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# Privateers as Diplomatic Agents of the American Revolution 1776-1778

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**Privateers as Diplomatic Agents of the American Revolution**  
**1776-1778**

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## **Abstract**

Through the capture and sale of prizes in both the Caribbean and Europe, American privateers forced neutral nations to act openly on assertions of American sovereignty. Cruises in the West Indian colonies during the Revolutionary War strengthened a pre-established network of contacts. As in earlier colonial conflicts, American captains found island governors willing to overlook legal irregularities in exchange for profit. The smuggling of arms and ammunition from the Caribbean aided the land war while the seizure of British vessels in the Atlantic caused havoc amongst merchants in England.

The effects of privateering in Europe proved to be of even greater consequence diplomatically. By forcing France to act openly on repeated assertions of American sovereignty, privateers such as Lambert Wickes laid the groundwork for a French declaration of open support. By increasing tension between France and Britain, privateers contributed to a crucial shift in French foreign policy. Privateering disputes during the spring and summer of 1777 suggest the French Alliance was not a direct effect of Washington's victory at Saratoga, but was rather the result of a continuum of events. Over the course of the war, thousands of privateers attacked British commerce. Operating with a considerable degree of freedom, individual privateers directly influenced the course of the Revolutionary War.

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## Introduction

On the morning of November 29, 1776, the waterfront of lower Brittany awoke to the news that a ship flying the American grand union flag had anchored in Quiberon Bay. With two captured British ships in tow, the handsome black vessel appeared to be a privateer. A novelty in these waters, the American ship naturally drew much attention and speculation from the shore. The French, who were following the unfolding conflict between Britain and her colonies with particular interest, were no doubt curious as to the intentions of this audacious American captain.

On board the American vessel, the Continental brig *Reprisal*, Captain Lambert Wickes observed the shore with equal interest. Assigned to convey Benjamin Franklin to France, Wickes had lately seen his mission increase in complexity and importance. Capturing these two British vessels in open waters, he approached the French coast as a privateer under the authority of a new and as yet unrecognized nation. Franklin told Wickes that while he was unsure of the position of the French court, “it is certainly contrary to their treaties with Britain to permit the sale of them.”<sup>1</sup> Anchored in the Bay and awaiting favorable winds to proceed to Nantes, Wickes no doubt wondered: would French authorities accept his commission from Congress as legitimate? Or would he be condemned as a common pirate?

The French response to the attempted sale of the prizes would determine the course of the American commissioners in pressing for open support from France. Impatient to proceed with the sale before trouble developed, Franklin went ashore to travel by land to Nantes, instructing Wickes to follow as soon as weather permitted. As Franklin was a well known celebrity, news

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<sup>1</sup> Declaration, James Pratchell, 24 December 1776, in William Bell Clark, *Lambert Wickes: Sea Raider and Diplomat* (New Haven: Yale University Press, 1932), 99-100.

of his unexpected arrival spread across France. Two hundred miles from Nantes, the British ambassador in Paris, Lord Stormont, wrote home with a prophetic statement concerning the American's intentions:

I learnt Yesterday Evening, that the famous Doctor Franklin is arrived at Nantes... I cannot but suspect, that He comes charged with a secret Commission from the Congress, and as he is a subtle artful Man, and void of all Truth, He will in that Case use every Means to deceive, will avail himself of the Genl Ignorance of the French, to paint the Situation of the Rebels in the falsest Colours, and hold out every Lure to the Ministers, to draw them into open support of that Cause. He has the advantage of several intimate Connexions here, and stands high in the General opinion. In a word My Lord, I look upon him as a dangerous Engine, and am very sorry that some English frigate did not meet with Him by the Way.<sup>2</sup>

Noting pro-American sentiment in lower Brittany, Wickes had “no Doubt but we shall sell our prizes here, as there has been 10 or a Dozen Merchants on board to purchase the two prizes, now in my possession.”<sup>3</sup> As adverse winds continued to delay the *Reprisal's* departure, Franklin arranged for an associate in Nantes to meet with Wickes in Brittany and arrange clandestine sales locally. As these sales were illegal, the goods were offered at bargain rates. Changing the names of the condemned vessels and altering related documents – and perhaps a well-place bribe or two – encouraged the officers of Admiralty courts to overlook the fraud.

On December 17, Wickes weighed anchor to sail for Nantes. Within two days he had reached his destination. As reports of the clandestine sales preceded him, his arrival did not go unnoticed. The owners of the British ships were actively seeking compensation for their losses. Complaints about French protection of an American privateer reached the French Minister of

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<sup>2</sup> Stormont to Weymouth, 11 December 1776, in William Bell Clark, William James Morgan, Michael J. Crawford, eds., *Naval Documents of the American Revolution*, 10 vols. (Washington: Naval History Division, Dept. of the Navy, 1964-2005) 7:787.

<sup>3</sup> Lambert Wickes to the Committee of Secret Correspondence, 13 December 1776, in Clark, *Lambert Wickes*, 104.

Foreign Affairs, the Comte de Vergennes, at Versailles. Responding to the British ambassador, Vergennes feigned concern and snidely remarked that France could not “take upon our Shoulders the Burthen of your War.”<sup>4</sup>

In turning aside Stormont’s complaint, Vergennes made the successful sale of Wickes’s prizes a decisive event. Accepting the legitimacy of an American commission, France had indirectly acknowledged the claimed sovereignty of the United States. As a public display of support, the move was quickly denounced by Britain. Responding to the sale, the Public Advertiser, a London newspaper, questioned: “Is not this acknowledging the American Privateer’s Commission? And is not that an Acknowledgment of the Independency of America?”<sup>5</sup>

\* \* \*

In the early years of the Revolutionary War, American privateers repeatedly challenged legal boundaries in an attempt to exacerbate tension between France and England. An examination of the effects of operations in Europe and the Caribbean suggests privateering played a significant role in American Revolutionary diplomacy – indeed, a more significant role than previous scholars have allowed. This thesis will incorporate elements of naval and diplomatic history to assess the role of American naval captains in securing the French Alliance; it will also consider how privateering shaped interactions between empires and how seaborne commerce influenced the American independence movement.

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<sup>4</sup> Vergennes to Stormont, *Ibid.*, 108.

<sup>5</sup> *Public Advertiser*, 20 January 1777, in *Naval Documents of the American Revolution*, 8:538.

Scholarly accounts of the Revolutionary War have tended to focus on the land war and diplomacy, leaving the conflict's maritime dimensions to be addressed by historians of the Continental Navy. Historians including William M. Fowler Jr. and Nathan Miller were among the first to systematically assess different social, economic, and political aspects of maritime affairs.<sup>6</sup> Their focus on the Navy has marginalized the role of privateers in the war, and largely precluded the possibility that the activities of privateersmen had significant influence on the direction or outcomes of the struggle for independence.

As the writer for the Public Advertiser understood, however, the privateering war effort was crucial to gaining international recognition for the legitimacy of America's war against Britain and the legitimacy of Congress's claims for independence. Evidence suggests that delegates clearly understood these connections as early as March 1776. That modern historians have failed to follow up on their insights has produced a skewed understanding of the Revolutionary War that underestimates its commercial aspects and ignores the realities of imperial administration as a factor in the conflict.

By focusing directly on privateers and privateering, this thesis will explore both the role of trade disputes in the call for revolution and the impact of commerce raiding on the course of the war. The little-known career of Captain Lambert Wickes provides a framework for assessing privateers as diplomatic agents and their role in securing the French Alliance.<sup>7</sup>

Building on Jonathan Dull's assertion that the French decision to enter the war predated the

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<sup>6</sup> See William M. Fowler, Jr., *Rebels under Sail: the American Navy during the Revolution* (New York: Charles Scribner's Sons, 1976) and Nathan Miller, *Sea of Glory: a Naval History of the American Revolution* (Annapolis: Naval Institute Press, 1974).

<sup>7</sup> The only formal biography of Wickes is William Bell Clark, *Lambert Wickes: Sea Raider and Diplomat*.

American land victory at Saratoga, this thesis supports a modern interpretation of French interests and downplays the common emphasis on military success.<sup>8</sup>

Chapter One will provide a background on the American maritime tradition and will suggest that this tradition and the relative autonomy of the colonies established the necessary prerequisites for the large privateering effort in the Revolutionary War. Chapter Two will follow Wickes's voyage to the Caribbean and trace the effects of his reception there. That France could be coerced into open support is emphasized in Chapter Three, which addresses the role of American naval operations in Europe. The effect of these privateering cruises in Europe exacerbated tension between France and England, ultimately leading to the conclusion of the French Alliance.

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<sup>8</sup> See Jonathan Dull, *The French Navy and American Independence: A Study of Arms and Diplomacy* (Princeton: Princeton University Press, 1975).

## **Chapter One**

### **American Maritime Heritage and the Origins of Sovereignty**

American independence was the ultimate yet inadvertent result of colonial disputes with Britain. As evidenced by the response to parliamentary acts, maritime affairs directly contributed to this estrangement. The Sons of Neptune, as American sailors collectively called themselves, were an active affiliate of the Sons of Liberty in protesting British tyranny. With trade restrictions and impressment threatening both their livelihood and their liberty, sailors often took to the streets to demand the restoration of their rights. Through violence and intimidation, the Sons of Neptune enforced the boycott of British goods called for in response to the Stamp Act of 1765 and again following the Townshend Acts of 1767. Sailors formed mobs and actively participated in riots against British legislation. Of the five fatalities in the Boston Massacre, two were sailors and another was a rope-maker. The Sons of Neptune were also heavily involved in other acts of defiance including the Boston Tea Party.

The Prohibitory Act, passed in Parliament on December 22, 1775, marked the climax of a series of acts meant to suppress rebellion in the colonies. This act authorized a naval blockade of the American coast with the intent of destroying American trade. Colonial vessels at sea were to be seized as lawful prizes, as if “the same were the ships and effects of open enemies.” In effect an act of war, the Prohibitory Act had profound implications for the future of America. A debilitating blow to an already strained relationship, the act decisively ended attempts at reconciliation. As John Adams immediately understood, the Prohibitory Act was tantamount to independence itself:

I know not whether you have seen the act of Parliament called the Restraining Act, or Prohibitory Act, or Piratical Act, or Act of Independency – for by all these titles it is called. I think the most apposite is the Act of Independency.... It throws thirteen Colonies out of the Royal protection, levels all distinctions, and makes us independent in spite of our supplications and entreaties.... It may be fortunate that the Act of Independency should come from the British Parliament rather than the American Congress.<sup>9</sup>

Congress responded to the Prohibitory Act by passing privateering resolves on March 23, 1776. Citing the “laws and usages of Nations”, the assembly approved the fitting out of private warships and the issuance of letters of marque. A means of defense, the privateering resolves were designed to sustain functioning colonial economies by ensuring continued access to international trade and resources of the Atlantic. John Adams, on the leading edge of legal and political thought, directly equated these measures with American sovereignty. The letter in which Adams addressed the nature of the Prohibitory Act also carried his opinion of the implications of these resolves:

The Continental ships-of-war, and the Provincial ships-of-war, and letters of marque and privateers, are permitted to cruise on British property, wherever found on the ocean. This is not Independency, you know nothing like it. If a post or two more should bring you unlimited latitude of trade to all nations, and a polite invitation to all nations to trade with you, take care that you do not call it or think it Independency – Independency is a hobgoblin of such frightful mien that it would throw a delicate person into fits to look it in the face.<sup>10</sup>

Despite the misgivings of a few congressional delegates, to which Adams alluded with elaborate irony, these resolves clearly represented the usurpation of legal power from the king. In assuming the rights of a sovereign (as recognized in international law) to outfit ships of war, Congress had effectively moved to establish the independence of a league of American states.

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<sup>9</sup> John Adams to Horatio Gates, 23 March 1776, in *Naval Documents of the American Revolution*, 4: 480-481.

<sup>10</sup> *Ibid.*

Directly following the privateering resolves, Congress moved to allow free trade. As hypothesized by Adams, American ports were opened to all nations, except Great Britain, on April 6, 1776. Like the previous resolves, the primary purpose of these “commercial laws” was to support colonial economies under the Prohibitory Act. By passing this resolution, Congress assumed the role of the King in Parliament. By attempting to control international trade, America had directly asserted its self sufficiency. As John Adams wrote to his wife Abigail, “As to Declarations of Independency, be patient. Read our Privateering Laws, and our Commercial Laws. What signifies a Word.”<sup>11</sup>

That the earliest assertions of American sovereignty came in the context of maritime affairs was natural given the prominence of sailors and waterfront residents in the pre-revolutionary British Empire. From their establishment, the colonies were principally sustained by seaborne commerce, both legal and illegal. Trade regulations, known as the Navigation Acts, had governed Anglo-American commerce since the 1650s. These mercantilist policies only permitted trade with the metropole (Britain); out of necessity, smuggling supplemented the American economy. Illicit trade flourished in the Caribbean where the close proximity of European colonies fostered close interaction and exchange. Establishing contacts within this network, American merchants frequented island ports including Cap François, Santo Domingo, Martinique, and St. Eustatius to obtain essential goods. Sugar products, in particular, were in high demand in the colonies and thus perhaps the most frequently-smuggled of all commodities. While the Molasses Act of 1733 encouraged the purchase of sugar from the British West Indies, a vast majority was obtained illegally from foreign ports. Rum was an extremely important

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<sup>11</sup> John Adams to Abigail Adams, 14 April 1776, in L.H. Butterfield et al., eds., *The Book of Abigail and John* (Cambridge, Mass., 1975), 122.

product in the colonies and Boston's sixty-three rum distilleries required 40,000 hogsheads of molasses per year for operation. In 1754-1755, however, only 384 hogsheads were officially recorded as entering the port, yet no distillery decreased production.<sup>12</sup> As clandestine trade was necessary for the function of the economies of individual colonies, it also proved essential to the imperial economy. The negative balance of trade resulting from European mercantilist policies was offset by smuggling in the wider Atlantic region.<sup>13</sup> For this reason, Britain initially ignored the intricate system which had developed to evade trade regulations.

The large sea-faring population in America also increased colonial participation in imperial conflicts. Privateering in particular expanded significantly during the wars of the 1740s and 1750s. Successive British governments attempted to control this enterprise through royal instructions and parliamentary statutes. Outlining a complicated procedure to ensure compliance, England endeavored, unsuccessfully, to control privateering in much the same way it attempted to regulate Atlantic commerce. However, as porous trade ultimately benefited the empire, so too lax enforcement of the restrictions on privateering furthered the war effort.

During the colonial wars, the sale of captured prizes was effortless due in part to the local appointment of vice admiralty judges. Selected based on their inclination to promote American interests, these judges were not opposed to modifying, or breaking, parliamentary legislation. Over ninety percent of libeled vessels were condemned by the colonies' principal vice admiralty courts.<sup>14</sup> As colonial privateers were essential to the various war efforts, Britain overlooked the

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<sup>12</sup> Bernard Bailyn, *Atlantic History: Concept and Contours* (Cambridge: Harvard University Press, 2005), 90.

<sup>13</sup> *Ibid.*

<sup>14</sup> "Libel" in this sense reflects a technical usage, i.e., "To bring suit in admiralty against (a vessel, cargo, or its owner)" – OED, s.v. libel, 3.b. Data from 1739-1748, in Carl E. Swanson, *Predators and Prizes: American Privateering and Imperial Warfare, 1739-1748* (Columbia: University of South Carolina Press, 1991), 42.

irregularities resulting from local control. In a 1746 case, the Lords of the Admiralty declined to intervene in a dispute involving colonial “privateers in America and the West Indies,” on the grounds that the governors who commissioned the vessels “alone have the power to curb [their] insolencies.”<sup>15</sup>

Tolerance of such illegal activity stemmed from the European notion of separate, autonomous spheres.<sup>16</sup> The law of nations, while theoretically universal, held less authority beyond the “lines of amity” which separated Europe from Asia, Africa, and the Americas, and which permitted nations at peace with one another in Europe to be at war “beyond the line”. Such practices recognized the periphery of empires as zones of “war, chaos, and brutality.”<sup>17</sup> Violence was tolerated, indeed promoted, on the Atlantic without affecting relations between European states technically at peace. Likewise, piracy and smuggling were for purposes of practicality deemed acceptable supplements to trade. The ambiguity of laws that governed the periphery of empire allowed America to function with relative autonomy.

When this freedom was threatened by strict enforcement of trade laws, discontent and resentment spread through New England port cities. Revenue generating regulations including the Sugar Act (1764), the Stamp Act (1765) and the Townshend Acts (1767) were passed in an attempt to pay off debts incurred during the Seven Years War. Viewed as an illegitimate assertion of Parliamentary power, colonists protested these acts as taxation without

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<sup>15</sup> Lords of the Admiralty to William Stanhope, Earl of Harrington, 2 July 1746, in Eliga H. Gould, “Zones of Law, Zones of Violence: The Legal Geography of the British Atlantic, circa 1772”. *William and Mary Quarterly*, Third Series, 60, no.3 (July 2003): 500-501.

<sup>16</sup> As argued by Eliga H. Gould. *Ibid.*

<sup>17</sup> *Ibid.*, 475.

representation. Waterfront residents took to the streets in protest. Facing unemployment, the sailor “had a mind of his own and genuine reasons to act, and...he did act – purposefully.”<sup>18</sup>

Throughout the 1760s and early 1770s, hostility towards British officials increased dramatically in the port cities of New England. Protesting the attack on their livelihood, sailors invariably engaged in mob violence and open acts of defiance. In addition to harassing customs officials and members of the Royal Navy, American sailors directly attacked offending British vessels.

In early 1772, HMS *Gaspée* arrived in Narragansett Bay to assist in tax collection and the inspection of cargo. As Rhode Island was a popular outpost for smugglers, the posting of a British naval vessel to enforce customs regulations clearly antagonized the interests of both sailors and merchants. On June 9, 1772, the *Gaspée* had the misfortune to run aground while giving chase to the American packet *Hannah*. That night, boatfuls of Providence merchants and sailors (including Abraham Whipple, one of the first captains to be appointed to the Continental Navy) boarded *Gaspée* and burned her to the waterline.

The *Gaspée* raiders were charged with treason, but insufficient evidence on who was involved prevented action from being taken. In light of British threats against further acts of defiance, committees of correspondence formed across New England. The years following the *Gaspée* incident were characterized by a similar back and forth struggle between Britain and America.

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<sup>18</sup> Jesse Lemisch, “Jack Tar in the Streets: Merchant Seamen in the Politics of Revolutionary America” *William and Mary Quarterly* 15 (1968):401.

In 1773, the Tea Act inspired the Boston Tea Party, which in turn led to the imposition of severe sanctions on Massachusetts with the passage of the Coercive (or Intolerable) Acts of 1774. One of the Intolerable Acts, the Boston Port Act, closed the port of Boston to all shipping. As this port was central to the well-being of Massachusetts, other colonies sent aid and relief supplies to their embattled neighbor; most importantly, Boston's sufferings led directly to the convening of the First Continental Congress in September 1774. This assembly, comprised of delegates from all colonies except Georgia, moved to petition the King for redress, publish a Declaration of Rights and Grievances, and affirm an intercolonial non-importation union through the Articles of Association. The King refused to receive the petition and his ministers moved to reestablish control over the colonies by sending more troops and warships to America. Parliament closed New England's fishing industry and placed additional restrictions on overseas commerce. These events contributed to the final escalation of tension which led to the start of the Revolutionary War in April 1775.

War offered several opportunities to American merchants and sailors. Privateering, an appealing maritime enterprise during the colonial wars, quickly regained its popularity. Sailors and merchants alike were keen to pursue fortunes in the name of patriotism. As observed by Joseph Warren in mid-1776, "The spirit of privateering prevails here greatly... The success of those that have before engaged in that business have been sufficient to make a whole country privateering mad."<sup>19</sup>

Individual colonies had begun issuing letters of marque months prior to congressional approval of privateering. As a leader of the revolution, Massachusetts authorized the distribution

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<sup>19</sup> Joseph Warren, in Miller, *Sea of Glory*, 255.

of commissions in November 1775. Rhode Island, New Hampshire, and Connecticut also issued “special commissions” to private armed vessels. After the official privateering resolves were passed in the spring of 1776, however, individual colonies deferred this authority to Congress. It is evident that “there was a clear realization on the part of both Congress and the states that the privateers were under Continental authority.”<sup>20</sup>

Overwhelmed by the demand for letters of marque, Congress ultimately resolved to send blank commissions (each signed by President John Hancock) to general assemblies and representative councils in each colony. This resolution, approved on April 3, 1776, also outlined the regulations for private ventures. Even though the nature of privateering made it notoriously difficult to manage, Congress established multiple guidelines for this business. Among these were rules for the treatment of captives and the appropriation of prizes. Further regulations were designed to protect the growing Continental Navy. One such rule required one-third of a privateer’s crew to be landsmen in an attempt to reserve sailors for the recently established navy.

Originally comprised of only four armed vessels and various converted merchant ships, the Continental Navy’s initial mission was to prevent supplies and provisions from reaching the British troops occupying Boston. In December, Congress authorized the construction of thirteen frigates which were intended to aid the growing fleet in its extended role of protecting American commerce and harassing the British. Continental Navy ships were similar to privateers in form and function. Both were lightly armed and sought to attack comparably outfitted merchantmen rather than engage with the enemy’s much larger and heavily armed warships. The Continental Navy, however, never obtained the popularity of privateering among sailors.

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<sup>20</sup> Sydney G. Morse. “State or Continental Privateers?” *American Historical Review* 52, no.1 (Oct. 1946): 71.

Not only was the Navy unable to offer large shares of prize money, it was also plagued by the ineffective administration of Congress's Marine Committee, which oversaw its operation. Fluctuating membership in this committee contributed to its reputation for incompetence, while disputes with its sister committees forced it to establish regional boards to help maintain and direct naval operations. The creation of this additional layer of authority, while intended to create stable administration, only increased internal conflicts and complaints. Subsequent administrative positions created by Congress were granted considerable authority on paper, but proved unable to manage independent local agents.

The anomalous character of Congress and its committees created a large zone of legal and administrative ambiguity, in the maritime war effort. With lines of authority blurred, individual captains and agents abroad were able to exercise initiative on their own with little restraint. This freedom proved to be a great opportunity for ambitious, enterprising captains over the course of the war.

## **Chapter Two**

### **Cruising in the Caribbean**

As a result of the mercantilist policies of the European powers, smuggling, cargo running and other forms of illicit trade flourished in the West Indies. The northern Leeward Islands were a particular focus of clandestine trade, as the Dutch free port of St. Eustatius lay in close proximity to English and French islands. As “a network of friendly collusion,”<sup>21</sup> the Caribbean was an ideal source of military supplies, and Congress lost no time after the outbreak of war in organizing a committee to methodize procurement there. The Secret Committee, formed on September 18, 1775, was initially charged with negotiating contracts for arms and ammunition, but within months it was empowered to direct all aspects of foreign trade.

A sister organization, the Committee of Secret Correspondence, was also established in the fall of 1775 to manage foreign relations. Led by Benjamin Franklin, this Committee cautiously made enquiries into the possibility of commercial alliances with European governments. Letters were sent to Franklin’s acquaintances in Paris and at The Hague in the care of special courier, Thomas Story. In early 1776, an envoy from France assured the Committee of French sympathy, but gave no assurances of outright support from the government.

The concerns of the two committees converged in May of 1776 when captains returning from Martinique reported that numerous warships were arriving at the island from France. The

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<sup>21</sup> Helen Augur, *The Secret War of Independence* (New York: Little, Brown & Co., 1955), 46.

Committee of Secret Correspondence immediately resolved to dispatch a Continental vessel to Martinique in order to “discover the designs of the French.”<sup>22</sup> William Bingham was appointed as an agent to Martinique, where he was “to feel the Pulse of the French Government, to know whether it beat towards American Independancy.”<sup>23</sup> Bingham sailed for the island in July 1776 as a passenger on Captain Wickes’s *Reprisal*.

Entering the harbor of St. Pierre (Martinique), Wickes encountered the British sloop-of-war, *Shark*, at anchor. As it was soon apparent she intended to intercept the *Reprisal*, Wickes set Bingham ashore and stood out to sea. The *Shark* made sail and soon closed within cannon range; a heated battle ensued under the very guns of the French fort. Half an hour in, the evenly matched engagement came to an unexpected conclusion when gunners from the fort fired twice on the *Shark*, forcing her to bear away.

The decisive intervention of the French encouraged Wickes to sail back toward St. Pierre and anchor in the harbor. Coming ashore the following morning, the captain was “complemented and caressed beyond measure.”<sup>24</sup> As was custom for any visiting naval captain, he called on Baron de Courcy, the military chief of Martinique. Wickes announced that “he was sent by Congress to cruise in these seas,”<sup>25</sup> and requested permission to refit in port. De Courcy’s warm reception of Wickes, the first American naval captain to call on a representative of a European nation, sent a powerful signal that France was willing to cooperate with the United

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<sup>22</sup> Committee of Secret Correspondence, May 1776, *Ibid.*, 105.

<sup>23</sup> Secret Committee to William Bingham, in Andrew Jackson O’Shaughnessy, *An Empire Divided* (Philadelphia: University of Philadelphia Press, 2000), 135.

<sup>24</sup> William Bingham to Silas Deane, 5 August 1776, in *Naval Documents of the American Revolution*, 6: 77.

<sup>25</sup> Lambert Wickes, in Norman H. Plummer, *Lambert Wickes: Patriot or Pirate* (St. Michaels: Chesapeake Bay Maritime Museum, 1991), 13.

States, at least on Martinique. As accorded to captains of all sovereign nations, supplies and facilities were set aside for Wickes's use.

This cordiality was soon confirmed when the *Shark* re-entered the harbor. Anchoring a few hours after his adversary, Captain Chapman went ashore with the purpose of delivering a formal complaint to Governor d'Argout. Unlike Wickes, he "was under the necessity of procuring a Guard of Six Men to protect him from the Insults of the Mob."<sup>26</sup> D'Argout answered Chapman's demand for the seizure of the American ship with stiff indignation. Dismissing the accusation that he was protecting a rebel ship, the governor reproached the captain for engaging the American in neutral waters. "I do not intend to give any assistance or protection whatever to any American vessel outside our roads and fort," d'Argout declared; "but my aim is to oppose every one who shall infringe upon the rights of my country."<sup>27</sup>

Officially, French aid was disinterested and limited to the extent permissible by the laws of neutrality. In practice, however, Martinique proved an eager ally. Likely motivated by the profits associated with privateering and the chance to aggravate Britain, d'Argout was receptive to Bingham's proposals. As later communicated throughout America, the governor agreed "to give all possible assistance and protection to the American vessels...to send out some ships of war to cruise round the Island for their defense ... [and] that if the American cruisers should bring any prizes into the ports of Martinico, he should not prevent their selling or disposing of them as they should think proper."<sup>28</sup> While Bingham pursued partnerships with local merchants

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<sup>26</sup> William Bingham to Silas Deane, 5 August 1776, in *Naval Documents of the American Revolution*, 6: 77.

<sup>27</sup> D'Argout, in Augur, *The Secret War of Independence*, 109.

<sup>28</sup> Josiah Bartlett to William Whipple, 27 August 1776, in *Naval Documents of the American Revolution*, 6:325.

in preparation for an influx of American privateers at Martinique, Wickes sailed around the island to Port Royal where, as promised, he was able to careen the *Reprisal*.

The reception of the *Reprisal* in Martinique and the courtesies extended to Continental privateers by governors elsewhere in the Caribbean strengthened the perception of American sovereignty. Moreover, the success of American captains suggested to Britain and European onlookers that American privateers were an adversary equal to the Royal Navy. In February, the British Admiralty had revived the convoy system as a means of protecting trade. Convoys were infrequent and consisted of as many as 350 ships, which blocked the Thames when gathering to sail.<sup>29</sup> On the Atlantic the convoy naturally separated and American privateers, working in pairs or in “wolf packs”, were often able to pick off vulnerable merchant ships. The damage to British trade was palpable; in February 1777 after approximately 250 British West India ships had been taken, four major West India merchant companies in London collapsed.<sup>30</sup>

Vice Admiral James Young, commander of the British naval station in the Leeward Islands, received multiple complaints of protection and assistance being granted to rebel ships, privileges supposedly sanctioned by the laws of neutrality. Obligated to respect the rights of neutral nations, unable to pursue Americans into neutral harbors, Young fumed and threatened. But without French cooperation, there was little he could do.

Just how little sway the Royal Navy had become clear in August. Young had received Chapman’s report concerning the engagement at Martinique and his correspondence with the island governor. The Vice Admiral immediately dispatched a frigate, the *Pomona*, with orders to

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<sup>29</sup> O’Shaughnessy, *An Empire Divided*, 157.

<sup>30</sup> *Ibid.*

anchor next to the *Reprisal*, observe her actions and seize her when she ventured out of port. Finding the *Reprisal* careened and out of commission for an extended period of time, those orders became obsolete, and before departing the captain of the *Pomona* found himself reduced to sending d'Argout a letter conveying the Vice Admiral's demands for "the American Pirate" to be arrested. He warned that the protection of a rebel warship "would be deemed a breach of the peace between nations"<sup>31</sup> and refusal to act would force the Vice Admiral to "acquaint his Brittanick Majesty of the circumstances."<sup>32</sup> In reply, d'Argout reiterated his official position: Wickes had been granted the protection of the French flag and would not be delivered up. Angered by British antagonism, the governor declared he too "should immediately send an account of the affair to the King."<sup>33</sup>

In his letter to the Admiralty, Young emphasized that the Wickes affair was not a singular case: "their Lordships will perceive that all kinds of Protection, and Countenance, is given to the American Rebels, at the French Islands and I can likewise assure them of the same being done at the Dutch and Danish Islands."<sup>34</sup> Based on the unsatisfactory response of d'Argout, he advised the Admiralty that further attempts to address the Wickes matter or similar grievances with other island governors would be "useless." The precarious circumstances were highlighted in Young's request that the Lords of the Admiralty "will be pleased to give me such farther Instructions as may be thought proper, and necessary on the present occasion, as by the Kings late Instructions We are so very strictly enjoyned to Observe the exactest Neutrality towards the Foreign Ports."<sup>35</sup>

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<sup>31</sup> Eastwood to d'Argout, in Clark, *Lambert Wickes*, 63.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Young to Philip Stephens, 10 August 1776, in *Naval Documents of the American Revolution*, 6: 142-143.

<sup>35</sup> Ibid.

To Young's displeasure, no new instructions were issued to pursue American privateers into neutral harbors. Instead, metropolitan British officials pressured their French counterparts to reconsider assisting the Americans. Fearing that Britain might declare war over the issue, French Minister of the Marine Gabriel de Sartine wrote a letter to d'Argout, rebuking him for an excessively open interpretation of his authority to protect privateersmen. While he could shelter American ships in the harbor, he was to "avoid provoking the objection that Great Britain would have a right to make if His Majesty granted open protection to the Insurgents and supplied them with assistance in order to strengthen their resistance."<sup>36</sup>

In practice the effects of this directive were minor, for France was on the verge of opening an avenue along which covert aid would flow directly to the American rebels. In the weeks following the *Reprisal's* return from Martinique in September, news from Europe clarified France's intentions. Arthur Lee, confidential agent of Congress in England, had met several times with the French ambassador concerning aid for America. On Lee's behalf, the courier Thomas Story reported to Franklin and Robert Morris that "the French court could not think of entering into a war with England, but that they would assist America, by sending from Holland this fall £200,000 sterling worth of arms and ammunition to St. Eustatius, Martinique, or Cap François."<sup>37</sup> Agents of Congress could obtain these supplies by inquiring through the governors or commandants of these ports for a Monsieur Hortalez. Robert Morris immediately authorized Bingham to enquire for the goods expected at Martinique and St. Eustatius. The armed sloop *Independence* was dispatched to Martinique, soon followed by transport vessels to the other islands.

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<sup>36</sup> Sartine to d'Argout, [31] August 1776, *Ibid.*, 583-584.

<sup>37</sup> "Committee of Secret Correspondence Memorandum", 1 October 1776, *Ibid.*, 1086.

Although “it would not accord with the King’s dignity, nor his interest, to enter into a compact with the insurgents,”<sup>38</sup> the French foreign minister, Vergennes, believed that enabling a protracted conflict would benefit both France and Spain. Funding the Americans would level the playing field. America would have a greater chance at victory, or at worst, the conflict would exhaust both parties. Prolonging the conflict would also allow both courts to prepare for what Vergennes believed to be an inevitable war with Britain.

A proposal to disguise the distribution of large quantities of aid to America as honest trade was favored by Vergennes and eventually gained the approval of the King. Formally established on May 2, Rodrigue Hortalez and Co. was funded jointly by Louis XVI and the Charles III of Spain. The substantial Spanish contribution was kept a secret from the Americans. Spain, while interested in a weakening Britain, was not interested in supporting a revolution in such close proximity to her own colonies.

Louis XVI’s grant of a million livres to Hortalez and Co. was followed by an order to complete the rebuilding of the navy and the re-equipment of the army, both of which had been underway since 1764. At the same time, Vergennes reiterated the French commitment to peaceful relations with Britain, informing Ambassador Stormont that, as outlined by treaties, British cruisers could search French ships for contraband outside of territorial waters. But per agreement, the French official stressed, Britain must not interfere with trade between France and her colonies, nor inhibit preparations for their defense. These measures, intended to protect the impending Hortalez shipments, had a direct counterpart in the squadron of “polite observation” that the French Navy stationed near the harbors on the Channel and the second squadron the

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<sup>38</sup> “Considerations on the Affair of the English Colonies in America”, in *Naval Documents of the American Revolution*, 4:969.

Navy dispatched to the Caribbean, with orders to aid American vessels being pursued by the British. Island governors were likewise instructed to protect American ships entering French ports. It was to these measures that Wickes owed his reception at Martinique. By giving Americans vague hopes of an alliance through aid and friendship, Vergennes intended to mould the unfolding conflict to benefit France.

News of the Hortalez shipments, combined with Wickes's report of his adventures in Martinique, persuaded Congress to organize a formal American mission to France in October 1776. Originally proposed months earlier, present circumstances made it of the utmost importance to establish closer relations with France. Benjamin Franklin was to join American agent Silas Deane in Paris, where as Congress's plenipotentiary representative he would pursue formal negotiations and treaties with France.

Based on his reputation as a worthy captain, Wickes was selected to convey Franklin to France. He was instructed to make all speed to Nantes, without taking any prizes. After delivering Franklin and landing a cargo of indigo, which would be sold for the benefit of the commissioners, Wickes was to give every indication of returning to America. In fact, however, his secret orders required him to "Cruise against our Enemies"<sup>39</sup> on the English coast, take prizes and return to France where Franklin would apply to the court for their protection. The diplomatic necessity of prizes and the desire to strike Britain led the committee members to advise Wickes: "Keep your ship well Manned, fitted and provided, and let Old England See how

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<sup>39</sup> Secret Committee to Wickes, in Plummer, *Lambert Wickes*, 19.

they like to have an active Enemy at their own Door, they have Sent Fire and Sword to ours....<sup>40</sup>

The *Reprisal* discreetly put to sea the night of October 27. During the month-long voyage, Franklin shared with Wickes details on “the plan to capitalize on French friendship.”<sup>41</sup> The Commissioner’s instructions from the Committee were far more detailed than Wickes’s orders. In addition to pursuing treaties of amity and commerce, Franklin was to push for ever-increasing concessions. If France agreed to admit prizes, he was to ask for permission to sell them. If permission were granted, Franklin was to use his authority as Commissioner Plenipotentiary to appoint admiralty judges in various ports. It was likely clear to both men, that the gradual acceptance of American proposals would draw France into the war with Britain and alliance with the United States.

Although Wickes’s orders had stipulated that the *Reprisal* sail straight to Nantes, Franklin allowed the captain to engage two British brigantines, *LaVigne* and *George* as they approached the French coast. With their cargoes of fruit and wine, the captures were worth only a couple thousand pounds apiece. As a means of ascertaining French sentiment, however, they proved invaluable. The prizes were summarily condemned and sold as the *Reprisal* lay at anchor in Quiberon Bay. This produced an outcry from the British ambassador, Lord Stormont. Quoting from treaties and the laws of nations, he demanded the immediate restoration of the ships and cargoes. Vergennes feigned ignorance of the matter, but promised to look into it. The

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<sup>40</sup> Committee of Secret Correspondence to Wickes, 24 October 1776, in *Naval Documents of the American Revolution* 6: 1400.

<sup>41</sup> Clark, *Lambert Wickes*, 96.

struggle between French officials, the British ambassador, and the ship owners fermented for weeks before the facts were determined to be inconclusive.

The outcome of the affair in Nantes closely mirrored that in Martinique. De facto recognition of American sovereignty in the form of allowing Continental vessels to enter French harbors, sell prizes, and refit, inevitably led to increased tension with the British. While the decisions of wayward island governors could disappear in Old World politics, however, the public actions of European officials on French soil were considered direct reflections of government policy. The experiences of the *Reprisal* were reflected in Franklin's diplomatic tactics. Threatening France with the possibility of reconciliation with Britain, he ensured Vergennes's continued support of America. With an increasing number of Continental ships at his command, Franklin hoped to force France to openly confirm American independence and so ensure her entry into the war.

## Chapter Three

### Privateering in Europe and its Effect on the French Alliance

The *Reprisal* sailed from Nantes at the end of January 1777 to cruise for prizes off the British coast. On February 3, Wickes captured the British packet *Swallow*, a government vessel which carried correspondence between Falmouth and Lisbon. In contrast to merchantmen, official packets carried few valuables. The *Swallow* had been targeted specifically because its seizure would be a blow to British national pride.

British outrage peaked soon after the *Reprisal*, the *Swallow* and four other prizes anchored in L'Orient during the week of February 14. Reporting these events to the Committee, Franklin noted that sending prizes into French ports "has given some trouble and uneasiness to the court, and must not be too frequently practiced." Immediately afterward he wrote, "We have ordered him [Wickes] to make another Cruize before he returns to America."<sup>42</sup>

Having received numerous complaints and protests from Lord Stormont, French officials in L'Orient ordered the *Reprisal* and her prizes to depart within twenty-four hours. Hoping to receive a stay of the order, Wickes claimed his ship was in need of repairs and unfit to sail. A British spy reported, probably accurately, that water had secretly been pumped into the *Reprisal's* hold. After being inspected, the ship was allowed to remain in port while the prizes were secretly sold.

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<sup>42</sup> Benjamin Franklin and Silas Deane to the Secret Committee, 9 April 1777, in Augur, *The Secret War of Independence*, 167.

Wickes remained in L'Orient until the end of April when officials again ordered his departure. He sailed south to St. Nazaire where he ostensibly continued making repairs to the *Reprisal*. During these months in port, Wickes met frequently with Franklin and Deane, who were planning his next cruise. It was now the marked intention of the Commissioners to force open recognition of American sovereignty as a means of embroiling France in the conflict. As described by the American agent William Carmichael, these cruises would take place in both hemispheres: "It is our business to force on a war, in spite of [French] inclinations to the contrary, for which purpose I see nothing so likely as fitting out privateers from the ports and Islands of France."<sup>43</sup>

The Commissioners were no doubt encouraged by news of the first foreign salute to the America flag, given by the Dutch fort on St. Eustatius November 16, 1776. Upon entering the harbor, the Continental brigantine *Andrew Doria* had hoisted the American colors and saluted Fort Orange with eleven guns. The battery returned the salute with the same number of discharges, resulting in widespread repercussions. The formal recognition of American sovereignty encouraged Americans residing there and drew the ire of inhabitants on neighboring British islands. According to Maryland's agent, Abraham van Bibber, "All American Vessells here now wear the Congress Colours. Tories sneak and shrink before the Honest and Brave Americans here."<sup>44</sup> Within the week, van Bibber's own privateer, *Baltimore Hero*, captured a British vessel just off the island and returned to the harbor with the American flag flying.

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<sup>43</sup> William Carmichael to the Secret Committee, in Clark, *Lambert Wickes*, 188.

<sup>44</sup> Abraham van Bibber, in J. Franklin Jameson, "St. Eustatius in the American Revolution" *American Historical Review* 8, no.4 (July 1903):691.

The salute to the *Andrew Doria* drew an immediate response from the British government. The King himself wrote a stern memorandum for his ambassador to present at The Hague. As described by Franklin, this “haughty memorial” accused the Dutch of breaking their promise not to supply arms to Americans at St. Eustatius, condemned the behavior of the governor, and demanded both his immediate recall and an apology. Otherwise, “his Majesty, who knew what appertained to the Dignity of his Crown, would take proper measures to vindicate it”<sup>45</sup>.

Franklin noted that the Dutch, angered by the imposing tone, demanded an immediate disavowal of the memorial. When the Dutch later increased their number of active warships in the West Indies, Admiral Young of the British Leeward station was ordered to post cruisers around St. Eustatius. For six weeks these British vessels searched all incoming Dutch ships for arms and cloth, sending all offending ships to the Leeward Islands. To mollify the British, the Dutch ordered Governor de Graaff of St. Eustatius home to explain his actions. Variably citing official duties, family responsibilities, and “seasickness to an amazing degree,” De Graff did not hasten.<sup>46</sup> Upon his arrival in Holland a year later, he defended the salute as a common courtesy extended to ships of all nations. Deeming this explanation acceptable, the government returned him to St. Eustatius. In de Graaff’s honor, the Americans named a privateer after him and another after his wife.<sup>47</sup> The salute to the American flag had been a blow to British pride. During the spring and summer of 1777, American ships in Europe would continue to add injury to this notable insult.

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<sup>45</sup> Benjamin Franklin, in Augur, *The Secret War of Independence*, 178.

<sup>46</sup> Barbara W. Tuchman, *The First Salute: A View of the American Revolution* (New York: Alfred a. Knopf, 1988), 54.

<sup>47</sup> *Ibid.*, 56.

On April 7, Captain Henry Johnson of the Continental brig *Lexington* arrived in Paris with blank privateer commissions. Authorized to issue these papers as they saw fit, the Commissioners would now be able to expand the naval war against Britain. Among the first to be granted permission to outfit a warship was Gustavus Conyngham. Captain Conyngham had previously been involved in smuggling arms and ammunition from Holland to Philadelphia. With the success of Wickes recent cruise in mind, the commissioners directed Conyngham to capture the British packet en route to Holland and proceed to cruise for prizes in the North Sea.

After the successful capture of the packet, *Prince of Orange*, and an additional English brig, *Joseph*, Conyngham brought both prizes into the French port of Dunkirk. As the trio approached the shore on May 3, two British ketches deliberately and repeatedly rammed Conyngham's ships, severely damaging the American vessel and the *Prince of Orange*. Protests were filed in an attempt to recover damages, but Conyngham was soon occupied by a more serious problem.

Because of its close proximity to England, Dunkirk was a popular port for French sea raiders. As a consequence of the Treaty of Paris (1763), the French had been forced to prohibit privateers from fitting out at Dunkirk and allow British observers to be stationed around the city. Under these circumstances, Dunkirk was the one port where the presence of American privateers and prizes could least be overlooked. Conyngham was either ignorant of the situation or operated under the most liberal possible interpretation of prize law. His decision to send prizes into Dunkirk and return there himself was described by Franklin as "imprudent;" Vergennes

called it “stupid”.<sup>48</sup> In accordance with the treaty, the French minister was forced to return the prizes and order the arrest of Conyngham and his crew. These actions were publicly emphasized as a demonstration of French commitment to peaceful relations with Britain. A month later, however, Conyngham and his crew were secretly released from prison.

Shortly after Conyngham’s disastrous cruise, Captain Wickes was given his assignment. Joined by the *Lexington* and a newly acquired cutter, *Dolphin*, the *Reprisal* was to cruise the Irish Sea in search of the valuable linen fleet. The small squadron departed on May 28, 1777. During the next few weeks, the ships sailed around the west coast of Ireland, through the North Channel and into the Irish Sea. By the end of the month, they had rounded the west coast of England and entered the English Channel. The venture proved highly profitable: the *Reprisal* and her consorts took eighteen prizes in St. George’s Channel alone.

Near the end of their cruise, the squadron encountered a large British ship which they believed to be a returning West Indiaman. Too late it became apparent that their quarry was a 74 gun British ship of the line. As *HMS Burford* gave chase, Wickes signaled for his squadron to separate. For twelve hours the *Burford* chased the *Reprisal*. As the warship closed to musket range, Wickes unloaded all the *Reprisal*’s 6-pounders, gaining an advantage of speed that carried him and his crew into French port of St. Malo. The *Lexington*, the *Dolphin* and a majority of the prizes also reached safety in French ports.

In response to the American squadron’s raids, the British Admiralty directed its captains to seize all “Armed Cutters & Lugsail Vessels you may be able to come up with” for which they

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<sup>48</sup> Franklin and Vergennes quoted in E. Gordon Bowen-Hassell, *Sea Raiders of the American Revolution: The Continental Navy in European Waters* (Washington: Naval Historical Center, 2003) 28.

had “reason to suspect to be Rebel Cruizers, Pirates, or Smugglers.”<sup>49</sup> Much more than wounded national pride lay behind this order. American depredations had driven up shipping costs and insurance rates to such levels that many mainland merchants were delaying shipments until better protection could be provided. Swallowing their national pride, other companies chose to contract French vessels for shipping goods across the Atlantic.<sup>50</sup> As another blow to British maritime prestige, the squadron’s cruise demoralized a British public that carefully monitored newspaper accounts of Wickes’s exploits. In a letter to Congress, American agent Jonathan Williams noted:

The little American Squadron under Commodore Wickes have made very considerable havoc on the Enemy’s Vessels in the Irish Channel, this has created an universal Terror in all the Seaports throughout Ireland and on that side of England and Scotland, in some places they muster’d their militia in apprehension of a Descent, and their fears have taught them to respect our naval Force....<sup>51</sup>

The cruise provoked a diplomatic crisis as the British ministry decried France’s protection of the American ships and the sale of prizes in French ports. Relaying a message from Lord Weymouth, Secretary of State for the Southern Department, Ambassador Stormont informed the French Minister that

If your Conduct is not changed, If your Succours to the Rebels Continue, if You protect and Harbour their Privateers, Every one of his Majesty’s Confidential Servants equally sees the necessity of War.... I hope Sir that You sufficiently Esteem those who sincerely esteem You, to believe that whenever we are brought to the Necessity of chusing between the Calamities of War, and the least Diminution of our Honour, our Election is soon made.<sup>52</sup>

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<sup>49</sup> Admiralty orders, in Plummer, *Lambert Wickes*, 28.

<sup>50</sup> Miller, *Sea of Glory*, 296.

<sup>51</sup> Jonathan Williams to the Committee for Foreign Affairs, 10 August 1777, in *Naval Documents of the American Revolution*, 9: 561.

<sup>52</sup> Stormont to Maurepas, in Plummer, *Lambert Wickes*, 29.

Due to the deterioration of relations between France and Britain, Wickes was ordered to leave his refuge in St. Malo. He attempted to delay his departure, but soon faced a different problem. By the order of Louis XVI, American privateers who remained in French ports were to be “sequestered and detained.” The French Council also recommended that a cutter reportedly fitting out for Conyngham in Dunkirk be purchased by the navy. In light of American attempts to provoke a premature war between France and Britain, Vergennes took the precaution of ordering reinforcements for the West Indies.

On July 17, Conyngham escaped from Dunkirk onboard his new vessel, the *Revenge*. With papers identifying him as Captain Richard Allan and forged clearance documents for Bergen, Norway, Conyngham sailed into the North Sea. His orders from the Commissioners directed the *Revenge* to sail directly to America without taking prizes or in any other way offending the French government. The desires of a profit seeking crew of Dunkirkers and his own sense of patriotic duty, however, led Conyngham to disregard his orders and pursue British ships along the east coast of England.<sup>53</sup>

The pickings were rich. During his two month cruise, Conyngham sailed through the Baltic Sea and around England and Ireland, taking about twenty vessels. Instead of returning to France, the *Revenge* and her most valuable prizes put in at Spanish ports, primarily El Ferrol. Describing this cruise to Robert Morris, Silas Deane wrote: “In a word, Cunningham, by his first and second bold expeditions, is become the terror of all the eastern coast of England and

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<sup>53</sup> E. Gordon Bowen-Hassell, *Sea Raiders of the American Revolution*, 30.

Scotland, and is more dreaded than Thurot<sup>54</sup> was in the last war.... Though this distresses our enemies, it embarrasses us.”<sup>55</sup>

On July 26, a Royal Navy warship recaptured Conyngham’s most recent prize, the *Northampton*, and discovered that sixteen of the twenty-one prize crew members were Frenchmen. Stormont, who had already addressed Vergennes on the escape of the *Revenge*, lost no time in demanding further explanations from the minister. Later communiqués informed the British ambassador that American agents were boasting of the French scheme to detain Wickes’s squadron as a means of enabling them to refit. Furthermore, it was rumored that the Minister of the Marine had suggested to Conyngham that he send his prizes to Spain.<sup>56</sup>

Confronted with multiple accusations on August 5, Vergennes attempted to reiterate French commitment to peaceful relations. The order to sequester Wickes’s squadron was renewed and those deemed responsible for the deception at Dunkirk were arrested. In light of increasing tension with Britain, the council ordered six ships of the line to stand by. An additional frigate at Toulon was readied in the event warships on cruise should need to be recalled.

On August 19 Stormont delivered Weymouth’s demands that Wickes’s squadron be ordered out of port. The situation intensified when within the week Nathaniel Parker Forth, an agent of the North cabinet, arrived to meet with the French Minister of State, the Marquis de Maurepas. As conveyed by Forth, the British position was that unless France could prove her

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<sup>54</sup> Thurot was a French privateer during the Seven Years War.

<sup>55</sup> Silas Deane to Robert Morris, 23 August 1777, in Robert Wilden Nesser, ed., *Letters and Papers Relating to the Cruises of Gustavus Conyngham* (Port Washington: Kennikat Press, 1970), 97-78.

<sup>56</sup> Jonathan Dull, *The French Navy and American Independence*, 77.

commitment to continued peace, war would be certain. To be convinced of French sincerity, the government demanded the return of prizes captured by American ships and the publication of orders prohibiting the further sale of prizes. As England required an answer within the week, Forth arranged a conference between Stormont and Vergennes for August 23.

During a meeting of the French council, Louis XVI agreed to the publication of French port orders if England would publicly guarantee French and Spanish ships immunity from capture. On the second point, the Council determined they could not allow the return of prizes. Doing so would be to consider the Americans pirates rather than belligerents. As expressed in a personal letter, Vergennes believed that the ambassador's impending visit was only a pretext for delivering a declaration of war.<sup>57</sup>

To Vergennes' relief, however, Stormont delivered no ultimatum. It was agreed that Wickes's squadron be immediately ordered out of port without French escort. Still considering war to be imminent, the council directed port commandants in France as well as the West Indies to prohibit ships from leaving port. Furthermore, the Newfoundland fishing fleet and patrol squadrons were to return immediately. On August 27, 1777, American privateers and prizes were banned from French ports.

The *Lexington*, under orders to leave the port of Morlaix, was to sail with the *Reprisal* back to America in early September. On the way to meet up with her sister ship, however, the *Lexington* was captured by the British cutter *Alert*. The captain and crew were jailed in the Mill Prison at Plymouth. With the *Dolphin* rotting in port, the *Reprisal* sailed alone through waters now filled with British patrollers. Wickes had avoided capture and was nearing home when his

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<sup>57</sup> Ibid., 79.

ship foundered in a storm off of Newfoundland. All aboard were lost, except the cook. James Lovell, of the Committee of Foreign Affairs, wrote to William Bingham in Martinique: “Your acquaintance with Captain Wickes will lead you to lament greatly the loss of so valuable an officer and so worthy a man.”<sup>58</sup>

By demonstrating the inadequacy and potential consequences of limited intervention, privateers pressured Vergennes to reconsider his policy. The escalation of tension, combined with reports of clandestine meetings between the American Commissioners and British agents, persuaded the minister that secret aid was insufficient. In his memoir of July 1777, Vergennes urged Louis XVI to act, stating that France must resolve “either to abandon America to herself, or to help her courageously and effectively.”<sup>59</sup> The minister’s proposals for an offensive and defensive alliance with the Americans were approved, pending acceptance by Spain.

While the Spanish agreed that the current policy was inadequate to prevent the reunion of Britain and America, they could not risk the safety of their treasure fleet by supporting such an alliance. The refusal of Charles III coincided closely with the diplomatic crisis sparked by the recapture of Conyngham’s prize, the *Northampton*. Facing imminent war, Vergennes closed French ports to American ships and temporarily broke contact with the Commissioners. Writing as Roderigue Hortalez, the minister issued a pointed statement directly to the Secret Committee

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<sup>58</sup> Clark, *Lambert Wickes*, 362.

<sup>59</sup> Vergennes, in Orville T. Murphy, *Charles Gravier, Comte de Vergennes: French Diplomacy in the Age of Revolution 1719-1787*, (Albany: State University of New York Press, 1982), 245.

emphasizing the limits of French generosity.<sup>60</sup> Although outraged by the audacity of American privateers, Vergennes did not reject the possibility of cooperation in the future.

Political activity slowed as the French ministry awaited news of events unfolding in America. Reports of Burgoyne's surrender at Saratoga (October 17) arrived in Europe by early December. Although historians have often seen this as a decisive event, Saratoga by itself decided nothing: it was simply the last in a series of events that persuaded France to declare open support of the United States. In effect, Washington's victory was a timely excuse for greater French involvement<sup>61</sup>. During the policy discussions initiated by the actions of American privateers, early 1778 had been established as the deadline for entering the conflict. After the completion of rearmament, the French were merely waiting for the inevitable war.

A treaty of amity and commerce as well as a treaty of defensive alliance was signed by the United States and France on February 6, 1778. The provisions outlined in the former addressed a primary objective of the Revolution, the establishment of free trade. Based largely on Franklin's Plan of 1776, this agreement established most-favored-nation privileges and the protection of shipping, but allowed each nation freedom to pursue its own commercial interests.<sup>62</sup> According to the treaty of defensive alliance, France was committed to ensure America's complete separation from Britain.

As a definitive and official recognition of American sovereignty, the French alliance effectively determined that, as Robert Morris said, "Our Independence is undoubtedly Secured,

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<sup>60</sup> Brian N. Morton, "Roderigue Hortalez to the Secret Committee: An Unpublished French Policy Statement of 1777", *French Review* 50, no.6 (May 1977).

<sup>61</sup> As argued by Jonathan Dull in *The French Navy and American Independence*.

<sup>62</sup> Augur, *The Secret War of Independence*, 262.

our Country must be Free.”<sup>63</sup> Without constant pressure from the American privateers, the open involvement of the French might have been indefinitely delayed, likely with great consequence.

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America’s war for independence was as much about the continuity of American economic autonomy as it was about its formal, political separation from Britain. Until the 1760s, American seaports had prospered relatively unburdened by British regulation. Illegal activities were tolerated in peacetime and even encouraged during imperial conflicts. While colonial smuggling and unregulated privateering aided Britain in the early part of the century, the relative autonomy granted to America – a freedom of action that American merchants and captains had come to regard as a customary right – ultimately proved costly to the empire. With the ability to establish networks for trade and defense, the colonies functioned as an extension of the metropole rather than as jurisdictions subordinate to it. When self-government was threatened following the Seven Years War, attempts made by colonists to regain their English rights led to an irreconcilable division of the empire.

In the movement toward independence, pre-established networks proved essential to American success. Contacts in the Caribbean ensured that smugglers could supply contraband arms and ammunition to aid the land war. The revival of American privateers, a swarm of armed vessels that raided British commerce as effectively as a far more expensive navy might have done, opened a war at sea by antagonizing Britain’s vulnerable merchant fleet. As of February

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<sup>63</sup> Robert Morris to George Washington, 9 May 1778, in G. Chinard, ed., *The Treaties of 1778 and Allied Documents*, (Baltimore: Johns Hopkins Press, 1928) xxv.

1778, American privateers had captured or destroyed 733 ships with cargos worth more than two million pounds.<sup>64</sup> This immense loss of cargo, which continued to increase following the French Alliance, was financially disastrous to a nation still recovering from the costly Seven Years War. Recognized as an adversary fully worthy of the renowned Royal Navy, American privateers strengthened foreign notions of American sovereignty.

As evidenced by the cruises of Wickes and Conyngham, the actions of individual captains had a profound effect on British national morale. Privateers, as individual agents of the Revolution, directly influenced diplomacy by increasing tension between England and France. The importance of the actions of enterprising individuals, as opposed to a top down prosecution of the war, made the War of Independence unlike previous imperial conflicts. Over the course of the war, 2,000-3,000 American privateers cruised the Caribbean and wider Atlantic under general orders to disrupt British commerce.<sup>65</sup> It was by their cumulative efforts that American independence was achieved, not by major victories on land or sea. Thousands of small individual actions ultimately tipped the scale in America's favor.

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<sup>64</sup> Miller, *Sea of Glory*, 261.

<sup>65</sup> Paul A. Gilje, *Liberty on the Waterfront: American Maritime Culture in the Age of Revolution* (Philadelphia: University of Pennsylvania Press, 2004), 160.

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