

ECONOMIC FACTORS AND PRIVATEERING AT NEWFOUNDLAND
DURING THE WAR OF 1812

by

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ABSTRACT

Adopting an economic approach to the study of privateering requires that it be judged by the same criteria as any business operation in the period. Studies conducted on ports dependent upon privateering to supplement wartime losses indicate that the presence of a maritime commercial and legal infrastructure facilitated the transition from prewar commerce to wartime privateering. During the late eighteenth and early nineteenth centuries, buoyed by a monopoly in the salt fish trade and an increase in a permanent merchant class, Newfoundland began to develop the commercial capacity which could have supported a privateering venture.

Yet privateering was not so great a factor in the wartime economy of Newfoundland as in such ports as Halifax and Baltimore. The disparity in Newfoundland's response to the commercial war rests in motivation. At its most elemental, privateering was a commercial undertaking whose gage of success was return on investment. Merchants weighed the risks of losing an entire investment, the costs of litigation and those of outfitting a ship against the potential for windfall profits. For many port towns along the American and Canadian Eastern seaboard the decision to invest in a privateer was easy: to survive merchants had little choice but to invest. In Newfoundland this was not the case. Throughout the war years legitimate profits rose, wages were inordinately high and there was plenty of work for those eager for employment. Privateer investment as a wartime expedient to make up for the loss of prewar business was not found in Newfoundland

in 1812-1815. Newfoundland residents had other, safer and still very lucrative business options. They saw no need to redirect capital or seek alternative employment in privateering.

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Introduction

The study of privateering has, in recent years, adopted new methodologies in an attempt to more fully understand its multi-faceted character. In place of the old-style 'drum and trumpet' approach, where privateering's significance is simply measured as an adjunct to naval strategy fleets, current scholarship has broadened its approach to include the study of its commercial, economic and judicial facets. These works have sought to measure its significance more in terms of the individual entrepreneurs and local economies which participated in the prize war than in terms of its place as a wing of naval combat. The current trend in the study of privateering has been to focus on the effect it had on port towns before and after a cruise, rather than on its high-seas exploits. It has been demonstrated that like many other commercial ventures privateering required the presence of a relatively mature urban infrastructure, complete with a knowledgeable merchant class able to financially direct it, a trained workforce to draw on, and a developed mercantile and judicial infrastructure which supported and regulated in-port operations and its legal visage.

The presence of judicial institutions designed to regulate and monitor the legal aspects of privateering was an essential prerequisite to any large-scale involvement in the practice. As privateering developed throughout the

eighteenth century into a highly-regulated, legalized form of commercial warfare, the presence of an Admiralty or vice admiralty court structure became crucial in the encouragement of investment. These courts provided the potential investor with the legal avenue for obtaining an internationally recognized license, as well as the infrastructure necessary to legally claim a ship and cargo as legitimate prize once it was brought into port.

A common feature of ports which invested heavily in privateering was their strong marine-based economies. Ports which traditionally relied upon the sea trades already possessed an entrepreneurial base well-schooled in the intricacies of a maritime commercial economy and as such were relatively easily able to adopt to a war-time switch to privateering. Recent studies have demonstrated that any successful shift into privateering was not a haphazard decision. The skills and infrastructure required for merchants to succeed in the shipping trades were the same ones required for those looking to privateering to bolster their sagging fortunes as a result of war-time depression. Knowledge of the shipping lanes and where and when to sell captured prizes, the capital required to outfit a heavily manned and armed privateer, the presence of in-port warehouse and storage facilities were all prerequisites necessary to mount a successful privateering venture.

Works which have dealt with Atlantic seaboard ports in the War of 1812 have shown that privateering played a considerable role in sustaining economies throughout the war years. Preliminary works on Newfoundland

economic development in the early nineteenth century suggest that by the War of 1812 Newfoundland was, likewise, in an ideal position to benefit from a war on trade as conducted by privateers. By the second decade of the nineteenth century the island's growth had spawned a local merchant base which required a substantial commercial infrastructure. In addition to her fishery, other areas were also being exploited and sustained by the presence of a rising population. In turn, these developments led to the initiation of a permanent and reliable court system on the island.

In general, the conditions which were present in places of similar characteristics, such as Nova Scotia or New Brunswick, were present in Newfoundland to one degree or another by 1812. However, their response to the prize war was markedly different than it was on the island. The reasons for this discrepancy include geographic and military considerations, but primarily economic factors help to explain the different response. Within the economic character of privateering itself lies the explanation, for the principal motivation for investment in privateering was economic: to compensate for lost revenue due to the naval war merchants looked to reclaim revenue by outfitting private ships of war. In Newfoundland there simply was no need and thus no desire to risk investment in this area because regular business was at an all-time high.

Therefore, an examination of privateering in Newfoundland throughout the War of 1812 serves not only to illuminate this and related aspects of

Newfoundland history in this period, but it also adds to the growing body of scholarship which attempts to understand this facet of eighteenth and nineteenth century warfare in a commercial sense. Despite the fact that there was little privateering off her shores, Newfoundland still presents a clear example of the basic motivation of this branch of commercial warfare. The very fact that there was so little privateering supports the contention that it was first and foremost a commercial operation, motivated by commercial necessity. This necessity was not present in Newfoundland between 1812 and 1815 and as a result privateering was never regarded as a practical business option for local merchants. Instead regular business continued and the local population prospered, with merchants taking the precaution of arming their vessels and leaving the prize war to the ships of the Royal Navy.

CHAPTER 1

THE DEVELOPMENT OF PRIVATEERING ENTERPRISE

Prior to the establishment of large, organized state naval forces, private ships of war were commissioned by the crown with licenses or "letters of marque and general reprisal" to sail against enemy fleets. The letters of marque gave a ship the right to plunder enemy vessels and in return to claim the captured ships and cargoes as a prize. This early, quasi-legal form of naval warfare developed by the seventeenth century into an accepted, well-organized and highly regulated branch of commercial warfare, sponsored by European states as a means of inflicting damage upon an enemy through attacks on their ocean commerce.

With its reliance upon the sea trades, the waters around Newfoundland were often prime hunting grounds for these private ships-of-war, or privateers. As early as 1673, Dutch privateers arrived off Newfoundland to plunder and raid the fishing settlements dotted along the coast.¹ During the French Revolutionary and Napoleonic Wars, Newfoundland fishing and merchant vessels, as well as the island's out-harbours, such as Bay Bulls, Ferryland and St. Mary's on the south coast of the island, suffered repeated attacks by French and American privateers.²

¹. Gerald S. Graham, "Britain's Defense of Newfoundland: A Survey from the Discovery to the Present Day", in The Canadian Historical Review, (Vol. 23, No. 3, Sept., 1942), p.265.

². Ibid., p.277.

While privateers reportedly presented a continual threat in Newfoundland waters and fishing communities throughout the eighteenth and nineteenth century, their effect upon the island and the British response to them remains an area untouched by serious scholarly research. Recent works have shown privateering to be of unquestionable importance as a commercial lifeline for many who engaged in it off the Atlantic coasts of the United States and Canada. The reported frequency of privateering activity off of the eastern seaboard would suggest that to one degree or another the same should be true for Newfoundland, especially considering the importance of ocean traffic to the very life of the island.

In examining privateering between the seventeenth and nineteenth centuries, in Newfoundland or elsewhere, it is difficult to classify it into one particular historical genre. Instead it lies in a grey area, encompassing elements of military, business, legal and commercial history. Until recently the multi-faceted nature of the subject was neglected, with only the military aspect fleetingly acknowledged as historically significant. However, recent research has opened up the study of privateering and broadened our understanding of the commercial relevance of it as well.

While privateering's roots are coincidental with piracy, by the seventeenth century a clear distinction could be drawn between the two. Privateering adopted at least a quasi-legal status internationally and became,

during this period, "the characteristic form of Elizabethan maritime warfare".³

As early as 1357 'letters of marque and reprisal' were issued by the Lord High Admiral through the High Court of Admiralty, in London. By the late sixteenth century this body was made the legal prize tribunal for England, with its jurisdiction technically falling outside the control or influence of the crown so as to maintain the court's objectivity.⁴ By the seventeenth century privateering had evolved into an accepted practice of naval warfare, as its legal status became more entrenched in international law, its procedure was increasingly controlled through government statutes and regulations, and its administration was governed through the Admiralty and vice-admiralty courts.⁵

These courts were responsible for the issuance of licenses necessary to operate a privateer, as well as for the legal considerations of prize captures. In order to engage in the war on trade a ship was required to carry a letter of marque and reprisal from this judicial body, but this did not mean any ship carrying such an authorization was a privateer. Technically, a privateer was a private ship-of-war which was fitted out for one specific purpose, to hunt enemy merchant vessels. A privateer did not carry cargo,

³. Kenneth Andrews, Drake's Voyages, (London, 1970 edn.), p.226-231.

⁴. Nicholas Tracy, Attack on Maritime Trade, (Toronto,: University of Toronto Press, 1991), p.11.

⁵. Carl E. Swanson, Predators and Prizes: American Privateering and Imperial Warfare, 1739-1748, (Columbia: University of South Carolina Press, 1991), p.34.

it usually had a larger crew than a merchant ship so as to overpower an enemy, and the crew generally received no wages but instead a share of the prizes taken.⁶ State naval vessels also carried letters of marque, which were routinely issued upon the declaration of hostilities.

Other private merchant vessels also carried letters of marque, for defense against possible attack or in an offensive role should the opportunity to capture an enemy ship present itself. However, their main purpose was not to engage an enemy. These private armed, or 'letter of marque' traders, carried on their regular function as merchant traders, but were fitted with ordinances and larger crews than usual. The crew were paid their regular wages which could be supplemented if a prize were taken.⁷ Despite being the "quieter arm of the private service,"⁸ letter of marque traders served a vital function during war by maintaining coastal and international trade, keeping supplies coming into port (which in turn helped to outfit privateers), preserving trading routes, and sustaining local businesses.

⁶. Commander J.W. Powell, Bristol Privateers and Ships of War, (Bristol: J.W. Arrowsmith Ltd., 1930), p.xvi-xvii.

⁷. Richard Winslow III, Wealth and Honour: Portsmouth During the Golden Age of Privateering, 1775-1815, (Portsmouth, N.H.: Portsmouth Marine Society, 1988), p.2.

⁸. Jerome R. Garitee, The Republic's Private Navy, (Middleton, Connecticut: Wesleyan University Press, 1977), p.166.

Most early works dealing with aspects of naval history tend to concentrate on battle fleets and their impact upon war in general. Judged by this criteria, privateering has most often been viewed at best as insignificant and at worst as an irrelevant sideline which only served to profit the individual privateersman.⁹ Specific works on the subject have done little more to illuminate either the motivation or impact of privateering. In fact, most early works were long on narrative but short on analysis and have simply served to propagate the myth of the privateersman as a swashbuckling rogue, little different than a pirate. As a result its true importance and significance on a national, regional or individual level has often been misconceived or totally neglected.¹⁰

⁹. Sir Herbert Richmond's, The Navy in the War of 1739-1748, G.S. Graham's, Empire of the North Atlantic: Maritime Struggle for North America, James Hanna's, History of the War of 1812 Between Great Britain and the United States of America, and Theodore Roosevelt's, The Naval War of 1812, are each excellent survey's of naval warfare in the eighteenth and nineteenth centuries. They do not, however, view the impact of a naval war by any other standard than its utility as a destroyer of capital ships.

¹⁰. William P. Sheffield's, Privateersman of Newport, (1883), Edgar Stanton Maclay's History of American Privateers, (1899) and Howard M. Chapan's, Rhode Island Privateers in King George's War, 1739-1748 (1926), are examples of early studies of privateering which portrayed the privateersman in this fashion. Later works, such as Walter Minchinton's article in Course et Piraterie: Etudes presentees a la Commission Internationale d'Histoire Maritime, (Paris, 1975), "Piracy and Privateering in the Atlantic, 1713-1776", underscores the long held interpretation of the insignificance of privateering to the maintenance of commerce and trade in eighteenth and nineteenth century warfare.

Contemporary works in this area have gone beyond simply recounting the 'myth' of privateering's swashbuckling adventures, and sought to determine its impact as a commercial operation. Contrary to the impression created by early treatises, the object of privateering was to make a profit, not to engage in battles which could cost a merchant a large portion of his investment. Consequently a captain would avoid engaging an enemy which could put up a prolonged defence. Thus to judge this aspect of naval warfare by the strategic standard of traditional warships does not take into account its true purpose or significance as a branch of naval warfare, or as a maritime, commercial investment in port towns adversely affected by war in this period.

Paul Kennedy's, The Rise and Fall of British Naval Mastery, was one of the first works to examine the role of war on trade as part of a comprehensive British war strategy, and to attempt to understand its larger role and purpose as a component of the British mercantile system. Kennedy examined British naval strategy in a way later authors would privateering; he adopted a holistic approach which went beyond a concentration on single naval engagements between large navies. As Kennedy stated in his preface, the main purpose of his work was to,

place the navy...within a far wider framework of national, international, economic, political and strategical considerations.¹¹

According to Kennedy privateering formed a vital component of Britain's and France's war efforts throughout the sixteenth to nineteenth centuries. For Britain privateering was part and parcel of her mercantilistic system of conducting war for the purpose of expanding her commercial enterprise through the acquisition of colonies and trade, while at the same time allowing her navy to 'pay for itself' through the use of letters of marque issued to Royal Naval vessels and private ships of war. Peter Raban makes the point as well, stating that "letter of marque ships were...primarily engaged in sustaining and developing trade as new markets opened."¹²

Therefore as a function of the mercantilism system, privateering served a vital role in helping to sustain and even enhance the prosperity of a nation during war. According to Kennedy, the idea of taking advantage of wars to enrich a nation's wealth by increasing control of colonies and trade was an essential function of privateers. This idea is borne out in the British policy throughout much of the Napoleonic and Revolutionary Wars. By maintaining a policy of commerce destruction Britain was able to sustain and even increase,

¹¹. Paul M. Kennedy, The Rise and Fall of British Naval Mastery, (London: Penguin Books Ltd., 1976), p.xv.

¹². Peter Raban, "Channel Island Privateering, 1739-1763," in International Journal of Maritime History, (Vol 1, No.2, December 1989), p.292.

those resources, on which depend[ed]...naval superiority and at the same time diminish or appropriate [those] which might enable the enemy to contend with [Britain] by cutting off the colonial resources of [the] enemy as it would be that of a general of a great army to destroy or intercept the magazines of his opponent.¹³

In his work, Attack on Maritime Trade, Nicholas Tracy supports the contention that attacks on trade had unquestionable value by denying the enemy access to the supplies required for operations. Beyond this, attack on trade held long-term advantages by gaining for the victor substantial revenue through the command gained of trade goods and markets, as was the case for Britain in its sixteenth century wars with Spain and its eighteenth century wars with France.¹⁴

In keeping with a broader understanding of this aspect of privateering, other recent works have begun to recognize the link between privateering's commercial function and its strategic utility. G. Symcox's "Admiral Mahan, the Jeune Ecole, and the Guerre de Course", disputes the long-held belief that privateering was a strategic non-entity. Like Paul Kennedy, Symcox takes issue with the view espoused by the Mahanian school which views privateering, at best, as a peripheral, essentially ineffective, method of naval warfare. Symcox finds within its primary role of capturing and destroying enemy commerce, an important function of

¹³. Quoted in Kennedy, p.128-9.

¹⁴. Tracy, p.4-9.

eighteenth century warfare which can not be easily overlooked or brushed aside.¹⁵ In this sense he agrees with Kennedy that as a function of overall strategy privateering was much more than a sideline, for it served the wider aims of the war on trade in general which were employed by Britain in the wars of the seventeenth, eighteenth and nineteenth centuries.

Nicholas Tracy also demonstrated that at its root, the war on trade was a function of the mercantilism system. He disagrees with Kennedy and others however when it comes to the effectiveness of privateering as a war winning strategy. According to Tracy, British and French trade

suffered depredations in time of war which were not compensated by the small profits of privateering, but in terms of mercantilist economic warfare the important considerations were those of which nation of traders suffered more in times of war, and which acquires greater long-term advantages from the conflict.¹⁶

Tracy contends that attacks on trade held little influence on the course of events in war. Direct profit was the prime motive, although some residual effects could be gained under certain circumstances, by denying the enemy access to materials, supplies, or markets.¹⁷ Even the substantial effort put into *guerre de course* by the French against the huge British merchant fleet, while possibly profitable on an individual level, was not an effective war-

¹⁵. G. Symcox, " Admiral Mahon, the Jeune Ecole, and the Guerre de Course," in Course et Piraterie, (Paris, 1975), p.676-701.

¹⁶. Tracy, p.63.

¹⁷. Ibid., p.30-31.

winning strategy because of its dependence upon "private commercial motive[s which] reduced the strategic and macro-economic utility of the French guerre de course because armateurs did not" jointly operate as a naval force.¹⁸

Tracy's assessment is at variance with works such as Kenneth Andrew's which viewed war on trade as an essential component of Britain's seventeenth century ascendancy into a world power. According to Andrew, initial British forays into privateering against the Spanish in the sixteenth century held as much strategic as commercial significance, in fact the two could not easily be separated.¹⁹ The use of private armed vessels by the British against the much superior Spanish navy was the only way Britain could hope to inflict any damage upon her. In this sense the author adopts Mahan's belief that privateering was the only means by which the weaker naval power could hope to compete with large, regular naval forces in times of war.²⁰ For Andrew this was the case. Since Great Britain did not have the means to defeat Spain, the investment in private armed vessels by

¹⁸. Ibid, p.53.

¹⁹. Kenneth Andrews, Elizabethan Privateering, (Cambridge: Cambridge University Press, 1964), p.94.

²⁰. Alfred T. Mahan's seminal works, The Influence of Sea Power on History, (Boston: Little, Brown and Company), 1890, and Sea Power in its Relation to the War of 1812, (New York: Greenwood Press), 1903, both hold that privateering and war on trade were insignificant as a war-winning strategy. Although he does concede that for a weaker power, such as the United States in 1812, it did help to "dispose the enemy to liberal terms of peace".

merchants and monarchs became an effective means of harassing the enemy. Through the use of privateers to harass lesser Spanish merchant ships, and Spanish settlements in the new world, Britain as well as France were able over time to weaken Spain's hold on the West Indies.²¹

Andrews goes even further in his discussion and attributes Britain's privateering effort, in part, to the development of Britain as a great naval and commercial power. The experience accumulated by British captains and seamen, coupled with the knowledge collected of Atlantic waters helped England gain "command" of the Atlantic over the next two hundred years. The capital amassed by London merchants through the acquisition of windfall profits from privateering ventures also helped to finance larger projects into the future. The Virginia plantation and the East India Company are two examples of ventures which were in part financed by men who had made substantial profits from the Spanish wars. In fact, the profits gained from these ventures amounted to between 10 and 15 percent of English imports throughout the war, and boosted the supply of capital and shipping available after the war. In addition, privateering was in large part responsible for the growth of British trade and the decline of Spanish and Portuguese maritime commerce. British privateers not only destroyed Spanish and Portuguese merchant vessels but indirectly forced their merchant marine

²¹. Andrews, Elizabethan Privateering, p.192.

to tie up for prolonged periods of time, thus enabling Britain to take control of their traditional trading routes.²²

Andrew's assessment of privateering primarily as a commercial venture, and only secondarily as a naval strategy, highlights the true importance and significance of the activity to maritime economies. As a commercial venture Andrew examines all relevant factors to determine its commercial viability to the individuals and communities involved. To discover this he assesses its overall profitability by calculating the capital investment required to put a privateer to sea, versus the profit gained through the capture and auction of prize ships and cargoes. To fully understand its importance the residual effects accruing to in-port industries and professions, and the employment opportunities offered for seamen and ships are then factored in to determine its widespread value to the community.

Borrowing in part from Andrew's thesis, current works have demonstrated that at the micro-economic level attacks on trade by state naval forces and privateers had an enormous effect upon the commercial viability of merchants and individual towns and cities from which it was conducted. From this perspective, privateering's importance as a substitute for regular commercial activity was uppermost and the military utility accruing from this primary function, although inextricably intertwined, was

²². Ibid., p.198, 220, 128 and 226-231.

coincidental. In light of this, most current studies have attempted to determine its significance by viewing it first and foremost as a branch of maritime commerce. While the military utility of privateering nationally and regionally remains debatable, its preeminent commercial function and character has recently been emphasized. In the forward to a recent work on privateering, The Republic's Private Navy, Willard L. Wallace gets to the heart of the issue when he observes,

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.²³

One of the most comprehensive and analytical studies of privateering has been conducted by David Starkey. Like Andrew, Starkey examines the commercial character of privateering.²⁴ Through his analysis Starkey has elevated the study of privateering beyond the early simple, narrative approach, into an exhaustive study which concentrates on the economic aspects of the enterprise as it had developed into a highly regulated, organised and internationally accepted form of warfare by the eighteenth century. Starkey's British Privateering Enterprise in the Eighteenth Century is an extensive analytical work which applies a quantitative methodology to

²³. Quoted in forward to Jerome R. Garitee, The Republic's Private Navy, p.xv.

²⁴. David Starkey has produced an impressive array of work on the topic of English privateering in the eighteenth century, most of which are cited in the preceding pages.

the study of British privateering, to ascertain its effect upon and growth distribution throughout the British Isles. Starkey uses the Admiralty Court Records in tracing privateerings legalistic development up to the wars of the eighteenth century and its development as a fundamentally commercial substitute utilized by those displaced by war.

According to Starkey the widespread reliance on privateering by many English centers reveals its significance to "the maritime economy of the eighteenth century."²⁵ Unlike Andrews, Starkey maintains that while privateering was, by the eighteenth century, important on a 'micro-economic' level, providing needed employment, income, produce and capital to port towns which were being hurt by the war, on a national level it did not add significantly to the British economy. The reasons for this shift are not extensively dealt with, although the disbursement and decentralization of privateering investment into the smaller ports and islands outside of London did produce a greater allocation of profits among a greater number of smaller investors.

Therefore, by the eighteenth century privateering was an important and often vital economic stimulus for English ports hit hard by war. Privateering offered an opportunity for merchants, seamen, and others to earn an income

²⁵. **David Starkey, British Privateering Enterprise in the Eighteenth Century, Exeter: University of Exeter Press, 1990, p.282.**

during a period when regular commercial avenues were closed.²⁶ This was particularly the case for burgeoning and smaller towns outside of London which depended on it as a means of survival and profit throughout the war years.

According to Starkey, in privateering's primary role of interceptor of commercial shipping there rested a strategic value as well. In the 4th Anglo-Dutch War of 1780-1783, Starkey maintains that privateering activity aimed at Dutch commerce "contributed to the military defeat of the United Provinces" through the loss of shipping and cargoes.²⁷ Further, as an auxiliary to the regular naval force Starkey shows it to be of value as a method of inflicting damage on enemy trade,²⁸ as a means of demoralizing French coastal towns through the capturing of coastal vessels, and as a sporadic means of reconnaissance and interception of materiel.²⁹ However, he emphasizes that these were the residual effects which accrued from its main function. According to Starkey, privateering should be viewed first and foremost as a "branch of commerce, as a part of the shipping industry,

²⁶. Starkey, "The Economic and Military Significance of British Privateering, 1702-1783", in The Journal of Transport History, (1988), p.53.

²⁷. David Starkey, "British Privateering Against the Dutch in the American Revolutionary War, 1780-1783", in Stephen Fisher (ed.) Studies in British Privateering, Trading Enterprise and Seamen's Welfare, 1775-1900, (Exeter: Exeter University Publications, 1987), p.16.

²⁸. Ibid., The Journal of Transport History, p.55-7.

²⁹. Ibid., British Privateering Enterprise, p.62.

rather than as a decisive tool of war."³⁰ Thus Starkey emphasizes that its real importance rested in its commercial benefit as a "viable and legitimate option for British shipowners and seafarers for long and regular intervals in the eighteenth century..."³¹, and the effects this had upon the ability of the enemy to prosecute the war.

Drawing upon this theme, an examination of the significance of privateering to local maritime economies has become the pattern for further research into this field. Patrick Crowhurst uses a similar approach in an analysis of the 'epoch' of French privateering, between 1793 and 1815. In his work, The French War on Trade: Privateering 1793-1815, Crowhurst, like Starkey, recognizes the commercial aspect of privateering. Like most recent works, Crowhurst's underscores the fact that privateering could be very profitable, but in stressing its commercial nature he points out that to make a profit required much more than just luck. The time and consideration which went into choosing a captain, a crew, the type of vessel, and where

³⁰. Ibid., International Journal of Maritime History, (Vol.1, No.2), Dec.,1989, p.281.

³¹. Ibid. Starkey bases this conclusion on an examination of the number of enemy seamen captured by privateers versus those taken in by the Royal Navy. According to the author the Royal Navy consistently accounted for as many as 95% of "head money" vouchers throughout the eighteenth century, thus concluding that as a defensive and offensive arm of Britain's naval forces privateers were not a factor.

it would sail, all reflected the business acumen and knowledge of maritime affairs which were essential if a cruise was to be successful.³²

Crowhurst also emphasizes a central issue with regard to the motivation of those who invested in privateering during this period. Due to the British blockade, the merchants of many European and American maritime centers outfitted privateers out of desperation. Dunkirk, for example, commissioned twelve vessels partly because of the "perennial problem of food shortages and other commodities which commerce raiding seemed to offer."³³ The author concluded that the chief motivation of those who became involved was simply to survive as best they could through the acquisition of merchant vessels. Nevertheless, Crowhurst shows that due to the cost of outfitting a vessel, including victuals, armaments, supplies and fees, few French investors realized a profit.³⁴ In short, while French privateering could be lucrative, it was not a secure enough investment to divert capital from traditional investments when these were available. Despite this Crowhurst, like many writers, recognizes that the benefits of privateering

³². Patrick Crowhurst, The French War on Trade, 1793-1815, (Brookfield, Vermont: Scolar Press, 1989), p.94.

³³. *Ibid.*, p.11.

³⁴. Patrick Crowhurst, "Profitability in French Privateering, 1793-1815," in Business History, XXIV (1982), p.52.

went beyond the realization of individual profits. Through its support of peripheral and related port services and industries,³⁵ privateering,

contributed to the profits and in many cases the survival of ship yards, sail makers, a wide range of artisans, the seamen and through all these to the survival of all those within the community at the sea ports who supplied the daily needs of the inhabitants.³⁶

The widespread economic benefits distributed throughout the community as a result of investment in privateering has been particularly emphasized in works regarding colonial America. A host of American writers have seen in the colonial experience different motives, modes of execution and necessity in the investment in privateering endeavours. Carl E. Swanson's approach weds both the economic and military features of colonial privateering to illustrate that it "played the leading role in America's war effort and made a major contribution to British sea power by disrupting Spanish and French commerce."³⁷ Further, it also provided a valuable economic "cushion" for the financial dislocation brought on by the war.³⁸

The overall significance of privateering, then, could only be gauged by measuring its commercial utility for the individuals, ports and states which

³⁵. Crowhurst, The French War on Trade, p.84.

³⁶. Ibid., p.170.

³⁷. Carl E. Swanson, " American Privateering and Imperial Warfare, 1739-48," in William and Mary Quarterly, 3rd series, XLII (1985), p.359.

³⁸. Carl E. Swanson, "The Profitability of Colonial Privateering: Reflections on British Colonial Privateering During the War of 1739-1748," in American Neptune, XLII (1982), p.37.

engaged in the undertaking. After examining contemporary newspaper accounts regarding captures, prize auctions and cargoes, Swanson concludes that privateering could be very profitable. According to Swanson, even if a privateer were to capture an 'average'³⁹ sized prize, the investor(s) stood to gain a return on their investment as high as 130 percent.⁴⁰

The incentive for investment was undoubtedly present in the form of windfall profits, but like any business venture there were risks. Accordingly, one quarter of colonial privateers failed to take even a single prize; three-eighths took only one, and one-half managed four prizes, while only 43 of approximately 500 American privateers and armed traders were successful five or more times.⁴¹ If then a privateer had to take at least one prize for each cruise undertaken to earn as much as 130 percent return, only about half of all privateers realised a return on the initial investment. Thus, while it was potentially very lucrative, the risks of capture, shipwreck, damage or

³⁹. An average prize value as defined by Swanson was viewed as the "gross revenue" of a privateer. This was arrived at by calculating the costs of provisions, the charges for the vessel, the ordanances, and the legal fees required to obtain a licence and try the prize in court, and subtracting this from the amount fetched at auction from the sale of the vessel. Because it is "impossible to present one figure as 'the average cost of provisioning a privateer', Swanson takes the figures available from privateering sloops since they "comprised the largest number of American private men-of-war" and concludes that an annual rate of return for those lucky enough to capture a prize would be "better than 130 percent". Carl E. Swanson, Predators and Prizes: American Privateering and Imperial Warfare, 1739-1748, (University of South Carolina Press, 1991), p.215-219.

⁴⁰. Swanson, in American Neptune, p.55

⁴¹. Ibid., p. 40.

no prizes taken made it a high-risk investment even for the most daring entrepreneur.

The importance of privateering to the development of the 'new' world and local economies has become a major theme, and has been widely written on by amateur and professional historians alike. James G. Lydon and Jerome R. Garitee are two of a host of writers who have recognized the importance of privateering to the economic development of ports involved in the activity. According to Lydon and Garitee, the two American cities most heavily involved in eighteenth and nineteenth century privateering, New York and Baltimore, can trace a large measure of their early commercial development and prosperity to the economic stimulus brought on by these private 'men-of-war'.

Like Swanson, Lydon finds that huge profits were available for those lucky enough to take prizes. In the case of New York, Lydon calculates that those taking a prize could yield as much as 140% profit.⁴² He does emphasize that not all privateers which captured prizes were necessarily profitable, unlike Swanson who maintained that as long as an 'average' prize was taken any ship capturing a merchant vessel usually realized a profit. Lydon makes the point that due to the cost of outfitting a vessel, purchasing victuals, and paying all the fees necessary to sail a letter of marque, the

⁴². James G. Lydon, Pirates, Privateers and Profits, (New Jersey: The Gregg Press Inc., 1970), p.253.

profits made from the sale of a captured vessel and its cargo might not cover the amount of the original investment. For example, many cargoes contained items which either were not in large demand or were readily available anyway, such as fish, salt and furs. When this occurred an investor could lose a substantial portion, if not his entire investment.⁴³

Garitree's work, The Republic's Private Navy, demonstrates the importance of privateering both as a profit-making investment for the investors, as well as a source of income for tradesmen and other in-port support workers. In the case of Baltimore, during the War of 1812 the positive effects on the city as a whole were plainly felt as residual profits accrued even to those with limited involvement in the prize war. In a search for the full effect and influence of privateering on Baltimore during the war, Garitree examines those who invested directly in the business and discerns how these investments filtered out into the community to sustain and even bolster Baltimore's economy to the point that during the war it became America's fourth largest port. It was the predominance of privateering which helped make this possible.⁴⁴ On the basis of the assumption that experienced merchants would only reinvest in an enterprise if it had previously proven to be a sound venture, Garitree identifies those merchants who financed privateering on a consistent basis throughout the war years

⁴³. Ibid, p.63.

⁴⁴. Garitree, p.160-5.

to determine its profitability. Of the two hundred to two hundred and twenty investors involved in privateering throughout the war, Garitee identifies the fifty "active investors" as those most wealthy merchants and the rest as "marginal" or "moderate" investors, comprised of 'lesser' merchants, sea captains, and others in Baltimore. The latter two were characterised as those who invested on only one occasion or those who invested only small amounts in individual cruises.⁴⁵ Garitee concluded that despite its potential profitability, only about one-third of Baltimore's two hundred or so investors in the business "pocketed substantial profits from prize proceeds" and consequently, in general "privateering was not [directly] profitable."⁴⁶ However, this conclusion has to be understood in the proper context.

Apart from the fact that only 58% of privateers and 45% of armed traders sailed profitable voyages, an unprofitable voyage could still benefit a great many people throughout the community. According to Garitee, of Baltimore's 50,000 citizens, 4,250-7,500 benefitted directly from the business in complimentary or support services, such as carpenters, sail makers, seamen, or in a managerial role such as prize agents or ship's husbands.⁴⁷ In total, Garitee estimates that as much as one-fifth of Baltimore's population were positively affected to some degree by privateering.

⁴⁵. Ibid, p.68-9.

⁴⁶. Ibid., p.240.

⁴⁷. Ibid, p.43 and p.240.

Privateering put capital into the city, employed dock workers, craftsmen, lawyers, and clerks, who in turn paid taxes or fees to the city and the state. In short, privateering offered merchants, seamen and others a substitute for the employment customarily gained through regular trade channels.⁴⁸ The fact that it was a substitute is an important distinction made by Garitee when he assessed its overall profitability. While it could be a very lucrative business it could not replace regular business ventures. As Garitee stated,

the private system was not a panacea for the wartime problems of the entrepreneurs. It did, however, provide an outlet for vessels and capital, an opportunity for some profit-making in wartime.⁴⁹

Raban's study of the Channel Island privateering ventures of the eighteenth century looks at the profitability of the business for the islands and its influence upon economic development. As in Garitee's Baltimore, and Lydon's New York, Raban shows how privateering played a significant role in sustaining and developing the local economies of the Channel Islands, through the outfit of vessels, construction of warehouses and wharf facilities and the sale of prize goods. Due to its proximity to France and the Islander's knowledge of the French coastal waters, the war on trade conducted by the small (100-150 tons) channel privateers played a significant

⁴⁸. Ibid, p.36-38.

⁴⁹. Ibid., p.209.

role in the ability of island merchants to maintain some semblance of commercial activity, without which the islands economies would have been at a total standstill.⁵⁰

Like other maritime regions, Eastern Canada and Newfoundland faced similar constraints during war as those described by Garitee, Lydon, Starkey and others, but little research has been conducted to see if the same conclusions apply. C.H.J. Snider's more traditional narrative Under the Red Jack, attempted to go beyond the simple story-telling fashion of early historiography. To this end Snider states that he is attempting to 'rescue' the maritime privateers from the perceived "confusion with either the swashbuckling fashion-plate pirate of fiction or the filthy cut-throat who was the pirate of fact."⁵¹ In this he is at least partially successful. Despite his obvious bias in equating Canadian privateers to the founders of Plymouth colony and their loyalist ancestors, Snider's work does identify many of the vessels involved in the business during the War of 1812, through the use of prize court records, admiralty records, shipping records, and personal correspondences. In spite of the absence of an indepth evaluation of the effectiveness of these privateers either on the war or the towns from which

⁵⁰. Raban, p.293.

⁵¹. C.H.J. Snider, Under the Red Jack: Privateers of the Maritime Provinces in the War of 1812, (Toronto: The Musson Book Company Ltd.,1927), p.6.

they sprang, Snider's work is a useful starting point for any work in this area.

John Leefe's article in the Nova Scotia Historical Quarterly offers a brief, facile look at the subject, which does raise questions about the extent of privateering activity off Newfoundland in the War of 1812. The author supports Snider's and other writers' contentions that as many as thirty prizes were brought to Newfoundland during the War of 1812 by privateers commissioned out of St. John's.⁵² Barry Lohnes' article, "British Naval Problems at Halifax During the War of 1812," while not concentrating specifically on the subject of privateering, offers some evidence of the activity and its effect upon the region. In the absence of an effective British naval force early in the war, Lohnes suggests that maritime privateers, "brought the war to New England [and] help[ed] cripple American commerce..." before Cochrane's blockade of the coast was put into place.⁵³ William S. MacNutt offers a glimpse into the magnitude of Canadian involvement in the prize war by identifying thirty-seven licensed vessels from the five provinces and as many as 207 captured American vessels. Macnutt also makes the point so often lost, that in addition to privateering, armed traders could also be an important component of the war on trade. In the

⁵². John Leefe, "The Atlantic Privateers," in The Nova Scotia Historical Quarterly, (Vol.8, 1978), p.13

⁵³. Barry Lohnes, "British Naval Problems at Halifax During the War of 1812," in Mariners Mirror, (Vol.59, 1973), p.328.

maintenance of regular trade channels, private armed traders were of unquestionable value to communities which were isolated as a result of the presence of enemy ships.⁵⁴

Unfortunately little beyond a cursory treatment of the subject has been tendered by these early works, so they do little to illuminate the question of its effectiveness, profitability and impact upon local economies or regional development. Faye Kert's recent study, however, goes a long way to fill this gap by illuminating privateering's true worth to regional development and sustenance during wartime. Her examination of 'Canadian' privateering, out of Nova Scotia and New Brunswick, during the War of 1812, has admirably followed the style and analytical acumen of writers such as David Starkey, Jerome Garitee and others. Through her use of the vice-admiralty court records of Halifax, Kert has been able to ascertain the extent and effect privateering had upon the maritime region during that war. With the help of these and other primary materials Kert outlines the organization and regional distribution of privateering in the various areas of the maritimes. She then examines its effect both as a commercial lifeline and a military expedient for the commercial and naval sectors of the region.

According to Kert, privateering "brought substantial gains to certain provincial owners and crews, stimulated the local economy by providing

⁵⁴. W.S. MacNutt, The Atlantic Provinces: The Emergence of Colonial Society, (Toronto: McClelland and Stewart Limited, 1965), p.207.

employment, investment opportunities and badly-needed prize cargoes and contributed heavily to the coffers of the customs house and courts."⁵⁵ Furthermore, it actually produced a boom in the economies of the region through the initiation of a "whole new import trade of American goods while exporting prize goods condemned at Halifax."⁵⁶

As a business venture Kert determines that privateering was only carried out as a necessity due to the disruption of regular commercial channels caused by the war. It was also opportunistic in that as long as there was trade to capture investors would risk a cruise. Once this trade began to dry up after the British blockade stymied American shipping, so too did investment in privateering ventures. Consequently, once the incident for prize-making decreased, Nova Scotia investors sought less capital-intensive, hazardous business ventures.⁵⁷ As a matter of business privateering was simply an opportunistic attempt for these merchants to recoup some of their losses sustained due to the war.

An area not yet addressed in the prize wars, by Kert or any other economic or military work, has been its effect and extent, in and upon Newfoundland. Throughout the eighteenth, and back into the sixteenth and

⁵⁵. Faye Kert, "The Fortunes of War: Privateering in Atlantic Canada in the War of 1812." Unpublished M.A. Thesis, Carleton University, 1986, p.10.

⁵⁶. Ibid., p.128-9.

⁵⁷. Faye Kert, "Cruising in Colonial Waters: The Organization of a Privateering Venture During the War of 1812," Unpublished Paper, (March 12, 1991), p.9.

seventeenth, centuries privateers were found off the coast of Newfoundland. French, Dutch and American privateers regularly sought the cargos of ships sailing to, departing from and fishing the coastal waters around the island. However, prior to the nineteenth century there was little privateering launched from the island itself. This was due in large part to the absence of a large, settled population and merchant class which could launch such an enterprise.

By the end of the eighteenth and early nineteenth centuries the increase in permanent settlement and mercantile establishments on the island spawned an infrastructure which could potentially support such a privateering enterprise. In fact, the records indicate that at least fifteen requests for letters of marque were presented to the Newfoundland Governor from 1800-1805. By 1812, both the threat of deprivations from enemy privateers and Newfoundland's ability to launch a retaliatory privateering force had increased with the entry of the United States into the war and the growth of the island's economy. Newfoundland found itself cut off from much of its regular suppliers in the United States. Further, the presence of American privateers off of the coast, especially early in the conflict, hampered the prosecution of the fishery, primarily the offshore bank fishery, and threatened the merchant trade to and from Newfoundland.

The effect of this upon St. John's and the island itself, has been seldom acknowledged by most works on this period. D.W. Prowse's, A

History of Newfoundland from the English, Colonial and Foreign Records and C. Pedley's, History of Newfoundland from the Earliest Times to 1860, both suggest that privateering was a major problem throughout the latter part of the eighteenth and early nineteenth centuries, citing examples of American raids along the coast and vessels taken while engaged in the cod or seal fishery.⁵⁸ Prowse even suggests that there were a significant number of privateers commissioned out of the island, but with the exception of a few anecdotes neither elaborates on the extent or effect of it upon the island.

A more recent study by Olaf Janzen, "The Royal Navy and the Defence of Newfoundland During the American Revolution", illustrates from an earlier conflict the problems evident in Newfoundland during war, especially war with the United States. Janzen examines the obstacles faced by the Royal Navy in its attempt to patrol Newfoundland and protect her trade and fishing fleets from raids and captures by American and French privateers. The difficulty faced by the navy, and one which was exacerbated in the opening months of the War of 1812, was the lack of adequate naval protection for the

⁵⁸. See D.W. Prowse, **A History of Newfoundland from the English, Colonial and Foreign Records**, (London: MacMillan and Co., 1895, pp.350-51 and 387-389, and C. Pedley, **History of Newfoundland from the Earliest Times to 1860**, (London: Longman, Green, Roberts), 1863, pp.221, 227 & 235. Many works touch on the preponderance of French and American privateers off the Newfoundland coast throughout the seventeenth, eighteenth and nineteenth centuries. Example, Carl Swanson's work in the **William and Mary Quarterly**, "American Privateering and Imperial Warfare," states that there were as many as 32 or 40% of N.Y. privateers cruised off of Newfoundland.

numerous isolated village outports, the fishing fleets and the merchant shipping sailing to and from the island.⁵⁹

Just as Halifax was handicapped by the lack of naval support early in the 1812 war, so too were Newfoundland vessels potential prey for American privateers. Consequently, the dilemma faced by merchant traders up and down the Atlantic seaboard of how to weather the interruption and increased dangers posed by privateers now faced Newfoundland merchants. A cursory examination of Newfoundland in this period would suggest that its response to the war should not differ considerable from the numerous other centers in British North America and the United States. Newfoundland was almost entirely dependent upon seaborne traffic for basic supplies and depended exclusively upon it for the export of her produce. With the expected dislocation of the local economy once war broke out it would seem that the outfitting of privateers would play a substantial role for Newfoundland merchants.

Throughout the War of 1812 privateering became big business for New Brunswick and Nova Scotia investors displaced from their regular trades by the war. While Newfoundland was not positioned as advantageously as New Brunswick or Nova Scotia to reap the benefits offered through the

⁵⁹. Olaf Janzen, "The Royal Navy and the Defence of Newfoundland During the American Revolution", Acadiensis, (Vol.XIV, No.1, Autumn, 1984), pp.30-48.

declaration of war by the United States, there were still opportunities available to capture prizes and outfit ships in order to seek rich cargoes.

The necessary requirements to launch a privateering venture were certainly present in Newfoundland by 1812. A large trained workforce, a permanently settled merchant population, with interests to protect and the capital necessary to outfit privateers or armed traders were all present in Newfoundland by 1812. In addition, as in New Brunswick and Nova Scotia, an established vice admiralty court system had also been validated by the turn of the nineteenth century.⁶⁰ With this background, by the War of 1812, Newfoundland was able to accommodate and support a privateering war similar to that which was conducted in the Maritime provinces of Canada and the Eastern United States. A further examination of Newfoundland at the beginning of the War of 1812 offers little in the way of explanation since both her commercial infrastructure and her judicial development up to this period appear to have been able to support the commencement of a privateering enterprise. Surprisingly, the response of Newfoundland and Newfoundland-based merchants did not match that of centers as close even as Halifax. Therefore, a thorough assessment of the Newfoundland example in this period is required to determine what, if any, differences led to such a markedly mild response from Newfoundland merchants.

⁶⁰. Kert, "The Fortunes of War", p.135.

CHAPTER 2

HISTORY OF THE VICE ADMIRALTY COURT IN NEWFOUNDLAND

As was the case in other British possessions, the institutionalization of a vice admiralty court structure in Newfoundland was an essential prerequisite to investment in privateering on the island. As a well-organized, permanent, legally-administered court capable of issuing letters of marque and trying prizes, the court served an integral role in the launching of a large-scale privateering effort. The establishment of a standardized court system, and the vice admiralty court as a component of it, instilled confidence in the efficacy of the judicial system on the island for the merchant community. This was a crucial stimulus in the establishment of a privateering enterprise as it assured the legal and authoritarian adjudication of prizes. As Faye Kert demonstrated in the Maritimes, the development of the court was crucial, for "without a strong potential for profit, and the legal framework for ensuring a fair settlement in the courts..."⁶¹ the enterprise would not have attracted New Brunswick, Nova Scotia or Newfoundland investors.

A vice admiralty court system was established in Newfoundland to provide decisions in matters of revenue, maritime and prize law. Throughout the eighteenth century, however, the court fell into disrepute because it

⁶¹. Kert, "The Fortunes of War: Privateering in Atlantic Canada in the War of 1812", p.135.

routinely assumed authority in all manner of civil, criminal, maritime, revenue and prize cases. In addition, complaints surrounding the organizational structure of the court with regard to its practice of sitting without a jury and linking the fees of court officials to court charges also tainted the reputation of the court. As a result the court was unable to inspire confidence and impose authority because it was viewed as an arbitrary and unauthorised institution.

The developing commercialization of Newfoundland was the catalyst which spurred the scrutinization of the judicial system on the island. By the mid-1780's, the increasing resident population advocated changes to the court structure to fit the changing conditions in Newfoundland. As Sean Cadigan states,

The increasing residence of West Country merchants, or their agents, and the increasingly complex nature of their trade and credit relationships with fishermen, meant that people began to challenge the courts' jurisdiction.⁶²

It was only after the authority of the courts in Newfoundland, including the vice admiralty court, were challenged and their proper functions outlined and legalized, that the vice admiralty court's ability to instill the confidence necessary for investors become realized. The merchant community, which traditionally was the foundation of any privateering enterprise, required a

⁶². Sean Cadigan, "The Economic and Social Relations of Production on the Northeast Coast of Newfoundland", Phd. Thesis, Memorial University of Newfoundland, 1993, p.107.

much more precise profile of the duties and dominion of this court before it would risk investment. With the passage of the "Act for the Establishing Courts of Judicature in the Island of Newfoundland and Islands Adjacent" in 1809, the role and mandate of the Newfoundland vice admiralty court became clearly outlined. The court was established as a permanent, legally sanctioned institution, with a clearly delineated jurisdiction, thus giving it credibility with the merchant community, something it had been lacking since its inception on the island early in the eighteenth century.

The efforts of the British government to establish a court in Newfoundland in the early seventeenth century actually marks the first attempt by London to extend admiralty jurisdiction to the new world. In 1615, Sir Richard Whitbourne was sent to Newfoundland with a commission to hold a vice admiralty court at Trinity and the surrounding harbours during the summer fishery.⁶³ This court was intended to adjudicate maritime disputes between English fishermen in the various harbours.⁶⁴ However, due to the opposition of the merchants of the western ports who controlled the fishery at Newfoundland, Whitbourne's commission was not renewed. With that, the first primitive attempt to create a formal legal structure, through the

⁶³. Gillian T. Cell (ed.), Newfoundland Discovered: English Attempts at Colonisation 1610-1630, (London: The Hakluyt Society, 1982), p.158-159.

⁶⁴. D.G.L. Fraser, "The Origins and Function of the Court of Vice-Admiralty in Halifax, 1749-1759", in Collections of the Nova Scotia Historical Society, Vol.33, p.59-60

establishment of a vice admiralty court system in Newfoundland was abandoned for over one hundred years.⁶⁵

Following Whitbourne's attempt the prizes which were taken off Newfoundland and the disputes arising between local boatkeepers, servants and merchants were not tried in Newfoundland. Instead the prizes captured were sent either to London to be heard before the High Court of Admiralty, or, as the Western Charter of 1633 stipulated, to the vice admiralty courts of Southampton, Dorset, Devon and Cornwall.⁶⁶

The jurisdiction of the British Admiralty Court was initially confined exclusively to Great Britain, with the power to try revenue and maritime causes established through acts of parliament dating from the Navigation Act of 1696 and the Act for the Suppression of Piracy, dated 1698.⁶⁷ The court's third area of jurisdiction - over special Prize Courts - commissioned after the outbreak of war, dates from the French wars in 1689, and was formalized over the next seventy-five years.⁶⁸ However, with the growth of

⁶⁵. Prowse, p.114.

⁶⁶. "Copy of a Representation of the Lords Commissioners for Trade and Plantations to His Majesty, Relating to the Newfoundland Trade and Fishery; dated 19th December, 1718" in Sheila Lambert, House of Commons Sessional Papers of the Eighteenth Century, Vol. 90, (Delaware: Scholarly Resources Inc., 1975),p.3-4

⁶⁷. Helen Crump, Colonial Admiralty Jurisdiction in the Seventeenth Century, London: Longmans, Green and Co., 1931, p.1

⁶⁸. Michael Craton, "The Role of the Caribbean Vice Admiralty Courts in British Imperialism", in Caribbean Studies, Vol.11, No.2, p.7, ftn.# 5.

colonial enterprise, shipping and trade, and the resulting threat from pirates and privateers, it was soon realized that the old system of referring prizes to England was not only inconvenient, but hazardous and at times impossible. As a result, the jurisdiction of these courts was transmitted to overseas colonies and vested within colonial vice admiralty courts. At the close of the seventeenth century vice admiralty courts were established in the American colonies as colonial counterparts to the High Court of Admiralty in London.⁶⁹ These courts were inaugurated, and given authority in local maritime matters, by letters patent issued from the Lord Admiral or by charter from the Crown, with appeals heard in the High Court of Admiralty, the King in Council (later the Judicial Committee of the Privy Council), or for the prize court the Prize Appeals Commission.⁷⁰

It was not until 1736-7 that a vice admiralty court was held in Newfoundland. However, prior to this the need for an apparatus to try pirates and oversee prize cases was recognized with the appointment of a commissioner for the trial of piracy in 1701. The commission included the Commodore of the Newfoundland station, the masters of merchant vessels of more than 200 tons burden, and the captains, commanders, lieutenants

⁶⁹. Lionel H. Laing, "Nova Scotia's Admiralty Court as a Problem of Colonial Administration", in The Canadian Historical Review, Vol.XVI, No.2, p.151

⁷⁰. Foster and Sheppard, National Maritime Museum Listings, Greenwich, Inventory Revision for RG 8, Series IV, p.C430.

and masters of His Majesty's ships. George Larkins was authorized to deliver these commissions and sit as judge of a prize court at St. John's, with a local merchant, Henry Newman, acting as registrar of the court.⁷¹ Early in 1703 a prize agent, Colin Campbell, was appointed to the island to deal with the number of French prizes the British government expected would be taken around Newfoundland.⁷² In 1708, a vice admiralty district was established at St. John's through a warrant issued from the Lord High Admiral, Prince George of Denmark. The warrant stipulated the appointment of a judge, James Smith, a registrar, Bryan Rushworth, and a marshal, Thomas Hayne. This early attempt to extend an Admiralty Court jurisdiction to Newfoundland failed because, according to Smith, it was impossible to enforce the acts of trade without the presence of a permanent government structure through the offices of a resident naval officer and governor.⁷³

With the institution, in 1728, of the naval commander at St. John's as a seasonal-governor, the need for a more formalized, local structure designed to oversee revenue cases, maritime disputes, and adjudicate wartime prizes, was emphasized by local officials. To accomplish this, on September 29, 1735, Governor, Captain Fitzroy Lee, in a letter to the Lords

⁷¹. Ralph Greenlee Lounsbury, The British Fishery at Newfoundland 1634-1763, New Haven: Yale University Press, p.217-218; A.M. Field, "The Development of Government in Newfoundland 1638-1713", Masters Thesis, University of London, 1924, p. 226; and, CO 194/3, p.124.

⁷². PANL, CO 194, Vol.3, fols. 43,64,68.

⁷³. Lounsbury, p.225.

Commissioner of Trade and Plantations, advocated the creation of a vice admiralty court on the island,

I gave strict orders to the Captains who were under my command to do their utmost to hinder ... smuggling and to make seizures of such commodities prohibited and the vessels who imported them according to the said act.(15th Charles.C.7.5.6.) I find the proof very difficult, tho the said wines and brandy are in use every day ashore and tis my opinion that if there was a judge of the Admiralty in this island, it would hinder these abuses, as it would deter masters of merchant ships because their vessels could then be adjudged or condemned on conviction in Newfoundland.⁷⁴

By the next season Lee's suggestion for the establishment of a vice admiralty court on the island had apparently been complied with. Within a year the importance of the court came to be recognized, as Governor Lee's letter to the Board of Trade, dated September 25, 1736 indicates,

In answer to the 7th article of his majesty's Instructions, I have used my utmost endeavour for the due observation of the Act passed in the 15th year of King Charles the Second (for the Encouragement of Trade) pursuant to which act I lately made seizure of a ship in this port, come from Lisbon, who [sic] contrary to the said act, had some wine, oil, and sugar, which he imported here, the said ship was condemned by the Court of Admiralty and sold for 120 (pounds) Sterling at public sale...⁷⁵

The following season Lee again mentioned the presence of a court of vice admiralty at Newfoundland,

⁷⁴. PANL, CO 194, Vol.10, fol.4

⁷⁵. CNS, CO 194, Vol. 10-13, p.25

I hope, by the Court of Admiralty now established here, there will be a stop to the clandestine trade, which has been very much carried on in these parts.⁷⁶

Thus, by 1736-7 a judicial system designed, in part, to oversee and regulate maritime disputes and the Navigation Acts was instituted in Newfoundland as it had been in other British possessions. The court also served a vital role in the stimulation of privateering, serving both as the regulator of privateering ventures and monitor of the prize courts during wartime.

The structure of the system in Newfoundland was modelled on the High Court of Admiralty and was essentially of the same design as that of similar courts in the British Empire. By virtue of a commission granted by the Lords Commissioners of the Admiralty the Governor was given the power of vice admiral of the island and was thus "commissioned to supervise the crown's interest in all maritime matters."⁷⁷ The governor, in turn, was then given the power to appoint judges of vice admiralty, to monitor maritime and prize law, by the authority of the Act for the Suppression of Piracy.⁷⁸ As the commission given to William Carter to sit as judge of the vice admiralty court at St. John's stated, the jurisdiction of

⁷⁶. Ibid., p.53.

⁷⁷. Carl Ubbelohde, The Vice-Admiralty Courts and the American Revolution, North Carolina: Chapel Hill, 1960, p.6.

⁷⁸. PANL, Manuscript Collection, "Graves Papers - Admiral Lord Graves Papers Regarding Newfoundland, 1761-1767", January 14, 1762.

the court included only those cases of a "civil and maritime" nature which occurred

in, upon or by the Sea or public streams, fresh waters, ports, rivers, creeks and places overflowed whatsoever within the ebbing and flowing of the sea or high water mark as upon any of the shores or banks adjoining to them or either of them together.⁷⁹

As in all courts, the vice admiralty judge presided over the proceedings of the court and handed down decisions. In choosing a judge, governors generally looked to prominent lawyers. In Newfoundland, however, merchants customarily held this position because of their influence and the absence of lawyers on the island until the end of the seventeenth century. In Newfoundland the work of the judges was supplemented by deputy commissary's or deputy judges, who were appointed to administer the court in remote harbours far from the primary seat of the Judge of the Court of Vice Admiralty at St. John's.⁸⁰ These courts were controlled from St. John's but held the same prerogative as any vice admiralty court to try maritime and revenue cases, although the prize court function seems to have been the exclusive right of the St. John's court. The Vice Admiralty judge,

⁷⁹. PANL, GN 2/1/A, Vol. 11, pp.225-231.

⁸⁰. PANL, GN 2/1/A, Vol.4, fol.117, 1768. In the case of Newfoundland few records from the vice admiralty courts or these surrogate courts seem to have survived. Although there are references to these courts having been established at Ferryland, Trepassey, Renewes, Placentia, Trinity and Bonivista. For references to these specific courts see: Lambert, p.87; GN 2/1/A, vol.2, fols.121f; GN 2/1/A, Vol.12, fols.44-5; GN 2/1/A, Vol.4, fol.35 and GN 2/1/A, Vol.7, fols. 60-1, respectively.

after consultation with the governor, then appointed the registrars and marshals, who were responsible for the day to day operations of the court. The registrar acted as a clerk of the court, keeping case records, and issuing citations and orders upon the judge's command. The marshal had a function similar to that of sheriff, taking custody of people or goods, serving processes and executing court decrees.⁸¹

Like the High Court of Admiralty in London, the colonial vice admiralty courts were divided into Prize and Instance jurisdiction. Instance took cognizance of commercial disputes, wages, collision and salvage, as well as customs seizures. The court's prize role involved the captures made both by licensed privateers and by Royal Navy ships.⁸² Within this framework colonial vice admiralty courts were designed and intended to try three classes of cases. First, ordinary marine causes, including those in contracts, felonies, treasure trove, anchorage, salvage, collisions, and suits for wages; second, breaches arising out of the Acts of Trade, including smuggling, improper certificates and coquets, and trading in ships not English built or owned; third, during times of war, prize cases.⁸³

⁸¹. Ubbelohde, p.11

⁸². Foster and Sheppard, p. C430.

⁸³. Charles M. Andrews, The Colonial Period of American History, Volume 4, New Haven: Yale University Press, 1964, p.230-238; and, D.G.L. Fraser, p.63.

With the frequency of wars throughout the eighteenth century, the vice admiralty court's function and utility as a prize court became increasingly important and more firmly established.⁸⁴ This was particularly the case in America, where one-third of all cases brought before the vice admiralty courts between 1702-1763 were concerned with prize⁸⁵, and in Jamaica where between 1763-1815, of 3700 cases brought before the court 3400 were prize actions.⁸⁶

In Newfoundland, as in all colonies, the prize court sat only during times of war. Upon the commencement of hostilities, the Crown, under orders-in-council and proclamations, authorized the capture of enemy property. This authorization was then transmitted to the Vice Admirals stationed overseas, who authorized, by warrant, the judges of the courts to issue letters of marque to owners of vessels who wished to participate in the prize war. Once the letter of marque was granted the captain and two sureties appeared before the court to give security.⁸⁷ This security, in the form of a bond of good conduct, declared that the owners would comply by the rules of their commission and that they were worth more than the bond

⁸⁴. Fraser, p.63-64.

⁸⁵. Andrews, p.236.

⁸⁶. Craton, p.5.

⁸⁷. William Hazlitt and Henry Philip Roche, A Manual of the Law of Maritime Warfare, London: V&R Stevens and G.S. Norton, 1854, pp. 113, 116 and 378-379.

posted.⁸⁸ In 1803, a letter of marque was granted at the St.John's court to the Unicorn after her owner, John Velleneusue of Jersey, posted a bond for 1500 pounds.⁸⁹ Velleneusue, as was the custom, then submitted to the court the name of the vessel, its tonnage, names of the owners and master, the size of the crew, its ordnance and shot, the type of vessel and how she was rigged, and what power she was commissioned against.⁹⁰ Once this procedure was completed the governor signed and committed his seal to letters of marque and reprisal and "a warrant under the Great Seal was submitted to the Judge of the Court of Vice Admiralty directing him to issue the Commission."⁹¹

Despite its adherence to a standard procedure and composition, the Newfoundland court did not receive an official patent from the "Commissioners for Executing the Office of High Admiral of Great Britain

⁸⁸. Kert, "The Fortunes of War", p.85.

⁸⁹. PANL, GN 2/1/A, Vol.17, pp.110-117

⁹⁰. Carl E. Swanson, Predators and Prizes: American Privateering and Imperial Warfare, 1739-1748, p.34; Faye Kert, p.85 and PANL, GN 2/1/A, Vol.17, pp.172-175 , pp.192-3. These stated requirements were not always identical but generally they were required the same information. For example, in 1803 Governor Gambier received orders to grant letters of marque on condition that bail and security was paid and "...on issuing each warrant,..insert the name of the commander, and of the ship or vessel...also the tonnage and build of the said ship or vessel, and the number of guns, swivels, cannons, carronades, and the weight of the shot they respectively carry, also the number of officers and men with which the said ship or vessel is manned."

⁹¹. Kert, p.86.

and of our Plantations", as was the custom for the legal establishment of vice admiralty courts in other colonial jurisdictions.⁹² Instead the authority of the vice admiralty court was derived from the Lords Commissioners of Trade and Plantations, who conferred upon the Governor, under article two and seven of his instructions, the power to enforce the Acts of Trade and appoint judges. The Governor's authority to establish a vice admiralty court on the island was consequently not based upon a formal authorization but solely upon the Governor's commission.⁹³

Therefore, despite the fact that all vessels coming to Newfoundland were generally regulated by the admiralty laws, which dealt with piracy, privateering, salvage, etc., "statutory legislation was lacking for most matters which came up."⁹⁴ Without legislative control Newfoundland's judicial institutions were largely "illegally administered and controlled"⁹⁵ more through the power, personality and inclination of the Governor, as Vice Admiral, and often the deputy judges, than upon any formal legal authority.⁹⁶ As a result the court was quite often seen as a means of corruption and

⁹². Leonard Woods Labaree (ed.), Royal Instructions to British Colonial Governors 1670-1776, Volume I, New York: Octagon Books Inc., 1967, p.442f.

⁹³. CNS, CO 194, Vol. 10-13, P.25; and Lounsbury, p. 252.

⁹⁴. Keith Matthews, Lectures on the History of Newfoundland 1500-1830, Lecture XXII, "The Development of Law and its Collapse", (Maritime History Group: Memorial University of Newfoundland), 1973, p.203.

⁹⁵. Ibid., p.201-2.

⁹⁶. Crump, p.132

graft. For example, in 1777 the residents of Bonavista petitioned William Keen, Judge of the Vice Admiralty court, concerning the conduct of George Rider, deputy judge of the court at Bonavista. In their petition the residents stated that they were in "bodily fear" of

what punishments and fines [Rider] will inflict on us as he already began by exacting undue and unjust sums and had it not been for you, he would have given several severe punishments unjustly and undeservedly.⁹⁷

With no formal sanctions to oversee or regulate the jurisdiction of the court, its administration and management was carried out by local officials, who were not always qualified to manage the court or diligent in confining the authority of the court to its proper maritime, revenue and prize functions. As a result, throughout the eighteenth century the Newfoundland court unilaterally enlarged its control to encompass all manner of cases outside its intended jurisdictions. This action contributed to the lack of confidence and conviction in the authority of the vice admiralty court felt by Newfoundland merchants and others throughout the eighteenth century. These problems were compounded by procedural issues concerning the operation of the court, which further heightened the distrust felt by merchants.

The most troublesome procedural problems with the court in Newfoundland concerned the traditional common law practice of trial without

⁹⁷. PANL, GN 2/1/A, Vol.7, fols. 60-1

jury and the manner in which court officials derived their salaries. Both of these issues brought into question the court's perceived impartiality, because; one, plaintiffs did not feel as if they were properly represented by a jury of their peers; and, two, because court official's salaries were largely dependent upon the revenue generated from fees levied in the court.⁹⁸

In Newfoundland the income of court officials was drawn from specific court charges which were levied at each stage of the proceedings; often much of the financial reward by a plaintiff was consumed by these charges. For example, John Power, a local merchant, won a suit in the St. John's vice admiralty court over another merchant Michael Hanlan in 1793. Hanlan's goods in question were seized and sold by order of the court for £5/7/10. However, the court charges in the case amounted to £6/8/6. Consequently, the court charges amounted to more than the goods in question, leaving

⁹⁸. While the court fees were a major source of income for court officials, the judges also supplemented their incomes from the maritime traffic of the port. For example, all vessels arriving in port paid the Judge of the Admiralty ten shillings, the clerk five shillings, and the constable one shilling. The court also received fees from ships when they cleared for European ports. The charges were dependent upon their size and cargo, but generally the judge received, 18s 4d, his clerk, 11s 8d, and the constable, 1s 8d. All deck vessels employed solely in the winter fishery incurred further charges which were paid on a yearly basis. The judge received, 1s 8d, the clerk 1s 3d, and to the constable 2 1/2d. SEE: Lambert, Vol.90, "Second Report from the Committee Appointed to Enquire into the State of the Trade of Newfoundland, April 24, 1793", p.197.

Power with the satisfaction of a favourable ruling but little in the way of financial gain.⁹⁹

In addition to the excessive fees charged for court cases, this method of payment of court officials was often perceived by the merchant community as unjust and open to corruption, thereby placing the court itself under suspicion. The practice of using court charges to pay the salaries of court officials created fundamental problems in the perception of the court's integrity, in Newfoundland and throughout the British Empire. As Jamican historian Edward Long stated, this practice cast a shadow over the system in general throughout the eighteenth century, for "having no salaries [officials] consult[ed] nothing but their fees, and prostitut[ed] the dignity of the courts."¹⁰⁰ Governor Milbank, in a letter to the Lords of the Committee of Privy Council for Trade, certainly found this to be the case. In his letter, the governor reported that the extravagant fees charged in the court at St.

⁹⁹. Michael Hanlon's goods seized at the suit of John Power, by order of the Court of Vice Admiralty and sold for £5/7/10.
Expense of Sale £-/3/10
Paid into the hands of the Registrar £5/4/-

CHARGES

Admiralty Warrant £1/1/-
Two Affidavits £-/10/-
Decree of the court £2/12/6
Marshal for having charge of goods £2/5/- £6/8/6
BALANCE £ 1/4/6

Lambert, Vol. 90, p.106, "Letter from Admiral Milbank to Office of Committee of Privy Council for Trade", March 11, 1793"

¹⁰⁰. Quoted in Crump, p.159.

John's were universally condemned by merchants and servants alike. After investigating the situation Milbank remarked that due to "the exorbitancy of its fees" the Court of Vice Admiralty was "held in abhorrence by the whole island".¹⁰¹

Another impediment to a credible and reputable vice admiralty court system on the island was the universal complaint lodged throughout the colonies of trials without juries. Due to the perceived problem of forming an impartial jury in the colonies against trade and revenue violations, the Navigation Act of 1696 stipulated that vice admiralty courts had equal jurisdiction with the common-law courts in trade and revenue cases.¹⁰² Thus, in Newfoundland as elsewhere, the vice admiralty courts traditionally applied civil law and sat without a jury.¹⁰³

As in the mainland courts this was complained of by many in business at Newfoundland as a violation of a natural right as a British citizen. Consequently, prior to Admiral Campbell's administration the merchants of Poole and Dartmouth continually denounced the court to the Privy Council

¹⁰¹. Lambert, Vol. 90, p.45.

¹⁰². Ubbelohde, p.15.

¹⁰³. Kinvin L. Worth, "The Massachusetts Vice-Admiralty Court", in George Athan Billias (ed.) Selected Essays: Law and Authority in Colonial America, Barre: Barre Publishers, 1965, p.32.

for Trade, because decisions were made on their property without the benefit of a trial by jury.¹⁰⁴

By the last two decades of the eighteenth century the need to modify the two outstanding issues of trial without jury and salaries was being recognized by local officials. Upon recommendation by these officials, steps were initiated to alleviate some of the concerns of the merchants involved in the Newfoundland trade and fishery. Admiral Campbell's reply to a Minute in Council, dated January 25, 1786, bears this out,

The fees of the vice admiralty court have been complained of as exorbitantly high; nor is it likely they will be otherwise, while the judge has nothing else to depend on for his support. For this reason the Admiral is of opinion, that it would be proper to limit the fees of the court, and to allow the Judge a competent salary.¹⁰⁵

According to Messrs. Ougier and Newman, two prominent merchants involved in the Newfoundland trade throughout the eighteenth and nineteenth centuries, the vice admiralty court had consistently charged excessive fees prior to the passage of the 1786 "Act for the Encouragement of the Fisheries Carried out from Great Britain, Ireland and the British Dominions in Europe..." (Stat. 26, George III). This act attempted to curtail some of the excesses of the system by limiting the fees which could be

¹⁰⁴. Lambert, Vol.90, p.104, "Letter from Admiral Milbank to Office of Committee of Privy Council for Trade" March 11, 1793.

¹⁰⁵. Ibid., p.433-434, "Minute of Council", January 25, 1786.

charged and the costs which could be claimed by the successful plaintiff.¹⁰⁶

A further measure intended to alleviate some of the perceived biases of the court was the institution of a set salary for judges. By 1787, the judges were receiving a salary of 200 pounds per annum, (in 1809-1810 this was raised to 500 pounds) second only in pay scale for government officials in Newfoundland to the Governor himself.¹⁰⁷

The problems associated with the absence of juries in the vice admiralty court was also recognized and dealt with by British authorities. Juries were first introduced in the Newfoundland court during the tenure of Vice Admiral Campbell's administration, which began on July 31, 1782. During his tenure Campbell had decided to summon juries for the vice admiralty court due in large measure to the objections of merchants concerning the imperious nature of the court's rulings.¹⁰⁸ This became a regular practice after Campbell left Newfoundland, for Governor Admiral Milbank stated in a letter to the Office of Privy Council for Trade on March 11, 1793 that,

¹⁰⁶. House of Commons Sessional Papers: Bills, Vol.XVI, Card Number 514, p.27 - 520, p.22, file #515.

¹⁰⁷. PANL, GN 2/1/A, Vol. II, p.144.

¹⁰⁸. Lambert, Vol. 90, p.66, "Copy of a Representation of the Lords of the Committee of Privy Council for Trade and Foreign Plantations, on the Subject of Establishing a court of Civil Jurisdiction in the Island of Newfoundland", May 10, 1790.

it is a well known fact, that neither the Admiralty Court, nor the Court of Sessions, in any causes of any consequence, have proceeded without a jury.¹⁰⁹

In fact, a set fee had been established for juries on the island by at least 1793, with each juror charged to appear in the vice admiralty court paid an emolument of a guinea for his appearance.¹¹⁰

Despite the resolution of the issues of juries and judges' salaries, by the latter decades of the eighteenth century the Newfoundland vice admiralty court's authority continued to be questioned due to its propensity to expand its jurisdictional boundaries beyond its proper authority. Complaints of the biased nature of the courts and their unregulated and often contemptuous decisions was a subject of continual dispute between merchants and British officials. The reason for the courts impropriety, in Milbank's view, was made clear when he sought the resignation of Judge Canter, a local merchant,

although the present judge may be a wealthy man in private life, yet his ignorance of the duties of his office, and above all his being a merchant, engaged in an extensive trade to Newfoundland, renders him, in my opinion, a very unfit person to be placed in such a situation.¹¹¹

Thus part of the problem in Newfoundland concerned the lack of trained or qualified people to sit as judges of the courts, specifically the courts which

¹⁰⁹. Ibid., p.104, "Letter from Admiral Milbank to Office of Committee of Privy Council for Trade", March 11, 1793.

¹¹⁰. Ibid., p.106.

¹¹¹. Ibid., p.87, "Admiral Milbanke's Report upon the Judicature of Newfoundland, to the Lords of the Committee of Privy Council for Trade".

sat in the harbours outside St. John's. As Helen Crump observed, litigants appearing before the colonial courts often questioned the overall authority of the courts when it was "felt they had not had justice from men who were ignorant of maritime law".¹¹² In Governor Milbank's opinion the lack of standards regarding the selection of judges in the outports was one of the reasons the court was held in such low regard by the inhabitants.

The larger problem in Newfoundland was, as Dr. Cadigan implied, the civil-legal system in Newfoundland had not developed to meet the evolving complexity of the trade, credit and civil relationships which had developed because of the expanding residence of West Country merchants, their agents and fishermen on the island. With no legally binding standard which clearly delineated judicial boundaries, coupled with the lack of a year-round administrative body to oversee the system, the vice admiralty court was regularly appealed to in all manner of legal disputes. This was most notable during the absence of the governor throughout the winter months.

This situation was exacerbated with the passage of Palliser's Act (15 George III, cap.31) in 1775, which extended the court's authority to hear specific civil cases.¹¹³ Section 18 of the act stated that,

all disputes which shall arise concerning the wages of every seaman or fisherman and all offenses which shall be committed

¹¹². Crump, p.160-1.

¹¹³. John Reeves, History of the Government of Newfoundland, (London: J. Sewell, Cornhill, 1793), p.156.

by every hirer or employer of such seamen against this act, shall and may be enquired into, heard, and determined and the penalties and forfeitures thereby incurred shall and maybe recovered in the court of session...or in the court of vice admiralty having jurisdiction in the said island of Newfoundland.¹¹⁴

On the basis of the authority granted by this act the vice admiralty court was permitted to hear cases concerning wage and civil disputes involving seamen and fishermen. However, the court so flagrantly abused this privilege that it was characterised, by the colonial office in St. John's, as "more [of] an inquisition than a court of justice."¹¹⁵ The problem as many officials observed was that without proper regulation and control the vice admiralty court was permitted to assume a universal jurisdiction, thus its authority in all matters was questioned. As a result it came to be used as a convenience and "an engine of authority to obtain that by a course of law, which could not, perhaps, be attained by open violence."¹¹⁶ If, however, a wealthy merchant was not satisfied with a sentence handed down it would routinely be disregarded.¹¹⁷

With the growth of a resident merchant population and the resultant evolution of increasingly complex commercial transactions on the island it

¹¹⁴. Maritime History Archive (MHA), "1760 Case Heard in the Vice Admiralty Court of St. John's, Reasons", File# 17-A-2-023.

¹¹⁵. CNS, CO 194, Vol. 37, fol. 219.

¹¹⁶. Reeves, p.156-8.

¹¹⁷. Ibid., p.156-8.

was only a matter of time before the jurisdictions of the courts would be challenged.¹¹⁸ This challenge came in 1783 from a Torbay bye boatman following a ruling handed down in the civil court at Newfoundland by Governor Edwards. With the reversal of the governor's ruling by an Exeter court the vice admiralty court took on an even greater variety of cases because Newfoundland governors refused to sit in any court, for fear of being sued by the claimants if a case was decided against them.¹¹⁹ The governor, court of sessions and/or the magistrates simply would not hear cases against powerful merchants, consequently, every type of dispute was simply transferred to the vice admiralty court which "did or did not attend to it, just as it suited the will of the judge".¹²⁰

In an attempt to standardize the courts in Newfoundland the 1786 act withdrew the vice admiralty court's jurisdictions concerning wage and civil disputes "owing to the unfavourable impression that had been made respecting the practices which had prevailed in" that court.¹²¹ Through this act an attempt was made to confine the jurisdiction of the vice admiralty court solely "to breaches in the Act of Trade, and matters of revenue arising

¹¹⁸. Christopher English, "The Development of the Newfoundland Legal System to 1815", *Acadiensis*, (Autumn 1990, Vol XX, No.1), p.115.

¹¹⁹. Keith Matthews, "A History of the West of England-Newfoundland Fishery", Phd. Thesis, Oxford University, 1968, p. 562.

¹²⁰. Lambert, Vol.90, p.241, "Third Report from the Committee appointed to Enquire into the State of the Trade to Newfoundland", June 17, 1793.

¹²¹. Reeves, p.156-8.

there",¹²² thus transferring its assumed civil authority to the Court of Sessions. However, despite this the vice admiralty court continued to try civil causes because, according to Justice Reeves, it was one of only two courts which operated during the winter. As a result it "presented a more useful and certain course of redress" in all types of legal disputes for Newfoundland residents.¹²³

In a later report issued to the House of Commons by the committee appointed to enquire into the state of the trade to Newfoundland, the continuing problem of the illegality of the system was brought to the fore. The report stated that despite the passage of the 1786 Act the vice admiralty court was still found to be illegally trying civil causes, such as disputes which had arisen between merchants and boatkeepers concerning matters of debt and landed property.¹²⁴ In a 1790 report to the Lords of the Committee of the Privy Council for Trade and Foreign Plantations, the Court of Vice Admiralty was still "complained of by the merchants as a great

¹²². Lambert, Vol.90, p.54, "Copy of the Report of the Lords of the Committee of Privy Council for Trade, on the Subject of the Newfoundland Fishery; dated 17th March, 1786", (Stat. 26, Geo.III, cap.26, sect.25.).

¹²³. A.H. McLintock, The Establishment of Constitutional Government in Newfoundland 1783-1832: A Study in Retarded Colonization, London: Longmans, Green and Co., 1941, p.58-59.

¹²⁴. Keith Matthews, Lectures on the History of Newfoundland, p.202

grievance."¹²⁵ Chief Justice John Reeves outlined the continuing problems with the court in a report to the Committee Appointed to Enquire into the State of Trade to Newfoundland in 1793. Although the power to hear civil cases was taken from the court by the 1786 Act, according to Reeves "it still continued to exercise that which no law had conferred on it; and [was] resorted to in the absence of the governor and surrogates, for the administration of justice in all civil cases whatsoever." As a result, the court

derived [its] accession of business from the necessity of the circumstances; [meaning] their authority was as feeble as ever before...[and the] justice administered under such circumstances could have but little of the authority and effect, which should attend upon the sentence of a court.¹²⁶

The direct effect upon the power and authority of the court and judges in Newfoundland was that it became ineffective and "feeble",

... for being conscious that their authority was only assumed, they found it prudent to hold their hand, or to lay it on gently, when a trader of any consequence was the object [for] the merchants knew, and the justices were conscious, that their authority was not founded in law.¹²⁷

¹²⁵. Lambert, Vol. 90, p.66, "Copy of a Representation of the Lords of the Committee of Privy Council for Trade and Plantations on the Subject of Establishing a Court of Civil Jurisdiction in the Island of Newfoundland", May 10, 1790.

¹²⁶. Reeves, p. 156-161.

¹²⁷. Lambert, Vol. 90, p.380-381, "Third Report from the Committee Appointed to Enquire into the State of the Trade to Newfoundland, June 17, 1793".

As Keith Matthews observes, out of necessity the courts continued to try cases despite possessing no "formal authority whatever."¹²⁸ Throughout the eighteenth century, this usurpation of authority by the courts in Newfoundland created an ad hoc, arbitrarily sanctioned, quasi-legal judicial system, aspects of which had no basis in law.

The combination of the absence of juries, the need for a set salary for judges of the court, and the lack of legally sanctioned and clearly outlined regulations empowering the court at Newfoundland, led to a general feeling of nonconfidence and suspicion in the court and its rulings. The resolution of these in the latter decades of the eighteenth and early nineteenth century paved the way for a vice admiralty court system which gained the confidence of the merchant community at Newfoundland. In 1809, the legislation which officially and legally laid down the proper function of the court of vice admiralty, and gave the judicial system a permanent footing, was enacted for Newfoundland. According to the legislation,

the court of vice admiralty, may hold plea of maritime causes, and causes of the revenue, but it may not take cognizance of the wages of seamen and fishermen. Upon any judgement given in this court, appeal may be made to the proper Admiralty court in England: and, in cases of prize vessels, in time of war, the appeal lies in certain commissioners of appeal in England...¹²⁹

¹²⁸. Matthews, Lectures on the History of Newfoundland, p.201.

¹²⁹. Rev. Lewis Amedeous Anspach, Summary of Laws of Commerce and Navigation of Newfoundland Adopted to the Present State, Government and Trade of the Island of Newfoundland, London: Henry and Hadden, 1809,

With this legislation, for the first time in its long history the Newfoundland court of Vice Admiralty was officially given a clearly-defined mandate which authorized it to exclusively try cases concerning maritime law and the adjudication of prizes in time of war. In addition, the passage of the 1809 Act granted authority to other courts on the island, such as the court of common pleas. Thus a system was established which made it unnecessary to look to the vice admiralty court for resolution of all manner of disputes. With the 1809 Act, merchants in Newfoundland now "saw a court established upon good authority, with which they could not trifle, as they had been used to do with the feeble judicatures before-mentioned."¹³⁰

As a permanent and legal body the court of vice admiralty in Newfoundland, as in Nova Scotia, was thus able to "monitor the process and eliminate the worst abuses (of privateering) while contributing to the establishment of maritime and commercial regularity"¹³¹ throughout the island. With this the confidence in the legal framework was strengthened and the maturing resident merchant population could rely upon the court's rulings in matters of business, including the business of privateering.

p.139.

¹³⁰. Reeves, p.164.

¹³¹. Fraser, p.80.

CHAPTER 3

THE ECONOMIC FOUNDATIONS FOR PRIVATEERING

In addition to the establishment and legalization of a vice admiralty court structure in Newfoundland, the growth of a sound economic base, and the accompanying infrastructure, further helped to create an environment conducive to investment in privateering on the island. The decline of the migratory bank fishery, between 1775 and 1805, and the growth of a permanently-based mercantile establishment to support the growing resident fishery stimulated this development.

The demise of the migratory fishery during the French Revolutionary and Napoleonic Wars forced merchants to rely increasingly upon a locally based resident fishery and supply trade. By the second decade of the nineteenth century much of the administrative infrastructure required to oversee this development concentrated in St. John's and with it a greater metropolitan role in the management of the fishery. Furthermore, with the wartime disruption of British merchants' migratory trade to Newfoundland there came an increase in economic activity, a growth in population and, consequently, a larger local consumer market.¹³² To meet the needs of the

¹³². Sean Cadigan, "Artisans in a Merchant Town: St. John's, Newfoundland, 1775-1816", in Journal of the Canadian Historical Association, (Vol.4), 1993, p.97.

expanding population, increasingly complex commercial establishments and non-maritime trades began to develop.¹³³

The successful organization of a privateering enterprise was dependent upon, among other factors, a "relatively strong, developed commercial/merchant infrastructure."¹³⁴ The studies conducted of the privateering ventures initiated from such ports as Baltimore, Halifax, New York and sixteenth century London, have all shown that due to its overwhelmingly commercial nature a well-developed commercial infrastructure and mercantile class was an essential component for the successful transition from regular pre-war business to the war time activity of privateering.

Jerome Garitee demonstrated that an established commercial/entrepreneurial base within the community, a knowledgeable merchant class and a well-trained work force willing to participate in the prize war were essential factors in Baltimore's relatively smooth shift into privateering in 1812. As Garitee stated, the availability of shipping, port facilities, warehouses and "a mature mercantile establishment in 1812 provided [the city with] an adequate base for the port's extensive private

¹³³. Matthews, Lectures on the History of Newfoundland, pp.209-217.

¹³⁴. Marcus Rediker, Between the Devil and the Deep Blue Sea. Merchant Seamen, Pirates, and the Anglo-American Maritime World, 1700-1750, (Cambridge: Cambridge University Press, 1987), p.61.

armed vessel operation."¹³⁵ Specifically, Garitee showed that by 1812, Baltimore had the

shipbuilding, seamen, captains ..entrepreneurs.. wharves, shipyards, manpower and schooners ... available [to launch a privateering enterprise].¹³⁶

Faye Kert also emphasized the importance of a maritime commercial foundation and infrastructure in her work on the privateering effort launched out of the maritimes. Due to their previous experience in maritime shipping and trade, Nova Scotia and New Brunswick merchant ship owners were in an ideal position to build or convert vessels, invest capital, and dispose of the cargoes of prize ships.¹³⁷ Furthermore, an available trained workforce of "seamen and fishermen whose regular livelihood was disrupted by the war" was shown to have been vital in the successful shift from pre-war business operations to the war on trade launched by privateers.¹³⁸

The importance of a strong investment base led by the commercial elite and supported by a middle class willing and able to invest was also a contributing factor in a port's ability to benefit from privateering. Garitee illustrated that investments in privateering ventures were rarely individually-funded operations. Instead the majority of privateers, because of the

¹³⁵. Garitee, p.39.

¹³⁶. Ibid, p.31.

¹³⁷. Kert, "The Fortunes of War: Privateering in Atlantic Canada in the War of 1812", p.8.

¹³⁸. Ibid, p.18.

excessive financial outlay involved in arming the ships, advancing wages, and provisioning larger crews, were collectively financed.¹³⁹ While the majority of consistently active investors in Baltimore and elsewhere were among the commercial elite, a large number of undertakings were funded by the 'middle class' in these cities. In fact, Garitee's analysis showed that as much as one-fifth of Baltimore's population invested in privateers at one time or another throughout the war.¹⁴⁰ Of these investors thirty-one different occupations, not considered to be a part of the 'commercial elite', invested on a 'marginal' or one-time bases.¹⁴¹ Most of these investors, Garitee concluded, had been crippled by the British blockade and were, like the merchants, seeking substitutes for their regular pre-war earnings.

Kenneth Andrews demonstrated that in the wars of the sixteenth century a port's ability to benefit from the prize war through the outfitting of privateers depended to a large extent upon the infrastructure which was already in place. London's foray into privateering, for example, was in large

¹³⁹. Garitee, p.33 and Carl E. Swanson, p. 120.

¹⁴⁰. Garitee, p.43.

¹⁴¹. Ibid, Appendix B, pp.257-9. Among these 'marginal' investors Garitee identifies a variety of occupations such as: sea captain, ship's chandler, ironworker, blacksmith, sailmaker, shipbuilder, printer, keeper of baths, ship joiner, tailor, doctor, coppersmith, whitesmith and bank cashier among others.

part made possible because of the available commercial infrastructure which was capable of both outfitting a privateer and disposing of prizes.¹⁴²

Carl Swanson also emphasized the point that as a commercial venture, not entered into haphazardly, privateering required the presence of a commercial establishment based upon the seafaring trades, and an adequate infrastructure to support maritime industries. In short, Swanson identified,

a strong correlation between urban development (availability of capital and ability to sell cargoes) and participation in the prize war.¹⁴³

Thus, by the time war was declared in 1812, the large, commercially developed ports of New York, Baltimore and Halifax, were able to profit from privateering due to the presence of a strong entrepreneurial base, adequate shipping and an abundant supply of experienced seamen.¹⁴⁴

Like these other centres, by the turn of the nineteenth century Newfoundland, and St. John's in particular, was in a position to take advantage of the war on trade which was such a large part of the maritime economies of the North American eastern seaboard between 1812 and 1815. With the declaration of war by the Americans in June, 1812, Newfoundlands commercial development, mercantile infrastructure and population base was potentially able to finance and sustain a local privateering enterprise. The

¹⁴². Kenneth R. Andrew, p.148-149.

¹⁴³. Swanson, p.363.

¹⁴⁴. Swanson, Predators and Prizes, p.118.

structural and residential changes brought on by the wars of the late eighteenth and early nineteenth centuries stimulated these changes.

Throughout the Napoleonic Wars of the late eighteenth and early nineteenth centuries the entire organizational structure of the fishery and settlement in Newfoundland shifted. The once seasonal nature of the Newfoundland trade had, as a result of the wars which raged in Europe, become a permanent island-run operation. This shift from a migratory to a sedentary fishery was most dramatically displayed in the rise in the percentage of fish caught by resident planters versus migratory fishers. In 1790, the production was almost equally divided between residents of Newfoundland and the migratory ships which came out to fish each spring and returned to England each fall. By 1805 resident planters accounted for over 90 percent of total production.¹⁴⁵ This rise in the sedentary fishery, with its base of mercantile control becoming more concentrated on the island, and primarily in St. John's, entailed the development of a commercial infrastructure capable of catering to a year-round, locally operated industry.¹⁴⁶

¹⁴⁵. John Mannion, Gordon Handcock, and Alan Macpherson, "The Newfoundland Fishery, 18th Century", in R. Cole Harris, ed., Historical Atlas of Canada, I, From the Beginning to 1800, (Toronto, 1987), Plate 25.

¹⁴⁶. John Mannion, "St. John's," in R. Cole Harris, ed., Historical Atlas of Canada, I, From the Beginning to 1800, (Toronto, 1987), plate 27.

As the war continued into the nineteenth century, with only a short cessation of hostilities in 1803, the effect upon the structure of the Newfoundland fishery and economy in general became evident. The impetus for this expansion was, from the early nineteenth century, the rise in total cod production stimulated by the American Embargo Act of 1807 and the opening of the Southern European ports by the invasion of Spain in 1808. With the decline in the seasonal fishery due to the risk involved in crossing the Atlantic each spring and fall, the sedentary fishery was left to reap the benefits of the expanding Newfoundland salt fish trade.¹⁴⁷

The rise in the amount of shipping which entered and cleared Newfoundland in the decade prior to the war demonstrated the increasing commercial activity which was taking place on the island. Between 1803-1815, both import and export figures showed a steady increase in both numbers of ships and total tonnage involved in the Newfoundland trade. As table 1.1 and 1.2 demonstrate, the total amount of shipping in and out of Newfoundland in the decade or so prior to the war indicate a steady rise up to 1810-11, with slight declines just prior to the war (this can be attributed in large measure to the decrease in American trade coming to Newfoundland due to the 1807 U.S. embargo). The rise in ocean traffic reflected the overall growth of commercial activity in Newfoundland, and, in turn, acted as a

¹⁴⁷. Gordon W.Handcock, Soe Longe as there Comes noe Women, (St. John's: Breakwater Books, 1989), p.75.

catalyst to the expansion of a mercantile infrastructure required to accommodate the increase in maritime trade.

TABLE 1.1

SHIPPING IMPORTS - NEWFOUNDLAND - 1803-1815¹⁴⁸

YEAR	NUMBER OF SHIPS	TONNAGE
1803-04	476	55,226
1806-07	624	67,433
1807-08	452	50,389
1809-10	619	71,698
1810-11	684	86,987
1811-12	539	62,231
1812-13	656	89,838
1813-14	741	104,277
1814-15	852	124,167

¹⁴⁸. The source for imports and exports at Newfoundland can be found in various volumes of the Colonial Office Records located at the Center for Newfoundland Studies (CNS), Memorial University of Newfoundland. They include: CO 194/ 45, fols.41-4; 46, fols.79-80; 48, fol.8; 49, fols.48-9; 51, fols.35-39; 54, fols.36-8; 55, fols.8,25-7; 57, fols.11-2.

TABLE 1.2**SHIPPING EXPORTS - NEWFOUNDLAND - 1803-1815**

YEAR	NUMBER OF SHIPS	TONNAGE
1803-04	523	61,238
1806-07	560	63,233
1807-08	469	50,778
1809-10	600	68,274
1810-11	632	80,779
1811-12	541	71,348
1812-13	584	80,543
1814-15	874	124,298

As the seasonal fishery, which traditionally dominated the bank fishery, was all but discontinued throughout this period, the rise in shipping imports and exports is an even more significant indication of the growth of an expanding local commercial foundation on the island based around the resident fishery. The total value of exports further demonstrates that the expansion of the economy of Newfoundland continued throughout the war

years. Between 1805 and 1815 the value of these exports brought into Newfoundland increased from 590,000 pounds to 1,247,503 pounds.¹⁴⁹

These statistics indicate a growing commercial base, as well as a need for supporting industries and a more diversified infrastructure to deal with the expansion. This expansion was centered in commercially and militarily strategic harbours such as St. John's, Trinity and others. By the first decade of the nineteenth century these ports began to develop an economy based less and less upon direct involvement in the business of fishing, and more and more upon tertiary industries, such as the service, supply and carrying trades. Many of the merchants involved in the trade at Newfoundland, and in St. John's in particular, in the early nineteenth century recognized the opportunities diversification offered and consequently, expanded their investments in areas such as the acquisition of provisions and supplies.¹⁵⁰ With this shift in investment emphasis there came increased commercial opportunities for Newfoundland merchants and residents arising from the need for in-port trades and services.

By the turn of the century the majority of goods coming to Newfoundland were being stored and distributed from St. John's. By 1811,

¹⁴⁹. A.C. Wardle, "The Newfoundland Trade", in Northcote C. Parkinson (ed.), The Trade Winds: A Study of British Overseas Trade During the French Wars, 1793-1815, (London: George Allen and Unwin Ltd.), 1948, p.231.

¹⁵⁰. Margaret Chang, "Newfoundland in Transition: The Newfoundland Trade and Robert Newman and Company, 1780-1805", (M.A. Thesis, Memorial University of Newfoundland), 1974, p.40.

for example three quarters of the shipping to and from Newfoundland passed through St. John's. With its expansive harbour and growing maritime-related commercial infrastructure, as well as its role as a military and administrative centre, St. John's offered an appealing locale for merchants aspiring to invest in the supply and carrying trades.¹⁵¹ As a result, more and more independent, resident operators moved into the industry, and English merchants found it necessary to maintain partners or agents in Newfoundland. These agents managed the expanding provisions trade on the island, administered the work of the firms employees, directed the loading and unloading of cargoes, and coordinated the firm's shipping requirements, which were increasingly being used on a year-round bases.¹⁵² Governor Erasmus Gower, upon his return to Newfoundland after eighteen years absence, noted the commercialization of St.John's,

where the trade has increased to such a degree that the north side of the harbour is now taken up with merchants' stores, wharfs etc. for the purpose of trade, and the fishing stages with many of the flakes and other erections for curring fish, removed to make room for them.¹⁵³

In essence St. John's had begun to develop into a distribution centre, a "commercial town and an emporium and depot for the whole island",

¹⁵¹. Jeffrey A. Orr, "Scottish Merchants in the Newfoundland Trade, 1800-1835: A Colonial Community in Transition", (M.A. Thesis, Memorial University of Newfoundland), 1987, p.64

¹⁵². Chang, p.18.

¹⁵³. CNS, CO194/44, fols. 30-30v.

complete with the infrastructure and support services required for this purpose.¹⁵⁴

The broadening of the Newfoundland economy was further stimulated by a rising population which sought to reap the benefits of the booming fishery. In 1801 the resident population of the island stood at 14,902, six years later it had risen to 25,000, and by 1812 it had more than doubled to over 30,000.¹⁵⁵ In St. John's the permanent population rose from 1,230 in 1776, to 3,742 in 1796, to over 10,000 by 1815.¹⁵⁶ During approximately the same period, 1804-1815, the population of Trinity Bay likewise rose a dramatic 130 percent.¹⁵⁷ This expanding market offered the Newfoundland merchant class an opportunity to create a 'niche' for itself as suppliers to the new resident fishery and to expand its investments into new areas.¹⁵⁸ As Margaret Chang has pointed out,

as the years brought different conditions to bear on the fishery the merchants allowed their organizational patterns to take on different shapes and their capital was put into newer forms of the fishery ...[consequently] those who remained in the trade

¹⁵⁴. CNS, CO194/45, fol.76.

¹⁵⁵. Shannon Ryan, "Fishery to Colony: A Newfoundland Transition, 1793-1815", Acadiensis, (Vol. XII, No.2, Spring, 1983), p.39.

¹⁵⁶. Olaf Janzen, et.al., The History of Newfoundland, (Course Manual, History 3110, Memorial University of Newfoundland, 1992), p.12-10.

¹⁵⁷. Ibid., p.8-12.

¹⁵⁸. Rosemary Ommer, "From Outpost to Outport: The Jersey Merchant Triangle in the Nineteenth Century", (Phd. Thesis, McGill University), 1978, p.75.

turned very heavily to the supply trade, investing considerable sums in the acquisition of large stocks of provisions and supplies.¹⁵⁹

With the expansion of a locally-based, year-round industry controlled and operated from the island, merchants looked to further augment and diversify their investments in Newfoundland. In part this diversity took the form of an enlarged fishery which included a seal and salmon harvest and a Labrador fishery. Trinity, for example, was one of the 'growth centres' which diversified through investment in the Labrador and seal fisheries, and by 1805 a coastal trade in timber, lumber and cooperage products with St. John's.¹⁶⁰ Industries like the seal and Labrador fisheries and the coastal trade, in turn, stimulated related auxiliary activities throughout Newfoundland, such as the construction of warehouse and port facilities, ship construction and boatbuilding.¹⁶¹ By 1804 there were 149 large Newfoundland-built decked vessels and schooners involved in the spring seal fishery,¹⁶² with the numbers of seals taken rising from 81,088, in 1801,

¹⁵⁹. Chang, p.40.

¹⁶⁰. Gordon W. Handcock, "The Poole Mercantile Community and the Growth of Trinity 1700-1839", Newfoundland Quarterly, (Vol. 80, No.3, Winter, 1985), p.26.

¹⁶¹. Handcock, Soe Longe as there Comes Noe Women, p. 75, and Janzen, The History of Newfoundland, p. 12-8.

¹⁶². Ryan, p.44.

to 118,080 in 1810, and 126,315 in 1815.¹⁶³ Many Newfoundland-built vessels, constructed of local soft woods, were also employed in the transportation of bulk cargoes such as fish, salt and coals.

In the early years of the nineteenth century Poole merchants with established operations in Newfoundland, such as George and John Kempe, the Slades, and the Spurriers, constructed many of their own vessels on the island in places such as Burin, St. Lawrence, Fogo and Twillingate.¹⁶⁴ By the time war broke out in 1812, it has been estimated that one-fifth of the vessels involved in the Newfoundland trades had been locally constructed.¹⁶⁵

The increase in the number of Scottish firms trading with Newfoundland also reflected the growing commercial nature of St. John's and the overall prosperity of the island. Between 1785 and 1810 the number of Scottish ships trading with Newfoundland rose from fourteen per annum to 49 per annum.¹⁶⁶ The entry of Scottish merchants both reflected and stimulated the diversification which was developing on the island. Scottish entrepreneurs sought investment in areas outside the traditional English

¹⁶³. Shannon Ryan, Abstract of Returns, Newfoundland Fishery, 1698-1823, (St. John's: Memorial University of Newfoundland), 1969.

¹⁶⁴. Wardle, p.245.

¹⁶⁵. Ibid, p.243.

¹⁶⁶. Orr, p.10.

fishery, and imported European goods and supplies in exchange for local produce and bills of exchange.

The expansion and diversification of commercial establishments such as those operated by James Macbraire, Newman and Company, and Laing, Baine and Company indicated the growing commercial character, and opportunities for diversification, offered in growth centres such as Bay Roberts and St. John's. Macbraire, a St. John's merchant with interests throughout the island, became involved in the fur and seal trades, as well as shipbuilding during the early years of the nineteenth century. By 1810, he had turned out nine schooners from 30 to 140 tons.¹⁶⁷ Laing, Baine and Company, likewise, expanded their exports to Newfoundland from four thousand pounds worth in 1809 to almost forty thousand pounds worth in 1813.¹⁶⁸

By the turn of the nineteenth century, even the oldest established fish firms looked to diversify their Newfoundland investments. Newmans and Company recognized the opportunities available and began leasing properties and buildings to tradesmen, carpenters, shoemakers, tailors and lesser merchants and planters.¹⁶⁹ Newman's also established factories in

¹⁶⁷. J.W. Macgrath, "James Macbraire Merchant and Pioneer, 1795-1840", in An Aspect of Newfoundland History, (St.John's, 1970), p.10.

¹⁶⁸. MHA, Baine, Johnston Papers, Walter Baine and Company Accounts.

¹⁶⁹. PANL, MG 482, "Newman, Hunt and Company, London: Newfoundland Letter Book, 1812-1817"

Port de Grave, Harbour Breton and Gaultois, and undertook ship construction between fishing seasons. These vessels were used primarily in the seal and cod fishery, but a few larger ocean-going vessels were also constructed for use in the carrying trade as well.¹⁷⁰ In addition, Newman's also served as a "channel for banking and investment for local planters", as well as brokers for insurance and real estate transactions on the island.¹⁷¹ Governor Gower reported the changing structure of businesses in St. John's when he wrote in 1805,

St. John's is no longer a mere fishing station, built round with temporary flakes, stages, and hulks of trifling value, but that it is a post of extensive commerce...importing near two-thirds the supplies for the whole island, and furnished with extensive store houses and wharfs for trade, containing a quantity of provisions, stores for the fishery, British manufactures and West Indies produce, as well as fish and oil ready for exportation.¹⁷²

The changing organizational structure of Newfoundland's commercial community in the years leading up to the war also led to a change in the makeup of the social structure of the resident population. The one-dimensional 'merchant class' which characteristically had been involved

¹⁷⁰. Wardle, p.245-6. By 1807 the Newman's fleet consisted of two fully-rigged ships, fifteen brigs, one schooner, and two barques. The Royal Navy also constructed ships in Newfoundland. In 1790, there were two sixth rate vessels, the Placentia and the Trepassey, each of 321 tons, 14 guns and 125 men, built on the island from local timbers.

¹⁷¹. Chang, p.194-5.

¹⁷². CNS, CO 194/44, "Governor Gower to Right Honourable Earl Cambden", July 15, 1805, fols.120-1.

solely in the buying and selling of fish, became much more multi-dimensional, splintered and diversified. Along with the traditional fishing merchant there arose the "outport monopolist, independent resident retailers and wholesalers, migrating merchants and brokers."¹⁷³ Middlemen, whose involvement in the fish trade was dependent upon the buying and selling of fish from the outports to the traders at St. John's, became more common, as did small businesses dependent upon, but not directly involved in, the catching of fish.

As the local, permanent population at Newfoundland increased so too did the number of service industries. In larger centres like St. John's the "occupational structure" of the residence broadened and specialized trades, services and occupations emerged to cater to the expanding population. According to Sean Cadigan, the steady growth in population, at St. John's in particular, occasioned a greater domestic economic diversification as merchants, traders and government officials hired artisans to construct shops, warehouses, wharves, fortifications and homes. These artisans formed an integral role in the expansion of the resident economy as merchants in the staple trades required the presence of "local artisanal

¹⁷³. Janzen, p.11-8.

production", specifically carpenters, to construct the necessary infrastructure required in their expansion.¹⁷⁴

The threat occasioned by the wars of the eighteenth and nineteenth centuries also added to this diversification as British Royal Engineers constructed fortifications to protect the island from possible attacks. By 1796, the Royal Engineers employed 102 skilled and unskilled workers, including 44 carpenters, 9 masons, 2 smiths, 2 sawyers, 11 miners, 2 limeburners and 32 labourers, to construct and repair fortifications. Of these 29 carpenters and 3 masons were listed as residents of St. John's.¹⁷⁵

To further accommodate the needs of this growing society, doctors, attorneys, tavern keepers, huxters, butchers, nurses and various other non-maritime trades and small businesses were established. As the permanent, year-round population expanded the need for these and other service-type industries increased. By the turn of the century St. John's boasted a wide variety of businesses, trades and services which reflected the "growing diversity of occupations [as well as the more permanent nature of commercial and capital investment] which were open to those in

¹⁷⁴. Cadigan, "Artisans in a Merchant Town: St. John's, Newfoundland, 1775-1816". Journal of the Canadian Historical Association, Vol. 4, 1993, pp. 98-9, 105.

¹⁷⁵. *Ibid.*, p.98.

Newfoundland."¹⁷⁶ For example, Thomas Plumleigh, sadler, collar and harness maker, and shoemakers, Kelland and Stacey, utilized their skills as artisans to diversify and expand into retailing.¹⁷⁷

While St. John's was the most noticeable example of this expansion, other 'growth centres' like Trinity also witnessed the development of smaller, independent traders, storekeepers, coopers, sailmakers, and a variety of other tradesmen and entrepreneurs.¹⁷⁸ These independent traders, non-maritime artisans and service personnel formed a group distinct from both the large merchant inhabitants and the fishermen who supplied them, and provided Newfoundland with an essential ingredient, both in the development of a viable resident community, as well as the financing of a privateering venture.¹⁷⁹ Jerome Garitee demonstrates the importance of the latter in Baltimore where a strong 'middle class' proved to be an essential component in the city's privateering ventures. Garitee shows that

¹⁷⁶. Chang, p.5-8. St. John's, more than any other centre, reflected the growing nature of Newfoundland's economic base with a variety of occupations listed in the census returns such as, Justice of the Peace, Parish Clerk, customs collector, high constable, midwife, nurse, several doctors, surgeon, school masters and mistresses, tailors, washerwomen, laundress, shoemaker, several butchers, barbers, a baker, watchmaker, a glazier, a mason, farmers, armourer, a number of coopers, smiths, carpenters, two gardeners and one auctioneer.

¹⁷⁷. Cadigan, Journal of the Canadian Historical Association, p.108

¹⁷⁸. Handcock, Newfoundland Quarterly, p.26.

¹⁷⁹. Chang, p.60.

throughout the War of 1812 ninety-nine 'middle class' marginal investors took out shares in private armed vessels.¹⁸⁰

By 1812, Newfoundland, and St. John's in particular, had become a significant commercial port with the necessary infrastructure required to equip and mount a privateering enterprise against the United States. With the expansion of the fishery and the development of non-fishery industries, early in the nineteenth century, the construction of a mercantile infrastructure, an expanding population, an accessible trained workforce, and an abundance of shipping, the prerequisites which allowed other ports to move into privateering had developed in Newfoundland. With the carrying trades came the development of shore facilities required to house and store tradeable goods or prize cargoes. Like Haligonians, Baltimoreans or Londoners, the merchants of Newfoundland had developed strong entrepreneurial skills, knowledge of the sea lanes, trading and shipping patterns, and the business of maritime trade in general. Consequently, when war came in 1812 Newfoundland merchants, tradesmen, and the community in general were in a position to invest in, and reap the benefits of, a war on trade as carried out by private armed vessels.

¹⁸⁰. Garitee, pp. 257-259, Appendix B.

CHAPTER 4

THE PRIZE WAR AT NEWFOUNDLAND, 1812-1815

By 1812 it appeared that the prerequisites necessary to mount a privateering enterprise from Newfoundland were in place. The infrastructure required to support a privateering enterprise, including a legalized judicial system, an expanding commercial infrastructure, and a merchant class with extensive knowledge and experience in shipping and maritime business operations, were all present. The island's geographic positioning near well-travelled trans-Atlantic sealanes, and the likely economic dislocation threatened by a war involving the United States further suggested that involvement in privateering would become an option for the island's merchants.

In addition to their maritime commercial acumen, the merchants involved in the Newfoundland trade, both on the island and in England, were well-versed in the intricacies of financing a private war on trade. Newman's and Company, for example, had a long history of involvement in privateering, commissioning their first letter of marque, the Richard and Robert, 150 tons, 18 guns, against France and Spain in 1744.¹⁸¹ In 1780, Newman's again commissioned a number of their Dartmouth vessels with letters of marque; one such vessel captured a prize valued at 21,000 pounds, the largest prize

¹⁸¹. Hunt and Roope Company, The Story and Origin of Hunt, Roope and Company, London and Oporto, Newman, Hunt and Company, London. Newman and Company, Newfoundland, 1951. p.12.

recorded for the port at that time.¹⁸² Again in 1803, partners in the Dartmouth House commissioned the vessel Syren I, 218 tons, 10 carriage guns, as a letter of marque against France.¹⁸³ Other firms from or connected to the Newfoundland trade also recognized the opportunity offered by the French Revolutionary and Napoleonic Wars to take part in the war on trade. From 1800-1805, there were requests for at least fifteen letters of marque and reprisal granted by the vice admiralty court at Newfoundland.

As was generally the case upon the declaration of war merchants promptly sought to make a profit by immediately fitting out privateers. Thus the majority of licences granted were done so in the first year of hostilities, before enemy ships became aware of the declaration or before blockades took effect and fewer enemy merchant vessels were attainable. This situation was no less the case in Newfoundland. In a letter addressed to governor Duckworth on July 20, 1812, Richard Robinson, a local merchant and agent, sought permission to wage a prize war. Robinson sent a request to the governor seeking "...letters of Marque and Reprisal against the vessels and property of the subjects of the United States...", for the cutters Fly, 115 tons, and Hero, 129 tons.¹⁸⁴ Anticipating a positive response, advertisements were, at the same time, placed in the local paper for men to serve on board

¹⁸². *Ibid.*

¹⁸³. *Ibid*, p.13-14.

¹⁸⁴. PANL, GN 2/1/A, Vol. 22, p.255-56.

three privateers. In the July 20, 1812, edition of the Royal Gazette and Newfoundland Advertiser, the following advertisements appeared,

NOW OR NEVER

A few enterprising men wanted for the fast-sailing cutters, HERO AND FLY, just about to sail on a cruise. These vessels are well armed and calculated for privateering, ready to sail immediately, so that such another opportunity may not offer for those who are inclined to try their fortunes. Apply without loss of time to the captains on board, or to, HART AND ROBINSON.¹⁸⁵

And again,

TO ALL INSPIRING HEROES

who are disposed to make their fortunes. The remarkably fine and fast-sailing brig VENUS, being about to be fitted out as a privateer of the first class, a number of men are now wanted to fill the different situations of Prize Master, Petty Officers and able bodied seamen; also a few strong landsmen and boys - Any person who can beat the drum or play the fife, will be gladly received - and the liberal terms on which the whole ships company are to engage will be known by applying to, ROBERT HUTTON AND COMPANY.¹⁸⁶

Despite their enthusiasm, Robinsons' and Huttons' requests were not immediately complied with because as Duckworth stated, London believed

¹⁸⁵. CNS, Royal Gazette and Newfoundland Advertiser, Monday, July 20, 1812 edition, p.2.

¹⁸⁶. Ibid.

that with the suspension of the Orders in Council, peace would be quickly re-established.¹⁸⁷

Consequently, the approval to grant 'letters of marque and general reprisal' against the United States was not officially issued until the twenty-sixth of October, 1812.¹⁸⁸ The authorization from the Lords of the Admiralty stated, in part, that the Governor was empowered to,

issue forth and grant letters of marque or general reprisal, to any of his Majesty's subjects, or others who we shall deem fitly qualified in that behalf, for apprehending, seizing and taking the ships, vessels and goods belonging to the United States of America.¹⁸⁹

With this declaration, official recognition and authorization was given to commence a private war on trade out of Newfoundland. Requests for letters of marque were now formally sanctioned and accepted by the governor. By August 19, 1813, Governors Duckworth and Keats had issued at least nine letters of marque to privateers who wished to sail against French and American vessels off of the coast of Newfoundland.(APPENDIX I)

¹⁸⁷. PANL, GN 2/1/A, Vol.22, "Duckworth to Robinson", July 21, 1812, p.256-8.

¹⁸⁸. PRO KEW, ADM 1/477, "Duckworth to M. Crocker - Admiralty", Dec. 2, 1812, p.274.

¹⁸⁹. PANL, GN 2/1/A, Vol.24, "Keats to Lords of the Admiralty", p.189-192.

While official documents concerning the prize war are scattered and incomplete,¹⁹⁰ those records which are available indicate a marked difference between Newfoundland's response to the prize war and that of other North American ports. Throughout the island there was a surprisingly modest response by Newfoundland and Newfoundland-based merchants to the prize war of 1812-1815. For example, of the nine identifiable privateers commissioned out of Newfoundland throughout the war only one, the JAMES, was listed as a Newfoundland vessel, the remainder were of Scottish or British registry.(Appendix I) This is a notable contrast to the privateers which were commissioned out of other ports, specifically New Brunswick and Nova Scotia, where as Kert points out, investors were almost exclusively "local" merchants.¹⁹¹

A further distinction between the Newfoundland example and other centres, such as the maritimes and American cities involved in the prize war, was the almost complete lack of success of those ships commissioned out of St. John's. The only productive voyage carried out was that of the cutter FLY, which captured three vessels, the FAIRPLAY, the ROCKLAND, and the WASHINGTON, between June 24 and October 13, 1812.¹⁹²(Appendix II)

¹⁹⁰. Although there are scattered records of the vice admiralty court for earlier and later periods at the Provincial Archives of Newfoundland, the records for this period, and most periods, appear to have been lost.

¹⁹¹. Kert, "The Fortunes of War: Privateering in Atlantic Canada During the War of 1812", p.75-6.

¹⁹². PRO KEW, ADM 1/477, p.478.

Unfortunately for the owners of the FLY at least one of these vessels, the ROCKLAND, was confiscated as a droit of admiralty and claimed by the governor as crown property because it was seized before official authorization had been given by London to outfit privateers. According to the records of the Commissioners of Appeals in Prize Causes, the owners of the cutter FLY were brought before the appeals court, when a judge wrongly condemned her to the owners of the Fly. The Appeal Court reversed the Newfoundland Court's decision and found that,

the American Brig, ROCKLAND, her tackle, apparel, and furniture, and the goods, wares, and merchandise wherewith she was laden at the time of capture as droit and prerequisite to His Majesty...[because] the cutter FLY...not being commissioned by Letters of Marque and General Reprisal against the Government of the United States of America.¹⁹³

The overwhelming predominance of the Royal Navy over privately funded war ships in the seizure of enemy prizes is also a distinguishing characteristic of the prize war at Newfoundland. While it was not unusual for government naval vessels to take in more prizes, the huge discrepancy between captures achieved by privateers versus those seized by the Royal Navy off of Newfoundland is surprisingly disproportionate.

Unlike other privateering centres where from 33%¹⁹⁴ to 42%¹⁹⁵ of

¹⁹³. PRO, Chancery Lane, High Court of Admiralty (HCA) 69.

¹⁹⁴. C.H.J. Snider, "Our Provincial Privateers", in The Women's Historical Society, (Vol.XXVII), Toronto, 1928-30, p.2.

captured prizes were seized by privateering vessels, in Newfoundland the primary documents of the Admiralty, Newfoundland Governors, and the High Court of Admiralty, indicate that Royal Naval vessels achieved an overwhelmingly larger proportion of captures than did privateers. In fact, of the 53 identifiable prizes and recaptures sent into St. John's between June 24, 1812 and December 25, 1814, 50, or 94%, were achieved by Royal Naval vessels.¹⁹⁶(APPENDIX II) The only three vessels not detained and sent into St. John's by the Royal Navy were those vessels captured by the cutter FLY; there is no record of the other privateers commissioned by the Newfoundland Governor achieving success in the prize war. Other documents support this conclusion. The records of prizes adjudicated in the vice admiralty court at St. John's between June 25, 1812 and September, 1813, identify twenty-five condemned vessels. Of these, twenty-three, or 92%, were captured by the Royal Navy, and only two by private ships.¹⁹⁷(APPENDIX III)

Why did this discrepancy exist? All of the preliminary information suggests that the elements necessary to launch a privateering venture in

¹⁹⁵. Kert, p.23, Carl Swanson also states that American privateers wreaked havoc on French shipping from 1739-1748, with 30 percent of France's total trade taken by private ships of war. Carl Swanson, William and Mary Quarterly, p.377.

¹⁹⁶. PRO KEW, ADM 1/477, p.478 AND PRO Chancery Lane, High Court of Admiralty (HCA) 49/100.

¹⁹⁷. PRO Chancery Lane, High Court of Admiralty (HCA) 49/100.

other centres were present in Newfoundland during this period: a maritime economy, large trained work force, large shipping fleet, and a developed economic and judicial infrastructure. Yet despite its capability to outfit a privateering enterprise, and the availability of at least some prizes, as demonstrated by the success of the Royal Navy, the private war on trade conducted out of the island, by Newfoundland ships and capital was practically non-existent, especially after the first year of hostilities. In fact, all nine applications for letters of marque for privateers were submitted in the first ten months of the war.(Appendix I) Following this there is no record of any submissions to the governor for privateering licences. The uniqueness of Newfoundland's response to the prize war, as compared to other centres, is due to specific geographic, naval, and most importantly economic peculiarities, unmatched by other Atlantic ports throughout the war.

While Newfoundland seemed to be geographically well-situated to benefit from the prize war, her relative detachment in relation to mainland coastal traffic precluded easy access to the rich hunting grounds off of the American coast. Baltimore, Halifax and other privateering bulwarks were able, especially early in the war, to capture prizes in nearby waters. Newfoundland investors who wished to outfit a privateer would have to invest in more substantial and long-term voyages if they wished to engage American merchantmen; they simply were not as geographically contiguous

to potential prizes as were the maritimes or the eastern states. As Garitee stated, for Baltimoreans the "incentives for early entry (into privateering) were profits to be made because of the availability of prizes in nearby waters...".¹⁹⁸ Maritime privateers rarely had to stray far from home as well.

Kert found that the bulk of prizes seized by maritime privateers were small, unarmed, lightly-manned vessels employed in the coastal carrying trade between states. As such, for Nova Scotia and New Brunswick privateers the majority of prizes taken were done so close to their home ports in the adjoining waters near Cape Cod, and not easily accessible to Newfoundland ships.¹⁹⁹ This relative detachment from the mainland not only kept Newfoundland merchants from potentially preying upon nearby American shipping, but also sheltered them from the excessive depredations experienced by the other British maritime colonies which bordered the northeast American states, thus averting the same degree of trade interruption as was experienced in the maritimes.

Historically this was not always the case. With the outbreak of war the waters around Newfoundland regularly lured foreign privateers, eager to prey on the shipping which annually crossed the Atlantic with supplies for and cargoes from the island, mainland North America and the West Indies. Off the coast merchant vessels from North America regularly sailed North

¹⁹⁸. Garitee, p.55

¹⁹⁹. Kert, "The Fortunes of War", p.87.

East to "latitude 40, longitude 45, to clear the banks of Newfoundland, where prevailing westerlies could be made use of..".²⁰⁰ As a result throughout the seventeenth and eighteenth centuries the presence of privateers in and around Newfoundland was a continual cause for concern for government officials and ship owners. Between 1739 and 1748, thirty-two of eighty, or 40%, of commissioned French privateers were said to have cruised off of the shores of Newfoundland.²⁰¹ During the American and French Revolutionary wars, privateers were said to be a "serious problem" for both the inshore and offshore Newfoundland fisheries.²⁰² Further, throughout the American Revolutionary War, American privateers were a constant threat both to shipping and the communities which dotted the island's coastline.²⁰³

The fear of trade disruption by enemy privateers in Newfoundland waters was recognized early in the 1812 war, and reinforced in 1813 after 20 Newfoundland fishing vessels were taken by American privateers.²⁰⁴ With that the naval squadron at Newfoundland was strengthened to include twelve ships, including a 50 gun ship-of-the-line, three frigates and five sloops-of-

²⁰⁰. Wardle, p.187.

²⁰¹. Swanson, William and Mary Quarterly, p.376.

²⁰². Olaf Janzen, "The Royal Navy and the Defense of Newfoundland During the American Revolution", p.33.

²⁰³. Prowse, p.350-351.

²⁰⁴. Janzen et.al., The History of Newfoundland, p.9-13.

war.²⁰⁵ This small, but relatively effective force, patrolled the waters off of Newfoundland and was able, unlike its counterparts in the maritimes, to maintain coastwise traffic around the island.

While the navy enabled seaboard trade to persist relatively unmolested, the threat of attack by enemy privateers remained a concern for overseas traffic.²⁰⁶ However, this menace was greatly curtailed with the initiation of a compulsory convoy system for overseas traders and the commencement of the British naval blockade of the American coast in February of 1813.²⁰⁷ With the latter, not only was American merchant shipping reduced to a trickle, but the threat of privateers was also diminished due to the difficulty of returning with prizes through the blockade. By the summer of 1814, the increased naval presence at Newfoundland was being felt. In a letter to Earl Bathurst, Governor Keats reported on the success of the navy's presence, stating that while

some losses have been sustained by the enemy on the passage to market,... the fisheries on the coast have been effectively

²⁰⁵. Brian Lavery, Nelson's Navy: The Ships, Organization and Men, London: Conway Maritime Press Ltd., 1989, p.250 and William H. Whitely, Duckworth's Newfoundland, St. John's: Harry Cuff Publications Ltd., 1985, p.11.

²⁰⁶. Prowse mentions a number of incidents involving privateer raids of merchant vessels off the coast of Newfoundland. Newman and Company were hit particularly hard in the first year of the war with six of their vessels taken by the French and American privateer THE DUCK. p.389.

²⁰⁷. Janzen, et.al., The History of Newfoundland, p.9-13.

protected from any deprivations or annoyance since the arrival of the Men of War upon it.²⁰⁸

That the merchant class felt less threatened by armed traders is apparent in the progressive reduction of applications for licenses to arm which had declined from 21 in 1812 to 1 in 1815.(Appendix IV) Recognizing the declining threat posed by enemy vessels Newfoundland merchants saw less of a need to expend the extra capital and manpower required to arm their merchant vessels.

Due in part to its relative isolation and the expanded naval patrols, the Newfoundland economy continued to thrive throughout the war. As a result, local fishermen, tradesmen and merchants were able to sustain and even surpass pre-war wages and profits, and thus eliminate the need to risk their lives or property on the uncertain and often hazardous business of privateering. In fact, the maintenance of regular trade and industry on the island throughout the war years facilitated a period of unprecedented prosperity for Newfoundland. This prosperity proved to be perhaps the greatest deterrent to a concerted privateering effort being launched by the local population.

The War of 1812 saw little privateering on the part of Newfoundland merchants primarily because the economic necessity to replace regular commercial activity was not present. As writers such as David Starkey,

²⁰⁸. CNS, CO 194/55, "Keats to Lord Bathurst", December 29, 1814, p.95-6.

Patrick Crowhurst, Richard Winslow, Faye Kert and others have demonstrated, there existed a strong correlation between investment in privateering and interruption of regular trade channels. The impetus for investment, then, was to supplement or replace sagging fortunes by perhaps making a quick profit in a privateering cruise. However, despite the opportunity to make windfall profits, privateering was generally considered a poor substitute for regular commerce. The risk of forfeiture of the total investment through capture or destruction, the high legal costs of litigation between partners and/or other claimants, the cost of maintaining a prize in port while litigation and a decision were brought down by the court, and the high court fees, drastically decreased the potential for profit from this form of maritime investment.²⁰⁹ Therefore, when other less perilous commercial ventures were available, merchants would overwhelmingly choose those, as has been demonstrated in cities such as Baltimore and Halifax.

Between 1812 and 1815 Newfoundland merchants did not have to risk their vessels and capital in privateering when, not only were regular commercial opportunities available, but there remained increased opportunities in the Newfoundland trade and fishery. The fact that Newfoundland merchants choose not to venture into privateering when there were obviously prizes to be seized, as those captured by the Royal Navy

²⁰⁹. Kert, "The Fortunes of War", p.103.

attest to, further suggests that other forms of business were more appealing and profitable.

With the removal of American and French competition from the salt fish trade Great Britain held unrestricted possession of the fisheries on the banks and shores of Newfoundland and Labrador. This, coupled with a monopoly in the supply of fish to the huge Spanish, Portuguese, Madeira, Mediterranean, West Indies and South American markets resulted in an unprecedented demand being placed upon the Newfoundland product.²¹⁰ As a result, fish prices more than doubled throughout the war to approximately twenty shillings in 1812, thirty-two to thirty-three shillings in 1813,²¹¹ and forty-five shillings per quintal at its height in the war years.²¹² High prices, combined with good catches, kept Newfoundland's economy buoyant and her exports of cod fish escalating from 711,056 quintals in the first year of the conflict, to 1,182,661 quintals exported by 1815.²¹³ The employment picture on the island also kept pace with this growth.

²¹⁰. C. Grant Head, Eighteenth Century Newfoundland: A Geographers Perspective, Ottawa: McMillan and Steward Ltd., 1976, p.236-7.

²¹¹. CNS, CO 194/55, ff. 95v, 233; CO 194/56, ff. 22-3,51, 106v.

²¹². James G. Flynn, "The Effects of the War of 1812 on the Newfoundland Economy, with an Additional Comment on Post-War Depression", The Newfoundland Quarterly, (Vol. LXXVII, Nos.2 & 3, Summer and Fall), 1981, p.67.

²¹³. *Ibid*, p.70.

By 1814 the Newfoundland cod fishery alone employed 20,000 men,²¹⁴ and the seal fishery continued to employ larger and larger numbers. From a figure of 998 men employed in 1803, the seal fishery soon developed into a solid commercial and employment opportunity. By 1811, there were 2,337 men employed and by 1814, 1,207 men in Conception Bay alone found employment on the sealing vessels during a time of the year when generally no income could be found on the island.²¹⁵

The rise in fish prices further encouraged a rise in the salaries and wages paid by local merchants, and these exorbitant wages offered to the local population suppressed the need for sailors, fishermen and others to seek employment aboard a private ship of war. While seafarers in other ports coveted a duty aboard a privateer as a means of stemming unemployment and earning as much as six times their normal wage,²¹⁶ in Newfoundland, seamen and fisherman who sought lucrative employment needed to look no further than the fishery or other related business channels. Unlike other centres, the wages and profits earned through traditional commercial activities at Newfoundland continued to rise throughout the war, reaching "unexampled" heights, as the economy

²¹⁴. Wardle, p.232.

²¹⁵. Janzen, The History of Newfoundland, Table 6, p.33.

²¹⁶. Swanson, Predators and Prizes, p.220

flourished.²¹⁷ In fact, servants could get as high a salary as seventy pounds a season,²¹⁸ and, it was reported, fish splitters could receive the unheard of salary of between ninety and one hundred and forty pounds per annum by 1814.²¹⁹ In comparison, in 1798, an average fishermen's wage was estimated at twenty-one pounds,²²⁰ and in 1810, for a season's work, a splitter at St. John's was receiving thirty pounds and up.²²¹ In 1812 the Governor's Secretary was paid the almost equivalent salary of a fish splitter - one hundred and forty pounds per year.²²² By late 1814, Governor Keats described the salaries being offered at Newfoundland as "immoderate and unprecedented" in the island's history.²²³ The influx of workers, primarily Irish, to Newfoundland in this period did little to stem the escalation of wages offered, due in large part to the continually increasing demand for salt fish which persisted up until the end of the war.²²⁴

²¹⁷. Head, p.236-7.

²¹⁸. Ryan, p.49.

²¹⁹. Prowse, p.394

²²⁰. Dr. Melvin Baker, (Instructor), "Newfoundland History Readings, 1815-1949", (Course Manual, History 3120, Memorial University of Newfoundland), 1986, fn. 17, p.10.

²²¹. Whitely, p.22.

²²². Prowse, p.394.

²²³. PANL, GN 2/1/A, Vol.26-7, Dec.29,1814, p. 107.

²²⁴. PANL, David Davis, "St. John's and the Commissariat: 1810-1920", p.3.

As a result, although there was both the means and opportunity to engage in privateering off of Newfoundland throughout the war of 1812, neither the necessity nor the ambition, present in other centres, existed in the local population. While other communities such as Baltimore and Halifax took advantage of the war to offset lost revenues through the outfitting of privateers, the merchants of Newfoundland were not faced with this problem. In addition, local fishermen, sailors, or tradesmen were not forced to sign on board a privateer to earn a living. Newfoundland merchants and firms prospered in their customary business ventures in the fishery and supply trade, and the standard of living in Newfoundland likewise rose.²²⁵ Consequently, privateering was not necessary. Regular trade continued and as a precaution Newfoundland merchants and firms set about protecting their investments and possibly increasing their profits by taking out licenses to arm their merchant ships.

In choosing the alternative of putting to sea with armed traders, regular commerce could be preserved and, if an opportunity to make a capture presented itself, the owners and crew could conceivably add to their earnings. This was immediately recognized as a more lucrative alternative than privateering by a group of Poole merchants, who on June 25, 1812, petitioned Governor Duckworth for licences to sail armed. In a memorial

²²⁵. Janzen et. al., A History of Newfoundland, p.12-9.

from the merchants of Poole, to the Lords of His Majesty's Privy Council and passed on to Governor Duckworth, a request was forwarded,

to permit the exportation of a certain number of ships guns, shot etc. to Newfoundland for the purpose of arming vessels employed in conveying fish from that island to the Port of Spain.²²⁶

In 1812 alone the governor of Newfoundland received and granted twenty-one such requests from Newfoundland and English vessels alike. The next year thirteen more licenses were granted, and by the end of the war a total of thirty-five vessels had carried arming licenses issued by Newfoundland governors. (Appendix IV) Again, in comparison to other centres, such as Nova Scotia, the Newfoundland example seemed to deviate from the norm. While Faye Kert estimated that "nearly 30%"²²⁷ of Canadian letters of marque were merchant traders, in Newfoundland nearly 80% of vessels carrying letters of marque were classified as armed traders.

Despite the lack of direct involvement by Newfoundland investors in privateering, there were still benefits derived from a prize war conducted off of the island's shores. The presence of the Royal Navy and the prizes brought in by government licensed vessels still offered local residents a

²²⁶. PRO KEW, CO 194/52, "Lords of His Majesty's Privy Council to Duckworth", p.41.

²²⁷. Faye Kert, "Cruising in Colonial Waters: The Organization of a Privateering Venture During the War of 1812", Unpublished Paper, March 12, 1991, p.5.

chance to reap the benefits of the trade war as carried out almost exclusively by His Majesty's Navy.

As a result, when examining the effects of privateering on the economy of Newfoundland it must be assessed from a broader perspective than studies which have sought to determine to what degree privately-funded capital investment in the prize war contributed to local economies. In Newfoundland, individual investors or ship owners gained little or no direct profit from the capture of enemy vessels as a result of the efforts of their own ships. Nevertheless, those prize ships and goods made available through the efforts of the Royal Navy did provide Newfoundland and the merchant community with an opportunity to reap the benefits of the prize war, and to augment, and often compliment their pre-war commercial operations.

Prize cargoes brought into St. John's offered Newfoundland residents an opportunity to purchase both luxury and staple goods at a time when they were not always readily available. Items such as brandy, red wine, cream of tartar,²²⁸ lemons, salt, dry goods and flour,²²⁹ were all made available to the Newfoundland population as a result of the sale of prize cargoes.(Appendix II & III) In addition, local merchant houses, such as Newman and Company,

²²⁸. PRO, Chancery Lane, HCA 49/100, "Prizes Adjudicated in Newfoundland Vice Admiralty Court".

²²⁹. PRO KEW, ADM 1/477, "U.S. Prizes Sent to St. John's, Newfoundland", p.478

regularly purchased staple items, not always readily available due to the interruption of American trade to the island. In this way American flour, biscuit, and grain, seized by naval vessels, were purchased by local merchants at auctions and sold to the general public.²³⁰

Merchant firms at Newfoundland benefitted greatly from the purchase and sale of prize cargoes and ships brought in by the Royal Navy. In a letter sent by the company to their Newfoundland agent, John Teage, in January, 1813, Newman's demonstrated the possible benefits which the prize war offered to enterprising merchants:

We understand all the American prizes that are worth sending to England will come to this place for sale...We wish one or two to be purchased for us, if they are very good vessels for our trade and go tolerably cheap...M. Condon says there are two or three vessels among the American prizes that would answer our purpose very well.²³¹

Again, on April 10, 1813, Teage received specific instructions to purchase American prize vessels detained at St. John's. Teage was directed to purchase only those vessels which were,

well calculated for our trade, and should prefer one of about 2600 lbs of fish and another of some 3000 to 4000, but on no account buy a low built vessel as they do not answer....if you can get them so as to stand in about fifteen pounds per ton at six of good vessels they would be worth it provided they would carry their tonnage in fish.²³²

²³⁰. PANL, MG 482, "Newman, Hunt and Company, London, to Newfoundland, Newman and Company and others, 1812-17", p.21

²³¹. Ibid, p.25.

²³². Ibid, p.32.

James Macbraire was also shrewd enough to benefit from those prizes sent to Newfoundland by the Royal Navy. During the war, Macbraire purchased 1000 grindstones at fifty cents a piece from a captured American merchantman. With the scarcity of flour experienced at Newfoundland later in the conflict Macbraire acquired a cargo of flour from a captured American vessel. While the flour was said to have been sold at a "fair price", Macbraire increased his profits substantially when, as part of the agreement for those purchasing the flour, the grindstones were sold at the inflated price of one dollar and fifty cents a piece.²³³

The presence of captured American vessels and the cessation of regular trade with the United States occasioned still further opportunities for profit by Newfoundland merchants. Ironically, thirteen of seventeen vessels granted special licenses to carry goods to the island from the United States in 1815 were registered as captured America prizes.²³⁴ Newman's was one of the company's which took advantage of prize ships to benefit in this fashion. On May 28, 1813, John Teage was instructed to "...make application...to send to America to load some cargoes of bread and flour there for St. John's."²³⁵

²³³. McGrath, p.14-15.

²³⁴. PANL, GN 2/1/A, Vol.26, "Licenses granted by V.A. Sir Richard G.Keats for the Importation from the U.S. of American Bread, Flour, Peace and Indian Corn and Livestock", p.387.

²³⁵. PANL, MG 482, "Newman, Hunt and Company, London to Newfoundland, Newman Company and others, 1812-1817", p.21.

As a result, unlike many other maritime centres, St. John's and other Newfoundland ports prospered throughout the war years and merchants were not forced into privateering. The reasons for this variation from places of similar characteristics, such as Nova Scotia and New Brunswick, are self-explanatory upon examination of the evidence. The combination of the presence of the Royal Navy, the boom in the Newfoundland economy, and the comparable isolation of Newfoundland in relation to the privateering centres of mainland North America, meant that there was little need or incentive for Newfoundland merchants to invest in this facet of commercial warfare. Instead it was left to the Royal Navy, and while the numbers of armed traders indicates that the merchants were not opposed to possibly benefitting from the prize war, it also indicates that regular commercial traffic was able to, and did, continue to dominate the Newfoundland trade; an option centres like Halifax, Baltimore and others did not have.

While other towns and cities were forced out of necessity to engage a privateering force, it still remained a poor substitute for regular commercial activities. This is clearly evidenced in the case of the maritimes, where Kert points out that as soon as more conventional commercial ventures opened up, like the supply of British troops, privateering was abandoned.²³⁶ In Newfoundland throughout the war there was not a need to seek alternate

²³⁶. Faye Kert, "Cruising in Colonial Waters: The Organization of a Privateering Venture During the War of 1812", p.9.

employment for merchants or the general population simply because the war years brought prosperity, not privation. Newfoundland, though, was still able to benefit from a prize war due primarily to the presence of the Royal Navy, which played a major role not only in the maintenance of shipping, but also in the suppression of enemy privateers and the capture of enemy merchant ships off of the island's coast. As a result, the benefits accruing to Newfoundland from the prize war could be said to have predominately come, not from their own fleet of privately armed vessels as was the case in so many other centres, but from the presence of the Royal Navy.

Conclusion

The absence of an organized, large-scale privateering effort out of Newfoundland is an anomaly when one looks at the efforts put forth by geographically and economically comparable areas. With further study these differences become even more puzzling since Newfoundland's urban development, including her economic, judicial and population advancement would suggest that privateering ventures should have flourished among the island's resident merchant class. Through an examination of the island's judicial development and the growth of a strong resident mercantile establishment there is no obvious reason why this form of commercial warfare was not cultivated in Newfoundland as it was elsewhere along the Eastern Seaboard.

However if one examines the fundamental motivation behind investment in privateering the reasons for this deviation becomes apparent. Privateering was, first and foremost, an expression of economic desperation. Those who invested did so as a means of economic survival, as a means of supplanting business lost to blockades and other war-time disruptions of seaboard trade. The fact that these conditions, which were so prevalent in other areas of North America during this period, were not present to the same degree in Newfoundland goes a long way in explaining the lack of interest expressed in privateering on the island.

While there are other factors involved, such as the island's relative

detachment from the rich hunting grounds of the northeastern United States, the leading factor in the island's meagre response was her strong economic growth during the war. While other areas sought alternatives to their pre-war businesses, Newfoundland merchants were enjoying perhaps their most prosperous years at Newfoundland. This prosperity was also felt by the local population, which receive previously unheard of wages. As a result neither the merchants nor the general population were forced to compensate lost incomes by investing in, or booking on board a privateer.

Early general histories on Newfoundland in this period, as well as works which have touched on privateering in this period of Newfoundland's development, have often mistakenly equated the appearance of prizes in Newfoundland during the War of 1812 with an involvement by Newfoundland privateers in the prize war. The records which remain of the Vice Admiralty court on the island, as well as other government documents show that it was the Royal Navy which achieved the vast majority of these prizes, not local privateers. However, the bulk of these records remain hidden or lost forever. A closer examination of them, if they do exist might very well show a different picture of Newfoundland's involvement in the prize war.

In spite of the lack of complete records, those which are accessible show a substantial number of armed traders commissioned out of the island. This certainly suggests that trade was able to continue, and that merchants sought to maintain their pre-war trade. Instead of investing in

privateers, merchants choose to maintain regular trade and arm their vessels in an attempt to ward off possible attacks. The presence of so many of these vessels suggests that Newfoundland merchants were able to continue in their traditional businesses and the alternative offered by potential windfall profits from privateers was obviously not enough of an incentive for merchants to risk their capital or their ships in this form of commercial warfare. This fact alone supports the contention that the commercial aspect of privateering was the preeminent consideration for those who considered investment, and as such Newfoundland merchants did not consider it a viable alternative to regular trade.

APPENDIX I

**ACCOUNT OF WARRANTS FOR THE ISSUE OF LETTERS OF
MARQUE AND REPRISAL AT NEWFOUNDLAND, 1812 - 1813**

DATE OF WARRANT	VESSEL	PORT OF ORIGIN	MASTER	OWNER	BURTHEN (TONS)	RIGGED	CREW	AGAINST WHAT POWER	AT WHOSE APPLICATION
1812*	<u>HERO</u>	----	-----	----	-----	Cutter	----	France	Hart & Robinson
1812*	<u>FLY</u>	London	John Philips	----	-----	Cutter	----	-----	Hart & Robinson
1812*	<u>RESOLUTION</u>	----	Wm. BARRETT	----	-----	Brig	----	----	-----
1812*	<u>VENUS</u>	----	-----	----	-----	Brig	----	----	Robert Hutton & Company
Oct.8, 1812!	<u>MINERVA</u>	Greenock	Robert Dunn	David Tasker	168 5/94	Brig	16	France	Messrs. James & George Robertson, James & Patrick Hunter, James Tasker, James Rogerson
Oct.22, 1812!	<u>LAGUS</u>	Glasgow	Thomas Lester	Messrs. Crawford & Co.	229	Ship	25	France	John James & Andrew Crawford
July 9, 1813@	<u>AEOLUS</u>	London	Fred. Hoeguard	Fred. Delisle & Fred. Hoeguard	229	Brig	30	United States	Fred. Hoeguard & Peter LeMesseuier
Aug.18, 1813@	<u>VULTURE</u>	Liverpool	Edward Leigh	A.H. Wood & Hayes	216	Sch.	24	United States	Masters & Owners

DATE OF WARRANT	VESSEL	PORT OF ORIGIN	MASTER	OWNER	BURTHEN (TONS)	RIGGED	CREW	AGAINST WHAT POWER	AT WHOSE APPLICATION
Aug. 19, 1813@	<u>JAMES</u>	St. John's	Doug. Macneil	J.T. Ja. & A. Crawford	192 ¹⁷ / ₉₄	Sch.	25	United States & France	J.T. Crawford

SOURCES:

* ROYAL GAZETTE AND NEWFOUNDLAND ADVERTISER, MONDAY, JULY 20, 1812, p.2-3.

! GN 2/1/A, Vol. 22-3, p.146 & p.269-70.

@ GN 2/1/A, Vol. 24-5, p.325-6.

APPENDIX II**U.S. PRIZES SENT TO ST. JOHN'S
JUNE 24 - OCTOBER 13, 1812**

U.K. VESSEL	DATE	SHIP CAPTURED	COMMANDER	CARGO
<u>H.M.S JASON</u>	JUNE 12	LYDIA		
	JULY 12	UNION (PHIL)	JAMES GARDINER	250 LBS. LEMONS
	JULY 12	PALAFAX (BOSTON)	B. HITCHING	SALT
	JULY 13	ANACREON (NORFOLK)	WM. BENTHAL	BALLAST
	JULY 14	THREE FRIENDS (BOSTON)	Wm. PECKHAM	SALT, LEMONS, COALS
	JULY 19	CYRUS (GLOUCESTER)	BARTH. KING	STAVES, BALLAST
	AUG. 13	Wm. TELL (BOSTON)	E. COBB	BALLAST
	AUG. 15	Wm. P. THOMPSON (PHIL.)	Wm .LOLLINGSBY	PASSENGERS, BALLAST
<u>H.M.S. AVENGER</u>	JULY 14	ARAB (NEW YORK)	WARREN DELANO	BALLAST
	JULY 21	TRITON (NEW BEDFORD)	M. RODGERS	SALT, SUGAR
	JULY 21	ADRIATIC (NEW YORK)	B.TREADWELL	BALLAST
	JULY 25	GLENER (BOSTON)	JAMES DUNN	SALT, DRY GOODS, SILK
	AUG. 07 AUG. 08	DOLPHIN ADELINE	----- -----	----- -----
<u>H.M.S HAZARD</u>	JULY 15	ELIZABETH (BOSTON)	I. CRESWELL	BALLAST
	JULY 15	NANCY (NEW YORK)	M. BRIGGS	SALT
	JULY 21	DOLPHIN	NICOLE	CIDER, PORTER, CORDAGE, CABEEN, HAYSEED.
	JULY 19	ORIENT (MARBLEHEAD)	B. ANDERSON	IRON, RUSSIAN SHEETING.
	SEPT. 7	ENTERPRISE (NEW YORK)	A. CARTWRIGHT	BALLAST
	SEPT. 13	SUSANNAH (CADIZ)	W. ASHBRIDGE	FLOUR
<u>H.M.S. POMONE</u>	JULY 16	CAROLINE (NEW BEDFORD)	HAMMOND	165 HOGS OF SALT
	AUG. 01	KITTY (RECAPTURE)	THOMPSON	BALLAST

U.K. VESSEL	DATE	SHIP CAPTURED	COMMANDER	CARGO
H.M.S. ANTELOPE	JULY 31	CASTOR (NEW BEDFORD)	A. LEWIS	66 PASSENGERS, BALLAST
	AUG. 08	ELIZA (NEW YORK)	BENJ. WAINE	PASSENGERS, BALLAST
H.M.S. ELECTRA (TAKEN ON A FISHING VOYAGE ON THE LABRADOR COAST)	JULY 29	FAME (NEWBURY, PORTLAND)	RUBEN EATON	SALMON AND COD
	AUG. 01	POLLY (CHATHAM)	SILAS NICKENSON	COD
	AUG. 01	ESSEX (SALEM)	HOMAN	COD
	AUG. 02	PILGRIM (PLYMOUTH)	MOSES HIGGINS	COD
	AUG. 02	SWALLOW (PLYMOUTH)	GOSHUA ATKINS	COD
	AUG. 02	Wm. DAVIS (PLYMOUTH)	ASA RODGERS	COD
FLY, PRIVATE ARMED CUTTER	AUG. 04	FAIRPLAY	Wm. LOWE	BALLAST SALT, WINE, PAINTINGS & HATS BALLAST, 16,000 DOLLARS
	AUG. 06	ROCKLAND	JOSHUA PRAY	
	AUG. 12	WASHINGTON	A.J. BROWN	
H.M.S. ATLANTANTE	JULY 13	PERSERVERENCE	COLES	BALE, SALT, DRY GOODS

SOURCE: ADM 17477, p. 478, PRO. KEW GARDENS, LONDON, ENGLAND

APPENDIX III**PRIZES ADJUDICATED IN NEWFOUNDLAND VICE ADMIRALTY COURT:*****JUNE 25 - NOVEMBER 28, 1812*****JUNE 25 - JULY 20, 1813*****JULY 01 - SEPTEMBER 24, 1813**

CAPTURING SHIP	COMMANDER	AGENT AND RESIDENCE	TENOR OF SENTENCE
H.M.S. <u>JASON</u>	J.W. KING	THOMAS STABB, MERCHANT, ST. JOHN'S & WILLIAM DALY, PURSER OF HIS MAJESTY'S SHIP <u>JASON</u>	CONDEMNED 150 PIPES OF BRANDY, 80 PIPES AND 180 HOGSHEADS OF RED WINE, 50 CASKS OF CREAM OF TARTAR AND 294 BOXES OF OIL. RESTORED THE SHIP <u>LYDIA</u> HER TACKLE, APPAREIL AND FURNITURE AND 20 PIPES AND 30 QUARTER PIPES OF MALAYA WINE.
H.M.S. <u>JASON</u>	J.W. KING	THOMAS STABB & WILLIAM DALY	RESTORED THE SHIP Wm. P. THOMPSON, HAVING A BRITISH LICENSE THE 14TH JUNE. CONDEMNED THE 30TH OF JUNE, 1813 THE AMERICAN SHIPS, <u>Wm. TELL</u>, <u>ANACREON</u>, <u>BRIGS, UNION, PALAFOX</u>, <u>CYRUS</u>, AND <u>SCHOONER THREE FRIENDS</u>, TO HIS MAJESTY HAVING BEEN CAPTURED ANTERION TO THE DECLARATION OF WAR BY GREAT BRITAIN AGAINST THE UNITED STATES.
H.M.S. <u>AVENGER</u>	JOHNSON	THOMAS STABB OF ST. JOHN'S AND MESSRS. COMMANEY AND DRUCE OF LONDON	COMDEMNED THE 30TH JUNE, 1813 THE AMERICAN SHIPS <u>ARAB</u>, <u>TRITON</u>, <u>ADRIATIC</u>, <u>POCAHANTUS</u>, AND BRIG <u>GLEANOR</u> TO HIS MAJESTY AS AFORESAID.

CAPTURING SHIP	COMMANDER	AGENT AND RESIDENCE	TENOR OF SENTENCE
H.M.S. <u>HAZARD</u>	CARPENTER	-----	CONDEMNED THE 30TH OF JUNE, 1813, THE AMERICAN SHIP <u>CASTOR</u> , AND BRIG <u>ELIZATO</u> HIS MAJESTY AS AFORESAID.
H.M.S. <u>ELECTRA</u>	Wm GREGORY	THOMAS STABB & MESSRS. MARSH AND CREED, NORFOLK ST., STRAND, LONDON	CONDEMNED THE AMERICAN SCOOTERS <u>POLLY</u> , <u>PILGIM</u> , <u>ESSEX</u> , <u>Wm. DAVIS</u> , AND SLOOP <u>FAME</u> , TO HIS MAJESTY AS AFORESAID THE 30TH JUNE, 1813.
H.M.S. <u>POMANE</u>	Wm. PANE	THOMAS STABB	CONDEMNED THE AMERICAN SCOOTER <u>CAROLINE</u> , ON THE 30TH JUNE, 1813.
CUTTER <u>FLY</u> OF LONDON	JOHN PHILIPS	-----	CONDEMNED THE BRIG <u>ROCKLAND</u> AND SCHOONER <u>WASHINGTON</u> ON THE 30TH JUNE TO HIS MAJESTY IN HIS OFFICE OF ADMIRALTY HAVING BEEN CAPTURED BY A NON-COMMISSIONED VESSEL
H.M.S. <u>ATLANTA</u>	FREDERICK HISKEY	JOHN WILLIAMS OF ST. JOHN'S	CONDEMNED THE 16TH OF JULY TO HIS MAJESTY'S SHIP <u>PERSERVERENCE</u> , THE CARGO DELIVERED ON BAIL, FURTHER PROOF BEING REQUIRED
H.M.S. <u>JASON</u>	J.W. KING	THOMAS STABB AND ROBERT DALY, PURSER OF <u>JASON</u>	CONDEMNED THE 16TH OF JULY, TO HIS MAJESTY, THE SHIP <u>LYDIA</u> . N.B. THIS VESSEL WAS DETAINED BY THE VICE-ADMIRALTY COURT OF NEWFOUNDLAND IN 1812.

CAPTURING SHIP	COMMANDER	AGENT AND RESIDENCE	TENOR OF SENTENCE
H.M.S. <u>ELECTRA</u>	WILLIAM GREGORY	THOMAS STABB AND MARSH AND CREED OF LONDON	CONDEMNED THE 31ST JULY, 1813, BEING THE PROPERTY OF THE CITIZENS OF THE UNITED STATES OF AMERICA.
H.M.S. <u>CRESCENT</u>	JOHN WILLIAMS	THOMAS STABB AND PHILIP CARTER, SECRETARY TO THE VICE ADMIRAL, SIR RICHARD GOODWIN KEATS.	CONDEMNED THE 19TH OF OCTOBER, 1813, BEING THE PROPERTY OF THE CITIZENS OF THE UNITED STATES OF AMERICA.

SOURCE: HIGH COURT OF ADMIRALTY 49/100, PUBLIC RECORDS OFFICE, CHANCERY LANE, LONDON, ENGLAND.

APPENDIX IV**APPLICATIONS FOR LICENSES TO SAILED ARMED, 1812-1815**

DATE OF LICENSE	VESSEL	TYPE	BURTHEN	# GUNS	MASTER
1812*	<u>ELIZABETH</u>	Brigantine	104 ^{79/94}	----	William Holmes
1812*	<u>SPANISH PATRIOT</u>	Brigantine	142	8	William Fisher
1812*	<u>SWIFT</u>	Brig	111	2	William Knackman
1812*	<u>JOHN & WILLIAM</u>	Snow	171 ^{72/94}	---	John Dench
1812*	<u>JOHN CRAWFORD</u>	Schooner (Prize)	102	2	Alexander Bruce
1812*	<u>PRINCE OF WALES</u>	Schooner	107	1	Samuel Cooking
1812*	<u>THOMAS</u>	Brig	97 ^{3/94}	---	Thomas Bailey
1812*	<u>MARY</u>	Brigantine	136 ^{2/94}	2	Richard Walker
1812*	<u>HELEN</u>	Brig	139 ^{73/94}	---	Charles Hill
1812*	<u>HALL</u>	Brig	78	---	John Stabb
1812*	<u>DIANA</u>	Brigantine	109 ^{92/94}	2	Gilbert Currie
1812*	<u>MARY</u>	Brig	153 ^{68/94}	---	Stephan Cummings
1812@	<u>MARS</u>	Ship	200 ^{10/94}	10	James Aleen
1812@	<u>PRINCES ROYAL OF POOLE</u>	Brig	151 ^{18/94}	12	John Norton
1812@	<u>EMULATION</u>	Ship	194 ^{2/94}	14	Thomas Roe
1812@	<u>FREEDOM</u>	Ship	215 ^{67/94}	18	John Broom

DATE OF LICENSE	VESSEL	TYPE	BURTHEN	# GUNS	MASTER
1812@	<u>APOLLO</u>	Bark	209 ^{14/94}	16	Charles Walker
1812@	<u>MARIANNE</u>	Ship	193 ^{26/94}	16	James Hardy
1812@	<u>JERSEY</u>	Brig	103 ^{74/94}	4	Abraham Malrard
1812@	<u>PRINCESS ROYAL</u>	Ship	194 ^{14/94}	6	-----
1812@	<u>NANCY OF POOLE</u>	Ship	222 ^{55/94}	18	Edward Stanworth
July 8, 1813#	<u>VESTAL</u>	Brig	168 ^{86/94}	8	John Tamlen
July 8, 1813#	<u>CHARLETON</u>	Brig	168	8	Thos. Payne
July 8, 1813#	<u>HERO</u>	Ship	193 ^{82/94}	8	Josh. Hawkins
July 17, 1813#	<u>SWIFT</u>	Brig	150 ^{82/94}	6	Thos. Keates
Aug. 17, 1813#	<u>AUGUSTINE</u>	Brig	158	6	Thos. Lander
Sept. 27, 1813#	<u>JESSE \$ NORA</u>	Ship	282 ^{12/94}	6	George Alexander
Oct. 9, 1813#	<u>SIR JOHN SHERBROOK</u>	Brig	277 ^{71/94}	10	John Duncan
Oct. 23, 1813#	<u>LADY ANN</u>	Ship	214	8	Mark Leagre
Oct. 27, 1813#	<u>HARMONY</u>	Ship	243 ^{65/94}	6	John Dyer
Oct. 28, 1813#	<u>BELLONA</u>	Brig	258 ^{34/94}	6	Hillary Langlow
Oct. 28, 1813#	<u>COSSACK</u>	Schooner	233 ^{20/94}	6	William De La Rue
Oct. 30, 1813#	<u>HOPE</u>	Ship	226 ^{20/94}	10	William Miller
Oct. 28, 1813!	<u>TEN SEAMEN</u>	-----	-----	---	-----

DATE OF LICENSE	VESSEL	TYPE	BURTHEN	# GUNS	MASTER
July 2, 1814#	<u>MARIANNE</u>	Ship	198 ⁶⁷⁹⁴	8	Deward Stanworth
June 30, 1814+	<u>DART</u>	----	-----	---	-----
July 27, 1815#	<u>RINGDOVE</u>	Brig	159 ⁴⁰⁹⁴	6	Thoams Hawkins

SOURCES: * MG 204/SERIES F, PANL.

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