



LETTERS OF MARQUE DECLARATIONS AGAINST AMERICA 1777-1783

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Introduction
by
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1 PROVENANCE

Letters of marque were commissions issued during wartime in Britain by the Lord High Admiral or Commissioners executing his office which authorised privately-owned vessels to operate as private men-of-war, whether as armed merchantmen or as whole-time privateers. The original document was held by the captain of the vessel concerned and a copy was enrolled in registers which have been preserved amongst the records of the High Court of Admiralty (HCA), now deposited in the Public Record Office. The series of declarations (HCA 26) runs from 1689 to 1815 and consists of 111 volumes. Here are reproduced the eleven volumes of letters of marque (HCA 26/60-70) issued during the American Revolution. Two index volumes, Adm 7/317 and 318, concerned with the Revolutionary War are also included on the film.

2 THE LETTER OF MARQUE

The earliest mention of a letter of marque occurred in 1293 and letters of marque continued to be issued in time of war until 1815. Letters of marque were not issued during the Crimean War and Great Britain was amongst the powers which accepted the abolition of privateering under the Declaration of Paris in 1856. Until the eighteenth century, letters of marque were issued under Orders in Council but from 1739 the issuance of letters of marque had to be authorised by Parliament at the beginning of each war by the passage of an act of parliament. In the case of the American Revolution there was little activity at sea until 1777 when an act (17 George III c 7) was passed empowering the Lord High Admiral to issue letters of marque.

There were two kinds of private men-of-war. The first was the privateer proper whose purpose was to cruise deliberately against the enemies of the crown. Then, secondly, letters of marque were also obtained by masters of merchant vessels to give them authority to attack, seize and take any ships or vessels which they might encounter in the course of their normal trading voyages. The letter of marque (or commission) was the authority which provided evidence that the privateer was acting on behalf of the government of a particular country and as such was recognised by international law, conditional on the observance of instructions issued by governments from time to time. It protected the holder from the accusation of piracy. Because privateers did not always behave in an exemplary fashion and it was believed that the small privateers were the worst offenders, an attempt was made by the Privateers Act of 1759 (32 George II c 25) to cut down the issuance of letters of marque to such vessels. The issue of commissions remained obligatory for larger vessels (100 tons, 10 guns and 40 men) but discretionary for smaller vessels. Since letters of marque were issued specifically against a particular enemy, any vessel which intended to operate against vessels of more than one enemy power had to secure additional letters of marque. Thus, by the end of the American Revolution, when Great Britain was confronted by France, Spain and the Netherlands as well as America, some vessels such as the Devonshire Hero carried four letters of marque issued to a particular captain for a specified campaign (in this case all issued on 8 February 1781).

The method by which a letter of marque was obtained was described in the Shipmaster's assistant and owner's manual (London, 1796) 'pp.123-4 as follows:

Every person who shall apply to the lords of the admiralty, in order to obtain any commission or letter of marque, shall make such application in writing; and therein set forth a particular, true, and exact description of the ship or vessel for which such commission or letter of marque is requested, specifying her name and burthen, what sort of built she is, the number and nature of the guns on board the same, to what place belonging, the name or names of her owner or owners, and the number of men intended to be put on board the same;

all which particulars shall be inserted in every commission or letter of marque to be granted in pursuance of this act: and every commander of a private vessel of war, for which a commission or letter of marque shall be granted, shall produce such commission or letter of marque to the collector, customer, or searcher, of his majesty's customs, belonging to the port whence such vessel shall be first fitted out, or to his lawful deputy; and the said collector, etc, or his deputy, shall, without fee or reward, inspect and examine such ship or vessel, so as to ascertain the built and burthen thereof, the number of men, and the number and nature of the guns on board the same; and, if such ship or vessel shall be found to be of such built and burthen, and be manned and armed according to the tenor of the description inserted in such commission or letter of marque, or to be of a greater burthen and force, then, and not otherwise, such collector, etc, shall, immediately upon the request of the commander of such ship or vessel, give a certificate thereof in writing, under his or their hand or hands, gratis, to such commander; which certificate shall be deemed a necessary clearance before such ship or vessel shall be permitted to sail from that port: and, if the commander of any ship or vessel for which any commission or letter of marque shall have been granted, shall depart before he hath received such certificate, or proceed upon a cruize, with a force inferior to that specified, every such commission or letter of marque shall thenceforth be absolutely null and void; and the commander so offending shall forfeit the sum of one thousand pounds, (to be recovered, with full costs of suit, by any person who will sue for the same,) and shall also be imprisoned for such time as such court shall direct, not exceeding one year for any one offence.

As can be seen from the example here reproduced, the letter of marque provided details about the vessel, its place of ownership, tonnage, type and armament, its master, owners and crew and the period for which it was victualled. Bond had to be given in the case of vessels carrying over 150 men of £3000 and of smaller vessels of £1500. The marshal of the court was required to inquire into the circumstances of sureties and owners and commanders were forbidden to stand sureties for themselves. By the Privateers Act of 1759, sureties had to swear that they were worth the sum for which they were bound.

The legislation authorising the issuance of letters of marque also contained provisions relating to the disposal of prizes. By the act of 1777, which repeated clauses in similar acts passed at the beginning of previous wars and the acts of 1708 (6 Anne cc 13 and 37), the prizes were awarded entirely to the captors and the crown had no share in the proceeds.

Unless revoked or invalidated for some reason, such as changes in the name of the vessel, its master or its ownership, letters of marque remained in force from the time they were issued until the conclusion of hostilities.

3 LETTERS OF MARQUE DURING THE AMERICAN REVOLUTION

The private war at sea did not begin immediately when the American Revolution broke out but was delayed until 1777. The first letters of marque were issued on 1 April 1777, the last in January 1783. During the American Revolution a total of 7352 letters of marque were issued by the Lord High Admiral or his agents. This considerable total of over 1225 a year compares with 97 (or 47 a year) issued during the War of the Quadruple Alliance (1718-20), 1570 (about 160 a year) during the War of Austrian Succession (1739-48) and 2104 (almost 300 a year) during the Seven Years War. Of the 7352 commissions issued between 1777 and 1783, 2285 (or 31 per cent) were issued against America. The monthly figures are set out in Table 1.

Table 1

Letters of marque against America by month of issuance

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual total
1777				97	40	23	35	43	40	51	37	27	393
1778	23	38	44	32	14	18	23	66	76	100	67	51	552
1779	42	61	78	52	36	40	34	34	28	28	40	34	507
1780	22	28	26	41	37	12	25	11	11	18	14	61	306
1781	160	40	27	16	18	7	14	11	13	23	15	11	355
1782	7	5	31	10	18	12	12	12	19	18	11	11	166
1783	6												6
Total													2285

Thus after the initial flurry of activity in 1777, the most active years were 1778 and 1779 and the least active year was 1782.

Altogether 90 ports, of which 84 were in the British Isles, were listed in the letter of marque declarations.

Of the British ports, London, by far the largest shipowning port, was, as in previous wars, the most important privateering port with Liverpool, Bristol, Guernsey and Jersey as the next most important ports from which privateers set out. The major new development in the American Revolutionary War was that Glasgow and other ports on the west coast of Scotland, which in previous wars had been relatively unimportant, became a significant source of privateering vessels. Apart from the six major centres, a number of other ports fitted out a sizeable number of privateers. Of those responsible for more than 20, Folkestone sent out 55, Dartmouth 54, Dublin 28, and Whitehaven and Lancaster 26 each. But since privateering, like the East India trade and the slave trade, required capital, 33 ports fitted out only a single privateer during the whole of the American Revolution. The details, by port group, are set out in Table 2, with the number of privateers indicated for those ports which fitted out 10 or more vessels.

Table 2
Letters of marque by port group, 1777-83

<u>Ports</u>	<u>Number</u>	<u>Share</u>
London	696	30.5
Liverpool	473	20.7
Bristol	215	9.4
Channel Islands (Alderney, Guernsey, Jersey) 3 ports	214	9.4
West Scotland (Ayr, Clyde, Glasgow, Greenock, Irwin) 5 ports	200	8.7
East coast (Aberdeen, Barrowstoness (Bo'ness), Berwick-on-Tweed, Carron, Dunbar, Edinburgh, Harwick, Hull (14), Kincardine, Kinghorn, Leith (12), Lynn, Margate, Newcastle-on-Tyne (12), North Shields, Perth, Scarborough, South Shields, Stockton-on-Tees, Wells (Norfolk), Whitby (15), Yarmouth (17)) 22 ports	105	4.6
South coast (Brighton, Chatham, Chichester, Cowes, Dover (13), Folkestone (55), Hastings, Portsea, Portsmouth, Ramsgate) 10 ports	85	3.7
South-west coast (Bridport, Brixham, Dartmouth (54), Exeter (12), Exmouth, Falmouth, Ilfracombe, Looe, Lyme, Penryn, Penzance, Plymouth (14), Poole (19), Scilly Isles, St Ives, St Austell, Teignmouth, Topsham, Truro, West Lulworth, Weymouth) 21 ports	144	6.3
West coast (Chester (10), Douglas (IoM), Haverfordwest, Lancaster (26), Milford, Whitehaven (26), Workington) 7 ports	70	3.1
Ireland (Belfast, Cork (11), Down Patrick, Drogheda, Dublin (28), Londonderry, Newry, Rush, Strangford, Waterford) 10 ports	62	2.7
Overseas (Antigua 2, Barbados 1, Bermuda 2, Bombay 1, Gibraltar 1, Jamaica 1, New York 5, Quebec 1) 8 ports	14	0.6
No data	7	0.3
<u>Total</u>	2285	

Privateers did not necessarily confine their attentions to the shipping of one enemy country but often carried more than one letter of marque. To ascertain whether this was the case, the other volumes in HCA 26 relating to the period of the American Revolution for the war against France, Spain and the Netherlands need to be searched.

The privateers varied considerably in tonnage. While the average tonnage of all the privateers carrying letters of marque against America amounted to 221 tons, only those from London and the east coast were of above average tonnage while those from other British ports tended to be smaller than average. As was to be expected, the smallest privateers, as Table 3 shows, operated from the Channel Islands.

Table 3

Average tonnage of privateers 1777-83 by port group

London	321
Liverpool	198
Bristol	175
Channel Islands	106
East coast	179
South coast	238
South-west coast	185
West coast	198
Ireland	173
Overseas	221

Manning and gunning ratios can be calculated from the information given in the letters of marque declarations. Ownership and the composition of crews can also be analysed. In addition, the returns give details of the period for which the privateers were victualled. Although there was not a great deal of variation between ports, those privateers which confined themselves to the shorter cruizes came from the Channel Islands and the south coast of England while the longest cruizes from British ports were made by privateers from London and Liverpool, as Table 4 shows.

Table 4

Victualling length of cruize (in months)

London	8
Liverpool	8
Bristol	7
Channel Islands	5
Scotland	7
East coast	7
South coast	5
South-west coast	5
West coast	7
Ireland	6
Overseas	9

Thus an analysis of the letters of marque declarations can throw a considerable light on the size and nature of the British privateering fleet during the American Revolution.

In using the information recorded in the letters of marque declarations it has to be borne in mind that the returns were business documents and may contain inaccuracies, inadvertent or deliberate. So there are inconsistencies or variations relating to the name of the vessel, the names of the owners, the master's name, the vessel's tonnage, armament, place of registration and manning. Such differences only become apparent however when the letters of marque declarations taken out against America are compared with those taken out against other foreign powers.

4 CONTENTS OF THE FILM

HCA 26 consists of a series of 111 volumes of letters of marque but only the 11 volumes relating to the American Revolutionary War are reproduced here (HCA 26/60-70). The volumes run in a chronological sequence from April 1777 when privateering activity against American vessels was authorised by 17 George III c 7 to the effective end of the war at sea in January 1783. The details are as follows:

REEL 1	HCA 26/60	3 April - 29 July 1777
	HCA 26/61	1 August 1777 - 3 February 1778
	HCA 26/62	3 February - 26 August 1778
	HCA 26/63	26 August - 6 November 1778
REEL 2	HCA 26/64	6 November 1778 - 1 March 1779
	HCA 26/65	1 March - 13 July 1779
	HCA 26/66	13 July 1779 - 29 January 1780
	HCA 26/67	1 February - 4 November 1780
REEL 3	HCA 26/68	8 November 1780 - 17 January 1781
	HCA 26/69	January - 7 November 1781
	HCA 26/70	10 November 1781 - 20 January 1783

Adm 7 consists of a series of over six hundred index volumes from which those relating to the American Revolutionary War have been reproduced here. The entries are in chronological order. Adm 7/317 begins with the authorisation for the issuance of letters of marque by 17 George III c 7. The periods covered by the two volumes filmed are as follows:

REEL 4	Adm 7/317	April 1777 - 9 July 1779
	Adm 7/318	July 1779 - 17 January 1783

5 BIBLIOGRAPHY

a) PRIMARY: MANUSCRIPT

Supporting documentary material is to be found in the Public Record Office. To obtain a fuller picture of the privateering activities of vessels, the other volumes in HCA 26 for the period of the American Revolution should be searched (33-44, against France, 1778-83; 45-52, against Spain, 1779-83; and 53-9 against the Dutch, 1780-83). HCA 25 contains the bonds as well as the declarations. There is also associated material in HCA 32 and elsewhere.

b) PRIMARY: PRINTED

Gentleman's Magazine which contains reports and lists of prizes taken

William Hutchinson, A treatise on practical seamanship (Liverpool, 1771 and later editions)

Lloyd's List

c) SECONDARY

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