American Privateering in America's War for Independence, 1775-1783

BY WILLIAM JAMES MORGAN

ALL too frequently and erroneously privateering has been used as a synonym for legalized piracy. Within the time frame of the second half of the eighteenth century and the geographical limits of the Atlantic Ocean, and more particularly American waters, a theme coupling privateering with piracy seems somewhat unfortunate.[1]

Simply defined, piracy was the business of seagoing highwaymen. An outlaw owing allegiance to no man and no state, the pirate plundered indiscriminately without regard for friend or foe. Conversely, the privateersman was a practitioner of a recognized legitimate form of maritime warfare, commissioned and regulated by a government in time of hostilities to prey upon the enemy's seaborne commerce. He was required to post a surety bond to assure good conduct within the bounds of civilized practices and the dictates of humanity.

The British routinely named American privateersmen 'Rebels and Pirates,' and promised the gallows to those taken prisoners. For George Ill's government to have assumed any other posture would have been tacit recognition of American belligerency rather than unruly colonials in revolt. But, the pirate label given to privateersmen was so much rhetoric for home consumption and psychological effect. The hanging threat was never carried out.

Instances of American privateersmen violating the rights of neutrals, and otherwise playing the corsair during the course of the Revolutionary War, are a matter of record. On the whole, however, the vast majority of them adhered to the rules of the game.[2]

1 Professor J. Franklin Jameson had similar reservations about harnessing privateering to piracy: 'It may be objected against the plan of this book, that privateering and piracy should not be cojoined in one volume.' John Franklin Jameson, *Privateering and Piracy in the Colonial Period* (New York, 1923, reprinted 1970), pp. viii-ix.

2 Of the many hundreds of prize cases tried in American admiralty courts only 114 were appealed to Congress for one reason or the other. Revolutionary War Prize Cases; Records of the Court of Appeals in Cases of Capture, National Archives, Washington, D. C.

England's American colonists were essentially a maritime people. Settlement clung to the coast or along the shores of great bays and the tidal waters of navigable rivers. Britain's seventeenth and eighteenth century colonial wars saw eager American privateers take the Royal commission to strike at Spanish and French shipping.[3]

In addition to a historical heritage of privateering activity, the Americans possessed the human and essential material resources required for privateering on a large scale. A ready reservoir of experienced mariners, ships, naval stores and a flourishing shipbuilding industry was available. On the eve of the Revolution, one-third of all vessels in British trade were American-built, and the same percentage of seamen was American.[4]

Thus, when open rupture between England and her North American colonies came in 1775, the urge to unleash privateers was virtually a reflex action. Massachusetts merchants began petitioning for privateer commissions well before privateering was authorized.[5] And, in September 1775 when General Washington, his army besieging the British under General Thomas Gage in Boston, outfitted schooners as small men-of-war to attack enemy supply ships, he thought of his 'fleet' as privateers rather than naval vessels. The General confided to a correspondent that he was 'fitting out several Privateers with Soldiers (who have been bred to the Sea).' He later had disciplinary problems with some schooner crews, and he berated them as 'rascally privateersmen.'[6] Nevertheless, Washington's vessels were not privateers. They carried no privateer commission, for none had as yet been authorized by either the Continental Congress or individual colonies. Manned by officers and troops from the army, operated at Continental expense, the armed schooners were merely an extension of Washington's authority as commander in chief of the army and an integral facet of the military siege of Boston.

Elbridge Gerry, merchant and vocal Massachusetts patriot, illustrated early thinking on privateering in a letter to Samuel Adams dated 9 October 1775:

My attention is directed to the fitting out of privateers, which I hope will make them swarm here. Is it not time to encourage individuals to exert themselves this

3 For the colonial experiences see Jameson, op. cit., and three studies by Howard M. Chapin, *Privateer Ships and Sailors, the First Century oj American Colonial PrivateeTing* 1625-1725 (Toulon, France, 1926); *Rhode Island Privateers in King George's War* 1739-1748 (Providence, 1926); and *Privateering* in *King George's War* 1739-1748 (Providence, 1928).

4 Helen Augur, *The Secret War oj Independence* (ew York, 1955), p. 41.

5 Journal of House of Represent.atives, Massachusetts Archives. See Journal entries under various dates in William Bell Clark and William James Morgan, eds., *Naval Documents oj the American Revolution,* (Washington, 1964-), Vol. 2. Hereafter referenced as *Nav Docs*.

6 George Washington to John Augustine Washington, 13 October 1775, and to Colonel Joseph Reed, 20 Noyember 1775, in *Nav Docs,* II, 436 and 1082.

way? General Gage before the commencement of hostilities destroyed or confiscated the provisions then collecting for the [Continental] army, and can we hesitate at this time about the propriety of confiscating vessels employed by him to infest the coasts, or supply his troops, or can we doubt the propriety of encouraging individuals by giving them the advantage resulting from their reprisals, when it is certain that other plans will not meet with such success as will probably attend this?[7]

Others, Silas Deane for example, feared that failure to enact timely privateering legislation would lead to wanton piracy. He cautioned:

At least Ten Thousand Seamen are thrown out of employ in the Northern Colonies -these with their Owners, and the various mechanics, dependent on this extensive branch of Business cannot possibly long rest easy, in their present destitute, distress'd Situation, their Ships rotting and their Families starving-They will not revolt from the Cause but reprisal being justifiable as well by the Laws of Nature as of Nations, they will pursue the only method in their power for indemnifying themselves, and Reprisals will be made.[8]

Yet, enthusiasm for plunging into privateering was far from universal among American leaders for a variety of reasons. Robert Morris expressed his opposition on moral grounds. 'I have not meddled in this business which I confess does not square with my Principles for I have long had extensive Connections and dealings with many Worthy Men in England and Coud not consent to take any part of their property because the [British] Goverment have seized mine.'[9]

Some objections to privateering were on firmer footing than Robert Morris's economically inspired moral principles. During the opening months of the conflict, while revolt spread like prairie fire throughout the colonies and the last vestiges of British civil authority collapsed, the hope of a rapid reconciliation still remained strong. The myth persisted that the colonists were in rebellion against an evil ministry, not a benevolent monarch and the British people. Since the granting of privateer commissions was the preserve of a sovereign state and could be construed as an act of American independence, sentiment existed in the Continental Congress against this giant step toward a complete break with Britain.

As the fall and winter of 1775 advanced, unfolding events quickened a change in Congressional attitudes. An increasing number of American merchantmen and cargoes was seized by the Royal Navy. Vice Admiral

7 *Nav Docs,* II, 369-7°.

8 Silas Deane Account Book, No. 18c, Connecticut Historical Society, in *Nav Docs,* II, 650.

9 Robert Morris to Silas Deane, 12 September 1776, Silas Deane Papers, Connecticut Historical Society, in *Nav Docs,* VI, 794. It should be noted that Morris ultimately put aside his scruples, and did some 'meddling in the business' by investing in privateers out of Philadelphia. See Charles Henry Lincoln, *Naval Records oj the American Revolution I775-I783* (Washington, 1906).

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Samuel Graves, commanding British naval forces on the North American Station, determined to 'lay waste burn and destroy such Seaport Towns as are accessible to his Majesty's Ships,' to intimidate the Rebels.[10] Falmouth [now Portland, Maine] was subjected to a devastating bombardment. The pro-privateering delegates in Congress could not be held off much longer, and a report on privateering was placed before the legislature for consideration on 25 ovember 1775.

That this drastic move was approached with considerable reluctance and reservations is clear from the constriction placed on the definition of a legitimate prize. Only British warships and transports or supply vessels carrying troops, arms, ammunition and other necessities for the British army and navy in America would be liable to seizure.[11]

Months of indecision ensued until news reached America that Parliament passed, and the good King George had acceded to, the Prohibitory Act forbidding all trade and commerce with the rebellious colonies. This proved to be the catalyst which finally prodded Congress into action. A privateering resolve was adopted on 23 March 1776, just short of a year since the minutemen stood their ground at Lexington and Concord. The legal prize base which, when earlier considered was to be limited to warships and supply carriers, was broadened to 'all ships and other vessels, their tackle, apparel, and furniture, and all goods, wares, and merchandizes, belonging to any inhabitant or inhabitants of Great Britain.'[12] Thereby, war was declared against all of Britain-a war which heretofore had been waged idealistically, albeit unrealistically, against the 'corrupt' North ministry.

Congress neither entertained petitions from persons requesting permission to send out a privateer vessel, nor did it directly issue privateer commissions. These responsibilities were left with the individual colonies. However, a printed privateer commission was adopted by Congress having blank spaces to be filled in with the name of the commander, owners, name of vessel, type, tonnage and number of guns and crew.[13] The blank commissions, signed by the President of Congress, were sent to the 'general assemblies, conventions, and councils or committees of safety of the United Colonies, to be by them filled up and delivered to the persons intending to fit out such private ships of war.'[14]

10 Vice Admiral Graves to Lieutenant Henry Mowat, 6 October 1775. Graves Conduct I. 141-43. British Library, in *Nav Docs*, II. 324-26.

11 Worthington C. Ford, *et. al.*, eds., *fournals oj the Continental Congress* (Washington, 1904-37). III. 371-75. Hereafter referenced as *fCC*.

12 *fCC*, IV. 230-31.

13 *fCC*, IV, 247-48.

14 *fCC*, IV, 251.

As a prerequisite to receiving a commission, the privateer master was required to execute a bond against misconduct in the amount of five thousand dollars if his vessel was one hundred tons or under, and ten thousand dollars if of a greater burden.[15] Again similar to the commission, the bond was a standard Congressional form with blanks to be completed locally. Executed bonds were to be delivered to the Secretary of Congress and default payments made to the President of the same body.

With his Continental commission, the privateer commander was given a set of instructions which he was obliged to follow, and they warned:

> If you, or any of your officers or crew, shall, in cold blood, kill or maim, or by torture or otherwise, cruelly, inhumanly, and, contrary to common usage, and the practice of civilized nations in war, treat any person or persons surprized in the ship or vessel you shall take, the offender shall be severely punished.[16]

Hardly an injunction which would be accepted by a pirate!

A recent student of this period correctly observed: 'An ironic development of early days of the American Revolution was the rapidity with which the new state-makers discovered the need for many of the royal institutions they had taken up arms against.'[17] Here the writer had specific reference to the vice-admiralty courts which the radical colonial element viewed as a prime symbol of British oppression. However, once American privateering was sanctioned, the legal machinery for trial of prize cases had to be put in motion. Congress did not set up a system of national admiralty courts; this was left to each colony/ state to implement. Appeals to Congress from the sentence of local prize courts were allowed.[18]

The old royal vice-admiralty practice was for the verdict to be rendered by the presiding judge. To democratize the new American courts, provision was made for trial by a twelve-man jury. In practice, the system proved to be slow and cumbersome, and was abandoned because 'admiralty law and jury trial had been found incompatible.'[19]

Privateering fever took on epidemic proportions in the wake of Congressional approval. Ambrose Serle, private secretary to Vice Admiral Richard Lord Howe, penned in his journal: 'The Rebels are fitting out

15 Inflation of Continental currency dictated a change in the privateer bond which was made in 1780 to 'twenty thousand Spanish milled dollars or other money equivalent therto.' *ICC*, XVI, 405.

16 *ICC*, IV, 254.

17 Carl Ubbelohde, *The Vice-Admiralty Courts and the American Revolution* (Chapel Hill, North Carolina, 1960), p. 195.

18 *ICC*, III, 374.

19 Ubbelohde, op. cit., p. 201.

every Vessel that can sail for that Purpose.'[20] The commanding officer of H.M.S. *Phoenix* at New York, Captain Hyde Parker, Jr., reported that the Americans were 'exceedingly Assiduous both here and at Philadelphia in fitting out small Privateers, which I am apprehensive will in a very short time Infest this Coast so, that no Vessel unless well Armed will be able to approach this Port.'[21]

The enemy's dire predictions were matched by Rebel elation. 'Privateering is begun,' exalted John Adams, 'and Trade will be opened.'[22] A fellow-Massachusettsite was more expansive: 'The Spirit for Privateering is got to the highest pitch of enthusiasm, almost every Vessell from 20 Tons to 400 is fitting out here [Boston]; they are in great want of Guns, but with what they dig up on Wharfs and at the Corner's of Streets, they have made out.'[23]

How extensively was privateering practiced during the Revolutionary War? Consideration of this question led J. Franklin Jameson to conclude that 'American privateering assumed such proportions as to make it . . . one of the leading American industries.'[24] The number of American water craft engaged in privateering, spanning the size spectrum from heavy ships of twenty or more guns to unarmed whaleboats, defies exact resolution. Surviving records are not complete. Frequently the same vessel changed name, rigging or master, or was issued another commission, and one is unable to determine if she is to be counted as a single ship rather than two. Certainly, American privateer vessels exceeded two thousand and perhaps reached three thousand.[25]

A researcher looking for the total number of captures made by privately armed American vessels in the course of the war will also encounter fragmentary records including those of the admiralty courts. A further complication arises from prize listings which do not reveal the nationality of the capturing vessel, or if the captor was in fact a privateer. One naval historian estimated the number of prizes taken by Massachusetts privateers alone at close to 1,200.[26] Professor Sidney Morse surveyed

[20] Edward H. Tatum, Jr., ed., *The American Journal oj Ambrose Serle, Secretary to Lord Howe, I776-I778* (San Marino, California, 1940), p. 102.

[21] Parker to Vice Admiral Molyneux Shuldham, 29 April 1776, Public Record Office, Admiralty 1/484, in *Nav Docs*, IV, 1312.

[22] John Adams to Cotton Tufts, 29 March 1776. L. H. Butterfield, ed., *Adams Family Correspondence* (Cambridge, Massachusetts, 1963), I, 367.

[23] David Cobb to Robert Treat Paine, 9 September 1776, Robert Treat Paine Papers, Massachusetts Historical Society, in *Nav Docs*, VI, 754-55.

[24] Jameson, op. cit., p. viii.

[25] Sidney G. Morse, 'New England Privateering in the American Revolution: unpublished doctoral dissertation, Harvard University (1941), and Lincoln, op. cit.

[26] Gardner Weld Allen, *Massachusetts Privateers oj the Revolution* (Cambridge, Massachusetts, 1927), p. 53·

the trial libels published in newspapers of six states and found that in the areas studied American privateers sent in 2,106 enemy prizes.[27]

The figures presented here for privateers commissioned and captures made are intended to indicate scope only, but they are adequate to demonstrate that privateering was a major factor in the American war effort. It was far more extensive and successful than the efforts of the regular Continental Navy or the state navies. Now it remains to measure the impact of privateering.

Loss of several thousand commercial vessels, victims of privateers, was not as damaging to British trade as would appear at first view. These ship losses were offset, and perhaps even more than compensated for, by the capture of American vessels. Marine insurance rates in London did escalate. But, though compelled to pay higher premiums, insurance insulated English merchants against total loss. Cargoes, particularly those of a military nature, seamen and sometimes troops taken in prizes made by the Americans were not as easily replaced as the ships.

Marauding American privateers forced the Admiralty to divert warships from home guard and blockade duties to convoying merchantmen and cruising in search of the troublesome Yankees from Nova Scotia to Spanish waters and the African coast.

The spectacular raids and captures by privateers and Continental Navy ships in the seas surrounding the British Isles embarrassed the Royal Navy, caused public alarm and spawned impassioned opposition speeches in Parliament. Although these colorful exploits have been stressed in Revolutionary War literature, the heaviest blow dealt by American privateers was delivered against the British West Indies.

Prior to hostilities the West Indies were largely dependent on North American products for subsistence, and in the words of John Adams: 'The commerce of the West India Islands is a part of the American system of commerce. They can neither do without us, nor we without them.'[28] Cut off by the war, their trade a rich target in the favorite cruising grounds of privateers, and although convinced that the government and the British Navy had not provided them adequate protection against either the French or Americans, the West Indians remained loyal to the Crown and suffered more than the homeland.[29]

27 Morse, op. cit., p. 566. States covered were Massachusetts, Rhode Island, New Hampshire, Connecticut, Pennsylvania and New Jersey.

28 John Adams to Robert R. Livingston, 23 June 1783. Charles Francis Adams, *The Works oj John Adams* (Boston, 1853), VIII, 74.

29 See George F. Tyson, Jr. and Carolyn Tyson, *Preliminary Report on Manuscript Material in British Archives Relating to the American Revolution in the West Indian Islands* (St. Thomas, U. S. Virgin Islands, 1974).

American privateers were a festering and annoying thorn in the British Lion's paw, but they were in no manner the decisive factor in the outcome of the war. Professor Sidney Morse's investigation led him to the conclusion that 'the British nation as a whole was damaged in its pride far more than in its pocketbook,' and it was 'a cry of rage rather than of pain.'[30]

If American privateering did not undo Britain, then I submit that a more germane question would be what contribution privateers made, or did not make, to the United States's struggle for independence. The late nineteenth century historian, Maclay, claimed it was the privateers' 'attack on England's commerce that struck the mortal blows to British supremacy in America-not Saratoga nor Yorktown.'[31] This appraisal is totally unacceptable.

On the negative side, privateers drew off manpower, cannon and other critical needs from the Continental Navy and Army. Privateers were not adverse to signing on deserters from Washington's army or the sea service. Continental Navy vessels languished in port for months on end in need of crews, and seaport areas could not meet their draft quotas for troops. Privateers experienced no such manning difficulties, for the lure of quick fortune through prize money was the magnet.

Yet, privateering did offer an all important outlet for American investment and employment of mariners and ships when the war disrupted the flow of peaceful trade. Prize cargoes sent in by privateers, especially gunpowder, munitions and clothing, were essential to keeping the flame of patriotic resistance flickering during the early war years. Privateers helped open the sea lanes of communication, thus preventing the complete isolation of the colonies. The appearance of numerous privateers in European and West Indian ports, showing the new flag and bringing in prizes, was tangible evidence of America's determination to see the issue through to a conclusion-an implication not lost on France, Spain and Holland.

Guerre de course could not win the war for America, but as acknowledged by Alfred Thayer Mahan, it was 'a most important secondary operation of naval war.'[32] The Americans could harbor no hope of building and sustaining a regular naval force capable of meeting Britain's Navy in the line of battle. Although the small navy established by Congress signified national unity of the thirteen states, whereas privateers

30 Morse, op. cit., pp. 262-63.

31 Edger Stanton Maclay, *A History oj American Privateers* (New York, 1899), p. xi.

32 Alfred Thayer Mahan, *The Injluence oj Sea Power Upon History I660-I783* (12th edition, Boston, 1918), p. 539, and quoted in Morse, op. cit., pp. 535-36.

represented individuals only, the achievements of the Continental Navy weighed lightly on the military balance sheet of the war. The proposition suggests itself, therefore, that instead of competing with privateers for men, equipment and supplies, American decision-makers would have been better advised to have diverted the energy and funds expended on the Continental Navy to the support and encouragement of privateering to the maximum extent possible.

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CHECKMATE

A sailor, out of work, went on board a vessel in harbor and asked the captain for a job. 'Well,' said the captain, handing the sailor a piece of rope, 'if you can find three ends to this rope, I'll give you work.'

The sailor, took one end of the rope and showing it to the captain, said: 'this is one end.' Then he took the other end, and showing it to the captain as before, said: 'and this makes two ends.' Then, taking both ends of the rope, he threw it overboard, saying: 'and there's an end to the rope-that's three.'

He was signed on.

CAPTAIN EDGAR K. THOMPSON U.S.N. (Ret.)