One

Origins and Regulation

A privateer is a kind of private man-of-war, though the commission be not reckoned very honourable... and some persons account those but one remove from pirates.

Malachy Postlethwayt, The Universal Dictionary of Trade and Commerce (1774), II, 'privateer'.

That privateering was, and still is, confused with piracy is hardly surprising given the similarities in the aims and methods of the two activities. Both privateersman and pirate were intent on enriching themselves at the expense of other maritime travellers, an end which was often achieved by violent means, the forced appropriation of ships and merchandise. However, there had always been a theoretical distinction between the two forms of predation and during the seventeenth century this demarcation became more apparent in practice. While the privateersman assumed a place within the developing code of international maritime law, his legitimate prey being restricted largely to enemy property in wartime, the pirate’s indiscriminate and unauthorised business was increasingly outlawed. Such developments occurred as the maritime powers sought to protect their growing interest in overseas trade from the stateless sea-robber and to expand it at the expense of their commercial and colonial rivals. The growth of state navies, and the concomitant advance in the administrative efficiency of marine departments facilitated these advances; thus, the laws against piracy were more rigorously enforced, while privateering enterprise was better regulated.

By the 1730s, therefore, piracy had been largely eradicated from the North Atlantic and privateering had been incorporated into the framework of international relations, a recognition of its potential utility as a tool of war. This integration, however, was not achieved by the
imposition of a new system of regulation; rather, the measures traditionally
employed to restrict private maritime warfare were increasingly formalised
and a code of conduct more clearly defined. The basic tenets of control,
and much of the terminology which applied to eighteenth-century
privateering, were deeply rooted in the various forms of private conflict
at sea that had been apparent since medieval times.

The ancient right of reprisal clearly underlay the eighteenth-century
form of privateering enterprise. This was a means by which an individual
could redress, by force if necessary, a proven grievance against a foreign
subject. It was a measure of last resort, for the wronged party could only
petition his sovereign for ‘letters of marque,’ and reprisal’ once all efforts
to obtain satisfaction using the legal processes of the foreign state had
failed. Once granted, this authorisation empowered the petitioner to
recover the amount of his loss from any of his transgressor’s compatriots,
with any surplus accountable to his own sovereign. In 1295, for instance,
Bernard D’Ongressil of Bayonne was despoiled to the extent of £700 by
some Portuguese sailors, proved his loss to the satisfaction of his lord,
Sir John of Brittany, and was granted ‘letters of marque, and reprisal’
permitting him to make good his injury at the expense of the subjects of
the King of Portugal. Such rights were regularly granted to individuals
during the Middle Ages and the practice survived until the late sixteenth
century at least when Elizabeth I thought fit to authorise numerous private
reprisals against the Spaniards.

The device of reprisal made possible minor acts of war without breaking
the general peace existing between nations. Thus, it was distinct in theory
from privateering, an activity limited to periods of declared war. Yet the
rationale of private reprisals was clearly apparent in eighteenth-century
commerce-raiding. From the concept of the redress of individual loss by
reprisal in time of peace, there had evolved the notion of ‘general’ reprisals
against an enemy in wartime. Nations justified acts of war as retaliatory
measures against alleged aggressors, and therefore unlimited reprisals
against the subjects of the offending state were permissible. In July 1739,
for example, general reprisals were granted against Spanish commerce in
retaliation for the depredations purportedly committed by the Spanish
guarda-costas in the West Indies, while in December 1780 the failure of the
United Provinces to respond to a series of published British grievances
provoked the authorisation of general reprisals against Dutch trade and
shipping. The language of private reprisals, moreover, survived and
continued to be applied to the ‘general’ reprisals of the later era. Thus,
the terms ‘letter of marque’, ‘letters of marque, and reprisal’ and,
occasionally, ‘letters of reprisal’ were used to describe the licences issued in wartime to seventeenth- and eighteenth-century privateersmen, though this usage was inappropriate in the strictest sense, as the rights originally implied by such titles were only applicable in time of peace.

While the right of reprisal was an important antecedent of eighteenth-century privateering, a further origin of the activity is to be found in the utilisation of private ships by the state for purposes of war in the days when royal navies were non-existent or inadequate. In England, the Norman kings depended upon the coast towns, particularly the Cinque Ports, to mobilise a set number of ships during an emergency, at times, as in 1242, ordering all the vessels of the Channel ports to commit every possible injury upon the enemy at sea.  

In the fourteenth and fifteenth centuries, there were several instances of ‘putting out to contract the keeping of the seas’, while Henry VIII made use of a large number of hired merchant ships to augment his fledgling Navy in the French wars of the 1540s. It was customary for the state to hire or impress private vessels, therefore, authorising them, by virtue of ‘commissions’, to act as ships of war. With the growth of navies in the seventeenth century, the state became less reliant on the merchant service and by the 1660s only purpose-built warships were powerful or adept enough to serve in line-of-battle. However, the facility to commission merchant vessels was retained and occasionally it was invoked to justify acts of private maritime warfare. Thus, in the American Revolutionary War, when it was theoretically impossible to grant reprisals against the inhabitants of the rebellious North American colonies, who were still considered to be subjects of His Britannic Majesty, the Admiralty Court issued ‘commissions’ to authorise the seizure of goods carried in contravention of the 1775 Prohibition of Trade Act.

If the letter of marque and the privateer commission derived from separate origins, the difference in the application of their respective powers was purely technical by the eighteenth century. Indeed, it was the Admiralty’s practice to address the ‘commanders of such merchant ships and vessels as may have letters of marque, or commissions, for private men-of-war.’ This elasticity in nomenclature was stretched further by the adoption of the term ‘letter of marque’ to describe a particular form of eighteenth-century privateering vessel—the armed merchantman—as well as the document she carried. Again, the origins of this strain of the activity can be traced back over the centuries. Commercial vessels had long since carried arms to resist pirates or enemy craft, particularly in the long-distance trades in which cargoes were generally more valuable, and
predators consequently more numerous. When called upon to use their weapons, merchantmen occasionally mounted successful defensive actions resulting in the capture of their assailants. However, it became a principle of maritime law that a captor without a commission had no legal title to his prize, which was usually condemned as a ‘droit and perquisite’ of the state. Therefore, to reap the rewards of such an encounter, or to profit from a meeting with a weak or incapacitated hostile vessel, it was commonplace from the 1620s onwards for owners of these armed traders to take out ‘letters of marque, or commissions’ in time of war. Though the conveyance of cargoes remained the priority of these vessels, the right of reprisal embodied in their privateering licences added a prize-taking potential to their voyages which might benefit owners and crew alike.

Privateering, in its eighteenth-century guise, was thus descended from a variety of distinct, though closely-related, origins. In the process of this evolution, a system of regulation developed by which states sought to restrict the attentions of their private forces to legitimate targets, thereby maximising their utility as a tool of maritime war. In eighteenth-century Britain, general reprisals were variously granted by a Royal Proclamation (1702), a Royal Declaration (1744), a Royal Proclamation and Declaration (1756), or by His Majesty’s Order-in-Council (1778, 1779, 1780) issued at the commencement of hostilities and subsequently enacted by Parliament. Though differing in detail, these Prize Acts incorporated the general principles which had long since governed privateering activity; thus, a privateersman required a letter of marque, or commission, to legitimise and benefit from his predatory activities; this authorisation applied only to the vessels and goods of a specified adversary; arrested properties were to be adjudicated by the due process of law as laid down in the legislation; and prizes, from 1708 onwards, were to be the ‘sole interest and property’ of captors.

The Lord High Admiral, or the Commissioners who executed the office for much of the century, was responsible for the administration of these Acts, a power exercised through the High Court of Admiralty and its colonial subsidiaries, the Vice-Admiralty Courts. This institution dated back to the mid-fourteenth century, though its jurisdiction was limited until the 1520s. Thereafter, the Court gained cognizance over a wide range of cases arising from maritime activity, and prize adjudication became one of its principal functions. It developed an expertise in handling such business, which was often complex and politically delicate, requiring flexible procedures, quick results and a specialised knowledge of the sea and seafarers. In the seventeenth century, this expertise was recognised
in the creation of a distinct ‘Prize’ division within the Court, the remainder of its civil and criminal work being conducted in the ‘Instance’ division. Prize sessions, from the 1670s, were held at Doctors’ Commons, the residence of the doctors in civil law, situated to the south of St Paul’s Cathedral, London.\footnote{14}

It was in these sessions that the business of privateering was administered throughout the eighteenth century. By this juncture, the Court’s procedures had been formalised and the means by which it controlled privateering activity well established. To obtain his licence, the intending privateer commander—or someone acting on his behalf—was required to attend the Admiralty Court in Doctors’ Commons, London,\footnote{15} and produce a ‘warrant from the Lord High Admiral . . . for the granting of a commission or letter of marque’. Then he was obliged to make a declaration before the Admiralty judge consisting of a ‘particular true and exact account of the ship or vessel’\footnote{16} to be commissioned. The information contained in these sworn statements varied from war to war, though they retained a basic form throughout the period 1689–1815. Declarants were required to state the name of the vessel concerned, the date the application was made, the tonnage of the vessel, its crew size, its armaments (including small arms and cutlasses), the period for which it was victualled, the type and quantity of ammunition and tackle carried, and the names of the commander, officers and principal owners. Such detail facilitated the regulation of privateers by providing the Admiralty Court with an accurate register of vessels licensed to attack enemy property on the high seas, and nominating the persons responsible for the promotion and conduct of such ventures. Thus, if complaints were made about the activities of a commissioned vessel, the authorities possessed the means to identify the vessel concerned and, more importantly, the individuals accountable for its operations.

The declaration also permitted the Court to restrict the issue of letters of marque to vessels of a particular quality or size if the need arose. In the latter stages of the Nine Years’ War, for instance, the Admiralty attempted to divert seamen from the mercantile sector into naval service; accordingly, declarants were required to specify whether their venture was commercial or predatory in design, as commissions were valid for one voyage only in the case of ‘letters of marque’, while private men-of-war were allowed to cruise ‘until further orders’.\footnote{17} Similarly, the declaration identified the vessels of under 100 tons burthen, 12 guns and 40 men which might only be commissioned at the discretion of the Lords of the Admiralty as a consequence of the Privateers’ Act of 1759. This
legislation, intended to curb the activities of small commerce-raiders, further added to the regulatory significance of the declaration, by making an inspection of the vessel and its documentation compulsory before embarkation. If everything was in order, a clearance pass was issued, though if vessels were found to be of an inferior strength to that stated in the declaration, the letter of marque was to be deemed null and void, while commanders sailing without a clearance pass were liable to a year’s imprisonment.\textsuperscript{18}

As well as making his declaration, the privateering commander was required to provide a bail to guarantee the good conduct of himself and his crew. This surety had been a customary feature of privateering regulation since the fifteenth century, but it was not until 1674 that the Anglo-Dutch Marine Treaty fixed its amount at £3,000 for a vessel with 150 men or more, or £1,500 if a lesser complement was carried. Its significance as a controlling device was clear; thus,

without any security whatever having been given for their conduct, which is uniformly required and taken in the most solemn manner from every Privateer ... non-commissioned vessels would be roving about, committing Acts of Violence and depredation on such ships as they might fall in with ...\textsuperscript{19}

Two reputable guarantors, whose circumstances and worth were to be investigated by the Marshal of the Admiralty Court, were to offer this bail which was liable to execution should it be proven that the privateersmen concerned had exceeded their authority.

The limits to this authority were expressed in the ‘instructions to privateers’ compiled by the Lords of the Admiralty and issued to each recipient of a letter of marque. Though the instructions were modified over time, and additional orders were issued to meet the particular circumstances of a war, they incorporated a consistent core of regulatory provision in force throughout the eighteenth century.\textsuperscript{20} They constituted a code of practice intended to guide the behaviour of the privateersman at sea and to ensure the proper adjudication of prizes. Within this code, the Admiralty’s concern to maximise the military utility of commissioned vessels is evident. Thus, commanders were instructed to give ‘aid and succour’ to any British vessel ‘found in distress by being in fight, set upon, or taken by the enemy or by reason of any accident’. Commanders were further ordered to maintain ‘a correspondence by all conveniences and upon all occasions’ with the Admiralty, tendering accounts of their proceedings, particularly any information they might glean ‘of the designs
of the enemy, of any of their fleets, ships, vessels, or parties'. Moreover, prisoners taken from enemy private ships-of-war were to be identified and conveyed to a British port where they were to be delivered into the 'care and custody' of a civil magistrate or military commander.

Most of the instructions, however, related to the arrest and adjudication of vessels and goods suspected of belonging to enemy subjects. In particular, a sufficient body of evidence was required for the Judge of the Admiralty Court to decide whether the seized property should be condemned. To this end, the instructions laid down that three or four of the prize vessel's crew, including the master and mate if possible, were to be brought or sent to a home port 'to be sworn and examined upon such interrogations as shall lead to the discovery of the truth concerning the interest or property' of the seized ship or goods. These witnesses were obliged to respond to a set of 'standing interrogatories', up to 34 questions administered in the port of landing by local officials authorised by an Admiralty Court warrant, or by the British Consul in overseas bases. This standard examination, to be undertaken within five days of the warrant's issue, was designed to establish the nationality, destination and ownership of the arrested vessel and its cargo, together with the location and circumstances of the capture. In this way, the liability of seized vessels and goods to condemnation might be proved 'out of the prize's own mouth', by the direct admission of witnesses that the property in question was owned by an enemy subject; alternatively, liability might be determined by presumption, if resistance to arrest had been offered, if papers had been concealed or if contradictory testimonies had been given by detainees. To support this information, the Court required documentary evidence, and captors were instructed to submit for examination 'all such papers, passes, sea briefs, charters, bills of lading, letters and other such writings' found on board the arrested vessel, making oath that the documents were 'brought in as they were received and taken without any fraud, addition, subduction, or embezzlement'.

In general, greater emphasis was placed on the submission of evidence as the century proceeded. Accordingly, the option of ransoming vessels and goods was gradually restricted. Common in the early years of the century, and legitimate provided a hostage was taken and a properly accredited ransom bill was presented to the Admiralty Court, ransoming was 'found, by experience, to be liable to great abuses' for the property at issue was released without examination by impartial authorities. Moreover, there was 'reason to apprehend that, upon the whole, it operates more to the Disadvantage than to the benefit of His Majesty's
subjects."22 Greater control was thus inevitable and the ransoming of neutral vessels was forbidden by the 1759 Privateers' Act, while the practice in general was prohibited during the American Revolutionary War.23 Increasingly, therefore, captors were required to deliver all the ships and goods they had seized 'into such port of this realm of England or some other port of our dominions ... as shall be most convenient'. Captured property was to be 'kept and preserved and no part ... sold, spoiled, wasted or diminished and the bulk thereof shall not be broken before judgement be given in the High Court of Admiralty'.

In following the 'instructions to privateers', the captor was able to supply the Admiralty Court with documentary evidence and the depositions of witnesses—the 'preparatory examinations' upon which a judgement could be made. The matter was then out of the privateersman's hands and subject to the process of adjudication laid down by the 1708 Prize Act and re-enacted at the outset of each subsequent conflict. In uncontested cases, a definitive sentence of 'common condemnation' might be passed within two or three weeks of the prize's landing. Otherwise, if claims upon the seized property were lodged by neutral subjects or rival captors, or if irregularities were alleged to have taken place in the conduct of the arrest, long and complex proceedings might ensue, particularly if the evidence of witnesses from overseas was required. In such cases, the disputed property was released to the claimants by interlocutory decree, on the provision of security, while the Judge reserved his final decision until all the evidence was available. Even then, the case could continue, for aggrieved parties might exercise their right of appeal to the Lords Commissioners of Prize Appeals.24

Thus, from the issue of his letter of marque to the final condemnation of his prize, the privateersman's business was sanctioned and controlled by the High Court of Admiralty. This ancient and somewhat quixotic bastion of the civil law appears to have discharged its duties with some efficiency in the eighteenth century. Certainly the marked internal consistency of the archive it generated suggests the orderliness of its proceedings; here, each declaration is supported by a bail, while the adjudication process can usually be traced from libel to appeal in the Court's minute books with the documents themselves, and the evidence presented, preserved separately in a systematic fashion.25 However, contemporaries found occasion to complain about the idiosyncratic ways of this tribunal. Apart from an appearance to make his declaration and offer bail, the privateersman did not attend the Court. Rather, his interests, and those of claimants, were represented by one of the doctors of civil
law who were afforded the monopoly right to undertake the business of
the Court. Charges, quite naturally, were levied for the services of these
proctors whose privileged position was often resented by their clients. In
the 1702-1712 conflict, for instance, there were bitter complaints that the
privateering business was impeded by a cumbersome legal process which
served ‘the private interests of a few useless persons’;\(^{26}\) while in 1745 the
death of Everard Sayers moved one newspaper to remark that his office
of proctor was a ‘place of considerable profit.’\(^{27}\) Administrative problems
also arose from time to time; thus, in 1778, a dispute among the Admiralty
clerks ‘about the division of the fees of the said commissions’\(^{28}\) slowed
down the procedure, and applicants were further frustrated when

the warrants granted to letters of marque, privateers, etc, for making
reprisals on the French were, either through negligence, inattention
or design, sealed with a wrong seal; the consequence thereof is that
they must be re-sealed, which will protract their sailing for seven or
eight days at least.\(^{29}\)

The volume of business in the Admiralty Court might also hinder the
smooth operation of the system. In one instance, Peter Tessier, com-
mander of the Spifire of Dartmouth, acted on the assumption that his
agent had appeared at Doctors’ Commons and obtained a commission;
 alas, he was denied his share in De Twee Gesusters, which

he would have been entitled to if the multiplicity of business in the
Admiralty Office had not prevented his letters of marque against the
Dutch being sealed until the day next after the capture.\(^{30}\)

In spite of such bureaucratic lapses, the Court was reasonably effective as
an administrative unit, particularly after the reforms of 1708 had expedited
its process. However, its ability to enforce the ‘instructions to privateers’,
to control the behaviour of privateersmen, was inevitably limited by the
problems of detecting offences committed at sea. Such policing as
occurred was undertaken by naval officers who might receive specific
orders to apprehend known offenders such as John Patrick, commander
of the Fame.\(^{31}\) Alternatively, they might visit a private man-of-war to
search for deserters or stragglers, to press men or to check for procedur-
al irregularities. In the course of these encounters misdemeanours might
come to light leading to the detention of miscreants like James Verco,
commander of the Fox privateer, who was arrested by Lord Hervey of
the Daphne man-of-war on suspicion of illegally removing goods from a
neutral vessel.\(^{32}\) Similarly, customs officials helped to restrain the activities
of private commissioned vessels, checking their documentation on clearing and entering port, and occasionally assisting at sea; the Dreadnought, for instance, was escorted back to Leith by the Princess Royal revenue cutter charged with the unlawful possession of two bags of dollars worth £400. Informants were also encouraged to disclose the transgressions of privateering crews by the prospect of a share in the proceeds of an illegal action; if collusion, for example, between prize and captor was revealed, the source of such information stood to gain half of the value of the property at stake, the remainder being condemned as a droit of the Admiralty. Though the evidence supplied by these policing agencies might be devalued by their own interest in the property at stake, it was often the only 'third-party' information upon which the Court could act.

Penalties were laid down to punish the errant privateersman and to deter would-be transgressors. In cases of serious misconduct, offenders were prosecuted according to the criminal law, with death or imprisonment awaiting those found guilty of murder, mutiny, rape or other crimes of violence. Robbery was sometimes deemed an act of piracy warranting the death sentence as William Lawrence, commander of the Pluto privateer, discovered at Execution Dock after he was convicted of stealing goods worth £700 from a Dutch merchantman in 1759. If these sanctions applied to all seafarers, there were specific measures designed to keep the privateersman within the prescribed code of conduct. The privilege and potential advantage afforded to him by the grant of a letter of marque might be withdrawn if the Admiralty Court decided his behaviour warranted the revocation of his commission. In the Seven Years' War, for instance, the letters of marque issued to the Fame and the Sampson were declared null and void as a consequence of improper conduct, while in 1780 the Lords of the Admiralty ordered the Court to cancel the licences issued to Thomas Short for 'boarding and plundering neutral ships', to Richard Kendall for forcing the Impress Officer at Lancaster to seek refuge in the County Prison, and to William Reynolds for threatening to fire upon a press gang at Faversham.

Such a penalty effectively negated the primary or supplementary aim of these ventures by extinguishing the right of reprisal, a serious proposition for investors and seafarers intent on securing profits from their investments in commerce-raiding. The Court had other means of impairing the financial viability of these enterprises. It could proceed against the bail provided to guarantee the privateersman's good conduct, thereby adding significantly to the costs of promoting the unsuccessful venture. Moreover, the Court ultimately had control over the earnings of
privateering venturers, for it was in its power to condemn property to captors or to restore it to claimants should no justification for the seizure be established or a transgression of the ‘instructions to privateers’ be proven. Compounding this threat to the privateersman’s rewards was the possibility that costs and damages might be awarded against him, a substantial deterrent given the heavy legal expenses, and the loss of income, accruing to a claimant from a protracted case.

If such prospects curbed the privateersman’s wilder excesses, a further measure of self-regulation was instilled into the privateering business by the owners and setters-out of commerce-raiding ventures. Indiscretions committed aboard their vessels clearly threatened the profits of these privateering entrepreneurs. Accordingly, the articles of agreement\(^3\) drawn up by promoters, and signed by seafarers, generally sought to prohibit the distortion of evidence, plunder, mistreatment of prisoners and other improprieties which might precipitate costly actions in the Admiralty Court. Fear of financial penalty also pervaded the orders given by privateer owners to their commanders, the rights of neutral traders being a particular concern. Thus, in 1703, Patrick Galloway was warned not to ‘bring in any free ships’, for

> it will never answer our ends, & on the contrary would make us odious to all traders heere [London], & at the Court of Admiralty, & put us to great charges & damages.\(^3\)

Richard Fitzherbert, on taking command of the *Dreadnought* of Bristol in 1758, received orders to search for contraband goods, and to

> endeavour to get out of the Ship’s Company what Secrets you can but we desire you will act very cautiously that we may not be brought into trouble and expense.\(^3\)

In 1780, James Haslam, commander of the *Enterprize* of Liverpool, was strictly ordered not to meddle with any neutral vessel whatever unless you are certain by her papers or other indisputable information (freely given without bribery, promised gratuities, or Force) that she has taken in her loading in North America.\(^4\)

To supplement the Admiralty’s ‘instructions to privateers’, managers sometimes provided further information to guide the behaviour of their captains, particularly with regard to contraband goods. John du Grave was consulted by the owners of the *Sarah Gally* regarding neutral trade; subsequently, he advised Patrick Galloway
that Sweedes or Danes if you find going to France with Tarr pitch hemp Oake plant and long spruce planks or masts you may bring them in. And if coming from France and have any red wine brandy molasses ginger or Indico or Walnut tree planks these you must bring in.\textsuperscript{42}

Richard Fitzherbert was given more formal advice in the form of a copy of *Naval Trade and Commerce*, a publication containing the 1674 Anglo-Dutch Marine Treaty; he was ordered to refer to this agreement, noting that the Dutch

have power to carry all sorts of goods to and from our Enemys except Ammunition, but it is different with the Danes, Sweedes, Dantzichers, Bremenors, Hamburghers or Italians, any of these carrying to our Enemys any Masts, Sails, Rigging, Cables, Anchors, Cordage, Lead, Pitch, Tarr, Hemp, Guns, Powder, Ball, or any other Ammunition are Contraband Goods and lawful prizes.\textsuperscript{43}

Irregularities occurred, however, and numerous cautionary tales emerged from Doctors’ Commons. Patrick Galloway was warned not to arrest any more

troublesome ships & pray for the future be cautious to bring none but such as you have reason to suspect for we finds the Court resents it.

Accordingly, the *Morning Starr* was released and discharged with her Cargoe . . . & will cost us money", while the master of a detained ‘linseed ship speaks bigg & says to make you pay Deare if his ship has been rifled of the least thing.\textsuperscript{44} Later in the century, William Catell, commander of the *Terrible* of Yarmouth, was accused in the Appeal Court of acting ‘expressly contrary’ to the general ‘instructions to privateers’, and contravening the additional order of 20 November 1780, in arresting the *Iwan Dawick*, a neutral Russian vessel.\textsuperscript{45} Costs and damages were awarded against Benjamin Buttell, commander of the *King George* of Exeter, for failing to submit Peter Vanden Bussche’s property for examination, and attempting to conceal this transgression by placing the penniless, and neutral, Ostender on a Dutch merchantman bound for Norway.\textsuperscript{46} A similar inconvenience almost befell Thomas Goldsmith, commander of the *Snap Dragon* of Dartmouth, who neglected to place a signed and dated copy of his letter of marque, let alone a prize crew, aboard *Die Lieffide* as
an unidentified sail approached, precipitating a lengthy, expensive, but ultimately successful, suit with the owners of the Bird, the unknown ship and alleged joint-captor.47

In such cases, the adjudication process served to punish privateersmen for their excessive or careless behaviour. Whether the sanctions built into the system—substantially supported by the complex legal and bureaucratic provisions which increasingly bounded the shipping industry as a whole—were fully effective in restricting the depredations of privateers is uncertain, for those who were successful in bending or breaking the rules left little trace of their extra-legal activity. Nevertheless, it is clear that a well-developed body of law underlay and circumscribed the privateering business in the eighteenth century; moreover, there were considerable economic incentives to encourage privateering venturers to operate within the regulatory framework.

Notes

1. This was sometimes ‘mark’, ‘mart’ or ‘march’. The etymological source of the term is unclear, though various explanations have been put forward. The most convincing are Stark’s contention that it derived from ‘marchare’, to mark or set apart certain goods as compensation, or, alternatively, that the term originated from the German ‘mark’, a boundary or frontier which the petitioner might cross to redress his grievance. F.R. Stark, The Abolition of Privateering and the Declaration of Paris (New York: Columbia UP, 1897) 52-3. Partridge suggests that the term is closely akin to the Old French ‘merc’, or Old Provencal ‘marcha’, meaning ‘seizing, reprisal’. E. Partridge, Origins, a Short Etymological Dictionary of Modern English (Routledge & Kegan Paul, 1958) 381.

2. Stark, Abolition of Privateering, 52.


4. For a detailed analysis of the theory and practice of reprisal in medieval Europe, see M.H. Keen, The Laws of War in the Late Middle Ages (Routledge & Kegan Paul, 1965) 218-38.
5. The term ‘particular’ reprisals is used by Damer Powell, *Bristol Privateers*, xvi.
8. 16 George III, c.5. ‘An Act to Prohibit all Trade and Intercourse with the Colonies... now in Rebellion’. Privateering commissions against the rebel colonists were authorised by 17 George III, c.7. ‘An Act for Enabling the Commissioners for Executing the Office of Lord High Admiral of Great Britain to Grant Commissions to the Commanders of Private Ships and Vessels...’ No mention is made of ‘letters of marque’ or ‘general reprisals’ in this legislation, in contrast to the Prize Acts passed against the sovereign states.
9. For instance, see the ‘Instructions to privateers’, 29 March 1744. PRO, HCA 26/4; ‘Instructions to privateers’, 27 March 1777. PRO, HCA 26/60.
10. These Acts are collected in a bound volume of ‘Acts Relating to Prizes, 1707-1832’. PRO, HCA 30/524.
11. Enemy ships and goods taken by uncommissioned vessels were normally condemned as ‘droits et perquisites’ of the Admiralty, the captor having no entitlement to the proceeds of his prize. However, he might petition the state, praying for some reward for the service rendered by his action. Thus, in attacking the islands of Demerara and Essequibo in 1781, four Bristol privateers acted without Dutch letters of marque, trusting ‘to the honour of the Government, that no advantage would be taken of that defect, while they only did what appeared to them, to be good service to their country as well as to themselves’. Damer Powell, *Bristol Privateers*, 252-3.
12. British vessels re-captured from the enemy reverted to the original owners provided salvage was paid to the captors. The amount payable varied according to the length of time the vessel had been held by the enemy. Thus, one-eighth of the value was to be paid to the captors if the vessel had been detained for less than 24 hours; one-fifth was payable if 24 to 48 hours had elapsed since the capture; one-third was payable if she had been held for 48 to 96 hours; and one-half was payable if the period of capture had exceeded 96 hours. See 13 George II, c.4. ‘An Act for the Encouragement of Seamen and the Speedy and more Effectual Manning of His Majesty’s Navy’.
14. For the early history of the Court, see R.G. Marsden, *Select Pleas in the Court of Admiralty* (Selden Society, 1894 and 1897), I, xi-lxxxviii, and II, xi-lxxviii; the rise and fall of Doctors’ Commons is discussed by F. Wiswall, Jr, *The Development of Admiralty Jurisdiction and Practice since 1800* (Cambridge UP, 1970) 75-95; the High Court of Admiralty archive is discussed by J.C. Appleby and D.J. Starkey ‘The Records of the High Court of Admiralty as a Source for Maritime Historians’ in D.J. Starkey, ed., *Sources for
a New Maritime History of Devon (Exeter: Devon County Council, 1986) 70-85.

15. To expedite the authorisation process in the outports, declarations could be made before local officials, usually the mayor or customs collector, specifically warranted by the Admiralty Court to undertake this duty. This was a common practice in the later wars of the century, with some 60 per cent of Bristol declarations made in the city in the Seven Years’ War, and about 25 per cent of Liverpool declarants appearing before local officials in the 1777-1783 conflict. In these cases, the declaration, and details of the sureties, were posted to Doctors’ Commons, and verified by the Court before the formal issue of the letter of marque. Declarations made in the outports are packed with their respective bail documents in PRO, HCA 25. Colonial privateers were authorised by letters of marque, or commissions, issued by the Vice-Admiralty Courts. See Appendix 1.


17. PRO, HCA 26/3.

18. 32 George II, c.25. ‘An Act for the Encouragement of Seamen and the Prevention of Piracies by Private Ships-of-War’. A handwritten clearance pass issued at Gravesend is preserved with the papers of the Trimmer in PRO, C 108/60. Thus,

‘Port of London
These are to certify that I have been on board the Schooner Trimmer of London whereof Francis Clarke goes Commander bound on a cruise for three months and found her built man’d and arm’d as set forth in a letter of marque dated the Fourteenth day of June in the year one thousand eight hundred & three.

June 19 1803
Thos Porter’

19. PRO, HCA 45/12.

20. Quotations in this section are taken from ‘Instructions to Privateers’, 27 March 1777. PRO, HCA 26/60.


22. Preamble to 22 George III, c.25. ‘An Act to Prohibit the ransoming of Ships and Vessels captured from HM’s Subjects’.

23. Ransoms were deemed to be acts of piracy in each of the Prize Acts of the 1777-1783 war. 17 George III, c.7. ‘An Act for Enabling the Commissioners ...’; 19 George III, c.23, 20 George III, c.23, and 21 George III, c.15. Acts ‘for the Encouragement of Seamen and the more Speedy and Effectual Manning of His Majesty’s Navy’. However, the practice was permissible in exceptional circumstances; thus, if the captor’s crew was depleted and a prize crew could not be spared, the prize might be ransomed. An additional question was added to the standing interrogatories to cover this eventuality. See ‘Instructions to Privateers’, 27 March 1777. PRO, HCA 26/60.

24. The system of adjudication was clarified, with time limits set for the various
stages of the process, in 1708. 6 Anne, c.37. ‘An Act for the Encouragement of Trade to America . . .’

25. See Appleby and Starkey, ‘Records of the High Court of Admiralty’.
26. Observator, 6 May 1702.
27. Penny London Post, or Morning Advertiser, 11 February 1745.
29. Morning Chronicle and London Advertiser, 19 August 1778.
30. PRO, HCA 45/12.
31. Damer Powell, Bristol Privateers, 210-11.
32. PRO, HCA 45/12.
34. 13 George II, c.4. ‘An Act for the Encouragement of Seamen’.
35. Gentleman’s Magazine, 29 (1759), 496, 604.
37. In the American Revolutionary War, the Lords of the Admiralty instructed Sir James Marriott, Judge of the High Court of Admiralty, to revoke a number of letters of marque and privateer commissions. Some of these instructions are preserved in PRO, HCA 25/210(2).
38. ‘Owners and captors’ were obliged by the Prize Acts to divide prizes according to ‘private contracts’.
40. ACL, Papers of the Southwell Privateer, 24651. These documents are printed in Damer Powell, Bristol Privateers, 355-67, 370-3.
41. LRO, Account Books of the Enterprize, 387 MD 45. Extracts from these documents are printed in G. Williams, History of the Liverpool Privateers and Letters of Marque with an account of the Liverpool Slave Trade (Heinemann, 1897) 18-31, 661-4.
42. PRO, C 108/318. John du Grave to Patrick Galloway, 3 January 1703.
43. ACL, Papers of the Southwell Privateer, 24651.
44. PRO, C 108/318. Creagh & Fallet to Patrick Galloway, 4 March 1703.
45. PRO, HCA 45/9.
46. PRO, HCA 42/147; HCA 45/9. See D. J. Starkey, ‘A Note on the Privateering Career of the King George, 1779’ Devon and Cornwall Notes and Queries, 35 (1986), 10.
47. PRO, HCA 42/135; HCA 45/9.
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Private Men-of-War and ‘Letters of Marque’

The provisions which regulated British privateering enterprise in the eighteenth century applied to all commissioned vessels, irrespective of the scale and ambition of individual ventures. Thus, the commission, instructions and process of prize adjudication circumscribing the activities of the four-ton Jolly Sloop of Jersey in 1704, were similar to those governing the cruise of the Fame, of 1,000 tons burthen, in 1744, and the voyage of the 723-ton Ceres to Madras and China on account of the East India Company in 1781. Given that such diverse undertakings, by virtue of their letters of marque, formed part of the same privateering business, a broad consideration of the composition of the commissioned force is clearly pertinent. Though the classification and quantification of the licensed fleet by its constituent elements is rendered difficult by the nature of the available sources, and by the ambivalent character of some ventures, distinctive branches of the business can be identified and their significance assessed. In the first instance, it is useful to separate ‘private men-of-war’ from ‘letters of marque’; further division is then appropriate, for these broad categories comprised various discrete, if closely-related, subsidiary elements.

Private Men-of-War

The principal concern of the private man-of-war was to make prize of enemy ships and goods encountered on the high seas. To this end, the commissioned predator embarked on a cruise rather than a voyage, with no set destination and no cargo. To fight the ship, and to navigate prizes to a home port, substantial crews were invariably carried—much larger
than the complement of a merchantman of an equivalent tonnage. Generally, though not always, the private man-of-war’s company received no wages for its commerce-raiding endeavours; instead, the net receipts of the cruise were divided between the owners of the vessel and the ship’s company, with each crew member owning a pre-determined share in the proceeds of the venture. As this was his principal reward, the privateer-man was more interested in taking his prize intact than in sinking or destroying enemy craft; thus, surprise and subterfuge were often as vital to his purpose as the carriage and swivel guns, cutlasses and small arms, with which his vessel was normally equipped.

The vessels employed as private men-of-war came from various sources. Some were built to serve as commerce-raiders; the Caesar of Bristol, for instance, was described as a private ship-of-war and ‘built for that purpose’, while the Swallow of Exeter ‘was a known prime sailer, being built purposely for a privateer’ and the Dragon was equipped for a six months’ cruise, being ‘just built for that purpose, and now ready to be launched in the Harbour of Teignmouth’. Naval vessels were sometimes bought and fitted out as private men-of-war; in 1779, for example, a former Russian man-of-war, ‘built at Revel by English shipwrights’, was purchased by private owners and adapted for privateering, while the Enterprize of London was originally the Aquilon frigate, and ‘when in the King’s service mounted 28 guns with 200 men, but has now 32 guns and 220 men’. Prize ships were often fitted out as commerce-raiders, with some, such as the Dover’s Prize of London, and the Fly’s Prize of Dover, having their names altered to reflect their origin. The majority of private ships-of-war, however, were merchantmen built primarily for other trades, and modified for cruising against the enemy. This involved little effort in the case of the diminutive cutters, luggers and sloops set forth on short cruises in home waters. In larger craft, it usually entailed the provision of additional armaments, with ports cut for carriage guns or carronades, swivels installed on the quarter deck, or even in the topsails, and cohorns fitted on the main deck. Defensive measures were also taken, with vessels’ sides strengthened by extra planking, and reinforced fences erected on the rails to offer protection to the deck crews from enemy musket fire at close quarters.

Whether newly-built, of foreign extraction or re-deployed from other service, private men-of-war embodied a distinct form of enterprise which had no peacetime equivalent. Three strains of this predatory business can be detected in the eighteenth century, with the ‘Channel’ privateer, the ‘deep-water’ private ship-of-war and the ‘expeditionary force’
Map 1 – The English Channel
Locational advantages stimulated ‘Channel’ privateering enterprise in Guernsey, Jersey and the ports of southern England during Anglo-French wars.
distinguished by their targets, their range and the scale of their operations. It must not be presumed, however, that every private man-of-war fitted precisely into one or other of the sub-groups, or that each venture conformed rigidly to type; indeed, substantial ‘grey’ areas are apparent at the margins of these categories, as numerous ventures crossed the loosely-drawn boundaries between the various branches of the activity.

I. ‘Channel’ Privateers

‘Channel’ privateering was an important and persistent feature of British commerce-raiding enterprise in the eighteenth century. It was largely a function of Anglo-French conflict, for the small craft which participated in this activity preyed on France’s coastal and fishing vessels, and on larger neutral merchantmen carrying contraband goods between northwest Europe and the Bourbon ports to the south. Locational advantages dictated that these predatory operations should be undertaken from two principal centres; thus, the ports of Kent and Sussex were ideally placed to mount short forays into the Narrows and across to the French coast, while the Channel Islanders enthusiastically sought to exploit their knowledge of the shores of nearby Brittany and Normandy, and their relative proximity to the ports of the Bay of Biscay. Such enterprise was not exclusive to these bases, however, for the ports of south-west England sometimes engaged in the activity; indeed, during the Anglo-Dutch War of 1780–1783, the West Country emerged as the leading centre of ‘Channel’ commerce-raiding, while the nature of the prey in this particular conflict also moved entrepreneurs in North Sea ports to invest in small-scale ventures. Moreover, vessels from other bases participated in this business, with diminutive London predators regularly operating from Kentish ports, and similar craft from further afield frequenting the Channel when predatory prospects were bright, commonly using southern havens as their operational bases.

The vessels employed in this branch of the privateering business ranged from the ‘cockleshells’ and ‘row-boats’ of less than 10 tons burthen to more substantial craft of up to 130 or 140 tons burthen which possessed an ocean-going capability and might easily function as ‘deep-water’ private ships-of-war. Most ‘Channel’ vessels, however, were in the region of 20 to 70 tons burthen, victualled to sustain short cruises of two weeks to three months in duration. Generally, they were equipped with a small number of armaments—perhaps four to eight small carriage guns, and a similar number of swivels—though they normally relied upon their superiority in manpower to subdue small, poorly-defended enemy or
neutral vessels. To this end, ‘Channel’ privateersmen were provided with anti-personnel weapons such as cutlasses, ‘musquets’ or other small arms to suppress any resistance encountered on boarding a detained vessel. Crew size might vary from a dozen to 80 or so seafarers though, invariably, the ship’s company was large relative to the tonnage of the craft and often it included specialists such as a gunner or a surgeon whose duties were associated with fighting rather than handling the ship. In this study, a ‘rule of thumb’ derived from the 1759 Privateers’ Act has been applied to the letter of marque declarations to identify vessels engaged in this form of predatory enterprise; accordingly, licensed craft of the burthen of 99 tons or less, carrying at least one man per 2.5 tons, have been deemed ‘Channel’ privateers.

While such characteristics were evident in most of the ventures mounted from the South East and the Channel Islands, the impact of the privateering forces set forth from the two regions was somewhat different. In the eastern reaches of the Channel, predators based in ports like Dover, Folkestone, Hastings and Rye took a heavy toll on neutral trade as it passed through the Strait of Dover. Neutral vessels were stopped in these waters and searched for evidence of enemy property concealed on board, or for any contraband goods carried.11 Though these actions were legitimate in time of war, the excessive zeal with which many privateersmen conducted their examinations, the pillage of innocent vessels and the inconsistencies displayed by the Prize Court in the adjudication of seized property increasingly served to jeopardise Britain’s relations with the neutral states. Even if many of these depredations were committed by non-commissioned craft acting illegally, the finger of blame was generally pointed at the small-scale privateering ventures launched from Channel ports. In the Seven Years’ War, the situation reached crisis point and to appease the outraged neutral powers Pitt’s administration was obliged to pass the Privateers’ Act,12 thereby curbing the activities of private men-of-war of less than 100 tons burthen and 40 men. This measure failed to settle matters, and when the issue revived in the American Revolutionary War, Dutch adherence to the Armed Neutrality of 1780 led to the outbreak of the Fourth Anglo-Dutch conflict and a new phase of the privateering war.

Though not averse to arresting and searching passing neutral vessels, the Channel Islanders directed much of their privateering energy against French coastal traffic. The diminutive predators fitted out in Guernsey and Jersey—and in Alderney from the 1740s—were ideally suited to navigating the shallows of the Breton or Biscay shore, while the Island
seafarers were adept at negotiating the rocks and shoals of these treacherous waters. Here, off the headlands and islets of a much indented coastline, the Island privateersmen might dream of capturing the valuable West Indiaman heading fully laden with coffee, cotton or sugar for a French Atlantic port. Occasionally, such fanciful thoughts were realised, particularly from the 1740s onwards as Channel Island venturers grew in ambition and set forth larger craft to cruise further south. More normally, however, it was the humble coasting vessel or fishing shallop which succumbed to Island predators. Though such captures were relatively insignificant in themselves, the cumulative effect of these continual attacks on coastwise traffic was considerable, as supplies of coal, grain, salt and other necessaries were regularly interrupted. At times, indeed, this disruption had a demoralising effect upon the maritime communities of Brittany, Normandy and as far west as the Gironde, as ‘some thousands of Frenchmen suffered in their persons or in their purses’.13 Conversely, the commerce-raiding business was an important feature of the Channel Islands’ wartime economy throughout the eighteenth century. A dearth of alternative investment opportunities, together with their advantageous strategic location, meant that the Islanders engaged in the ‘new vocation’ of privateering with increasing enthusiasm and success from the 1690s.14 In the face of such an irritant the French seriously considered invading the Islands in 1759 and again in 1778.

2. ‘Deep-water’ Private Ships-of-War
The ‘deep-water’ arm of the privateering business comprised relatively large-scale ventures set forth to seek the valuable cargoes of colonial produce returning to Europe from the Caribbean, South America or the East Indies. Though these opportunist craft might prey on the small fry which sustained the ‘Channel’ privateers, it was the prospect of capturing the consignments of bullion, cotton, spices and sugar carried on the trans-oceanic routes that principally motivated their activities. Such ‘capital’ prizes15 were generally conveyed in large, well-defended vessels, often sailing for France or Spain in convoys with further protection afforded by naval escorts in home waters. Assailants required some considerable force to apprehend these rich cargoes; accordingly, ‘stout’ vessels with heavy armaments and substantial crews were fitted out to cruise the shipping lanes of the north-eastern Atlantic in search of homeward-bound ‘Martinicomen’, East Indiamen or register-ships.

Such predators varied in size, with 100- or 120-ton craft cruising in the same stations—with similar, if lesser, goals—as the more typical
'deep-water' vessels of 200 to 450 tons burthen and the mammoth private ships-of-war burthen in excess of 500 tons. Manning was the principal signal of 'deep-water' intent, however, as large numbers of seafarers were invariably recruited to work the guns and man prizes as well as handle the ship. In the present work, the 1759 Privateers' Act again provides the guidelines by which this commerce-raiding genre has been determined; thus, vessels exceeding 100 tons burthen, exhibiting tons-per-man ratios of 2.5 or less in the letter of marque declarations, are deemed to have operated as 'deep-water' private men-of-war. Furthermore, to take account of the scale economies apparent in the larger vessels, a benchmark of 100 seafarers has been applied to the declarations; unless there is conclusive evidence to the contrary, complements of this or a greater magnitude—larger, that is, than the 99-strong crew of the era's largest merchant vessel, the East Indiaman—are assumed to have served aboard 'deep-water' predators.

As relatively substantial quantities of capital and labour were required to promote the large-scale enterprise, London and Bristol, where such resources were available in some abundance, tended to dominate the 'deep-water' form of predation. In particular, it was from the Thames and Bristol's chief roadstead, Kingroad, that the most powerful units of the commissioned fleet—the 'privateers of force'—set forth, with complements of at least 150 men eager to profit at the expense of the more valuable elements of the enemy's trade. Armed with at least 24 carriage guns of 9-, 12- or even 18-pounds weight of shot, these powerful vessels—many of which were former men-of-war purchased from the Navy or captured from the enemy—were particularly prominent in the propitious conditions of the 1740s and 1750s.

'Deep-water' companies were consciously organised along naval lines to maximise the prize-taking capacity of the venture; thus, a hierarchical command structure, specialisation of task and co-ordination of effort were held to be vital to the ship's operations. This is clear in the advice offered by William Hutchinson to the intending privateer commander. In the view of this experienced mariner and sometime privateersman, an optimum complement of 160 men was required to fight and handle a private ship-of-war of 24 carriage guns; during action, he opined, 33 seafarers should be deployed on the quarter deck under the commander's direction, with 80 on the main deck in the charge of the first and second lieutenants, and a further 43 stationed on the forecastle under the boatswain's command. An important feature of Hutchinson's ideal quarter bill was the role of the specialist crew members and their mates; thus, the master
was to ‘assist and work the ship according to orders’, the carpenter and his crew were ‘to attend the pumps and the wings about the water’s edge, fore and aft, with shot plugs’, while ‘in the powder room’ the gunner’s mate and an assistant were ‘to fill and hand powder to the boys, carriers’.  

Though it is unlikely that any private ship-of-war was manned or handled precisely in the fashion of Hutchinson’s model predator, his basic premise of the efficacy of the measured recruitment and orderly deployment of labour is apparent in the surviving muster rolls and articles of agreement appertaining to such ventures. The articles of the Tygess of Dartmouth, for instance, specifically stipulated that 200 men were needed to work and fight the 28-gun commerce-raider, while in the contracts relating to ventures such as the York of Dover, and the Tyger and Tygess of Bristol, the quality and intended share allocation of officers and specialist crew members was determined before enlistment took place. These ‘deep-water’ crews were hierarchical in character, with the structure of the larger complements—of over 200 men—similar to that evident in the typical naval fifth- or sixth-rate of the mid-eighteenth century. Thus, the commander was aided by up to four lieutenants, with the further support of trainee officers—dubbed midshipmen or servants—normally available. In common with all substantial sailing craft of the time, both naval and mercantile, the master, boatswain and carpenter, with their respective mates, crews and yeomen, were responsible for the handling, rigging and maintenance of the vessel. Craftsmen were also recruited to co-ordinate the belligerent facets of the private ship-of-war’s business: as in naval vessels, the carriage guns were in the charge of the gunner, his mates and the quarter gunners; the master-at-arms, or ‘captain of maraines’, assisted by a sergeant and corporals, drilled the seamen and landmen in the use of small arms, cutlasses and other anti-personnel devices; such weapons were maintained by the armourer and his crew; while the surgeon and his mates dealt with the sick and wounded. Lesser rates such as quarter master, linguist, steward, clerk and cook were generally recruited, and most ‘deep-water’ private men-of-war had some provision for music, with a ‘French Horn’, drummers and trumpeters shipped aboard to sustain morale.

Subservient to the officers and craftsmen were the ‘ship’s people’ who constituted the bulk of the complement. Able seamen were the most skilled and valued element of this group of privateersmen; fully-trained men with at least two or three years experience at sea, their services were generally much in demand during wartime and in privateers they normally
commanded a full share in the prize fund. The less experienced mariners were rated variously as ‘ordinary’, ‘three-quarter’, ‘two-thirds’ or even ‘one-quarter’ seamen—ranks which equated their share entitlement with their expertise. Inferior still were the landmen and boys who were fresh to the sea; unskilled in the arts of seamanship, these ratings normally warranted a half-share, or less, in the net proceeds of a venture. The balance between the skilled and the inexperienced elements of the ‘ship’s people’ varied widely, though it was unusual for landmen and boys to outnumber ‘able saylers’ and ‘ordinary’ ratings. In the Alexander, for instance, 55 able seamen served alongside 26 ‘part seamen’, 10 landmen and 13 boys, while another Bristol ship, the Sheerness, was manned by 106 able and ordinary seamen, 44 landmen, and some 33 ‘sea lads’ and ‘land boys’, and the London vessel Hardwicke mustered 60 full, and 23 ordinary, seamen, as well as 47 landmen.  

If the crews of these substantial predators were similar in structure to the companies of the lesser rated naval vessels—the principal difference being that landmen were carried instead of marines—the transient, speculative nature of privateering enterprise made it unlikely that they ever approached the fighting efficiency of the King’s ships. However, attempts were made to enhance the effectiveness of ‘deep-water’ private ships-of-war. Drill was recommended by William Hutchinson; commanders should therefore

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\text{take the first opportunity to have all hands called to quarters; the officers in their stations to have everything made properly ready and fit for action; to have a general exercise, not only of the great guns and small arms, but the methods of working and managing the ship.}^{23}
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Captain Finmore of the Lord Nelson was instructed to ‘practice the men with guns at all times’,\(^{24}\) while the commander of the Southwell, John Engledue, was ordered to organise the crew ‘as soon as you get under sail’, appointing ‘every man his station in time of Action or Engagement’. Engledue was further advised

\[
\text{that all opportunities may be embraced for Instructing your Men in the use of the small arms, and that others be exercised with the great Guns that they not be at a loss when they come to engage with an Enemy.}^{25}
\]

Clearly, such preparations might be a vital factor during battle when life, limb and profit could depend upon the smooth integration of the various navigational, handling and fighting skills of the crew. A further means of
enhancing the potency of ‘deep-water’ predators was effected by cruising in company with a vessel of similar intent. Some commerce-raiding projects comprised two or more ships fitted out specifically to operate in consort; if the Royal Family squadron—five vessels mustering 112 guns and 853 men—was the most notable example, lesser combinations, such as the Warren Gally and Salish, the Brutus and Little Brutus, both of London, and the Ellis and Gregson of Liverpool, were common. Other liaisons were arranged on meeting at sea, the Southwell’s owners being

of the opinion ‘twill be for the benefit of the Cruize if you could be in conjunction with another good privateer, therefore if you meet one at sea of equal or superior (not less) force than ours that will join, you have our consent so to do and enter into a written agreement with the Commander and Officers of such, that what you take in conjunction be equally divided.

The cruising stations in which the Southwell might meet her fellow ‘deep-water’ private men-of-war were a further distinctive feature of this form of privateering enterprise. In general, these large-scale ventures operated beyond the confines of the English Channel, seeking to intercept their homeward-bound prey in the north-eastern Atlantic. Occasionally, this entailed cruising to the west of the Azores where the French West Indiamen and Spanish register-ships might be encountered before they could meet up with naval escorts. The more powerful concerns tended to adopt this tactic, with the Duke and the Prince Frederick—of 48 guns and 399 men in total—striking such a target to the west of the Azorean island of St Mary’s in 1745 as they cruised between the Western Islands and Newfoundland. Commonly, however, the Azores marked the western boundary of the ‘deep-water’ vessel’s operations; thus, the Enterprize was to depart Liverpool by the North Channel, gain the longitude of 20°W and cross the latitudes ‘under an easy sail’ to the Azores. As her owners considered that ‘the odds is considerably against rambling in the wide ocean’, the Enterprize was to proceed to the latitude of Ushant, at longitude 16°W, and cruise between that station and the Western Island of Corvo. Further to the east, the Bay of Biscay was much frequented by private men-of-war; some, like the Dreadnought, sailed across the Bay between latitudes 48°N and 46°N, within longitude 10°W ‘unless you see cause or give chase’, while others hovered close inshore, the Enterprize heading for Belle Isle in her second cruise ‘as it is the place where all vessels bound for Nantz and Bordeaux take in their pilots’, and the Southwell despatched to steer
as near the French coast as wind, weather and the safety of our ship will admit, more especially when you are to the Southward of Ushant.\textsuperscript{32}

‘Deep-water’ predators also operated south of Finisterre, particularly during Anglo-Spanish hostilities, with predators cruising between Cape St Vincent and the Azores to ensnare vessels approaching enemy bases from a southerly direction;\textsuperscript{33} indeed, at times when the prospects of taking prizes in the Atlantic diminished—in 1758–1759, for instance—some private ships-of-war were despatched to cruise in the Mediterranean.

Thus, it was largely off the Atlantic seaboard of western Europe, in a variety of locations, that the ‘deep-water’ private ships-of-war were to be found. Here, they cruised for anything between three and nine months in search of the valuable prizes which alone could cover the substantial costs incurred in mounting such enterprises and provide a return for the owners and seafarers who invested their capital and labour in the venture. Limited trading options faced these craft, for the only available cargoes were the wines and fruit of the Azores, Canaries or Madeira—of insufficient value to offset seriously the losses of a barren cruise. Their prospective prizes, moreover, were often reluctant to yield without a fight; thus, high financial and physical risks were intrinsic to this element of the commerce-raiding business.

3. ‘Expeditionary’ Forces
A relatively small portion of British privateering enterprise in the eighteenth century manifested itself in the mounting of ‘expeditions’. These highly ambitious attempts to plunder Spanish America and the East Indies were rarely undertaken, for capital requirements were high, the logistical problems associated with despatching two or more vessels to distant and largely unknown waters were immense, and the returns to be earned were uncertain and inevitably deferred. Accordingly, only a handful of ‘expeditionary’ ventures were assembled in the eighteenth century, with Bristol and London again the principal sources of capital and other outfitting resources. Yet this branch of the business has left an indelible mark on privateering history, for the expeditions of Dampier, Rogers, Shelvoke and Comyn were very much in the heroic tradition of Drake, Hawkins and the other celebrated sea-dogs of the Elizabethan era. Moreover, in these voyages some of the most enduring legends of British privateering were born: thus, it was during William Dampier’s ill-fated cruise of 1703–1706 that Alexander Selkirk was marooned on Juan
Fernandez, to be rescued after four years and four months of solitude by Woodes Rogers and subsequently immortalised in Defoe’s *Robinson Crusoe*; similarly, the morbid black albatross shot by Simon Hatley as it stalked the *Speedwell* in 1719 lives on in Coleridge’s *Ancient Mariner*.

As business concerns, these ventures were characterised by their scale and their ambition. The vessels employed in this long-distance enterprise were not necessarily large, ranging from the *Cinque Ports Gally*—bearing the hallmarks, at 130 tons burthen, 20 guns and 90 men, of a modest ‘deep-water’ predator—to Phillips Comyn’s flagship, the 1,000-ton *Fame*, carrying 56 guns and 400 men. They all operated with consorts, however: the *Cinque Ports Gally* accompanied Dampier’s command, the *St George*; the *Duke* and the *Dutchess*, mustering 600 tons, 54 guns and 270 men, departed Bristol in 1708 with instructions ‘in everything to behave yourselves one toward another as a kind Duke regarding his beloved Dutchess’; George Shelvocke’s *Speedwell*, of 200 tons burthen and 100 men, embarked for the South Seas in the company of the slightly more powerful *Success*, while the mammoth *Fame*’s principal consort was the *Winchelsea*, a substantial vessel of 550 tons burthen, 32 guns and 200 men.

To sustain their sizeable complements each vessel was laden with considerable quantities of provisions and stores, sufficient to last, in theory, for a cruise in the Pacific of up to 18 months’ duration. In practice, supplies were often inadequate and replenishment was accomplished by plunder or purchase *en route*, a frequent bone of contention between owners and men when the fruits of the venture were finally assessed.

In this quest to secure the riches of the Indies, the ventureurs who instigated these ‘expeditions’ invariably devised a plan of campaign. Dampier’s two small craft sailed round the Horn in a vain attempt to seize the Acapulco-Manila register-ship in 1704; despite this failure, a similar scheme was taken up by the Bristol fitters-out of the *Duke* and the *Dutchess* who informed their captain, Woodes Rogers, of ‘our grand design being to seek out one or bothe the ships belonging to Acapulco in South America’. A decade later, the *Speedwell* and the *Success* set out to reach the Peruvian base of Payta by March 1720 and there to intercept the

King of Spain’s ships [which] sail from Lima for Panama with the Kings treasure, which ships carry the revenues of Peru.

If these treasure ships escaped, the private men-of-war were to emulate Woodes Rogers’ success in plundering the garrison of Guayaquil.

In 1744, the *Fame* and her consorts’ embarked with an even more
ambitious plan; thus, 'in the best concerted scheme that was ever undertaken by a body of merchants', a syndicate of wealthy London shipowners intended that the 'expedition' should initially cruise in the Western Approaches,

from thence to look at Madeira or St Jago for water ... if time was to permit to cruise for a season at or near Buenos Aires, but to be sure to get time enough to the Straits of Sunda or Banda to meet the French homeward bound ships from East India.  

When these plans came to nothing, Commodore Comyn, in desperation, revived the 'grand design' of 40 years earlier and tried to rally his beleaguered forces to cruise in the Winchelsea 'among the Phillipine Islands to intercept the Acapulco ship bound to Manilla'. Further failure 'broke the heart' of the Commodore, 'dampened his spirits and carried him off in a fit of fever' on 28 May 1746. Subsequently, the 186 survivors of his expedition struggled back to London in the damaged and leaky Winchelsea to demand retribution from the ship's owners in a bitter and violent meeting at the King's Arms Tavern in London.  

While the demise of Comyn and his venture was the most abject, it was not the only expedition to fail amidst acrimony and litigation. Indeed, conflict and tension plagued relations between the various parties to these long-distance ventures, with Shelvocke accused of piracy by his owners, Dampier marooning his sailing master Selkirk, and the owners and the men of the Duke and the Duchess vigorously contesting the division of their spoils. That Rogers' expedition was the only one to achieve its objectives indicates the high-risk character of this form of commerce-raiding. Essentially, it was an anachronistic activity, an attempt to seek the treasures which had drawn the Elizabethan adventurers to the New World. It was a form of enterprise confined to the Anglo-Spanish wars of the first half of the eighteenth century when incursions into the Pacific to pillage Spanish trade and settlements might realistically be expected to produce rewards. Increasingly, as the century wore on, it was in home waters and in the Atlantic that British privateering venturers focused their attentions, with France's trans-oceanic and coastal trades their principal targets.

'Letters of Marque'

By the 1770s the term 'letter of marque' was commonly applied to a
commercial vessel issued with a privateer commission, or letter of marque. The Tartar, for instance, was a ‘letter of marque warranted to sail with the first convoy for Smyrna and Constantinople’; the crew of the ‘letter of marque’ Emperor paid sixpence each to the Bristol Hospital Fund on their return from Jamaica; while a bounty of £185 rewarded the owners and men of the Marianne and Achilles ‘letters of marque of London’ for their capture of an enemy corsaire. Such a designation referred to a particular form of enterprise in which an overseas trading vessel was imbued with a prize-taking facility by the privateering licence held by her captain. Widely practised throughout the eighteenth century, this activity combined the conveyance of goods with predation upon the enemy’s seaborne property. Typically, therefore, foreign-going craft embarked upon voyages to specified destinations, though time might be set aside for cruising in search of prize; cargoes were generally loaded, yet hold space might be restricted by the carriage of additional men for defensive or offensive purposes; and crews invariably served for a regular monthly wage, with the prospect of a share in the net proceeds of a prize to encourage their valour or opportunism.

The balance between the trading and commerce-raiding components of such ventures varied considerably, however. Whereas the predatory function was largely incidental to the predominantly commercial purpose of some enterprises, in others the reverse was true as vessels set forth to seek prizes, with the secondary intention of picking up a cargo should their principal quest prove fruitless. Though delineation by motive is somewhat difficult using the letter of marque declarations, a range of other sources makes it possible to distinguish the more predatory ‘cruising voyage’ form of ‘letter of marque’ from the essentially commercial ‘armed trading vessel’; in addition, the numerous commissioned vessels engaged in restricted trades or in non-commercial occupations—the ‘specialist vessels’—can be identified and considered as a separate strain of ‘letter of marque’ enterprise.

1. ‘Cruising Voyages’
The vessels engaged in ‘cruising voyages’ had close affinities with ‘deep-water’ private ships-of-war. Heavily-manned and armed, they were substantial craft of some 300 to 500 tons burthen, set out with the principal aim of apprehending the enemy’s sea-borne commerce. In contrast to the ‘deep-water’ predator, this was not the sole purpose of the exercise, for the ‘cruising voyage’ was undertaken to the Caribbean, the Mediterranean or even to the waters off Newfoundland—stations where there existed
prospects of securing a cargo of sufficient value to offset the losses which might accrue from a barren cruise. This trading option, and the distance of their chosen stations, held ramifications for the organisation of the ‘cruising voyage’. Thus, regular wages were paid to seafarers—‘which is an advantage privateers have not’, as one recruiting notice pointed out—49—who also owned a stake in the net prize fund. As in other ‘letters of marque’, however, the crew’s portion of the spoils was normally limited to a fifth or a quarter of the net produce, compared to the half-share generally owned by ‘deep-water’ privateersmen. Consequently, to restrict the wages bill, and to improve the value of shares for those enlisting, crews were relatively limited in size, with 70 to 120 men recruited where a ‘deep-water’ private ship-of-war of an equivalent size might be served by 150 to 250 seafarers.

This distinctive form of commerce-raiding venture was largely deployed in the Mediterranean in the early part of the eighteenth century, with a number of substantial craft also operating off the Newfoundland Banks. As European trade with the Caribbean and North America increased during the course of the century, and the focus of the Anglo-French struggle shifted from Europe to the colonial theatre, so ‘cruising voyages’ to the West Indies were increasingly undertaken. Whereas the 1702-1712 war had seen vessels such as the Diligence, of 330 tons burthen and 140 men, heading for the Straits,50 and the 400-ton Camberwell Gally, with 85 men, carrying prizes into St John’s, Newfoundland,51 the Seven Years’ War witnessed a growing number of ventures like the 400-ton Britannia, engaged on her ‘present cruising voyage to Nevis and St Christopher’,52 with 88 seafarers signing her articles. In the 1777–1783 war, the vacuum left by the defection of American colonial privateers to the ranks of the enemy stimulated Caribbean ‘cruising voyages’ as never before;53 thus, the Hercules required men ‘for a cruize and a voyage to Jamaica’, the Renown cleared ‘for the island of St Vincent and a Cruize’, while in Jamaica there ‘arrived the letter of marque sloop Gayton from a cruize, with three valuable prizes’.54

Such ventures were mounted from the major overseas trading ports where merchants and shipowners with considerable experience in long-distance commercial enterprise, as well as access to the necessary capital and manpower resources, ran their operations. Accordingly, London entrepreneurs were heavily involved in this dual-purpose element of the privateering business, particularly in the vessels despatched to cruise and trade in the Mediterranean. Bristol’s extensive interests in the trans-Atlantic trades were reflected in the outset of a growing number of
‘cruising voyages’ to the Caribbean from the 1750s onwards, while Liverpool’s commissioned fleet, especially in the 1777–1783 war, contained a high proportion of vessels fitted out to cruise in the West Indies or to take in a cargo if, like Richard Woods of the Hector, through ‘misfortune ... I can’t meet up with the Enemy’. In adopting such a flexible approach, venturers were responding to the high risks involved in long-distance commerce-raiding projects by seeking to ensure that their vessels generated an income, be it prize or freight.

2. ‘Armed Trading Vessels’

‘Armed trading vessels’ formed a considerable part of the commissioned fleets set forth from the British Isles in the eighteenth century. These ships were principally concerned with overseas trade, and the conveyance of goods to a specified destination remained their master’s priority notwithstanding the right of reprisal afforded him by the grant of a letter of marque. As in peacetime, therefore, the chief remuneration for owners of these vessels was the profit earned from the freights charged to consignees, while the crew’s labour was rewarded by the payment of monthly wages. Privateer commissions were taken out in an attempt to supplement these earnings by adding a prize-taking facility to such commercial ventures; accordingly, to enhance the predatory potential of the operation, armed merchantmen generally forsook the restrictive company of a naval convoy.

In some cases, trading vessels might engage in commerce-raiding activity for set periods of their voyages. William Hutchinson, for instance, wrote of the experience he gained in an East Indiaman ‘fitted out first to cruise three months off the Western Islands’; while in March 1781 it was reported that Thomas Frocks, captain of the Marlborough of Whitby, had sailed ‘about three weeks since in order to cruise against the Dutch before he went to the whale fishery’. Other vessels might seek prizes at the captain’s discretion; thus, the articles of the Sarah of Liverpool, commanded by John Taylor in her passage to Barbados, had it that

whereas the said John Taylor has obtained a letter of marque and hath armed ye said ship, it is agreed that he shall if he thinks proper, cruize on his voyage.

A defensive motive also underlay the issue of letters of marque for trading ventures. Enemy naval and privateering activity persistently threatened commercial operations in wartime, and shipowners were often obliged to take precautionary steps, fitting additional armaments in their
vessels and recruiting extra hands to man the guns and otherwise ward off assailants. To encourage crews ‘to behave gallant and brave in defending the ship ... in case she shall be attacked’, shipowners took out commissions, thereby obtaining for themselves and their employees the sole right to the net proceeds of enemy ships and goods taken in the course of a successful defensive action. In providing financial incentives, therefore, it was intended that seafarers should ‘defend and fight the ship as though she was actually one of His Majesty’s Ships of War’.60

Ships engaged in all branches of overseas commerce were commissioned in wartime. Though imbued with a secondary commerce-raiding purpose and primed for defence—functions which implied the enlistment of extra hands—these ‘armed trading vessels’ were similar in character and mode of operation to the ships normally employed in their respective trades. Thus, slavers of 80 to 250 tons burthen and 30 or 40 men embarked from Chester, Jersey and Lancaster as well as from Bristol, Liverpool and London on their ‘triangular’ voyages to the coast of Africa and the West Indies; Newfoundlandmen of 50 to 100 tons burthen, with crews 15 to 25 strong, left West Country ports with salt, fishing equipment and ‘bye-boatmen’ for the fishery, some returning via Southern Europe where their cargoes of dried cod were exchanged for wine, fruit and specie; capacious ships of up to 500 tons burthen—with companies as small as 20 men—left east coast ports to convey coal to London or to cross the North Sea to pick up timber and naval stores from Scandinavia; whalers, with harpooners, specitonneers and boatsteerers in their complements, were fitted out in the Tyne to ply the waters of the Davis Straits; and a variety of craft departed Kingroad, the Mersey or the Thames for the West Indies and the Mediterranean with cargoes of British manufactures to exchange for the exotic produce of those regions. Diverse, dispersed and pre-occupied with trade, these armed merchantmen nevertheless constituted an important—at times, preponderant—element of British privateering enterprise in the eighteenth century, for vested in each was the right to make prize of the enemy’s sea-borne commerce.

3. ‘Specialist Vessels’
Vessels in government employment, and the ships owned or operated by the chartered trading companies, were a prominent aspect of ‘letter of marque’ enterprise. Engaged in specialist occupations, these craft possessed a prize-taking capability in the manner of the ‘armed trading vessel’. Thus, the privateer commission they carried added a predatory dimension to their prescribed duties, a means by which both owners and
seafarers might augment their income. Many privately-owned ships leased to the government to convey troops, ordnance stores and provisions to foreign and colonial theatres of war enjoyed this privilege. Such vessels were particularly evident in the American Revolutionary War when the state, faced with immense logistical difficulties, hired an unprecedented number of merchant vessels, many of which were provided with commissions to stimulate the opportunistic or defensive qualities of the crew as occasion might demand. Similar reasoning explained the issue of letters of marque for the Owner's Adventure, a craft 'constantly employed between Harwich and London as Surveyor of Her Majesty's anchors', while it also underlay the licensing of the Falmouth, a government advice boat charged to sail from 'Plymouth with the trade to Portsmouth', and the grant of a commission for the Rose and other vessels in the service of the Customs Commissioners. However, commerce-raiding was not to impede the regular duty of these vessels; thus, in allowing Richard Wallis, commander of the cruizer Rose, to take out letters of marque, the Customs Board warned their employee

in the strictest manner not to quit his station and Duty as a Revenue Officer under pretence of looking for captures, it being our Resolution to recall the Permission hereby granted as soon as it shall be discovered in any Instance to be prejudicial to our service.

Whether such permission was required by commanders of chartered trading company vessels is unclear; if so, it was rarely refused, for the majority of ships operated by the Hudson’s Bay Company and the East India Company sailed from London with privateer commissions. These distinctive 'letters of marque' were engaged in highly regularised trades, a factor reflected in the declarations made by their commanders in the Admiralty Court. Thus, the Hudson’s Bay vessels were normally commissioned in the late spring as they prepared to leave the Thames in May, intent on reaching Albany, Fort York or Churchill by August. There, the lading of trade goods and supplies for the Canadian settlements was exchanged for the return cargo of furs, the vessels departing for London as soon as possible to avoid the ice which blocked the northern seas in the winter months. The ships engaged by the Company were relatively small, ranging from the Mary Frigate, of 130 tons burthen, to the 290-ton Sea Horse, though they were generally worked by 40 to 60 men, comparatively large crews suggesting that the Company, in common with other employers, recruited extra men in wartime.

East Indiamen normally left the Downs during the winter, the ships
bound for China sailing in November or December, with a second division of vessels leaving for India in February. In wartime, these outward-bound detachments might amalgamate to suit the Admiralty’s convoy schedule. Typically, the cargoes carried to the Company’s eastern settlements were provisions or ordnance stores, though, on occasion, Indiamen carried troops and stores to the East Indies for the government. After unloading at Madras, Bombay, Calcutta or Canton, the Indiaman’s hold was filled up with ‘fine’ wares, such as silks, piece goods and spices, or the ‘gruff’ goods—saltpetre, sugar and rice in India, or tea in China—leaving for London early in the New Year to arrive home in the summer after a round trip of some eighteen months. The vessels undertaking these arduous voyages were built specifically for the East Indies trade, and were owned by an elite group of City merchants, the ‘shipping interest’, which had the monopoly right to supply the Company’s shipping requirement. In general, Indiamen were the largest, most costly and heavily-armed British merchant ship of the day, their tonnage increasing from some 300 to 500 tons burthen in the 1702–1712 conflict, to over 700 tons burthen, on average, in the American Revolutionary War.

In the middle decades of the century, the tonnages declared by captains of Indiamen applying for letters of marque exhibited a remarkable degree of uniformity, the vast majority falling between 490 and 499 tons burthen. In fact, the tonnage declared in these cases was not the true burthen of the vessel, but the basic tonnage chartered by the Company. The standard charter party of the mid-eighteenth century provided that only 404 tons was paid for at the going rate, with a further 80 tons of iron kintledge or ballast carried out and home at a very low rate, and an allowance of 15 tons made for the private trade of the ship’s officers. Beyond this guaranteed freight, the Company ‘had the right but not the obligation to fill the ship up, paying for most of the cargo over 499 tons at half the charter party rate.’ It was therefore in its interest to hire larger ships, as a higher proportion of the total was paid for at half price; thus, the majority of Indiamen were probably from 600 to 800 tons builders’ measurement, though the figure of 499 tons, or thereabouts, was generally declared. Uniformity is also apparent in the manning and armament details given by the Company’s captains; however, these figures were more accurate, reflecting the strength of the Indiaman, which was normally armed with 26 to 30 carriage guns, often 12- or 18-pounders, and worked by 99 men.

Indiamen were equipped with such powerful weapons and large crews primarily to defend the valuable cargoes of the Orient. However, like
other ‘letters of marque’, the privateer commission they normally carried gave them the right to attack enemy shipping. It also vested in the owners and men of these vessels the sole right to the proceeds of prizes taken as a result of such opportunistic actions as well as those seized in essentially defensive engagements. Thus, an element of these commissioned trading or specialist voyages was concerned with the apprehension of prize. However marginal it might be to the vessel’s main purpose, this element constituted a privateering venture in which investors risked their capital, and seafarers their labour, in a quest for profit. Clearly, therefore, the commerce-raiding dimension of the ‘letter of marque’ was based on the same principle as that which underlay the operation of the overtly predatory private man-of-war. In practice, the peculiar character of the risks and rewards inherent in prize-taking endeavour was common to all branches of the privateering business; moreover, it governed the organisation of individual enterprises as venturers attempted to curtail the hazards and realise the profitable potential of their speculations.

Notes

1. Declarations 6 July 1704, 2 April 1744, 3 October 1781. PRO, HCA 26/19, 4, 69.
2. Felix Farley’s Bristol Journal, 18 September 1756.
3. Exeter Flying Post, 19 February 1779.
4. Exeter Flying Post, 5 March 1779.
6. Morning Chronicle and London Advertiser, 2 September 1778.
7. Declarations 20 September 1744, 19 October 1757. PRO, HCA 26/22, 8.
8. The Mars Privateer of Guernsey was fitted with ‘two brass 3-pounders in each top’. Exeter Flying Post, 18 February 1780. However, William Hutchinson warned that swivels located in the topsails were potentially dangerous, a source of fire and self-destruction. A Treatise on Naval Architecture (Liverpool, 4th edn, 1794) 218.
10. In the 1740s, for instance, Dover venturers fitted out five vessels of over 120 tons burthen, all of which operated in the fashion of the ‘Channel’ predator.
15. A ‘capital’ prize was worth £10,000 or more according to Francis Ingram, managing owner of the *Enterprize* of Liverpool. LRO, Account Books of the *Enterprize*, 387 MD 45.
17. PRO, ADM 43/5(1).
18. PRO, ADM 43/5(1), 6(1).
19. For instance, compare the muster roll of the *Royal Family* squadron in Appendix 6 to the naval complements presented in Rodger, *Wooden World*, 348-51.
21. The muster roll of the *King George*, ‘flagship’ of the *Royal Family* squadron, included the ‘Commodore’s Barber’ and the ‘Commodore’s Taylor’. PRO, ADM 43/13(2). See Appendix 6.
22. PRO, ADM 43/5(2).
24. PRO, C 108/104. Isaac Blackburn to Captain Finmore, 9 January 1804.
25. ACL, Papers of the *Southwell* Privateer, 24651.
26. These figures refer to the second cruise of the squadron. PRO, HCA 26/24, 25; PRO, ADM 43/13(2). During the first cruise, 102 guns and 970 men were mustered. H. S. Vaughan, ed., *The Voyages and Cruises of Commodore Walker* (Cassell, 1928) 95. See Appendix 6.
27. ACL, Papers of the *Southwell* Privateer, 24651.
29. LRO, Account Books of the *Enterprize*, 387 MD 45.
30. ACL, Papers of the *Southwell* Privateer, 24651.
31. LRO, Account Books of the *Enterprize*, 387 MD 45.
32. ACL, Papers of the *Southwell* Privateer, 24651.
33. The *Royal Family* squadron cruised in these waters during both of its sorties. In particular, it was to operate between ‘Cape St Vincent in Portugal and Cape Cantin, on the coast of Barbary’ during the first cruise. Vaughan, *Voyages and Cruises*, 96.
34. Declaration 11 January 1703. PRO, HCA 26/18. Originally, it was intended that the *Fame* should accompany the *St George*. However, after quarrelling with Dampier, Captain Pullein withdrew the *Fame* from the expedition and sailed independently; the *Cinque Ports Gally* joined the expedition on meeting the *Fame* at Kinsale. See B. M. H. Rogers, ‘Dampier’s Voyage of 1703’ *Mariner’s Mirror*, X (1924), 366-81; and C. D. Lee, ‘Alexander Selkirk and
35. Declaration 28 April 1708. PRO, HCA 25/20. Rogers' sailing instructions are to be found in PRO, C 104/36(2).
36. Both vessels were commissioned on 1 January 1719. PRO, HCA 26/29.
39. PRO, C 104/36(2).
41. PRO, C 103/130. Richard Taunton to Thomas Hall, 27 October 1746. See also C. Gill, Merchants and Mariners of the Eighteenth Century (Edward Arnold, 1961) 146-9.
42. PRO, C 103/130. John Brohier to his brother, 4 January 1747.
43. PRO, C 103/130. Richard Taunton to Thomas Hall, 26 August 1747.
44. See Perrin, Voyage Round the World, xviii-xix.
45. The promoters of the Tartar apparently had plans to send their vessel to the East Indies in 1780. However, these came to nothing as 'goat fever' decimated the 230-strong crew in Lisbon. See Jamieson, 'Return to Privateering', 159-60.
46. Morning Chronicle and London Advertiser, 14 August 1778.
47. SMV, Muster Rolls, 1777–1783.
48. PRO, ADM 43/29.
51. PRO, HCA 34/27-29.
52. PRO, ADM 43/18.
54. Felix Farley's Bristol Journal, 8 August, 26 September, 3 October 1778.
56. Legislation passed in 1798 and 1803 made it obligatory for foreign-going vessels to sail in convoy unless a letter of marque was carried. Those traders intending to 'run', therefore, required a privateer commission. 38 George III, c.76 and 43 George III, c.57.
57. Hutchinson, Naval Architecture, 211.
59. PRO, ADM 43/21.
60. PRO, HCA 30/663. Articles of Agreement, Royal George, 19 November 1747.
61. Declaration 23 February 1710. PRO, HCA 26/14.
62. PRO, ADM 43/11(2).
63. PRO, ADM 43/25(2).
65. Declarations 27 April 1744, 15 May 1782. PRO, HCA 26/32, 70.
67. Davis, Shipping Industry, 264. Vessels of 500 tons burthen or more were obliged to carry a clergyman; by citing the figure of 499 tons, the Company avoided this requirement, much to the disgust of William Hutchinson. See Williams, Liverpool Privateers, 147.
68. In 1751, there was an unsuccessful attempt to check the building of ships of over 600 tons burthen. L. S. Sutherland, A London Merchant, 1693–1774 (Oxford UP, 1962).