AMERICAN PRIVATEERS IN FRENCH PORTS.
1776-1778.

By RUTH Y. JOHNSTON.

In the course of the eight years of the American Revolution many activities produced more decisive and immediate results than privateering, but none caused more incessant and teasing annoyance to the enemy than the persistence with which American sea dogs won their victories and took their spoils. Men left their carpenter’s bench and blacksmith shop, their plowshares and pruning hooks and for love of gain as well as for patriotism invaded foreign waters. Very early in the struggle indeed they established a reputation for almost brazen daring and a spirit that neither feared God nor regarded man.

Diplomatic activities in the courts of Europe were made necessary by these sea rovers because of their disregard of the laws of nations and because of the willingness of at least one of those courts to understand as well as to pardon all that could be condoned. As an introduction let us examine briefly the privateering activities on the American side of the Atlantic, and the attitude of the Continental Congress and many prominent Americans to them.

As early as the autumn of 1775 certain men in the American colonies turned their attention to the reprisals that could be made on the enemy through boats privately fitted out by merchants for that purpose. John Adams thought he could see advantages to be gained. “These,” he said, “were my constant and daily topics from the meeting of Congress in the autumn of 1775 through the whole winter and spring
The capture of the English ship Nancy, made by Captain John Manley in the fall of 1775, constituted the first prize of any consequence. Washington had just written to Congress of his very great need, and expressed the idea that the "capture of an ordnance ship would give new life to the camp and an immediate turn to the issue of this campaign." The cargo of 2000 muskets and bayonets, 8440 fuses, 31 tons of musket shot as well as a 13 inch brass mortar, together with the other ammunition did no doubt hearten Congress and give added zest to enter that service characterized by the English as "pyratical." The value of the cargo was 20,541 pounds of which one-third went to the captain and his men and in this case that third was a very substantial one.

Privateering soon became a well recognized source of quick wealth as well as a means of annoyance to the British. It was at first thought an aid to secure seamen for the infant American navy, but such was not the case, for men who could enjoy the hope of spoils through captures found the wages of an ordinary seaman unattractive. Indeed no other than John Paul Jones when told in 1776 to get a navy in readiness, complained that he was short of men, that it was with "much ado" that he enlisted thirty men. Privateers enticed them away, and the common class of adventurers was actuated by nothing but self interest. Benjamin Rush wrote Richard Henry Lee that because of privatéering the four eastern states would find great difficulty in raising their quota of men, while the Deputy Governor of Rhode Island accounted for the

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1 Works of John Adams II., 503-506.
3 Ibid., III., 1722.
4 Essex Institute Collections XLV., 8-Foot note from original account in possession of Beverly Hist. Soc.
5 Stevens, Facsimiles No. 58.
6 Force, American Archives (9th) II., 1109.
weakened condition of that colony because of the great number of privateers fitted from it. Yet John Adams, Silas Deane, and Benjamin Franklin considered it a short, easy, infallible method of humbling the British. And the Continental Congress approved so far as to pass many resolutions relating to captures, division of prizes and courts of admiralty.

On the other side of the Atlantic Silas Deane, who had gone over to France as a business agent for the colonies early in 1776, began to seek the liberty of French ports in which American armed vessels might dispose of their prizes, and also to write Congress for blank commissions so that he might fit out in European waters privateers to prey on British commerce. "Infinite damage," he wrote, "may be done British commerce and eventual profits remain with you."

To Franklin, Arthur Lee, and Deane, the Committee of Correspondence sent Congressional approval for the fitting out of armed vessels on Continental account "provided the court of France dislikes not the measures." Later commissions for actual privateers were sent, and the United States representatives gave all possible assistance to the activities of privateers.

Early in the Revolution one question of vital importance arose. Were American privateers bearing commissions entitled to any rights if captured by the British, or were captain and crew subject to be hanged as pirates? On this question hinged some of the earlier diplomatic negotiations. One quick solution would be to call all Americans so captured guilty of high treason and shut them up in Newgate. But that course

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7 Force, American Archives (5th) II., 337.  
8 Wharton, Diplomatic Correspondence II., 202–3.  
10 Letters of Silas Deane I., 206–207.  
12 Stevens, Facsimiles No. 1399.  
13 Wharton, Diplomatic Correspondence II., 249.
might lead to retaliations, for Americans had had by this time no small success on the seas. One case soon came to the attention of Silas Deane and he in turn appealed for aid to Vergennes, the French minister of foreign affairs. One Captain John Lee of Newburyport, bearing a commission from the United States, took five British prizes. He sent them to America but himself went on to Bilboa taking with him two of the captains and some of the crew as prisoners. The British government complained to the court of Madrid that Lee was a pirate and should be handed over as such. News of this event reached Deane who appealed to Vergennes on the ground that the value of this particular boat and cargo was of small consequence compared to the precedent that would be set for the duration of the war if Lee were handed over. In addition to Deane’s letter there came an impassioned one from Caron De Beaumarchais, a brilliant literary genius, a frequenter of the outer circle of the court, son of a French watchmaker, who had interested himself to a very great degree in the American cause. Two months later Deane was able to write Congress that the claim was dismissed. Protection was given to Lee together with the promise of any assistance he might need. This showed the course France and Spain intended to take in regard to the status of privateers. Yet it did not commit them to the position of openly allowing the sale of prizes,—a boon the Americans were eager to gain.

Later in 1776 we find an English admission of the extreme annoyance by American vessels. Vergennes had asked Lord Stormont, the English ambassador to

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15 Stevens, *Facsimiles* No. 589 and Wharton II., 174–175.
17 Wharton, *Diplomatic Correspondence* II., 208.
France, if his nation intended to give letters of marque. Stormont replied that he did not know but if such letters were granted, it would be because the English found it next to impossible to do otherwise. Their frigates alone could not get the better of the numberless small American vessels with which the seas swarmed and which greatly distressed their trade. The evil was augmented, he said, because France and Spain had admitted these “armateurs” to their ports. In his opinion all civilized nations should give no refuge or assistance to pirates.\(^{18}\)

The British were soon convinced that American captains were receiving the protection from France, that it was not proper for a neutral to give. This then formed the subject for endless, generally fruitless debates between the departments of state of the two nations. The medium of English communication was Lord Stormont, careful watchdog of his country’s interests. England was in no position to declare war on France for her violations of the treaty of Utrecht, but she might threaten war and thus try to frighten her old enemy into a semblance of real rather than nominal neutrality, preserving her own dignity at the same time. Stormont was \textit{not asleep!} He had a most efficient set of spies. He was able at most crucial times and places, to confront Comte de Vergennes and Comte de Maurepas, the minister of state, with information which was as disconcerting as it was accurate. Some men who procured for Lord Stormont most of his information were Dr. Bancroft, sometimes known as Edwards and again as J. Jones, Paul Wentworth, George Lupton, and Lieut. Colonel Edward Smith. This information often went to Lord Stormont directly. For example, Dr. Edwards, none other than Franklin’s private secretary, agreed to furnish Went-

\(^{18}\) Stevens, \textit{Facsimiles} No. 1392.
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worth information for Stormont on "the intelligence that may arrive from America, the captures made by their privateers, and the instructions they receive from the deputies" as well as "how the captures are disposed of." And to obtain information these spies talked, ate, slept, cruised with Americans and their friends. If a rather unsuspecting but taciturn captain proved difficult of acquaintance, sometimes the gift of a sword or a brace of pistols served to make him more loquacious. On some occasions spy information came too late to be of value but at other times due to delays that boats had in getting away from port it served as a means of saving English boats from capture and of intercepting goods intended for America and sorely needed there. For example we find Lupton writing to Eden that no less than ten boats were loading at Bordeaux and Nantes. They were to sail that month and with a proper lookout the English should reap a fine harvest. It was only necessity that forced Stormont to seem to believe the evasions and delays of the adroit Vergennes who made the "worse appear the better cause" and by seeming to believe, to save the dignity of the English state department.

A goad to this department, increasing its vigilance was the opposition party in Parliament. They knew that Franklin and Deane had access to the French court, they knew too that American privateers dared to make captures right in the entrance of English rivers because they could be sure of a harbor of refuge near by. It was vain for Lord Weymouth to insist that "France at no time stood on a more friendly footing with this court than at the present." No one believed

20 Stevens, Facsimiles No. 236, Engagement between Dr. Edwards and Paul Wentworth.
21 Ibid., No. 670 and 187.
22 Stevens, Facsimiles 171, Letter June 11, 1777.
23 Hansard, Debates in House of Lords XIX., 343.
him except those who wanted to, the Opposition knew what they knew. They asked embarrassing questions,—whether Weymouth had insisted that Franklin and the other American deputies be sent from France, whether explicit demands had been made for the removal of American Privateers from French ports. Small wonder is it that after such a grilling, Lord Stormont, Weymouth's mouthpiece in France, assiduously continued his attacks on French policy.

Should anyone think that either contemporary English opposition or later American historians overestimated the enormity of the privateer problem a few figures are given. On February 6, 1778, a Committee on the State of the Nation in the House of Lords called in some half dozen men to inquire what were the damages that England had suffered from American privateers. The estimates were based on the facts given in the register of the society of merchants at Lloyd's Coffee House, London, which register kept an account of all ships that sailed outward or entered inward from the ports of Great Britain and Ireland with names of owners and captains, account of last voyage, tonnage, state of repair, quality—all kept with minute correctness. According to this record 733 ships were taken by Americans since the beginning of the war, of which after deductions were made for those retaken or restored, 559 remained. The value of these boats with cargoes at a moderate calculation was 1,800,633£.18s. As a result of the danger on high seas these gentlemen testified further that insurance on boats going to America and West Indies had risen from 2 and 2£% before the war to double that with convoys, and 15% without convoy. In commenting on this phase of the American war the London Annual Register for 1778 declared that the coasts of Great Britain and Ireland

23 Hansard, Debates in House of Lords XIX, 345.
24 Ibid., 708–713.
were invaded to a degree never before ventured upon by the hardiest of enemies. A convoy for the Irish linen trade was seen for the first time. His Majesty's ships took a prodigious number of American boats in return so that "they probably much overbalanced the losses which we sustained from their privateers. But it was to a thinking mind melancholy that we had a computation of that kind to make."\(^{25}\)

Most of the diplomatic activity in regard to privateers was conducted between France and England with the American commissioners generally in the background. This Anglo-French story can be centered around a very few people, daring, intrepid men of the sea, men who got into the head-lines. They are first Captain Wickes or Weeks of the *Reprisal*, Captain Johnston of the *Lexington* and Nicholson of the *Dolphin*. These were referred to as the three privateers because they were often in each other's company, and in the spring of 1777 composed a squadron which had a most successful cruise. Another chapter of incidents has as its hero one Gustavus Cunningham with first the *Surprise* and then the *Greyhound*. We first hear of Weeks in Europe in December 1776 when he arrived at Nantes bringing with him as chief passenger Benjamin Franklin. On his way over he took two prizes and brought them into port. The next question was what to do with them, as the French government had not given permission for a legal sale. Frenchmen were not lacking, however, who would buy prizes and take upon themselves all responsibility for any legality of procedure.\(^{26}\) Weeks soon fitted out for a cruise in the neighborhood of Spain and Portugal, having been told by the commissioners to avoid the coast of France, and by February 14, 1777,

\(^{25}\) London *Annual Register* (1778) 36.

\(^{26}\) Wharton, *Diplomatic Correspondence II.*, 222–223.
had taken three brigs, one scow, and one ship; an event which soon became the talk of London and the subject of frequent memorials from Lord Stormont to Vergennes. Wickes lost no time in disposing of his prizes. He sold them for 100,000 livres, a low enough price to attract buyers so that he could get rid of them with dispatch before England took steps for their confiscation. One of the spy reports said, "so that they are always out again to some other markett before Lord Stormont's representations can be well received and answered." However, the American commissioners wrote home that this practice of bringing prizes into French ports brought uneasiness and trouble to the court and they intended to see to it that a too frequent repetition did not occur. By March 18 Lord Stormont had reminded Vergennes that the Reprisal was still at L'Orient and that the five prizes were sold, Vergennes' assurances to the contrary notwithstanding. It was impossible not to pretend to do justice to Stormont's claims; so in two days Vergennes sent on the English memorial to M. de Sartines, Minister of the Marine, and asked for an investigation of what purported to be most irregular procedure and negligence. Sartines' reply was that he would follow up the matter. One knows that diplomatic matters proceed slowly but it is striking to see how slowly they can proceed when not promoted by a desire for promptness. On May 22, after months of waiting the reply finally came from Sartines that the English vessels Polly, Nancy, Betty, The Hibernian, The Generous

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27 Hale, *Franklin in France*, Letter from Wickes to Commissioners II., 114, and Stevens, *Facsimiles* No. 46.
28 Ibid., 246.
29 Ibid., 670.
30 Ibid., 1448.
31 Hale, *Franklin in France*, letter from Wickes to Commissioners II.; 1483.
32 Ibid., 1487.
33 Ibid., 1494.
Friend, and The Swallow which were captured in February were taken to L'Orient and sold in a French Admiralty court. They were sold by French and Dutch merchants who declared themselves sole owners and the names of the boats as given in the Register of Declaration were The Fortune, Charlotte, Harmony, Victorious, and The Marguerite. Of course the Admiralty Court had no idea of any falsity of declaration.\(^{34}\) And, Sartines added, that if there had been fraud it would be very difficult to trace it now.\(^{34}\) So the affair was dropped, but the memory of it rankled.

Meantime Captain Wickes thought he had ample cause for complaint. He was pushed around from post to pillar with no permanent abiding place, because the French prodded by the English did not like his presence at any of their ports. On February 26 he was ordered out of L'Orient on twenty-four hours’ notice. Pleading necessity for repair he asked leave to stay, and at length received it after some ship’s carpenters gave him a statement certifying that he would be in danger of losing his ship if he sailed at once.\(^{35}\) British intimation that he obtained the appearance of a leak by pumping water into his boat\(^{36}\) might easily have had a foundation of truth. The storm blew over temporarily, and by March 5 the Reprisal was ready to sail but delayed for want of orders.\(^{37}\) On the 15th the orders to leave were repeated. Still the commissioners’ directions did not come and Wickes in a much aggrieved state of mind wrote that he was in a predicament indeed. He didn’t know how to account for it inasmuch as he had always behaved himself as a gentleman should.\(^{38}\) One laughs at the assurance with which

\(^{34}\) Stevens, Facsimiles No. 1536.

\(^{35}\) Hale, Franklin in France, Letters of Wickes to Commissioners, I., 115-116.

\(^{36}\) Stevens, Facsimiles No. 1574.

\(^{37}\) Hale, Franklin in France, Wickes to Commissioners, I., 117-119.

\(^{38}\) Ibid., 119.
these captains took French protection as their due. He was joined in April by Johnston and Nicholson and the three made plans for a protracted cruise into the Irish Channel. The British marine had ample spy notice of this intended trip but were not able to intercept the squadron. Bancroft and Lupton both served notice as early as May 13 and the boats were not successfully off until May 28. It was a most successful voyage from the privateer’s point of view. Seventeen boats were captured in the Irish sea. Chased by a British man of war Wickes took refuge in St. Malos about June 28 after first lightening his boat by throwing overboard some guns. The Dolphin put in at the same port a little later.

News of this daring cruise spread rapidly on both sides of the English Channel, and from early in July until September of 1777 letters passed back and forth, and personal visits as well, between the French foreign office and the British embassy. Urgent, imperative demands on the part of the English, delays on the part of the French and some actual orders which on the face looked most rigorous and decisive. There were Stormont’s accounts to Weymouth and Weymouth’s replies with further instructions and words of commendation. There were also Vergennes’ letters to the ambassador in England, the Marquis de Noailles, so that he might be cognizant of affairs at home. The French government could not see its way clear to wink openly at the procedure of the three privateers; their daring in returning to St. Malos had been rather too brazen. Moreover, the French fisheries were not well protected and a fleet was expected just then from

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99 Stevens, Facsimiles No. 1539.

[90x553]Ibid., Nos. 158, 168, 151.

[90x528]Hale, Franklin in France I., 123-124 and Wharton II., 349, also Stevens, Facsimiles No. 175.

[90x515]Stevens, Facsimiles Nos. 178 and 179.

[90x489]Ibid., Nos. 180, 1581, 1590, 1588, 1591, 1599, 1652.
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the north with naval stores. Any unpleasantness with England would at the moment be rather "in apropos." The cabinet had a meeting July 11th on the very next day after Lord Stormont presented a protest on the harboring of the Reprisal, the Lexington, and the Dolphin. A resolution was passed that "M. de Sartines be desired to communicate to the commissioners that it is his Majesty's wish that they order all their vessels to leave the ports of France upon 24 hours' notice as the Fidelity which the king owes his Treaties will not permit them any longer stay." Nor was M. de Sartines the only one to send a communication. On July 16 Vergennes wrote in very peremptory fashion to the commissioners that he was surprised to learn that the three privateers dared to fit out from France, but, worse still, that they came back with all openness after their cruise was over. This course embarrassed the court of France exceedingly and he wished to say that these vessels must stay in port until they could give security that the offence would not be repeated. All of this sounds severe until one remembers that sequestration really meant protection for the time being and was much preferable to being ousted from port with a British man of war in pursuit. That the Americans were not too much wounded by these orders is evident by the fact that Franklin and Deane wrote the captain of the Lexington that they could assure him that these proceedings were not designed ultimately to injure him but the contrary. They had evidently perceived the wink that accompanied the order. However, the commissioners did the politic thing and sent back a very polite letter of regrets and plausible excuse. The boats were chased and had to take refuge somewhere.

44 Stevens, Facsimiles No. 180.
45 Ibid., No. 1578.
46 Ibid., No. 1583.
47 Wharton, Diplomatic Correspondence II., 365-366.
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few days they asked the convenience of a little time in which which to repair, promising that they would give any security required and requesting the safeguard of a convoy for Wickes when he left for America as they were determined he should. The comment of George III is interesting after the news of the French orders in cabinet reached him. He wrote to Lord North, "The letters from France are as good as we could expect, and will answer very well, provided the execution be scrupulously observed."

Lord Stormont was much dissatisfied that these boats did not leave at once and said a convoy would only indicate that France was sponsoring them. But, since Vergennes would not let them go without a convoy, July passed into August and nothing was accomplished. Noailles was instructed to say to Weymouth in England that France had ordered the boats out but she would not put them out at the mercy of England. If England insisted, there were these two expedients: They could go at once if the English would give them passports to America or if the French were allowed to convoy them to the high seas. George III said that the conduct of the French was indeed very irksome and equally distressing whether from timidity or duplicity.

Meanwhile Wickes passed a not too unpleasant period of sequestration at St. Malos. Lupton wrote William Eden that he was treated there with great respect, nothing was too much to be done for him. The French commanding officer even had his troops reviewed for Wickes' pleasure, balls and card parties were duly proposed for his amusement.

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48 Stevens, Facsimiles No. 703.
49 Donne, Correspondence of George III and Lord North II., 78, No. 407.
50 Stevens, Facsimiles No. 1594.
51 Donne, Correspondence of George III and Lord North II, No. 409.
52 Stevens, No. 187.
But since nothing can be postponed forever, the day came for departure, after constant repetition of demands by Stormont and as constant reiteration of promises by Vergennes. On August 28 the commissioners wrote to Wickes, Johnston, and Nicholson that the time of their departure was at hand. The condition was that they should not cruise in these seas nor return to the ports of France. To these conditions the three men were in honor bound because the commissioners had given guaranties that they would not violate this promise. At last, just two and one-half months after his return from his successful cruise, Lambert Wickes and the Reprisal got away from France. It was his last sail for his boat foundered, and Wickes and his whole crew probably lost their lives. Johnston left port shortly after Wickes, was attacked on the morning of September 19 by Lieutenant John Bazeley of the Alert. Seven of his crew were killed, eleven wounded before his surrender. Johnston behaved well, it was said, but his crew of French seamen would not stand to their guns. This capture aroused no little comment both privately and in the English department of state. Lord Stormont must have felt that he had lived to see the solution of at least one problem. The Dolphin did not sail but remained at Painboeuf with a crew of 70 men as a sort of guardship.

The career of another captain, Gustavus Cunningham exhibits a different procedure and evidence of French willingness to lend indirect aid. Early in May 1777, Cunningham captured the Harwich mail packet, and had the bad judgment to return with it to Dunkirk. Lord Stormont was notified and asked that Cunningham...
ningham be arrested and his prizes restored. That re-
quest was granted, de Maurepas not losing the oppor-
tunity of reminding the English ambassador that this
was a proof of his very great wish to see speedy justice
must do him and M. de Vergennes,” he wrote, “the
justice to say that nothing could be framer than their
behavior on this occasion or readier than the promises
they made. . . . I hope they will be exactly fulfilled.”
Two of Conyngham’s officers were arrested imme-
diately and almost all of the crew. The prizes, as
prizes seemed to have the habit of doing at opportune
times, had sprung a leak and so could not go out.

Silas Deane, in high displeasure, wrote to Ger
d, Vergennes’ secretary, asking if Cunningham was or
was not under arrest, and if his prize might quit the
port, and vouchsafed the information that the accused
was an American citizen of Philadelphia. George III
thought that de Maurepas’ action was highly signif-
cant, and wrote at “58 minutes past M. May 14” to
Lord North who was on his way to the House of Com-
mans, “This is so strong a proof that the Court of
Versailles mean to keep up appearances that I think
the news deserves a place in the speech you will
make.”

Deane’s fears were allayed for the commissioners
soon wrote home that through favor Cunningham
would be discharged with his vessel, but not his prizes.
They were assured by the most substantial proofs of
the friendship of the court, a friendship which all the
world would soon know. Soon both captain and crew
were at large. His boat, the Surprise, was replaced by

58 Stevens, Facsimiles No. 1529.
59 The name is spelled in two ways in the sources.
60 Neeser, Cruises of Gustavus Cunningham, 19-20.
61 Ibid., 21.
62 Donne, Correspondence of George III and Lord North II., 68-69.
63 Stevens, Facsimiles No. 1541.
a new large one of 14 guns, the Greyhound, fitted out at Dunkirk by a M. Hodge. To this the old crew was transferred among them being 16 Frenchmen, and late in July set out from Dunkirk. Hodge had given security that she would not sail as a privateer and then sold her to Allen, a British citizen. Her papers said she was bound for Bergen in Norway for a cargo of lumber. Noailles, when confronted with these facts in England, said as far the Frenchmen in the crew were concerned, you couldn’t keep watch of every individual Frenchman. Anyway what more could France do? Ports were closed to American privateers, orders had just been given to that effect. If there was any blame, Vergennes explained, it lay with Allen, a British citizen. De Maurepas soothed the ruffled spirit of the British ambassador, saying that Stormont certainly had reason to be annoyed; he would be too. The Greyhound slipped out without orders, the admiralty court must have deceived them. The admiralty court in turn said it had orders only to hold a privateer but since the Greyhound was registered as a merchantman bound for Norway, they didn’t consider it incumbent on them to stop her. Vergennes pointed out, moreover, that the British Inspector at Dunkirk had threatened that it was the intention of the English to destroy that vessel wherever it should be found without regard for the king’s territory. It was therefore the insulting language of the king’s own officer that had hastened the departure of the Greyhound. The French almost persuaded themselves that their expressed intentions to be neutral were actually “bona fide” after all. Yet surely these reasons were only evasions; the French knew that they were; Stormont recognized them as

*Neeser, Cruises of Gustavus Cunningham 48.*
*Stevens, Facsimiles No. 1646.*
*Ibid., No. 1594.*
*Ibid., No. 1597.*
*Ibid., No. 1646.*
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such, but was nevertheless forced to accept them. A temporary satisfaction was given; Hodge, Conynham’s security, was thrown into the Bastille, because he deliberately deceived the French government in fitting out a privateer in the guise of a merchantman. The American commissioners protested and asked his release, but Vergennes protested with seeming firmness that France had used severity with regret. Sentiments of friendship had not seemed to have made much impression on the friends of the commissioners. “With regard to Hodge you know what he promised. I don’t know about America but in France it is a very serious fault to tell the king a falsehood.” So to Stormont’s relief and Vergennes’ self-righteous complacency Hodge was not released—yet. But after a brief stay of two months he was dismissed from the Bastille. Conynham had left France by that time and taking warning from his last experience, he conveyed his next prize to Spain.

Another offence, seldom discovered, was shown in the case of the two prizes from the Jamaica fleet brought in by a certain Captain Babson. Stormont learned of their arrival and notified Vergennes at once. Since French orders, taken at face value, were that no prizes should be brought into French ports, names and place of embarkation were changed. Really the Clarendon and the Hanover Planter, they were entered in the customs registers at Nantes as the Hancock and the Boston, American merchant ships. But the master of the privateer foolishly told his story to an Irish Tory, and the next thing Lord Stormont was asking for the sequestration and restitution of these two boats. His request was neither refused nor

* Stevens, Facsimiles No. 1647.
* Wharton, Diplomatic Correspondence II., 375.
* Ibid., II., 377.
* Letters of Silas Deane III., 168.
* Stevens, Facsimiles No. 1699.
granted at first but later entire satisfaction was given to the British. Americans felt aggrieved. Mr. Wm. Lee hoped that the French government would indemnify the Americans in meal or malt for their loss of these prizes.\textsuperscript{74} In December the commissioners appealed to the King from the decision of the admiralty court, alleging that great discredit had fallen on their country from the disposition made of the prizes and from the "indecent exaltation" of their enemies.\textsuperscript{75} No change of front came until after the treaty when the king himself gave redress to the amount of 19,687£. 10s.\textsuperscript{76}

In the rather difficult summer of 1777 Americans would gladly have used for prizes other ports than French or Spanish if the privilege had not been denied them. As early as May, Arthur Lee, one of the commissioners, went to Prussia on a diplomatic mission. Although he objected to formal instructions, his purpose was first, to get an open port for German commerce, second, permission to fit out armed vessels to annoy the enemy's northern trade, and third, he craved the opportunity for his countrymen to bring in and sell their prizes in Prussian ports.\textsuperscript{77} The English Earl of Suffolk got this information and passed it on to Hugh Elliot, the English ambassador at the court of Frederick the Great.\textsuperscript{78} That there was no cause to worry about the granting of Lee's request is evident from the fact that although he was kept dangling until November 27\textsuperscript{79} hoping against hope for a favorable answer, Elliott was able to write home in July\textsuperscript{80} that

\textsuperscript{74}Letters of Silas Deane II., 218.
\textsuperscript{75}Stevens, Facsimiles No. 1801.
\textsuperscript{76}Letters of Silas Deane III., 167.
\textsuperscript{77}Stevens, Facsimiles No. 151. Bancroft to Wentworth and No. 1540 American Commissioners to Com. of Foreign Affairs.
\textsuperscript{78}Ibid., No. 1466.
\textsuperscript{79}Wharton, Diplomatic Correspondence II., 429.
\textsuperscript{80}Stevens, Facsimiles No. 1476.
his Prussian Majesty did not intend to admit American prizes, a fact which Suffolk knew in August.\textsuperscript{81} To be sure, when Lee left Berlin, he was accompanied by "his Majesty's warmest wishes for our success"\textsuperscript{82} but the letter containing the refusal was sent after him a month later.

In general, we may say that there was no definite cessation either of privateering activities or of aid given by France. Definite orders were issued to be sure. French rigor relaxed and increased in accordance with the perseverance of Lord Stormont's demands, the temperature of the feeling in the French cabinet, and the varying successes of the Americans on the field. One feels that as far as Vergennes was personally concerned he began in the autumn of 1776 as he ended in the winter of '78 in favor of every secret aid that could be afforded privateer captains without forcing an open rupture with England.

In November of 1776 he had told Lord Stormont that he must not expect France to treat the Americans as did the English. French trading vessels were forced to approach American coasts; too great rigor would only provoke privateer attacks on French commerce. France would have everything to lose and nothing to gain.\textsuperscript{83} After Captain Wickes' adventures, Vergennes did tell the American commissioners that every vessel which took refuge in the ports of France could receive there the succour and repairs it needed. This did not mean the right of running from the high seas back to port and of leading in its prizes, registering and selling them.\textsuperscript{84}

Two letters written in August\textsuperscript{85} help to give a feeling for the situation. A privateer, the General Mifflin,

\textsuperscript{81} Stevens, Facsimiles No. 1479.
\textsuperscript{82} Ibid., Lee to Com. of Foreign Affairs Oct. 6, 1777. No. 271.
\textsuperscript{83} Stevens, Facsimiles No. 1378.
\textsuperscript{84} Ibid., No. 1461.
\textsuperscript{85} Stevens. Facsimiles No. 1651, Vergennes to Noaillès, and ibid., No. 1652 Stormont to Weymouth Aug. 20, 1777.
had put into Brest, and Stormont demanded its immediate departure, declaring that he had heard that the French commander had so far forgotten his dignity as to have saluted the pirate. He asserted that when an American privateer had any need of coming in to port, all that was required by Sartines was to stave in some water casks, make the appearance of a leak, and then come in. Vergennes replied, if Chauffault did salute the General Mifflin, it certainly was not anything to be boasted about. And as to the pretence of a leak, Stormont's information must be false for he himself knew how precise Sartine's orders were. It was easy enough anyway to pump a ship dry to see if she had a leak. And Stormont's reply was not slow. Yes, it was an easy thing to determine if an impartial court examined her. If a court wished a boat to pass for leaky, a leak would soon be found. Vergennes' letter to Noailles is characteristic of his suave poise. "Patience fails me: But we must not lose it for there is always time to quarrel, but the quarrel once started, it is not always possible to become reconciled."

It is not easy to judge just what was the attitude of Louis XVI in all of this procedure. There are numerous statements at hand of what Vergennes and de Maurepas told Stormont that the king said, but only two statements come in a direct route from his Majesty. These seem to indicate a wish on the part of Louis to allow certain privileges only to privateers and to see to it that these were not abused. The element of subterfuge is quite lacking.

The first of these is a paper read to the king by Count Vergennes in the presence of Count de Maurepas and M. de Sartines. The statement is affixed that his Majesty approved of what is contained herein. This document stated that if the French king consented to a surrender of prizes without examination, it would be the same as declaring them and their countrymen sea robbers and pirates. It would facili-
tate the reconciliation of England with her colonies and would implant in Americans a hatred and desire for revenge on France that the lapse of centuries perhaps could not eradicate. Nothing rash must be done till news of Spain's position had arrived. In regard to privateers—1. Renew orders that they and their prizes be not admitted except under absolutely urgent circumstances. 2. They might not tarry except so long as the urgency occurred. 3. They might not be furnished with anything except provisions and munitions necessary for subsistence in order to regain their ports. If the English were satisfied with this, very well. If not, there was nothing more to be done. 

Again Lord Stormont insisted on an audience with the French king. His orders he said were to ask first, that the French did not send their proposed troops to the West Indies and second, that they sequester and restore all the prizes in French ports. He was not granted the audience, but both Vergennes and de Maurepas reported back to him officially from the king first, that the West India fleet must go out as planned, and second, the following acts of the French government in regard to prizes:

1. Admiralty courts to take every possible care to prevent the sale of prizes or their cargoes and to make their purchase penal.

2. The Procureur Général des Cours de L'Admirauté was to prosecute those who violated this law by making any such purchase.

3. Commanders of ports to cause the American privateers within distance to come to anchor under the fort, and if they wanted water or provisions to detain them there till those succours were procured but not to let them come into the ports of France.

86 Stevens, Facsimiles No. 706. Paper read to king August 23, 1777.
87 Stevens, Facsimiles Nos. 1670 and 1671. Letters of Stormont to Weymouth Sept. 3 and 4, 1777.
In regard to these orders Vergennes wrote to Noailles, "You will see, Monsieur le Marquis, ... the care that has been taken to keep the American privateers from our ports and to prevent the sale of prizes. This is carrying consideration as far as it is possible to do, and if our proceedings do not give satisfaction, we must forever give up trying to satisfy a nation so difficult to please." 88

Temporarily then Stormont had a brief respite from vigilance and an opportunity to rejoice at the discomfiture of the rebel agents when their privateers were prohibited from approaching near the coast of France. He wrote to Weymouth. "These orders are very punctually executed" and offered in proof the letter of a Frenchman who said his orders were so precise that were he to attempt to disobey or elude them he should lose his ship and his liberty as well. 89

But such a paradise could not from the nature of things last for long. On October 22 Stormont reported that he was sure there were evasions of orders. That privateers still found their way in and conducted prizes which were disposed of either in the harbor or a little way out. In fact, Messrs. Berard and Montplaisir of L'Orient were purchasers of some for the price of 9,700 pounds sterling. To all of this de Maurepas replied that he would be happy to prevent such abuses if he could, but that the cupidity of private individuals was to blame. 90 In the opinion of the English ambassador evidences of collusion were only too marked. Frenchmen would go out to sea to meet pirates, purchase from them their English prizes, carry

88 Stevens, Facsimiles No. 1679. Letter Sept. 6, 1777.
89 Stevens, Facsimiles No. 1697. Letter Sept. 24, 1777, with a quotation enclosed from a letter of M. de la Motte to the Duke de Chartres, and ibid., No. 810—further proof in a letter April 18, 1778, from M. le Ray de Chaumont to Vergennes about events in early autumn of 1777.
90 Ibid., No. 1730.
them to a French port, and make them pass for French vessels. There were several such, he told Vergennes, in the river near Nantes. American pirates made signs when they came near the coast and people went out to meet them. Workingmen were openly hired to paint and disfigure them he said, while the French willingly shut their eyes. But he might just as well have spared himself the trouble for he gained no satisfaction at all from his complaint. And so the game continued right on up to the end of the year 1777. The privateers Raleigh, Randolph, and Alfred were ordered out by December 28 but they were after all only three. It was for Lord Stormont a losing game but one admires the pertinacity with which he pursued it.

91 Stevens, Facsimiles No. 1766.
92 Ibid., No. 1808.