshals and judges of the Vice-Admiralty Court. It is

²⁷⁷Swanson, *op. cit.*, p. 37.

said that Richard John Uniacke, the Advocate-General of Nova Scotia during the War of 1812, earned enormous "emoluments" which "enabled him after deducting the expenses of a large family to put by in that short time the very handsome sum of £50,000".²⁷⁸ If the courts thus stood to profit as much or more from privateering than the privateers themselves, it would explain why no effort was made throughout the war to streamline the court system or expedite the process. Moreover, despite its shortcomings, the Vice-Admiralty Court system seemed to work. Of the more than 200 captures recorded, only 18 or 8.8% were fully restored. While privateering may have been a gamble, once in court, the odds were on the side of the privateers.

²⁷⁸Lynch, op. cit., p. 191.

THE FINAL VERDICT

If the War of 1812 was a rather minor war on a world scale, it had a profound impact on British North America's maritime colonies. After 1805, the economy of the area rose from being "merely prosperous to booming and bouyant".²⁷⁹ A look at the revenue receipts for the port of Halifax from 1812 to 1815 illustrates the value of American embargoes and Britain's licenced trade.²⁸⁰

<u>Year</u>	<u>Revenue Receipts</u>
1812	£31,041
1813	£70,338
1814	£93,759
1815	£60,758

It is also to be expected that the frequent arrival of prizes added to the prosperity of Halifax (and other ports). In addition to a myriad of trade goods, privateers also carried home guns, ammunition and specie which were essential to the provincial war effort. Any foodstuffs taken "were manna to the

²⁷⁹MacNutt, op. cit., p. 131.

²⁸⁰Copp in Rawlyk, op. cit., p. 86.

Canadian commissariat at a time when food supplies especially were hard to come by".²⁸¹ But not only did the privateers contribute to the military needs of Nova Scotia, they helped initiate a whole new import trade of American goods while exporting prize goods condemned in Halifax.²⁸² Privateering provided New Brunswick and Nova Scotia with jobs, an outlet for investment, a reconnaissance service, a cheap defensive weapon, and a steady source of morale - boosting propaganda. It contributed to the destruction of American commerce and helped convince that government of the desirability of peace.

Although privateering gained an unfortunate reputation during earlier times when regulations were less strenuously enforced, by 1812, the practice had not just become legitimate, but could be said to have reached its historical and professional zenith.²⁸³

²⁸¹Raddall, op. cit., p. 211.

²⁸²Copp in Rawlyk, op. cit., p. 83.

²⁸³Kendall, op. cit., p. 247.

Over six centuries, Admiralty law had developed instructions and procedures governing all aspects of prize making which were recognized and generally respected by all participants. Although the American colonies balked at the transplanting of Admiralty Courts to British North America, the Vice-Admiralty Court, and privateers,²⁸⁴ became a part of life in Halifax from its establishment in 1749.

According to most historians, the War of 1812 was supposedly fought to ensure American freedom of the seas. But the failure of the Treaty of Ghent in 1815 to even acknowledge such issues as impressment or neutral rights is seen by Raddall and others as a polite admission that the whole war was fought for nothing!²⁸⁵

However, as far as privateers and letter-of-marque vessels were concerned, the war offered them an opportunity to make use of their sailing skills, strike

²⁸⁴Leefe, *op. cit.*, p. 1.

²⁸⁵Raddall, *op. cit.*, p. 322.

a blow against the enemy's commerce and make a little profit of their own. Although Appendix 1 lists only 41 commissioned vessels, these ships captured over two hundred prizes.

... commanded, officered and manned by the pick of the citizens of Halifax, St. John, Liverpool and other seaports ... it is claimed that one-third of the prizes taken from America were captured by Canadian ships.²⁸⁶

While it is difficult to determine how severe a blow this represented to the United States' economy, it can certainly be argued that privateer activities played havoc with American coastal trade.

The career of the Liverpool Packet provides an excellent example of this role. In October and November 1812, the Liverpool Packet captured seven ships forcing New England to reorganize her transportation routes and leading Boston merchants to discuss the feasibility of cutting a canal through Cape

²⁸⁶Kendall, op. cit., p. 280. Snider notes 37 privateers and 12 letter-of-marque ships but I have identified only those with letters-of-marque on file or with captures credited to them.

Cod as a less costly alternative to the deprivations of Nova Scotia privateers!²⁸⁷ On New Year's Day, 1813,

the Boston Messenger raged against this same

"insignificant fishing schooner" which had captured

eight or nine sails over 20 days costing Boston

merchants \$70,000-\$90,000.²⁸⁸ While the taking of

ships affected owners and investors most directly, the

capture of cargoes deprived New England markets of

certain basic commodities. A simple chart listing nine

prizes taken by the Liverpool Packet in 1812

illustrates the far-reaching effects of one privateer's activities.

<u>Ship</u>	<u>Cargo</u>	<u>Destination</u>
Union	439 bushels corn, 28 barrels flour	Kennebunk
Polly	183 casks rice	Boston
Little Joe	46 bales hops	New York
Anson	292 hogsheads salt	Baltimore
Fenelon	108 barrels flour	Boston
Dove	3000 bushels corn, 660 bushels oats	Boston
Two Friends	230 bushels flour	Boston
Three Friends	2338 bushels corn	Boston
Columbia	660 barrels flour	Boston

²⁸⁷Snider, op. cit., p. 19.

²⁸⁸Leefe, op. cit., p. 10.

While the loss of these supplies would not have reduced the city of Boston to starvation, it must have served to disrupt food supplies, reduce mercantile profits and inconvenience the population.

A further manifestation of danger to shipping was increased insurance rates. The Liverpool Mercury of July 7, 1813 noted American premiums charged on cargoes going to eastern American ports. These ranged from a low of 2%-5% in unspecified eastern ports to 6%-10% in New York, to 12%-15% in Chesapeake Bay, and to 22%-25% in Savannah, Georgia where the blockade was most strictly enforced.²⁸⁹ By comparison, in Halifax during the same period, most vessels could not even obtain insurance, while those that did were charged 33% on top of previous premiums.²⁹⁰ It would appear that insurers felt American ships were in more danger from the British blockade than from provincial privateers, while American privateers were the most serious threat of all.

²⁸⁹ MacIntyre, op. cit., p. 171.

²⁹⁰ *ibid.*, p. 172.

In a statement to the House of Commons in December, 1814, Lloyd's underwriters reported that Americans had captured 1175 British vessels of which 373 had been recaptured or restored.²⁹¹ American losses are not enumerated but, if Mahan's estimates are correct, the rate of loss was three American ships to every four British vessels.²⁹² A rough calculation places American losses at approximately 600 ships, one-third of which are identified as privateer prizes. It would thus appear that the privateers increased both the cost and the risk of American shipping and altered the existing pattern of coastal trade.

When this sort of economic harassment was added to the pressure of Britain's naval blockade in 1813, America's maritime trade was virtually brought to a halt. Corn, flour and sugar were in short supply and prices skyrocketed. In Baltimore where the blockade was not in force, flour cost \$6.50/barrel in September, 1813; in blockaded Boston, it was \$12.00²⁹³; in Halifax

²⁹¹Horsman, op. cit., p. 152.

²⁹²Mahan, Vol. 2, op. cit., p. 22.

²⁹³Mahan, Vol. 1, op. cit., p. 297.

in the summer of 1813 it fetched \$45.00/barrel²⁹⁴; and it sold for as much as \$58.00/barrel in England.²⁹⁵ It is no wonder American ships were so anxious for British licences to carry flour and other commodities to overseas markets. Profiteering, government demand and scarcities of certain items contributed to a strong economic incentive for privateering.

But whether or not privateering was the lucrative business it was supposed to be is open to debate.

According to Forester, the average value of a prize was approximately \$25,000.²⁹⁶ However, after legal fees, customs duties and court costs were levied, not much more than half of the original sale proceeds remained.²⁹⁷

The consensus among historians seems to be that although privateering could and did earn certain of its

²⁹⁴Copp in Rawlyk, op. cit., p. 92.

²⁹⁵Maclay, op. cit., p. xv.

²⁹⁶Forester, op. cit., p. 92. This is approximately the same cost as outfitting a privateer.

²⁹⁷Garitee, op. cit., p. 188.

practitioners (such as Enos Collins) enormous wealth, it was never much more than marginally profitable. For every Thomas Freeman who is reputed to have made up for losses over 20 years of seafaring in two weeks of cruising aboard Retaliation,²⁹⁸ there were probably others like the three owners of the Union who "died wholly insolvent; the two latter hardly leaving sufficient property to pay their funeral charges and the former a large family of infant orphan children quite destitute ...".²⁹⁹ While some may have had dreams of riches, the chief appeal of privateering lay in its very risk, offering the "fascination of a lottery" with a prize at the end.³⁰⁰ Nevertheless, without a strong potential for profit, and the legal framework for ensuring a fair settlement in the courts, the practice of privateering would have never attracted the cautious merchants of Nova Scotia and New Brunswick.

²⁹⁸Leefe, op. cit., Introduction.

²⁹⁹P.A.C., RG 8, IV, Vol. 93, Rachael/Richmond. Protest of Samuel Miles, 19 April 1813.

³⁰⁰Forester, op. cit., pt. 74.

Strategically, the value of privateering to the government which issued the letters-of-marque was limited by the degree to which their "success affected the enemy's will to resist and thereby shortened the war or made possible better terms of peace".³⁰¹ Unlike naval vessels, privateers were privately owned ships to whom the national welfare came second to their own. They preyed on victims smaller or less well armed than they, preferring guile and seamanship to guns.

Sharing risks as well as profits, privateers represented a close-knit commercial fraternity which ensured that sick and wounded crewmen were provided for, as well as widows, orphaned children or elderly parents of men slain at sea.³⁰² Many of those involved in privateering in Atlantic Canada were linked by family, business, political or social relationships which ensured that any economic benefits from their business were spread throughout the community. Among the chief beneficiaries of the privateers' efforts seem to have been the Customs House and the functionaries of

³⁰¹Cranwell, op. cit., p. 18.

³⁰²Marsden, op. cit., p. 52.

the Vice-Admiralty Court who administered a "sieve of legal costs"³⁰³ through which all profits passed.

Nevertheless, for privateers who understood the complex system of prize-making and were able to avoid the legal pitfalls, profits could be handsome, if not "fabulously large".³⁰⁴

In their attacks on each other's commerce both provincial and American privateers contributed to a growing desire for peace. Although American privateers outnumbered those from Nova Scotia and New Brunswick by approximately ten to one, the success of the British blockade meant that most of American seaborne traffic was severely restricted after 1813. Between 1813 and 1814 the tonnage of United States coastal vessels was halved,³⁰⁵ and exports plummeted from \$108 million dollars in 1807 to \$7 million in 1814.³⁰⁶ By the same

³⁰³Kendall, op. cit., p. 285.

³⁰⁴MacNutt, op. cit., p. 151.

³⁰⁵Mahan, Vol. 2, op. cit., p. 206.

³⁰⁶ibid, Vol. 1, op. cit., p. 407.

token, the decline of American shipping reduced the number of potential prizes available to provincial privateers. In fact, both Snider and MacNutt intimate that a fast-sailing vessel of good capacity could have made more money in trade after 1813.³⁰⁷

After the War of 1812, the practice of privateering appeared to fall into disuse.³⁰⁸ The reasons for this are not really made clear since, throughout the war, privateer activities were an effective auxiliary weapon, providing "a definite break with piracy and an important step in the development of law and order at sea".³⁰⁹ However, in the changing political and technological climate after 1815, *guerre de course* may have outlived its usefulness. Privateering and the legal system necessary to control it represented an aspect of British colonial

³⁰⁷ Snider, op. cit., p. 144.

³⁰⁸ Privateering was finally rendered legally obsolete in the United States by the Hague Convention of 1907.

³⁰⁹ Kendall, op. cit., p. 291.

influence which was diminishing in North America after 1815. The development of steamships and armour-clad naval vessels after the war rendered the traditional techniques of prize making not only more dangerous, but virtually obsolete.

Practised by the famous and infamous from the thirteenth century, privateering had played an important strategic role throughout its history. But once it was no longer an expedient and inexpensive weapon of commercial warfare, privateering lost its appeal. Without the incentive of reasonably low-risk profits, the pragmatic entrepreneurs who had supported the system were no longer willing to invest. As guns and ships became more sophisticated *guerre de course* took on a new meaning, manifesting itself in the submarine threat of the First World War. The War of 1812 was both the acme and the end of the privateering tradition in North America. While providing the motive force for a number of private fortunes, the practice of privateering itself eventually succumbed to the fortunes of war.

APPENDIX ILETTER OF MARQUE SHIPS REGISTERED 1812-1815

<u>Ship</u>	<u>Size & Type</u>	<u>Date of Marque</u>	<u>Crew</u>	<u>Guns</u>	<u>Prizes</u>
1. Caledonian	623 t. Ship	17 July 1812	40	14	--
2. Liverpool Packet	67 t. Schooner	i) 20 August 1812 ii) 5 February 1813 iii) 20 November 1813 iv) 11 November	40 -- -- --	5 -- -- --	50 -- -- --
3. Sir John Sherbrooke	187 t. Brigantine	23 November 1812	30	10	--
4. Retaliation	71 t. Schooner	i) 3 February 1813 ii) 25 May 1813 iii) 20 December 1813	50 -- 30 35	5 -- 5 --	19 -- -- --
5. Sir John Sherbrooke	273 t. Brigantine	11 February 1813	150	18	19
Rattler	Jebacco Boat	Tender for Sir <u>J. Sherbrooke</u>	--	--	1
6. Grown	22 t. Schooner	14 April 1813	35	1	1
7. Dart	74 t. Sloop	i) 4 May 1813 ii) 14 July 1813	25 --	4 --	11 --
8. Matilda	50 t. Schooner	11 May 1813	40	5	13
9. Retrieve	55 t. Schooner	i) 21 May 1813 ii) 21 September 1813 iii) 8 July 1814	40 45 20	2 4 2	6 -- --

<u>Ship</u>	<u>Size & Type</u>	<u>Date of Marque</u>	<u>Crew</u>	<u>Guns</u>	<u>Prizes</u>
10. Fly	50 t. Schooner	i) 28 May 1813 ii) 6 July 1813	35 35	3 3	7 --
11. Weazle	45 t. Schooner	28 May 1813	35	5	5
12. Bunker Hill	179 t. Schooner	17 June 1813	15	3	--
13. Broke	52 t. Schooner	i) 6 July 1813 ii) 27 September 1813	35 35	5 5	6 --
14. Gleaner	67 t. Sloop	9 July 1813	20	5	--
15. George	123 t. Schooner	11 August 1813	60	6	1
16. Wolverine	143 t. Schooner	i) 20 August 1812 ii) 8 November 1813	80 80	12 10	-- 13
17. Shannon	146 t. Schooner	2 September 1813	50	5	18
18. Herald	279 t. Ship	8 September 1813	25	10	--
19. Edward	322 t. Brigantine	25 September 1813	25	9	--
20. Eleanor	192 t. Brigantine	27 September 1813	25	12	--
21. Intrepid	67 t. Lugger	20 October 1813	16	6	--
22. Hare	38 t. Sloop	29 November 1813	25	2	2

<u>Ship</u>	<u>Size & Type</u>	<u>Date of Marque</u>	<u>Crew</u>	<u>Guns</u>	<u>Prizes</u>
23. Rolla Dolphin	132 t. Schooner	8 June 1814 Tender for <u>Rolla</u>	60	5	9
24. Lunenburg	93 t. Schooner	1) 18 August 1814 11) 29 November 1814	45 --	5 --	8 --
25. Sherbrooke	205 t. Brigantine	27 August 1814	15	11	--
26. Rover	85 t. Schooner	23 September 1814	50	5	5
27. Ann	57 t. Schooner	24 September 1814	20	1	--
28. Saucy Sixteen	Schooner	No letter of marque			\$19,000 (Mullins)
29. Minerva	64 t. Sloop	3 october 1814	45	3	1
30. Snapdragon	167 t. Schooner	9 November 1814	30	6	--
31. Saucy Jack	100 t. Schooner	14 December 1814	45	3	(1) (Snider, p.257)
32. Dove	30 t. Schooner	24 January 1815	20	1	2
33. Lively (N.S.)	30+ Schooner	4 July 1814	30	5	10 (Snider, p.250)
34. General Smyth(N.B.)	Cutter	No letter of marque			4 (Snider, p.225)

<u>Ship</u>	<u>Size & Type</u>	<u>Date of Marque</u>	<u>Crew</u>	<u>Guns</u>	<u>Prizes</u>
35. Fly (N.B.)	Schooner	No letter of marque	--	--	3
36. Brunswicker (N.B.)	Sloop	No letter of marque	--	--	(Snider, p.225)
37. Hunter (N.B.)	Schooner	No letter of marque	--	--	--
38. Star (N.B.)	Schooner	No letter of marque	--	--	3 (Leeffe, p. 47)
39. Union		No letter of marque	--	--	1
40. Telegraph (N.S.)		No letter of marque	--	--	(1) (Snider, p.255)
41. Comet (N.B.)		No letter of marque	--	14	-- (Snider, p.192)

Sources: List of letter of marque ships from P.A.C., RG8, IV, Vol. 139-40, Letters of Marque 1798-1815. Additional ships referred to in Mullins, Snider and Leeffe as contained in prize case files.

APPENDIX 2

PRIVATEERS AND INVESTORS

<u>Name of Vessel</u>	<u>Bond</u>	<u>Owners</u>
1. <u>Caledonian</u> Thomas Boag (Master)	17 July 1812 - £1500 John Black - Merchant, Halifax John Brown - Merchant, Halifax James Thorn - Merchant, Halifax	George Robertson, Greenock, N.S. William Forsyth, Greenock, N.S. James Hunter, Greenock, N.S. William Smith, Liverpool, U.K. John Black, Halifax, N.S.
2. <u>Liverpool packet</u> (Ex. U.S. Slave Trader Black Joke) John Freeman (Master)	24 August 1812 - £1500 Enos Collins - Merchant, Halifax John Moody - Merchant, Halifax Joseph Freeman - Liverpool, N.S.	Enos Collins, Halifax Benjamin Knaut, Liverpool, N.S. John Barss, James Barss, Liverpool, N.S.
Joseph Barss, Jr. (Master)	10 February 1813 - £1500 Joseph Freeman - Merchant, Liverpool, N.S. John Barss - Merchant, Liverpool N.S. John Moody - Merchant, Halifax	Enos Collins, Halifax Benjamin Knaut, Liverpool, N.S. John Barss, James Barss, Liverpool, N.S.
Caleb Seely (Master)	25 November 1813 Joseph Freeman - Merchant, Liverpool, N.S. John Barss - Merchant, Liverpool N.S. John Moody - Merchant, Halifax	Enos Collins, Halifax Benjamin Knaut, Liverpool, N.S. John Barss, James Barss, Liverpool, N.S.
Lewis Knaut (Master)	20 October 1814 - £1500 Enos Collins - Merchant, Halifax Joseph Allison - Merchant, Halifax	Enos Collins, Halifax Joseph Allison, Halifax
3. <u>Sir John Sherbrooke</u> Thomas Robson (Master)	23 November 1812 - £1500 William Lawson - Merchant, Halifax Enos Collins - Merchant, Halifax Joseph Allison - Merchant, Halifax	Andrew Sterling Ritchie, St. John, N.B. William Pagan, St. John, N.B. Robert Pagan, St. Andrews, N.B.

Name of Vessel

Bond

Owners

4. Retaliation
 (Ex U.S. Schooner
Revenge)
 Thomas Freeman (Master)

10 February 1813 - £1500
 Charles Hill - Merchant, Halifax
 William K. Reynolds - Merchant,
 Halifax

Snow Parker, Liverpool, N.S.
 Thomas Freeman, Liverpool, N.S.

Benjamin Eljenwood
 (Master)

27 May 1813 - £1500
 John Brown - Merchant, Halifax
 William K. Reynolds - Merchant,
 Halifax

Snow Parker, Liverpool, N.S.
 Thomas Freeman, Liverpool, N.S.
 John Roberts, Liverpool, N.S.,
 James Gorham, Liverpool, N.S.

Harris Harrington
 (Master)

22 December 1813 - £1500
 John Brown - Merchant, Halifax
 William K. Reynolds - Merchant,
 Halifax

Snow Parker, Liverpool, N.S.
 Thomas Freeman, Liverpool, N.S.
 Gordon Dewolf, Liverpool, N.S.

5. Sir John Sherbrooke
 (Ex. U.S. Privateer
 Thorn)
 Joseph Freeman (Master)

15 February 1813 - £1500
 Enos Collins - Merchant, Halifax
 Joseph Allison - Merchant, Halifax

Enos Collins, Halifax
 Joseph Freeman, Liverpool, N.S.
 Joseph Barss, James Barss, and
 Benjamin Khaut, Liverpool, N.S.

Rattler
 (Ex. U.S. Jebacco Boat)

Tender for Sir John Sherbrooke

6. Croftn
 Solomon Jennings (Master)

14 April 1813 - £1500
 Thomas Smith - Merchant, Halifax
 William O'Bryan - Merchant,
 Halifax

Samuel Harris, Halifax
 Solomon Jennings, Halifax

7. Dart
 John Harris (Master)

7 May 1813 - £1500
 Samuel Cunard - Merchant, Halifax
 John Owen - Merchant, Halifax

Robert Shires, St. John, N.B.
 James Hay, Jr., St. John, N.B.
 James Thorpe Hanford, St. John, N.B.

Name of Vessel

Bond

Owners

James Ross (Master)

15 July 1813 - £1500
John Roy - Merchant, Halifax
Samuel Cunard - Merchant, Halifax

Robert Shires, St. John, N.B.
James Hay, Jr., St. John, N.B.
James Thorpe Hanford, St. John, N.B.

8. Matilda

John Burkett (Master)

11 May 1813

Richie, Barlie, Robinson, Burkett,
Annapolis Royal, N.S.

9. Retrieve

Silas Crane (Master)

28 May 1813 - £1500
John Starr - Merchant, Halifax
William Young - Mariner, Falmouth,
N.S.

Silas Crane, Halifax
William Young, Falmouth, N.S.

William Allen (Master)

21 September 1813 - £1500
Thomas Leonard - Merchant, Halifax
William Church - Halifax.

Thomas Leonard, Halifax
Starr & Shannon, Halifax

William Young (Master)

9 July 1814 - £1500
William K. Reynolds - Merchant,
Halifax
Elisha Dewolf - Merchant, Horton,
N.S.

Thomas H. Woodward, Halifax
William K. Reynolds, Halifax
James Cogswell, Halifax

10. FLY

Enoch Stanwood (Master)

3 June 1813 - £1500
William Murphy - Trader, Halifax
John Thomas Hill - Attorney,
Halifax

Israel Harding, Halifax
Enoch Stanwood, Halifax
Charles Hill, Halifax

Elkanah Clements (Master)

6 July 1813 - £1500
Arthur Brymer - Merchant, Halifax
John Thomas Hill - Attorney,
Halifax

Charles Hill, Halifax
Israel Harding, Halifax

Name of Vessel

Bond

Owners

11. Weazle
George William Anderson
(Master)

31 May 1813 - £1500
William Bond - Grocer, Halifax
Francis Muncey - Grocer, Halifax

Joseph Hamilton, Halifax
William Bond, Halifax
Francis Muncey, Halifax
William O'Bryan, Halifax

12. Bunker Hill
(Ex. U.S. Privateer)
James Chadwick (Master)

19 June 1813 - £1500
John Pryor - Halifax
Henry Yeomans - Merchant, Halifax

John Pryor, Halifax

13. Broke
Ex. U.S. Schooner
Juliana Smith
Daniel Waid (Master)

6 July 1813 - £1500
William Rudolph - Merchant, Halifax
John Osborne - Merchant, Halifax

Phineas Lovett, Jr., Annapolis Royal,
N.S.

William Smith (Master)

1 October 1813 - £1500
William Rudolph - Merchant, Halifax
John Osborne - Merchant Halifax

P. Lovett, Jr., Annapolis Royal,
N.S.

14. Gleaner
(Ex. U.S. Privateer)
Prince Kinney (Master)

10 July 1813 - £1500
Kinney Prince - Merchant, Halifax
John George Pyke - Merchant, Halifax

John George Pyke "is the owner on
behalf of the Province," Halifax

15. George
John Gilchrist (Master)

13 August 1813 - £1500
George Haim - Trader, Halifax
Thomas Smith - Baker, Halifax

Thomas H. Mason, Halifax
George Haim, Halifax
Thomas Smith, Halifax
Joseph Schofield, Halifax

16. Wolverine
(Ex. U.S. Schooner Thomas)
Charles William Shea
(Master)

21 August 1813 - £1500
John Moody - Merchant, Halifax
William Rudolph - Merchant,
Halifax

Joseph Barss, Thomas Barss, John
Barss,
Joseph Freeman and Benjamin Knaut,
Liverpool, N.S.

<u>Name of Vessel</u>	<u>Bond</u>	<u>Owners</u>
John Roberts, Jr. (Master)	10 November 1813 - £1500 John Moody - Merchant, Halifax William Rudolph - Merchant, Halifax	Joseph Barss, Thomas Barss, James Barss, Joseph Freeman and Benjamin Knaut, Liverpool, N.S.
17. Shannon (Ex U.S. Privateer Growler) Benjamin Ellenwood (Master)	4 September 1813 - £1500 John Moody - Merchant, Halifax William K. Reynolds - Merchant, Halifax	Snow Parker, Liverpool, N.S.
18. <u>Herald</u> Charles Simonds (Master)	11 September 1813 - £1500 Michael Tobin - Merchant, Halifax William Donald - Merchant, St. John, N.B.	Hugh Johnson & Son, St. John, N.B. Thomas Milledge, St. John, N.B.
19. <u>Edward</u> James H. Tidmarsh (Master)	30 September 1813 - £1500 William Lawson - Merchant, Halifax Michael Tobin - Merchant, Halifax	Messrs. Belcher and Wright, Halifax
20. <u>Eleanor</u> Alexander Anderson (Master)	30 September 1813 - £1500 William Lawson - Merchant, Halifax Michael Tobin - Merchant, Halifax	Messrs. Belcher and Wright, Halifax
21. <u>Intrepid</u> John Lenfesty (Master)	22 October 1813 - £1500 James Forman - Merchant, Halifax Henry Yeomans - Merchant, Halifax	Peter Lelacheur, Guernsey, U.K.
22. <u>Hare</u> James Reid (Master)	30 November 1813 - £1500 John Moody - Merchant, Halifax Noah Desbrow - Merchant, St. John, N.B.	Noah Desbrow, St. John, N.B. John Clark, St. John, N.B. Hugh Doyle, St. John, N.B.

Name of Vessel

Bond

Owners

23. Rolla
(Ex. U.S. Privateer)
John Freeman (Master)

10 June 1814 - £1500
Enos Collins - Merchant, Halifax
Joseph Allison - Merchant, Halifax

Joseph Freeman, Liverpool, N.S.
James R. DeWolf, Liverpool, N.S.
John Barss, James Barss and
Benjamin Knaut, Liverpool, N.S.
Enos Collins, Halifax
Joseph Allison, Halifax

Dolphin

Tender for Rolla

24. Lunenburg
Joseph Falt (Master)

19 August 1814 - £1500
John Clark - Merchant, Halifax
W. Henry Moser - Merchant,
Lunenburg, N.S.

Henry Moser, Lunenburg, N.S.
Phillip Rudolph, Lunenburg, N.S.
John N. Oxner, Lunenburg, N.S.
Henry Wollenhaupt, Lunenburg, N.S.

Thomas Chamberlain
(Master)

30 November 1814 - £1500
John Clark - Merchant, Halifax
John Pendergast - Merchant,
Halifax

Henry Moser, Lunenburg, N.S.
Phillip Rudolph, Lunenburg, N.S.
John N. Oxner, Lunenburg, N.S.
Henry Wollenhaupt, Lunenburg, N.S.

25. Sherbrooke
William Corken (Master)

27 August 1814 - £1500
John Dougan - Merchant, Halifax
Garret Miller - Merchant, Halifax

James Cavan, Barbados

26. Rover
(Ex. U.S. Privateer
Armisticé)
John Brown (Master)

24 September 1814 - £1500
William K. Reynolds - Merchant,
Halifax
John Brown - Merchant, Halifax

Snow Parker, Liverpool, N.S.

27. Ann
Randall McDonald (Master)

30 September 1814 - £750
Samuel Cunard - Merchant, Halifax
Frederick Major - Merchant, Halifax

John Osborn, Halifax

<u>Name of Vessel</u>	<u>Bond</u>	<u>Owners</u>
28. <u>Saucy Sixteen</u>	No letter of marque	16 investors, Liverpool, N.S.
29. <u>Minerva</u> Joseph Bartlett (Master).	3 October 1814 - £750 John Moody - Merchant, Halifax Joseph Boyle - Merchant, Halifax	Joseph Barss, Liverpool, N.S. Thomas Barss, Liverpool, N.S. Andrew Webster, Liverpool, N.S. Joseph Bartlett, Liverpool, N.S.
30. <u>Snappdragon</u> (Ex. U.S. Privateer) James Reid (Master)	11 November 1814 - £1500 John Roy - Merchant, Halifax Samuel Cunard - Merchant, Halifax	Messrs. Curry & Handford, St. John, N.B.
31. <u>Saucy Jack</u> Joseph Bartlett (Master)	16 December 1814 - £1500 Joseph Boyle - Merchant, Halifax Thomas Barss - Merchant, Liverpool	Joseph Boyle, Halifax Thomas Barss, Liverpool, N.S. Joseph Bartlett, Liverpool, N.S.
32. <u>Dove</u> James Harrington (Master)	24 January 1815 - £1500 John Moody - Merchant, Halifax Charles Hill, Jr. - Merchant, Halifax	Joseph Cottingham Bates, Liverpool, N.S.
33. <u>Lively</u> Joseph Bartlett (Master)	July, 1814	Liverpool, N.S.
34. <u>General Smyth</u>	No letter of marque	Province of New Brunswick
35. <u>FLY</u>	No letter of marque	St. John's, Newfoundland
36. <u>Brunswicker</u> (Ex. U.S. Revenue Cutter)	No letter of marque	Province of New Brunswick
37. <u>Hunter</u>	December, 1812	Province of New Brunswick

Name of Vessel

Bond

Owners

38. Star
Caleb Seely (Master)

No letter of marque

St. John, N.B.

39. Union

20 November 1812. - £1500
William Ward - Merchant, St. John
John Atkinson - Merchant, St. John

George Younghusband, St. John, N.B.
Samuel Miles, St. John, N.B.
William Robert Boyd, St. John, N.B.
John Atkinson, St. John, N.B.

40. Telegraph

No letter of marque

Liverpool, N.S.

41. Comet

No letter of marque

St. John, N.B.

Sources: Investors and bondsmen listed in P.A.C., RG8, IV, Vol. 139-40. Letters of Marque 1798-1815.

APPENDIX 3PRIZE CASES

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
1. Middlesex (Ship) (Br. Lic.)	Ship/325	8 July	Liverpool	New York	Liverpool Packet	Restored Cost £52.11.10
2. Penelope (Snider, p. 225)	Brigantine/ 291	13 August Recapture	Demarara	Halifax	Gen. Smyth	Cargo Only Condemned
3. Factor (Snider, p. 15)	Ship/291+	7 September	Oporto	Norfolk	Liverpool Packet	Cost £247.15.1 Ship Only Condemned
4. Reward (Br. Lic)	Brigantine/ 182	10 October	Salem	Lisbon	Gen. Smyth	Condemned Cost £968.9.6
5. Union	Schooner/105	14 October	Philadelphia	Kennebunk	Liverpool Packet	Droit of Admiralty Cost £115.4.8
6. Polly	Schooner/85	14 October	Charleston	Boston	Liverpool Packet	Droit of Admiralty
7. Four Brothers (Snider, p. 19)	Schooner/134	16 October	Waldoborough	New York	Liverpool Packet	Droit of Admiralty
8. Little Joe	Schooner/78-	17 October	Boston	New York	Liverpool Packet	Droit of Admiralty
9. Economy (Snider, p. 32)	Brigantine/ 80	18 October	Alexandria	Boston	Liverpool Packet	Droit of Admiralty

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
10. Anson	Schooner/97	19 October	Boston	Baltimore	Liverpool Packet	Droit of Admiralty
11. Edward & Hiram	Schooner/108	10 November	Nantucket	Kennebunk	Liverpool Packet	Droit of Admiralty
12. New Forge	Schooner/47	11 November	New York	Boston	Liverpool Packet	Droit of Admiralty
13. Lucretia	Schooner/97	11 November	Boston	Savannah	Liverpool Packet	Droit of Admiralty
14. Julian	Schooner/89	13 November	Boston	Albany	Liverpool Packet	Droit of Admiralty
15. Chase	Schooner/98	9 December	Portland	Norfolk	Liverpool Packet	Droit of Admiralty
16. Fenelon	Schooner/109	16 December	Baltimore	Boston	Liverpool Packet	Droit of Admiralty
17. Eliza	Schooner/98	16 December	Philadelphia	Boston	Liverpool Packet	Droit of Admiralty
18. Susan	Sloop/40	17 December	Alexandria	Boston	Liverpool Packet	Droit of Admiralty
19. Dove	Schooner/77	17 December	Philadelphia	Boston	Liverpool Packet	Droit of Admiralty
20. Two Friends	Schooner/32	17 December	Baltimore	Boston	Liverpool Packet	Droit of Admiralty

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
21. Columbia	Schooner/87	18 December	Richmond	Boston	Liverpool Packet	Droit of Admiralty
22. Three Friends (Br. Lic.)	Schooner/66	18 December	Baltimore	Boston	Liverpool Packet	Droit of Admiralty
<u>1813</u>						
23. Rising Sun	Schooner/75	4 March	Edentown, N.C.	Barnstable	Sir J. Sherbrooke	Condemned
24. Friendship (Br. Lic.)	Schooner/115	5 March	Oporto	Boston	Liverpool	Condemned
25. General Green	Sloop/83	8 March	Boston	Albany	Liverpool Packet	Condemned
26. Lawry	Schooner/104	9 March	Boston	New York	Liverpool packet	Condemned
27. Reliance	Sloop/57	10 March	Boston	New York	Liverpool Packet	Condemned
28. Bunker Hill	Schooner/29	10 March	Newbury Port	New York	Liverpool Packet	Condemned Cost £379.8.6
29. Hunter	Sloop/83	11 March	Edgartown	Boston	Retaliation	Condemned
30. William (Br. Lic.)	Schooner/102	12 March	Charleston	Lisbon	Retaliation	Condemned

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
31. Swift	Brigantine/ 157	14 March	Savannah	Providence	Liverpool packet	Condemned
32. Nymph	Schooner/48	14 March Recapture	Yorktown, Va.	Salem	Liverpool packet	Condemned Cost £41.5.0
33. Red Bird	Sloop/56	18 March	Murfrees- borough	Boston	Sir J. Sherbrooke	Condemned
34. Loyal Sam					Sir J. Sherbrooke Matilda	Condemned Cost £90.18.4
35. Three Brothers	Schooner/40	19 March	Baltimore	Boston	Retaliation	Condemned
36. Victory (Br. Lic.)	Brigantine/ 126	19 March	Lisbon	Boston	Retaliation	Restored
37. Apollo	Sloop/54	20 March	N. Carolina	Boston	Sir J. Sherbrooke	Condemned
38. Mary	Schooner/97	23 March	New Haven	Bath	Sir J. Sherbrooke	Condemned
39. Betsey	Sloop/45	26 March	Warren	Havanna	Sir J. Sherbrooke	Condemned
40. Maria Windsor	Schooner/131	29 March	N. Carolina	Eastport	Sir J. Sherbrooke	Condemned
41. Betsey	Sloop/45	31 March	Providence	New London	Sir J. Sherbrooke	Condemned

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
42. Fame	Sloop/?	1 April	Newport	New York	Sir J. Sherbrooke	Condemned
43. Union	Schooner/95	3 April	Warren	Havana	Sir J. Sherbrooke	Condemned
44. Defiance	Sloop/104	4 April	Wiscasset	New York	Liverpool Packet	Condemned
45. Lydia	Schooner/113	4 April	Warren	Havana	Liverpool Packet	Condemned
46. John	Brigantine/ 131	5 April Recapture	New York	Portland	Liverpool Packet	Condemned
47. Belfast	Schooner/124	7 April	Boston	Penobscot	Retaliation	Condemned
48. Frederick Augustus (Br. Lic.)	Ship/328	9 April	Cadiz	Newport	Sir J. Sherbrooke	Restored Costs ££60
49. Consolation (Br. Lic.)	Sloop/71	15 April	New York	Nantucket	Liverpool Packet	Condemned
50. Portland	Schooner/64	16 April	Newburn	Boston	Retaliation	Condemned
51. Patty	Schooner/76	18 April	Portland	Long Island	Retaliation	Condemned
52. Carline	Schooner/25	18 April	N. Carolina	Manchester Mass.	Sir J. Sherbrooke	Condemned
53. Richmond (N.B. Lic.)	Brigantine/ 150	19 April	New York	Eastport	Retaliation	Restored

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
54. Paulina	Schooner/109	20 April	Norfolk	New York	Sir J. Sherbrooke	Condemned
55. Sibae	Brigantine/ 115	23 April	Savannah	Boston	Crown	Condemned Cost £234.16.4
56. Richmond	Schooner/94	25 April	Cuba	Rhode Island	Retaliation	Condemned Cost £107.5.0
57. Susanna & Lucy	Schooner/117	2 May	N. Yarmouth	Portsmouth, N. Hampshire	Liverpool Packet	Condemned Cost £93.11.8
58. George Washington (Br. Lic.)	Schooner/105	3 May	Bermuda	New Haven	Retaliation	Restored
59. Columbia	Brigantine/ 98	15 May	Savannah	Boston	Sir J. Sherbrooke	Condemned Cost £91.18.4
60. San Gabriel	Brigantine/ ---	19 May Recapture	Havana	New York	Sir J. Sherbrooke	Restored Cost £181.10.0
61. Paragon (No case)	Brigantine/ ---	19 May	Aberdeen	N. Brunswick	Sir J. Sherbrooke	Cost £3571.18.10 £291.16.8
62. Gen. Hodgson	Sloop/61	19 May	-----	Martinique	Sir J. Sherbrooke	Cost £187.1.10
63. Governor Plumer	Schooner/91	27 May	New York	Lisbon	Sir J. Sherbrooke	Condemned Cost £58.15.0

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
64. Joanna (Br. Lic.)	Schooner/48	1 June	Boston	Eastport	Dart	Condemned Cost £73.6.4 Deducted from sale of cargo
65. Washington	Schooner/65½	5 June	Portland	Boston	Dart	Condemned Cost £51.1.8
66. Cuba (Br. Lic.)	Ship/176	6 June	New Haven	Portland	Dart	Condemned Cost £190.10.0
67. Betsey	Sloop/93	6 June	Boston	Waldoborough	Retrieve	Condemned Cost £40.1.8
68. Nymph (Br. Lic.)	Schooner/20	11 June	Boston	Machias	Matilda	Restored Cost £41.5.0
69. Packet	Sloop/50	19 June Recapture	-----	-----	Matilda	Condemned Cost £39.16.8
70. Henry	Schooner/89	19 June	Passamaquoddy	Boston	Matilda	Condemned Cost £50.10.6
71. Experiment	Sloop/44	24 June	Boston	Bath	Dart	Condemned Cost £51.5.0
72. Union (Br. Lic.)	Ship/230	26 June	Cadiz	Boston	Dart	Restored
73. Franklin	Schooner/91	3 July	George's Pt.	New York	Weazle	Condemned Cost 64.10.0
74. Mary	Sloop/44	4 July	Boston	Kennebeck	Retaliation	Condemned Cost 106.16.8

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
75. Valeria	Schooner/96	6 July Recapture	Bath	Providence	Retrieve	Condemned Cost 45.18.4
76. Calson (Martinique Lic.)	Schooner/108	6 July	Kennebunk	St. Bartholomew's	Weazle	Condemned Cost 64.10.0
77. Rose in Bloom	Sloop/58	7 July	Saco	Rhode, Island	Retaliation	Condemned
78. Leonidas	Sloop/76	7 July	Frenchman's Bay	Boston	Weazle	Condemned
79. Pilgrim	Schooner/22	8 July	Portland	Eastport	Matilda	Condemned
80. Wasp	Schooner/99	9 July	Kennebunk	Falmouth	Retaliation	Condemned
81. Hannah	Sloop/71	10 July	Frenchman's Bay	Nantucket	Retrieve	Condemned
82. John Adams (Bermuda Lic.) 223	Brigantine/ 223	11 July	Portland	St. Bartholomew's	Retrieve HMS Rattler	Restored
83. Sally	Schooner/34	12 July	Saco	Nantucket	Retaliation	Condemned
84. Harriett	Sloop/38	13 July	Penobscot	Portland	Matilda	Condemned
85. Friendship	Schooner/98	13 July	Union R.	Beverly	Matilda	Condemned
86. Venus	Schooner/72	16 July	Rhode Island	Frenchman's Bay	Matilda	Condemned
87. Randolph (Br. Lic.)	Sloop/33	23 July	Boston	Eastport	FLY	Condemned

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
88. Lively	Schooner/23	24 July	Boston	Penobscot	Fly	Condemned
89. Rebecca	Schooner/64	27 July	Penobscot	Marblehead	Fly	Condemned
90. Polly	Sloop/92	28 July	Boston	Friendship	Fly	Condemned
91. Friendship	No Case	RG 8, IV, VOL. 85			Fly	Condemned
92. Mequait	Sloop/76	29 July	Bath	Portland	Dart	Condemned
93. Dolphin	Schooner/67	29 July	Portland	Boston	Dart	Condemned
94. Mayflower	Sloop/19	31 July	New York	Boston	Matilda	Condemned
95. Freeport	Sloop/58	4 August	Cobapoit	Lynn	Broke	Condemned
96. Caravan (Antigua Lic.) 174	Brigantine/ 174	4 August	Antigua	Penobscot	Retrieve	Restored
97. Minerva	Sloop/43	5 August	New York	Newport	Matilda	Condemned Cost 96.19.10
98. Amelia (Br. Passport)	Sloop/79	5 August	New Haven	N. Brunswick	Matilda	?
99. William	Sloop/40	7 August	Barnstable	(Fishing)	Matilda	Condemned
100. Mary	Schooner/93	7 August Recapture	Boston	Portland	Broke	Condemned
101. Three Brothers	Schooner/94	7 August	Cape Ann	Portland	Dart	Condemned

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
102. Lydia	Schooner/74	7 August	Harwich	(Fishing)	Matilda	Condemned
103. Alligator	Sloop/28	7 August	Barnstable	(Fishing)	Matilda	Condemned
104. Dart	Schooner/14	9 August	Boston	Portland	Broke	?
105. Don Carlos (Sherb. Lic.)	Schooner/118	12 August	Boston	Halifax	Weazle	Restored
106. Dolphin	Sloop/64	16 August	Portland	Boston	Fly	Condemned
107. Diamond (Antigua Lic.)	Brigantine/	16 August	Antigua	Portland	Fly	Restored
108. Samuel	Schooner/71	20 August	Penobscot	Marblehead	Broke	Condemned
109. John & Meriam	Schooner/77	20 August	Buckstown	Marblehead	Broke	Condemned
110. Industry	Schooner/26	20 August	Belfast Massachusetts	Boston	Broke	Condemned
111. Elizabeth	Sloop/?	25 August	Abandoned		Star	Ship Condemned
112. Hero	Schooner/84	29 August	Boston	Kennebunk	Dart	Condemned
113. Minerva (Barbados Lic.)	Schooner/136	30 August Recapture	Barbados	Wiscasset	Weazle	Restored
114. Camden	Schooner/106	31 August	Boston	Penobscot	Dart	Condemned
115. Deborah	Schooner/49	1 September	Chastis	Saco	Dart	Condemned

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
116. Resolution	Sloop/58	7 September	Martha's Vineyard	Wareham	Star	Condemned
117. Mary (Br. Lic.)	Schooner/37	10 September	Boston	Halifax	Wolverine	Ship and part cargo restored
118. Flower	Schooner/26	14 September	Rochester	Manchester	Star	Condemned
119. San Domingo	Ship/197	29 September	St. Bartholomew's	New Haven	George	Part of cargo Condemned
120. Swallow	Schooner/24	13 October	Bath	New Haven	Shannon	Condemned
121. Ann (No case)	120	20 October	Cape Ann	St. Bartholomew's	Retrieve	?
122. Rover	Schooner/42	6 November	Penobscot	Chatham	Shannon	Condemned
123. Judith	Schooner/86	7 November	Belfast	Boston	Shannon	Condemned
124. Tom	Schooner/101	8 November	Kennebunk	Marblehead	Shannon	Condemned
125. Financier	Schooner/57	13 November	Kennebeck	Boston	Shannon	Condemned
126. Enterprize	Schooner/40	8 December	Boston	Philadelphia	Wolverine	Condemned
127. Betty		RG 8, IV, VOL. 78 (no case)			Wolverine	?
128. Betsey	Sloop/98	10 December	Waldoborough	Boston	Wolverine	Condemned
129. Charles	Sloop/75	10 December	Kennebeck	Boston	Wolverine	Condemned
130. Laura Jane	Schooner/73	10 December	Scarborough	Boston	Wolverine	Condemned

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
131. Jane	Schooner/?	10 December	Cape Ann	Boston	Wolverine	Condemned
132. POLLY (Mullins, p. 63)	Schooner/89	10 December	Penobscot	Boston	Wolverine	Condemned
133. Trent (Mullins, p. 63)	Schooner/69	10 December	Bristol	Boston	Wolverine	?
134. Enterprize	Schooner/119	16 December	Boston	Bath	Shannon	Condemned
135. Rubicon	Schooner/98	17 December	Boston	Belfast	Shannon	Condemned
136. Nancy Sanders	Sloop/49	18 December	Rhode Island	New York	Liverpool Packet	Condemned
137. Patriot	Sloop/49	19 December	New York	Newport	Liverpool Packet	Condemned
138. Mary Ann	Sloop/49	22 December	New York	New Bedford	Liverpool Packet	Condemned
Rachel/Richmond		RG 8, IV, Vol. 93			Union	?
<u>1814</u>						
139. Mary	Sloop/89	6 January	Penobscot	Boston	Wolverine	Condemned
140. Victory	Schooner/52	6 January	Penobscot	Boston	Wolverine	Condemned
141. Aurora		RG 8, IV, Vol. 101			Wolverine	

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
142. Ten Brothers	Schooner/104	6 January	St. George	Salam	Wolverine	Condemned
143. Hero	Sloop/71	13 January	Penobscot	Portsmouth	Hare	Condemned
144. Recovery (Br. Lic.)	Brigantine/ 190	15 January	Bermuda	Castine	Hare	Condemned
145. Falun	Schooner/123	21 January	Halifax	Gardner's Bay	Retaliation Liverpool packet	Restored
146. Gustavia	Schooner/89	22 January	St. Bartholomew's	Boston	Retaliation Liverpool packet	Restored Cost 356.9.5
147. Fame	Sloop/35	14 May	Sag Harbor	New York	Retaliation Liverpool packet	Condemned
148. John	Sloop/60	18 May	Salem	Wells	Shannon	Condemned
149. Defiance	Schooner/98	19 May	Prospect	Boston	Shannon	Condemned
150. Ann	Sloop/68	19 May	Passamaquoddy	Boston	Shannon	Condemned
151. Sally	Sloop/36	19 May	Boston	Portland	Shannon	Condemned
152. Lively	Sloop/72	7 June	N. Yarmouth	Boston	Shannon	Condemned
153. Eunice	Sloop/57	10 June	N. Yarmouth	Boston	Shannon	Condemned
154. Two Friends	Schooner/65	11 June	Provincetown	Saco	Shannon	Condemned

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
155. Armistice	Schooner/94	12 June	Boston	Eastport	Retaliation	Condemned
156. Janus (Br. Navy Pass.)	Sloop/27	14 June	New York	Newport	Liverpool Packet	Condemned
157. Adventure (St. Bartholomew Sea Pass)	Schooner/121	15 June	Haiti	Bristol	Liverpool Packet	Restored
158. Strong	Schooner/22	15 June	Cape Ann	(Fishing)	Shannon	Condemned
159. Four Friends	Schooner/28	15 June	Gloucester	(Fishing)	Shannon	Condemned
160. Charles	Schooner/21	26 June	Bath	?	Rolla	Condemned
161. Hope (Mullins, p. 64) ?	Brigantine/	29 June	Teneriffe	London	Rolla	?
162. Defiance	Sloop/62	3 July	New York	New Haven	Liverpool Packet	Condemned
163. Bee	Schooner/27	3 July	Newbury Port	Kennebunk	Rolla	?
164. Hero	Schooner/31	3 July	Newbury Port	Eastport	Retaliation	Condemned
165. Constel- lation	Schooner/31	8 July	Plymouth	(Fishing)	Retaliation	Condemned
166. Boxer	Schooner/25	8 July	Gloucester	(Fishing)	Rolla	Condemned
167. Nancy	Sloop/65	28 July	New York	Providence	Lively	Condemned Fees Cost £74.14.8

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
168. Logan	Sloop/31	29 July	New Haven	New London	Lively	Cargo only Condemned Cost £58.11.9
169. Sukey	Schooner/44	29 July	New Haven	New London	Lively	Condemned Cost £54.2.6
170. Defiance	Sloop/46	3 August	Chatham	(Fishing)	Lively	Condemned Cost £61.2.6j
171. Victress	Sloop/66	10 August	Bridgeport	New York	Liverpool Packet Shannon	Condemned Cost £64.14.3
172. Polly	Sloop/46	10 August	New Haven	New York	Liverpool Packet	Condemned Cost £61.14.2
173. Minerva	Sloop/43	11 August	New York	Bridgeport	Liverpool Packet	Condemned Cost £56.14.1
174. Hope	Schooner/33	16 August	Boston	Machias	Liverpool Packet	Condemned Cost £77.3.6
175. Dove	Schooner/32	28 August Recapture	New York	Provincetown	Lively	Condemned Cost £59.8.6
176. Hiland Hill	Sloop/18	29 August	New York	Newport	Lively	Condemned Cost £60.1.10
177. Planter	Sloop/48	2 September	Dartmouth	(Fishing)	Lively	Condemned Cost £59.11.10

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
178. Dromo	Schooner/27	2 September	Yarmouth	(Fishing)	Lively	Condemned Cost £59.11.10
179. Betsey	Sloop/38	2 September	Nantucket	(Fishing)	Lively	Condemned Cost £59.11.10
180. Industry (Br. Lic.)	Schooner/21	10 September	Halifax	Newbury Port	Lively	Condemned Cost £78.5.2
181. Sand Bird (Br. Lic.)	Jebacco Boat/	10 September	Halifax	Boston	Lunenbury	Cargo only Condemned
182. Lucy	Schooner/31	15 September	Newbury Port	(Fishing)	Lunenbury	Condemned
183. Dove	Jebacco Boat/	21 September	Salem	(Fishing)	Lunenbury	Condemned
184. Minerva	Schooner/136	26 September	Wiscasset	Boston	Lunenbury	Condemned
185. Fylinda	Sloop/40	1 October	Black Rock	Rhode Island	Liverpool Packet	Condemned
186. Dolphin	Schooner/28	22 October	Boston	Bath	Lunenbury	Condemned
187. Eliza Ann	Sloop/50	1 November	New York	Newport	Minerva	Condemned
188. Rachel	Brigantine/ 150	3 November	Portland	Wilmington	Rover	Condemned
189. Ranger	Schooner/85	5 November	Friendship	Bristol	Lunenbury	Condemned
190. Ruth	Schooner/22	9 November	Portland	Portsmouth	Rover	Condemned

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
191. Three Friends	Schooner/25	12 November	Kittery	(Fishing)	Lunenburg	Condemned
192. Jane	Sloop/60	12 November	Boston	Harpwell	Rover	Condemned
193. Cynthia	Schooner/90	2 December	Rhode Island	New York	Rolla	Condemned
194. Lucia (Mullins, p. 32)	Sloop/?	3 December	New York	New Bedford	Liverpool packet Rolla	?
195. Gleaner	Sloop /70	3 December	New York	Hartford	Liverpool packet	Condemned
196. Hope	Sloop/42	4 December	Providence	New York	Liverpool packet	Condemned
197. Fox	Sloop/53	5 December	Newbury Port	Elizabeth N. Carolina	Rover	Condemned
198. Fair Trader	Jebacco Boat/ 30	6 December	New Bedford	New York	Liverpool packet Rolla	Condemned Cost £104.0.3
199. Comet	Schooner/77	13 January	New Bedford	Elizabeth City	Rolla	Condemned
200. Industry	Sloop/36	16 January	New York	Sag Harbour	Rover	Cargo only

1815

<u>Vessel</u>	<u>Type/Tons</u>	<u>Date Captured</u>	<u>From</u>	<u>To</u>	<u>Captor</u>	<u>Judgment</u>
201. Experiment (Br. Lic.)	Sloop/96	21 January	New York	Nantucket	Lunenburg	Restored Cost \$293.19.6
202. Gift	Schooner/41	26 January	Boston	Charleston	Rover	Condemned
203. Atlas	Schooner/40	9 February	Elizabeth City	Newbury Port	Dove	Condemned
204. George	Brigantine/ 172	16 February	Georgetown S. Carolina	New Bedford	Dove	Condemned

Sources: List of prizes compiled from Vice-Admiralty Court records on file in P.A.C., RG8, IV, Vols. 73-114. Additional information contained in P.A.C., RG8, IV, Vol. 115 [(a) 1814 Captures (b) Costs 1798-1799 (c) Schedule of Prize Causes (d) Miscellaneous Court Records] and RG8, IV, Vols. 148-149, Costs 1812-1813.

APPENDIX 4

BILL OF COURT COSTS

Salvage = 1/8 of appraised value less registrar's commission
Cost of certified copy of settlement (£3-4)

	<u>Minerva</u>	<u>Judge</u>	<u>Registrar</u>	<u>Marshall</u>	<u>Cryer</u>
Filing & Entering Affidavit of Prize Master and Filing & Numbering Exhibits			£1.5.0		
Filing & Entering Petition for Monition	£1.10.0		£ 6.8		
Monition, Drafting, Etc.	£2. 0.0		£ 16.8		
Taking Examinations			£1.3.4		
Filing and Entering Allocation	£ 1.10		£ 6.8		
Court Attendance	£2. 0.0		£1.0.0	£1.0.0	£0.11.8
Commission of Sale Drafting	£2.0.0		£ 16.8		
Definitive Sentence	£5.0.0		£1. 3.4		
Decree of Delivery	£2.0.0		£0.16.8		
Taxing Costs	£1.2.3		£ 6.8		
	£17.3.4		£8. 1.8	£1.0.0	£0.11.8
	8.1.8				
	1.0.0				
	<u>11.8</u>				
	£26.16.8				
Advocate: General's Bill	£40. 0.0				
Do. Captor's Attorney	3.10				
Marshall's Bill for Custody	£162.13.7				
Collector's Bill for Do.	£84.15.6				
Inspector's Bill	£ 3.10				
Agent for Captor's Bill	£10.---				
Decree of Delivery and Bill of Costs	£13.4				
	<u>£330.19.1</u>				

(Mr. Heaviside charges £11.0.0)

A true statement - Charles Morris, Adj. Registrar

Source: P.A.C., RG8, IV, Vol. 91 Minerva.

APPENDIX 5STANDING INTERROGATORIES

Sources:

Jameson records the Standing Interrogatories of 1756 as found in Anthony Stikes' (1735-1799) book View of the Constitution of the British Colonies (London, 1783). He refers to later sets of questions being more elaborate such as those in Christopher Robinson's Amiralty Reports, I. and in Marriott, Formulare Instrumentorum (London, 1802). I was unable to find a complete list of questions in any of the documents reviewed. Since the actual case files seem to supply only the answers, I have tried to determine the 34 questions which captive seamen were required to answer by the Vice-Admiralty Court of Halifax at this period. A partial list of six short questions was found in the file of the sloop Friendship, prize to the Matilda. Where applicable, the questions have been used in that form and identified as (F), Jameson's are marked (J). Their original numerical sequence is also indicated.

- (F1) 1. Where were you born and where do you live now? To what Prince or State or to whom are you or have you have been a subject? Are you married? Where do your family reside?
- (F2) 2. Were you present at the time of the taking and seizing the vessel concerning which you are now examined?
- (F3) 3. By what Ship were you taken? In what place latitude or port and in what year, month and day was the Vessel taken concerning which you are now examined; and under what colours did the vessel sail? Upon what pretence were you taken? Were there any other Vessels in sight?
- (F4) 4. Did you belong to the said Ship or Vessel at the time she was taken? In what capacity did you belong to her? What is the Master's name? Where doth he live? And of which State of Government is he a Subject? Married or single?
- (F5) 5. Of what Tonnage or Burthen is the Vessel concerning which you are now examined? What do you know of her? Where was she owned at the time of her capture, and of what country or Government were the owners Subjects or Citizens?
6. Had you any interest in the Ship or Cargo? By whom was this owned? How long have you known the Ship?
7. What was the Vessel's name? Was she ever known by any other name? Did she carry any kind of licence or passport? Where and when did the voyage commence? What was the cargo and where was it loaded?
- (J8) 8. ... what particular sort of lading and goods had she on board at the time she was taken and seized ...
- (J9) 9. Who were the owners of the said Schooner and Vessel and Goods concerning which you are now examined, at the time she was taken and seized? How do you know they were the owners of the said Schooner and Goods at that time? Of what nation are they by birth, and where do they live with their wives and families? And to what Prince or State are they Subjects?

(J10) 10. Was there any bill of sale made to the owners of the said Schooner? In what month or year, and where and before what witnesses was the same made and when did you last see it, and what has become thereof?

(J11) 11. In what port or place was the lading which was on board the Schooner at the time she was taken and seized, first put on board the Schooner? In what month and year was the lading so put on board? What were the several qualities and quantities, and particulars thereof? Whether were the same lading and put on board the said Schooner in one port, at one time, or in several ports and places.?

12. Who owned the cargo and to whom would it go if it were restored?

(J12) 13. How many bills of lading were signed for the goods seized on board the said Schooner? Whether were the same colourable, and whether were any bills of lading signed which were of a different tenor with those which were on board the said Schooner at the time she was seized and taken? And what were the contents of such other bills of lading, and what are become thereof?

(J13) 14. What bills of lading, invoices, letters, or any instruments in writing, or papers, have you to prove your own property, or the property of any other person, and of whom in the Schooner and Goods, concerning which you are now examined? Produce the same and set forth the particular times when, and how, and in what manner, and upon what account, and for what consideration you became possessed thereof.

(J14) 15. Whether was there any charter party signed for the voyage, wherein the Schooner, concerning which you are now examined, was taken and seized? What is become thereof? When, where and between whom was the same made? What were the contents thereof?

(J16) 16. What papers, bills of lading, letters, or other writings, anyway concerning which you are now examined, were on board the said Schooner at the time of the seizure of the said Schooner? Were any of the papers thrown overboard by the person, and whom, and when, and by whose orders?

17. Was the ship ever taken as prize before?
- (U17) 18. What loss or damage have you sustained, by reason of the seizing and taking of the said Schooner concerning which you are now examined? To what value does such loss or damages amount? And how and after what manner do you compute such loss and damage? Have you received any and what satisfaction for such the loss and damage which you have sustained, and when and from whom did you receive the same?
19. Were the Vessel and Cargo insured?
20. Had the Cargo arrived in port safely, what would have become of it?
21. Of what country was the Cargo a product?
22. In what port was the Cargo loaded?
23. Unknown.
24. Did the deponent know of any other papers on board?
25. Was bulk broken?
26. Were there any passengers or British Subjects on board the ship?
27. Were the ship's behaviour and papers true and fair?
28. Did the deponent ever sign any papers?
29. What was the ship's position at the time of capture? Did she make any attempt to alter course?
30. By whom was the Vessel built? To whom was it sold?
31. Were there any guns, armaments, ammunition, warlike or naval stores?

32. Does the deponent know anything further than what has been said?
33. Did the ship ever sail under convoy?
34. Did the ship ever enter or attempt to enter any port under blockade?

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