

The *Hawke* and the *Dove*, a Cautionary Tale: Neutral Ports and Prizes of War During the American Revolution

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Pendant la révolution américaine, le congrès continental et les nouveaux gouvernements nationaux ont fourni des lettres de marque aux capitaines entreprenants de la marine marchande les autorisant à arraisonner les navires marchands britanniques. Le problème se posant aux commandants de ces corsaires, navigant loin des eaux américaines, était celui de trouver des ports complaisants en France et en Espagne où ils pourraient disposer de leurs prises pendant les années 1776-77 tant que ces deux pays prenaient une position officiellement neutre dans la guerre américaine pour l'indépendance. Cet article discute des complications légales rencontrées par les officiers navals américains et comment ils ont surmonté ces obstacles avec la complicité des fonctionnaires espagnols et français qui ne montraient aucune sympathie pour la cause britannique.

In the midst of the American Revolutionary War, British merchant sea captain John Lowden Cole fell victim to an American privateersman. Despite heroic efforts to recover his vessel, he could not prevail over sharp Yankee practice.

Cole sailed the British merchantman *Dove* with a cargo of fish from St. John's, Newfoundland, to Spain. Off Cape Ortegal, an officer from the frigate HMS *Thetis* boarded the *Dove* and warned Cole that American privateers were operating near Bilbao. Despite Cole's precaution of sailing to Santander instead of Bilbao, the Massachusetts privateer schooner *Hawke*, Captain Jeremiah Hibbert, captured the *Dove*, just a league from the Spanish shore. In Santander's roadstead, Hibbert transferred *Dove*'s entire crew, officers included, to the *Hawke*. The *Hawke* and the *Dove* then sailed into Santoña, where Hibbert sold the *Dove* with its cargo to a Spanish merchant. The *Hawke* escorted the *Dove*, now with Spanish colors and a Spanish crew, to Bilbao.

Hibbert kept Cole and his crew closely confined in the *Hawke*, fending off approaching boats and preventing anyone from conversing with the prisoners. Despite the Americans' vigilance, one of the *Dove*'s sailors slipped overboard in the night and swam ashore. None of the merchants in Bilbao to whom the sailor applied offered any assistance. Ten days after the *Hawke* and the *Dove* anchored at Bilbao, *Hawke*'s officers and men received their share of the proceeds from the sale of the *Dove* and most of them went ashore to spend their prize money. As darkness fell and a hailstorm came up driving

the few guards remaining on board under shelter, Cole seized his opportunity. He jumped into the *Hawke's* boat, cut the painter, and got out of gunshot before being missed. Once on shore, he had seven miles to travel to reach the city, with six "stout fellows, well armed," including Captain Hibbert, hot on his trail. It was a perilous flight along a wretched road: two of the pursuers ended up with broken legs and three days afterwards Cole was still unable to walk. Cole escaped with the help of a ferryman who took him across the River Nervión and refused to ferry the Americans. In Bilbao, Cole located the merchant Ventura Gomez de la Torre y Barrena, who, having close business ties with British firms as an importer of Newfoundland fish, was sympathetic to the British cause. Gomez told Cole that he should not expect to recover his vessel, for, as he said, "the Americans are favorites here."¹

The tale of the *Hawke* and the *Dove* contains the essential ingredients of the process by which American privateersmen overcame the obstacles, legal and practical, they faced in disposing of prizes in neutral ports. Under the pretense of seeking relief from the stress of weather and the dangers of the sea, American privateers used neutral ports as operating bases, enabling them to capture fullyladen British merchantmen as they neared their destinations, and to reap the benefit of an expectant market. They obtained the collusion of merchants in the neutral ports by selling to them below market price. In addition, they evaded legal restrictions on the sale of prize ships and goods in neutral ports by selling in out-of-the-way inlets and by hiding from the authorities the fact that they were prizes. Such practices enabled government officials to dismiss British claims and protests by pleading ignorance and inability to control the avarice of a few private individuals.

The Challenge of Disposing of Prizes in Neutral Ports

The seaborne forces of the United States during the American Revolution consisted of the Continental Navy, state navies, and privateers. Too weak to face the Royal Navy's ships of the line, they fought a *guerre de course* against British commerce. In order to sustain that effort, the American sea raiders had to be successful at disposing of captured enemy merchantmen at a profit. It would do no good to take prizes only to have them recaptured by British cruisers, and no adventurers would continue their investment if privateers were consistently unprofitable.

In general, the shorter the distance between the point of capture and the port to which a prize was directed to be sold the better the chances that it would reach the port without being recaptured. For this reason, privateer captains operating in the West Indies and in European waters frequently directed their prize masters to take their prizes into local ports, rather than attempt to reach the United States. In doing so, however, privateersmen faced challenges posed by international law.²

¹ "Extract of a Letter from Capt. John Lowden Cole, Bilboa, Feb. 28," in *London Packet; or New Lloyd's Evening Post*, 16-18 March 1778, printed in *Naval Documents of the American Revolution*, ed. William Bell Clark, et al., (Washington, D.C.: Naval Historical Center, 1964--) [henceforth, *NDAR*], 11: 1053.

² On prize law and practice at the time of the American Revolution, see Henry J. Bourignon,

One set of challenges involved the rights and duties of neutrals. France until 1778 and Spain until 1779 were nominally neutral and thus restricted by international law from allowing belligerents to sell prize ships and prize goods in their ports. Treaties specifically bound France in this regard in the case of captured British vessels.

Another challenge was that prize law, both by international convention and by specific legislation of the Continental Congress, required that captured merchant vessels and their cargoes be adjudicated in a prize court before transfer of ownership of the prize ship and cargo would be legally recognized. In the eyes of the law, to sell a captured vessel or cargo before completing such adjudication constituted theft, if not quite piracy. Countries that did not recognize the independence of the American colonies would not permit the revolutionaries to establish prize courts within their territories.

American naval officers and privateersmen employed deception, ruses, and collusion with local merchants and government officials to overcome those challenges and dispose of their prizes in French and Spanish ports in Europe and the West Indies. Often the techniques they employed succeeded, sometimes they failed, and occasionally they involved the perpetrators in serious difficulties .

French and Spanish Policy

The Continental Congress's authorization of privateering in March 1776 evoked the question of whether France and Spain would admit American privateers and their prizes into their ports and permit the sale of prizes. From the viewpoint of the British government, every civilized nation should have treated American privateersmen as pirates: American privateers had no legitimacy and their captures were illegal, for their commissions were not issued by a recognized sovereign state, and their prizes were not adjudicated by any court of law recognized by the international community. If the British government had had its way, France and Spain would have followed the example of Joseph I of Portugal, who closed the ports of his kingdom against ships from any of the rebellious North American British colonies.³ Portugal, on the eve of going to war with Spain, looked to Great Britain for support. As one French official observed, the Portuguese would not have reached that decision so readily if they had West Indian possessions that relied on North American produce to feed their population. In contrast to Portugal, the rulers of France and Spain welcomed Great Britain's troubles , expecting the American war to help restore a more favorable balance of power in Europe, which Great Britain's victory in the Seven Years' War had upset. Both Bourbon powers would violate neutrality by providing the American revolutionaries secret subsidies well before they became official belligerents.⁴

The First Federal Court: The Federal Appellate Prize Court of the American Revolution 1775-1787 (Philadelphia, Pa.: American Philosophical Society, 1977), and Donald A. Petrie, *The Prize Game: Lawful Looting on the High Seas in the Days of Fighting Sail* (Annapolis, Md.: Naval Institute Press, 1999).

³ Edict of King Joseph of Portugal, 5 July 1776, *NDAR* 6: 467-68.

⁴ The Netherlands and Sweden did not countenance the sale of American prizes in their territories. Rather, these countries' diplomatic disputes with Great Britain focused on their

As soon as French authorities learned that the Continental Congress had authorized privateering, they began considering whether they should admit American privateers and their prizes into their ports. This was an issue separate from whether the Americans would be permitted to sell prizes in French ports. In June 1776, the French minister for foreign affairs, the Comte de Vergennes, thought “it will be rather embarrassing to decide what to do if they want to send their prizes to our ports for security.” “With respect to all civilised nations,” he continued, “the Americans to this day are only in a state of open rebellion against their legitimate master. This does not keep them from finding shelter in our ports for themselves, their ships and their goods; we continue to consider them as English subjects and we let them enjoy all the rights attached to this quality; but in what light shall we look upon the prizes they will most certainly capture if these are claimed?”⁵

When American supporters asked Charles-Jean Garnier, France’s chargé d’affaires in London, whether Americans would be allowed to send prizes into French ports, he reported to Vergennes, “I replied that this matter was new and that I could not yet give an answer.” To Vergennes, however, Garnier advised that the French were free to admit American prizes into their ports. “Either the Americans are still English, or they no longer are,” he reasoned. If Americans are still British subjects, then “it is not for us to make any distinction between them, nor for England to prescribe to us whom we must admit and whom we must exclude.” If, to the contrary, the Americans are no longer British subjects, France is not obliged to treat them as pirates, particularly as they do not commit any acts of piracy against the French. Garnier concurred with Vergennes that difficulties would arise when the British owners claimed American prizes in French ports but thought that the problem might be avoided in the French West Indies, where the prizes could be sold before any British claim could be lodged.⁶

The French ambassador in London, the Marquis de Noailles, was of the opinion that France could legitimately admit American privateers and their prizes into its ports. But Vergennes corrected him, observing that the treaty of commerce between Great Britain and France signed at Utrecht in 1713 (in distinction from the treaty of peace of the same year and place), and confirmed by the Treaty of Paris in 1763, bound France’s

trading, particularly in contraband goods, with the Americans. Great Britain engaged in disputes on these issues with France and Spain as well. Prussia excluded all foreign privateers from its ports until 1779. In the autumn of 1779, when three British vessels captured by the Continental Navy frigate *Alliance* entered the port of Bergen, the Danish government confiscated them and returned them to the British. On the treatment of American privateers in European ports during the American Revolution see Osmo Kiiskinen’s 1982 licentiate thesis at the University of Helsinki, the title of which translates from the Finnish as “American Privateers in European Waters 1776-1783.” Originally written in Finnish, Dr. Kiiskinen’s work exists in English only in unpublished typescript, a copy of which is available in the offices of the Early History Branch of the Naval Historical Center, in Washington, D.C.

⁵ Comte de Vergennes to Charles-Jean Garnier, 21 June 1776, *NDAR* 6: 430-31.

⁶ Charles-Jean Garnier to Comte de Vergennes, 28 June and 26 July, 1776, *NDAR* 6: 454-56, 504-5.

hands. Article 15 provided that:

It shall not be lawful for any foreign privateers, not being subjects of one or of the other of the confederates, who have commissions from any other Prince or State in enmity with either nation, to fit their ships in the ports of one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatever to exchange either ships, merchandizes, or any other ladings; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that Prince from whom they have commissions.

Article 36 provided that:

No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects of either of their Royal Majesties. And if perchance such ships shall come in, being forced by stress of weather, or the danger of the sea, particular care shall be taken . . . that they go from thence, and retire elsewhere, as soon as possible.⁷

In examining these treaty provisions, Vergennes advised Noailles, “You will see that we cannot permit the sale of prizes made by the Americans, nor even allow, beyond the agreed term, the privateers of that nation.” Although France might resort to technical exceptions to get around the agreement, the king and his council did not want to pursue a course that would “render his neutrality suspected.”⁸

France’s publicly stated policy was to uphold the country’s treaty obligations. Under diplomatic pressure from the British, French Secretary of State for Marine Antoine-Raymond-Jean-Gualbert-Gabriel de Sartine on repeated occasions instructed port authorities and commanders of naval vessels stationed in rivers and ports to permit no sale of prizes taken by foreign armed vessels and to see that all such armed vessels and their prizes remained in port no longer than necessary to obtain repairs and supplies required for safe passage home. French ports, however, were open to foreigners pursuing normal commerce, and merchant vessels from North America were to be permitted to sell their cargoes and to export merchandise, with the exception of munitions. Sartine directed port authorities to warn French merchants against efforts to contravene these orders in order “to get possession of Goods coming out of prizes [through such means as] feign’d Contracts, substituting false Names for the Vessels & disguising the voyages & their Destination,” under penalty of answering personally and making restitution.⁹ When

⁷ “Treaty of Navigation and Commerce . . . concluded at Utrecht,” in *A Collection of Treaties Between Great Britain and Other Powers*, compiled by George Chalmers (London, 1790), 2:401, 411. See also “Treaty of Paris, 10 Feb. 1763,” Article 2, in Fred L. Israel, ed., *Major Peace Treaties of Modern History, 1648-1967* (New York: Chelsea House, 1967), 1: 307.

⁸ Comte de Vergennes to Marquis de Noailles, 22 Mar. 1777, *NDAR* 8: 701.

⁹ Quotation is from “Copy of a Letter from Mr De Sartine, Minister of State for the Naval Department of France, to the Judges & Consuls in Nantes dated--Versailles Sept 1. 1777,” *NDAR* 9: 621-22. Other examples are: Gabriel de Sartine to Jean-François-Timoléon Viger, Commissary of the Port and Dockyard, L’Orient, France, 6 Oct. 1777, *NDAR* 10: 876-77; Gabriel de Sartine to the Chambers of Commerce of All Ports of France, 23 Oct. 1777,

American warships first appeared in French waters, the Comte de Vergennes explained France's treaty obligations to the American Commissioners and subsequently reprimanded them for the Americans' abuse of French hospitality by using French ports as bases for prize-taking cruises and for making clandestine sales of the vessels and cargoes they captured.¹⁰

Despite this policy, the French ministry privately encouraged the Americans to dispose of their prizes by such means that prevented the illicit activity from coming to official notice, leaving the means to the Americans' ingenuity. The French were careful never to offer such encouragement on paper, but Comte de Vergennes hinted at such a policy in suggesting that punishing the American privateers for indiscretions might "make their fellows more Circumspect."¹¹ British intelligence reported that Sartine had advised the Americans to arrange to sell their prizes before they even came into a harbor. "He says that by this Means this Court will always be able to plead Ignorance of the Transaction and want of Time to prevent it."¹² The American Commissioners in France informed the Continental Congress of France's double game:

This Court continues the same Conduct that it has held ever since our arrival. It professes To England a Resolution to observe all Treaties, and proves it by restoring Prizes too openly brought into their ports, . . . warning frequently those from America to depart. . . . To us it privately professes a real Friendship, wishes success to our Cause, winks at the Supplies we obtain here as much as it can without giving open grounds of Complaint to England, privately affords us very essential Aids; and goes on preparing for War.¹³

No specific treaty obligations regulated Spain's reception of American privateers in its ports. Spanish authorities feared that if they closed their ports to Americans, ports that had previously been open to them, Americans would retaliate by attacking Spanish shipping. To preclude such an eventuality, the king's ministers issued secret orders in September 1776 that American ships, "although they may be flying their own Flag instead of the British one," be admitted into Spanish ports. In addition, "if an American privateer enter with a captured ship of any Nation, it must not be prevented from doing so, supposing that the prize vessel is flying the same Flag as the capturing ship, and that on equal terms an English privateer entering with an American prize must not be molested."¹⁴

As a result of the arrival of an American privateer in Bilbao in the autumn of 1776, Spain's secret policy became open practice. Bilbao was the leading port on Spain's

NDAR 10: 933; Gabriel de Sartine to Charles Pierre Gonet, Commissary of Marine at L'Orient, 23 Oct. 1777, *NDAR* 10: 933-34; Gabriel de Sartine to Enseigne de Vaisseau le Marquis de Montbas, 26 Oct. 1777, *NDAR* 10: 945-46.

¹⁰ Comte de Vergennes to Benjamin Franklin and Silas Deane, 16 July 1777, *NDAR* 9: 501-2.

¹¹ Comte de Vergennes to Marquis de Noailles, 26 July 1777, *NDAR* 9: 536.

¹² Lord Stormont to Lord Weymouth, 19 June 1777, *NDAR* 9: 411-14.

¹³ American Commissioners in France to the Continental Committee for Foreign Affairs, 8 Sept. 1777, *NDAR* 9: 633-34.

¹⁴ José de Gálvez to the Governor of Havana, 20 Sept. 1776, *NDAR* 6: 607-8.

northern coast and its one free port. When the Massachusetts privateer schooner *Hawke*, then commanded by John Lee, anchored in Bilbao early in October, he brought with him the masters of two of his prizes. They spread the report that during its cruise the *Hawke* had captured five British vessels, which Lee had dispatched to America. The merchant Gomez, the same who would later advise John Lowden Cole, master of the *Dove*, registered a complaint that the *Hawke* was a pirate vessel. In response, the port authorities sequestered the schooner until the king's wishes might be known.¹⁵ The British ambassador to Spain, Lord Grantham, felt confident of the outcome. "I think I can answer that no protection will be afforded, or even entrance allowed to a vessel manifestly armed against us."¹⁶ The instructions from the Spanish court must have chagrined Lord Grantham, for they provided that the *Hawke* be freed and that Captain Lee be permitted to purchase supplies he needed to allow him to return to America.¹⁷ Thus Spain settled the issue in favor of admitting into their ports American privateers and prizes.

The selling of such prizes was another matter entirely. Like their French counterparts, the Spanish ministers issued instructions to local authorities to prevent the sale of American prizes and to allow privateers and their prizes to remain in port no longer than weather conditions, repairs, and taking on necessary supplies warranted.¹⁸ As in France, American privateers managed clandestine sales of prizes and prize cargoes to local merchants, while authorities looked the other way--just as long as the transactions did not come to official notice.

American Policy and Practice

When the Continental Congress first adopted regulations for privateers, a year after hostilities on land began and three months before declaring independence, they apparently did not consider the possibility that privateers would want to dispose of their prizes overseas. The regulations, adopted on 3 April 1776, required privateersmen to bring their captures "into some convenient port or ports of the United Colonies" to be tried in a prize court.¹⁹ In instructions to its agents and representatives in the West Indies and in Europe, Congress underscored this requirement.

In August 1776, William Bingham, the Continental commercial agent in Martinique, suggested that Congress send him blank commissions that he could issue to individuals who were keen to fit out privateers to operate out of the French islands. The Committee of Secret Correspondence replied that Congress was not ready to send blank commissions overseas, but that local vessels could act as tenders to privateers commissioned in any of the states and take prizes in their names, using copies of the

¹⁵ John Emerson to Silas Deane, 2 Oct. 1776, *NDAR* 6: 627.

¹⁶ Lord Grantham to Lord Weymouth, 7 Oct. 1776, *NDAR* 7: 680.

¹⁷ "A true Copy of His Catholic Majesty's Order wrote by the Marquis of Grimaldy . . .," in "Extract of a Letter from Bilboa, Dated October 6, 1776," *Boston Gazette*, 9 Dec. 1776, in *NDAR* 7: 678-79.

¹⁸ See, for example, enclosure to Lord Grantham to Lord Weymouth, 8 Sept. 1777, *NDAR* 9: 635, and Lord Grantham to Lord Weymouth, 8 Jan. 1778, *NDAR* 11: 897-98.

¹⁹ Journal of the Continental Congress, 3 Apr. 1776, *NDAR* 4: 650.

privateers' commissions as authorization. In any case, though, Congress's "Resolves for bringing Prizes into some of these States for Condemnation [cannot] be dispensed with. . . . Prizes must be sent to America for Condemnation (unless the Cargoes are perishable & in such Case if properly Certified we suppose it might be best to make Sale of them."²⁰

On first sending a Continental Navy vessel into European waters, in the autumn of 1776, the Committee of Secret Correspondence held to the same line. The committee sent Captain Lambert Wickes, in *Reprisal*, to France, carrying Benjamin Franklin, one of the newly appointed American Commissioners in France. After disembarking Franklin, the committee expected that Wickes would cruise and take prizes in European waters. The American Commissioners were instructed to find out if *Reprisal's* prizes would be admitted into French ports. If the answer was yes, then the commissioners were to seek permission to sell the prizes and their cargoes. If successful in this request, the Committee would recommend to Congress that it grant the Commissioners authority to establish prize courts in France. If, however, no American prize courts could be set up in France, then "the prizes must all proceed for America for condemnation." The only exception to this rule would be "perishable Commodities and Vessels unfit for So long a Voyage."²¹

The first American prize sale in Europe took place in a manner designed to avoid any obstruction by port authorities. In November 1776, the Massachusetts privateer brigantine *Washington*, commanded by Elias Smith, captured the brig *Dorothy*, with a cargo of fish from Newfoundland. The American captain prevented any interference from the *Dorothy's* master and crew by transferring them to a Dutch vessel bound to Rouen, France. He then sent the *Dorothy* into Bilbao, instructing the prize master to pass himself off as the original British master. The prize master sold the cargo not as prize goods but as normal merchandise. At the end of December, word of this suspicious transaction reached London. Lord Weymouth, British secretary of state for the Southern Department, instructed Grantham to "demand of His Catholic Majesty's Ministers that the vessel be delivered to the owner thereof, since no court of judicature can allow its condemnation as a legal prize." Weymouth believed the British position unanswerable.

There is no principle in the law of nations more firmly established than this, 'That every captor who is not provided with a commission granted by a supreme authority, is deemed a pirate and should be treated as such. This Supreme authority can only exist in a sovereign state whose political existence is admitted and acknowledged by other Sovereigns.' It is not to be doubted from the known justice and exalted sentiments of his Catholic Majesty, that he will give the speediest orders for the release of this vessel.²²

²⁰ Committee of Secret Correspondence of the Continental Congress to William Bingham, 21 Sept. 1776, *NDAR* 6: 936-38.

²¹ Committee of Secret Correspondence to the American Commissioners in France, 24 Oct. 1776, *NDAR* 6: 1405-7.

²² Lord Weymouth to Lord Grantham, 31 Dec. 1776, *NDAR* 7: 818.

Nothing came of the British claim. The *Dorothy* may already have left Bilbao, probably departing soon after the sale of its cargo, for in April 1777 it was condemned as a good prize in a Massachusetts prize court.²³ It is possible that the *Dorothy* itself was sold in Europe and only its papers sent to America for adjudication, for this was a procedure followed in later captures.²⁴ Selling the fish, a perishable commodity, in Spain, and sending the *Dorothy*, or at least its papers, to America for adjudication conformed at least in spirit to the Continental Congress's regulations and to the Committee of Secret Correspondence's scruples.

In December 1776, when the *Reprisal* delivered Benjamin Franklin to take up his post as one of three American Commissioners in France, Franklin did not know whether the French government would allow Captain Lambert Wickes to sell the two British prizes that followed in *Reprisal's* wake. "There is some difficulty in determining what to do with them, as they are scarce worth sending to America . . . and we have no regular Means of trying and condemning them," he wrote to the President of Congress, John Hancock. Then Franklin suggested a solution. They had "several Offers from Persons who are willing to take upon themselves all Consequences as to the Illegality."²⁵ Wickes acted on this suggestion, selling the two prizes clandestinely outside the port, at bargain prices, with the buyers assuming responsibility for any illegality and the risk of British claims to the property. The new owners changed the vessels' names before bringing them into port and registered them with false papers. This procedure became one of several to which American privateers regularly resorted.²⁶

Most of the procedures American privateers employed to evade prohibitions that neutral countries imposed on the sale of prizes and prize goods involved disguising the fact that the vessels and cargoes were captured property. This process could mean pretending that the vessel or cargo was neutral, usually French or Dutch, that the vessel was still in British hands, or that the vessel was American with a cargo direct from an American port. Each choice involved an elaborate charade and each possessed a degree of risk.

Disposing of prize vessels or their cargoes that were sent into France usually involved disguising them as French or Dutch. Directions issued to Tobias Oakman, prize master of the ship *Rebecca*, indicate the elaborate precautions American privateers took to make such deceptions succeed. William Day, in command of the Massachusetts privateer ship *General Mifflin*, captured the *Rebecca* and sent it into Morlaix, but put into L'Orient in the *General Mifflin*. At L'Orient, Day sought the assistance of the merchant firm of Bérard Frères and Company in selling the *Rebecca*. The French merchants

²³ NDAR 8: 309, 465n.

²⁴ Jackson, Tracy and Tracy to Joseph Gardoqui, 20 Aug. 1778, in Kenneth W. Porter, *The Jacksons and the Lees: Two Generations of Massachusetts Merchants 1765-1804* (1937; reprint ed., New York: Russell & Russell, 1969), 1: 336.

²⁵ Benjamin Franklin to John Hancock, 8 Dec. 1776, in *The Papers of Benjamin Franklin*, vol. 23, ed. William B. Willcox, et al., (New Haven, Conn.: Yale University Press, 1983): 31-33.

²⁶ William Bell Clark, *Lambert Wickes, Sea Raider and Diplomat: The Story of a Naval Captain of the American Revolution* (New Haven, Conn.: Yale University Press, 1932), 105.

planned to send a member of the firm to Morlaix to arrange French clearance papers from Morlaix to L'Orient. The firm would engage a French coastal pilot to act as master and, with two or three French sailors, to sail the prize along the coast to L'Orient. On entering L'Orient's harbor, they were to hoist a French flag. At Île de Groix, at the entrance of the harbor, most of the prize crew was to transfer back to the *General Mifflin*, with only those few necessary to work the *Rebecca* into the harbor remaining in the prize. If the firm could not obtain proper French clearances, then the *Rebecca* was to come into L'Orient under Dutch colors and remain at the Île de Groix until the prize master received word that measures had been arranged for the vessel to be admitted without difficulty.²⁷

Frequently, a prize would be sent into a French port, and then sail out again before the twenty-four-hour limitation had expired. During the prize's brief stay in port, potential buyers would view the ship and its cargo. A deal would be struck and the merchants would send a vessel to meet the prize somewhere off the coast, where the ship and cargo would be purchased at a low price. The ship's English name would be erased and a new one painted on the stern before the ship was sent into another port. The identifying markings on the casks would be rubbed out and the cargo transferred to lighters bearing coasting licenses and passports, which would carry the goods to yet another port. A variation of this procedure was to sell the cargo to a Dutch merchant shipmaster who would carry it in his vessel directly to a Dutch port as goods purchased from France. Another variation was to offload the prize cargo on an island for later sale before the prize even entered a French port.²⁸

Early in the contest, as illustrated above by the example of the Massachusetts privateer brigantine *Washington* and its prize brig *Dorothy*, American privateers used the ploy of pretending the captured vessel was still under British control. Privateers operating in the West Indies tried the same tactic. William and Godfrey Hutchinson, merchants from Massachusetts operating in St. Pierre, Martinique, urged privateer captains to send any prizes into Martinique as if still navigated by the original British master and crew. They recommended transferring the master and crew to the privateer vessel, replacing them with a prize crew of same number, "each Person answering to the Names agreeable to the Shipping Paper."²⁹ Ironically, before three weeks had passed after they had made this recommendation, the two merchants had to report a weakness inherent in the system. The British were able to reclaim a prize taken by the Massachusetts State Navy brigantine *Tyrannicide*, Captain Jonathan Haraden, "Owing either to the Stupidity, or Villainy of the Mate of the Vessel." It happened like this: "Capt. Harraden had taken the method

²⁷ Bérard Frères and Company to Tobias Oakman, 27 July 1777, *NDAR* 10: 920-21.

²⁸ "Extract of a Letter from St. Nazer--River Mouth of Nantz--dated 11 Octr. 1777--," *NDAR* 10: 900-901; Paul Wentworth to William Eden, ca. 30 Oct. 1777, *NDAR* 10: 960; Benjamin Franklin to V. Du Longprey Coney et Fils, 12 June 1777, *NDAR* 9: 394; Interrogation of Captain Ary Kunst, 20 Nov. 1777, *NDAR* 10: 1034-37; Deposition of Peter Liege, 16 Jan. 1778, *NDAR* 11: 915-16; Jonathan Williams Jr. to Benjamin Franklin, 20 Feb. 1777, *NDAR* 8: 601.

²⁹ William and Godfrey Hutchinson to the President of the Massachusetts Board of War, 31 Jan. 1778, *NDAR* 11: 254.

mentioned to you in our Last. there was not a prisoner left on Board & every precaution taken. the Cap^t pass^d. well on his Examination, but, when it came to the mates he told his own Name instead of the one he had assumed w^{ch}. immediately condemn^d. them.”³⁰

Requisite to being a good liar is having a good memory.

In his sailing orders to the commanders of the other cruisers in *Reprisal*'s three-ship squadron, Lambert Wickes described his preferred method for disposing of prizes: “You must take all the Prisoners out of every Prize & Man her with your Own People. . . . The Prize Master must not Report or Enter her as Prize, but as An American Vessel from a port that will be most likely to gain Credit according to the Cargo, she may have on board, to the Address of one or either of the Merchants whose Names are hereafter mentioned.” Silas Deane, one of the American Commissioners in France, believed this was the best ploy for selling prizes in neutral ports, in particular those sent to Spain. By the end of 1777, this procedure had become standard practice for prizes in Spanish ports. The victim of one such occurrence described “the usual way” of the American privateers as this: “They get rid of the English crew, then put in hands of their own, forge papers, and pretend they come from America.”³¹

Americans in Europe and the merchants with whom they cooperated in the neutral ports took pains to inform American privateers first arriving in European waters of the precautions that should be taken when sending in prizes. When the Massachusetts privateers *Fanny* and *General Mercer* entered the River Nantes with two prizes, a French merchant came on board to give advice. As a result, the privateersmen disguised their cruisers as merchant ships, altered the names on the sterns of the prizes to the thoroughly American names of *Hancock* and *Boston*, and kept the British masters and their crews in close confinement until they shipped them off to Ostend.³² Silas Deane requested a French merchant firm at Bordeaux to “engage Pilots to deliver to the Commanders of Prize Vessels arriving in future directions how to conduct on their entering the River or being examined, which will be singly to shew American Colours, keep their Prisoners (if any) out of sight & report the Vessel from Boston.”³³

Without such timely information, American privateersmen could blunder badly. Captain John Hart, of the New Hampshire privateer ship *Portsmouth*, made the mistake of bringing the brigantine *Mercury* into the Gironde River, below Bordeaux, with the British ensign flying with the union down to show it was a prize. As a result, the commander of a French Navy corvette stationed in the river forced the *Mercury* to depart

³⁰ William and Godfrey Hutchinson to the President of the Massachusetts Board of War, 17 Feb. 1778, *NDAR* 11:367-68.

³¹ Captain Lambert Wickes to Captain Samuel Nicholson, 23 May 1777, *NDAR* 8: 862-63; George Lupton to William Eden, 17 July 1777, *NDAR* 9: 511; Silas Deane to Michel Lagoanere, 19 Oct. 1777, *NDAR* 10: 923; “Extract of a letter from Cadiz, Dec. 6, from the master of the *Two Sisters*, a Newfoundler,” *London Packet*, 22-24 Dec. 1777, in *NDAR* 10: 1073.

³² Deposition of William Marshall, 17 Sept. 1777, *NDAR* 9: 644-45.

³³ Silas Deane to Jean H. and Samuel Delap, ca. 10 Oct. 1777, *NDAR* 10: 894.

after twenty-four hours and allowed the *Portsmouth* to remain only long enough to make repairs and purchase necessary supplies. “Had they Hoisted either American or French Colours,” an American merchant remarked, “there would not have been the least hindrance.” Disillusioned by his reception, Hart wrote to the owner of his privateer, “I am surprized the many people who have gone from France to America, have represented the French as being friendly inclined to us.”³⁴

The *London Public Advertiser* of New Year’s Day, 1777, carried the following news item: “A Vessel belonging to Bristol has been brought into Bilboa, by an American Privateer; and as the Yankees attempted to sell the Cargo in the Name of her own Captain, this naturally induced the Master and Mates of another Ship in the Port, belonging to the same Owners, to go on board, in order to see their Townsmen and Friends; but none of their Acquaintance appearing, the true State of the Case was soon discovered.”³⁵

Whenever captors sent a captured vessel into a neutral port, they risked recognition of the vessel by British sailors or merchants in the port. Captain Elias Smith, in command of the Massachusetts privateer brigantine *Washington*, took precautions against such an eventuality by sending the *Dorothy* into Bilbao while putting its master and crew on board a vessel bound for Rouen. The similar precaution that Captain John Fletcher, in command of the Massachusetts privateer schooner *Success*, thought he had taken in the case of his prize the *William and Polly* (Edward Symonds, master) produced the reverse of the desired effect. The vessel on which he placed Symonds and his crew and which he assumed was French and bound for a French port, turned out to be from the British Channel Island of Jersey, bound also for Bilbao. The *William and Polly* and its former master arrived at Bilbao “on the same tide,” allowing Symonds to enter a claim for the vessel.³⁶

Efforts to prevent identification of a vessel by British who might be familiar with it could come to naught as well. While in Bilbao, Symonds recognized the *Mercury*, even though the rig had been altered from that of a snow to that of a brigantine. “The Tack holes still remain in her Gunwale, & the Name of the Vessel which was wrote in her stern is eraz’d, save & except the Capital Letter M. which he plainly discern’d.” When Symonds did not see William Pearce, who he knew was the master, or any of his crew on board, Symonds rightly concluded the *Mercury* was a prize to an American privateer.³⁷

If discovered in their deception, a prize master and prize crew faced confiscation of the prize, as well as penalties for make false declarations, and, most distressing, arrest

³⁴ Journal of French Navy Corvette *Étourdie*, 1 Oct. 1777, *NDAR* 10: 853-54; William McCreery to John Adams, 10 and 25 Oct. 1777, *NDAR* 10: 942-45; Gabriel de Sartine to Enseigne de vaisseau le Marquis de Montbas, 26 Oct. 1777, *NDAR* 10: 945-46; John Hart to John Langdon, 23 Dec. 1777, *NDAR* 10: 1002-3.

³⁵ *NDAR* 8: 499-500. Although the newspaper does not name the vessels involved, they obviously were the Massachusetts privateer brigantine *Washington* and the brig *Dorothy*, discussed above.

³⁶ Ventura Gomez de la Torre y Barrera to William Spurrier, 4 Oct. 1777, *NDAR* 10: 869.

³⁷ Deposition of Edward Symonds, 10 Nov. 1777, *NDAR* 10: 983-84.

for piracy. This was the fate of the prize master and crew of the brig *Britannia*. John Allen, with a crew of nine, sailed *Britannia* into San Sebastián, Spain, on 2 December 1777, under American colors, and entered the brig as belonging to the Newburyport, Massachusetts, merchant firm of Tracy and Tracy, with a cargo of codfish and oil consigned to an Irish merchant named Birmingham. Having arrived in San Sebastián shortly before, however, Captain John Hooper lay in wait. The Master of a ship that had sailed from Newfoundland in the same convoy as had the *Britannia*, Hooper recognized the brig. On learning from Hooper that *Britannia* was not American but British, the local authorities had Allen and his crew swear to the truth of their declaration. The authorities then placed those who took the oath under arrest for making a false declaration. They detained the *Britannia* and in a search of the captain's trunk uncovered a letter to Allen from Captain Jeremiah Hibbert, commander of the Massachusetts privateer schooner *Hawke*. The letter instructed Allen to forge a journal and to alter a ship's bill of health to make the prize appear to be American property. After their arrest, fearing that Hibbert's letter would be found and uncover their deceit, Allen and his men sought and received permission to change their declaration. This time they admitted that the *Britannia* was a prize to an American privateer. In the imprisoned Americans' behalf, fellow countrymen assiduously took affidavits from coasting pilots and *Britannia*'s former master and crew and submitted a translated copy of Hibbert's commission in order to prove that the capture was legitimate and not piracy. Eventually the Spanish dropped charges and released Allen and his men.³⁸

Collusion by Officials: The Case of the French West Indies

At El Ferrol and La Coruña, Spain, the commandant general of the province of Galicia afforded Americans such wide latitude that Captain Gustavus Conyngham, of the Continental Navy cutter *Revenge*, found he needed to make only minor efforts at keeping the sales of his prizes clandestine in order to avoid official interference.³⁹ The British consul at La Coruña became so frustrated at the futility of his official protests that he begged to be reassigned.⁴⁰ The Spanish hardened their attitude and closed their ports to American cruisers for a short time in 1777 when the Americans captured neutral vessels on the basis of their carrying British goods. Officials in France and Spain allowed Americans to sell their British prizes so long as those activities did not come to their official notice. They viewed encouraging the Americans in their war for independence as good policy because it helped maintain American resolve while the Bourbon powers prepared their armed forces for probable war with Britain.

French and Spanish merchants had personal economic incentives for making clandestine purchases of American prizes and prize goods. In return for accepting the

³⁸ John Fletcher to Lord Weymouth, 29 Dec. 1777, *NDAR* 10: 1157; Marston Watson to Benjamin Franklin, 7 Jan. 1778, *NDAR* 11: 879; Marqués de Bassecourt to Conde de Floridablanca, 16 Feb. 1778, *NDAR* 11: 1008-12.

³⁹ Mark L. Hayes, "Gustavus Conyngham," in E. Gordon-Bowen Hassell, Dennis M. Conrad, and Mark L. Hayes, *Sea Raiders of the American Revolution: The Continental Navy in European Waters* (Washington, D.C.: Naval Historical Center, 2003), 32.

⁴⁰ Herman Katencamp to Lord Weymouth, 1 Nov. 1777, *NDAR* 10: 968.

risks of being caught in the illegal acts and of losing their investment in case of reclamation by the British, the merchants received the property at low prices. By the end of 1777, American privateers in Spanish waters were operating so successfully that, according to the British consul at La Coruña, they were taking more than half of the British vessels carrying fish from the Newfoundland fisheries bound for Bilbao and Santander.⁴¹ Yet the Spanish people suffered no shortage: they merely bought the fish from the Americans rather than from the British, and for less money.⁴²

Although Spain generally excluded foreign access to its ports in America, the authorities instructed their colonial governors that American privateers and their prizes “must be welcomed and treated in cases of urgency and known need with the same hospitality which would be extended to the English or the French.” Spain would justify this equal treatment on the grounds of maintaining strict neutrality in the dispute between Great Britain and its colonies.⁴³ These rules allowed little room for collusive sales. At any rate, there is no evidence that such sales were common; if they had been so, British complaints about them in the diplomatic correspondence would have been more frequent than they were. In the French West Indies, in particular at Martinique, the case was somewhat altered. There, it was not only merchants but also royal officials who connived with the Americans at clandestine sales, and for similar motives of personal financial gain.

De Sartine instructed the colonial governors of the French West Indies that their policy toward American privateers should be the same as the policy in France, itself.⁴⁴ Officially, French colonial governors enforced this policy. In December 1776, the governor general of Martinique reported to Paris, “I have often received requests in writing from New England Privateers who wished to know if they could bring here prizes captured on the high seas; I have always refused to answer such queries and I only informed them orally that they had better take them to New England.”⁴⁵ In orders issued the following spring and repeated in the fall, the governor of Guadeloupe strictly enjoined his commandants to allow American privateers and their prizes to stay in port no longer than necessary to supply their wants and to suffer no goods to be taken out of them.⁴⁶ When an American privateer sent a British transport freighted with provisions into Port Louis, Grand Terre, Guadeloupe, the local commandant placed on board “two guardsmen to prevent anything from being taken ashore,” but suggested to the governor that, given the colony’s lack of “everything generally, even bread,” allowing a sale of the cargo

41 Herman Katencamp to Lord Weymouth, 15 Dec. 1777, *NDAR* 10: 1104-5.

42 Extract of a letter from Richard Birmingham to Peter Mallet, 28 Oct. 1777, State Papers (Foreign) 94, Vol. 204, fols. 333-34, The National Archives [formerly Public Record Office], Kew, United Kingdom.

43 José de Gálvez to the Governor of Havana, 20 Sept. 1776, *NDAR* 6: 607-8.

44 Gabriel de Sartine to Comte de Vergennes, 22 June 1777, *NDAR* 9: 422.

45 Comte d’Argout to Gabriel de Sartine, 1 Dec. 1776, *NDAR* 7: 345; see also Letter from Dominica [13 Dec. 1776], *Public Advertise* (London), 8 Feb. 1777, in *NDAR* 7: 479.

46 Comte d’Arbaud to the Commandants in Guadeloupe, [13 Oct. 1777], *NDAR* 10: 151.

would be a great service.⁴⁷ D'Arbaud replied with a firm denial of the request: "This law comes before the colony's needs and no consideration will authorize us to break it."⁴⁸

On Martinique, official French policy was all pretence. Although the French prohibited sales of prizes and prize goods in their ports, officials overlooked and directly participated in such sales taking place in out-of-the-way bays of the island.

In the spring of 1777, the Comte d'Argout was transferred to St. Domingue, and the Marquis de Bouillé took his place as governor general of Martinique. Lord Macartney, the British governor of Grenada, repeated to Bouillé complaints previously made to d'Argout, that the French had been permitting English cargoes taken by Americans to be sold in small bays. Bouillé replied that he disapproved of d'Argout's conduct and that he would not permit prizes to be brought in and sold, with the observation, however, that he did not have the means to prevent sales in remote bays. In reporting this conversation, Macartney predicted, rightly, that the French would "continue to play the same game." The French governors would justify failure to suppress clandestine sales by pleading the impossibility of preventing activities of which they could have no knowledge.⁴⁹

By the summer of 1777, Carbet, a bay of Martinique just a few miles from St. Pierre, had become notorious as a marketplace for the sale and purchase of prize goods. Indeed, Americans came to call the rendezvous Philadelphia Bay. The privateers and their prizes would enter the bay under American colors and sales would take place openly. In the case of captured slavers, it became common practice for the privateer's captain to bribe the governor, the commandant, and other officials by presenting them several of the captured slaves. The brigantine *Black Prince*, carrying a cargo of 215 slaves from Senegal to Dominica, fell prize to the American letter of marque *St. Peter* and was sent into Martinique. "You will not be surprized at the French Governor's admitting the English Prizes into Martinico, and refusing them when legally demanded," wrote the British master of the *Black Prince*,

when I inform you, that on the 4th of October the *Black Prince* being carried there, the Governor sent on board for 12 Slaves, which were immediately delivered; the Commandant sent for two Slaves, which were delivered. The next Day the Captain of the Frigate that convoyed the Privateer out of Martinico, sent his Boat for eight Slaves, which were delivered. The Agent of the Privateer seemed dissatisfied at their taking so many, and I asked him the Reason, he told me it was customary to give them some, and that he should not be paid for any of them.⁵⁰

⁴⁷ Gilbert du Lion to Comte d'Arbaud, 26 Oct. 1777, *NDAR* 10: 313.

⁴⁸ Comte d'Arbaud to Gilbert du Lion, 2 Nov. 1777, *NDAR* 10: 380-81.

⁴⁹ Lord Macartney to Lord George Germain, 11 July 1777, *NDAR* 10: 267-69; see also Vice Admiral James Young to Comte d'Argout, 23 Feb. 1777, *NDAR* 7: 1270-71; and Lord Macartney to Lord George Germain, 22 Oct. 1777, *NDAR* 10: 273-77.

⁵⁰ "Extract of a Letter from Capt. Cook, Commander of the *Black Prince*, from Senegal to Dominica with 215 Slaves, lately taken by an American Privateer, to his Owners," *Daily Advertiser* (London), 2 Jan. 1778, in *NDAR* 10: 373. For other examples, see Deposition of

When the captors and the British entered into agreements for ransoming the human cargoes, the governor prevented execution of the agreements so that the French islanders could purchase the slaves at bargain prices.⁵¹

Evaluation

The British recognized that the Bourbon kingdoms' public policy on the sale of prizes and prize goods was pretense. They understood full well that France and Spain were not truly neutral, either in spirit or in practice. And they knew the full extent of the collusion between the American privateersmen and the merchants who bought from them in supposedly neutral ports--"We now know, and indeed half Paris knows, that [the *Jamaica* and the *Anna Susannah*] have been sold, knows the Price given, and the persons who bought them."⁵² In fact, much of the evidence on which the present essay is based comes from British sources, such as reports from British merchants residing in the neutral ports, letters captured on board ships taken by British cruisers, and British spies among the American Commissioners' own staff.

This knowledge, however, served more to exasperate British officials than to empower them since little could be done beyond lodging protests. Great Britain had no desire to declare war on France or Spain because of their assistance to American privateers. Such a course would have allowed the French and Spanish to aid the American privateers openly, besides adding two formidable powers to the forces arrayed against the British. Nevertheless, by the summer of 1777, the use of French ports as an operating base by three cruisers of the Continental Navy had been so blatant that Lord Stormont, the British ambassador, felt justified in strongly hinting at the imminence of war if the three American warships, as well as all American privateers, were not expelled from French territory. Rather than call Stormont's bluff, the French government complied with his demand, but only after exercising lengthy delaying tactics. It is unlikely that the British would have resorted to war if the French had not complied.⁵³ Soon after, arrival of the news of the American victory at Saratoga and the French government's decision to establish diplomatic relations with the United States led to a relaxation of enforcement of the expulsion order. Early in 1778, the British ministry decided it was worth risking war with France in order to stop war supplies from going to the rebellious colonies in America, but not because of aid to privateers.⁵⁴ In the meantime, British officials seethed,

Dominick French, John Spurr, and Hopkin Lewellin, 7 Jan. 1778, *NDAR* 11: 61-63; and "Memorandum of American Privateers in Martinique & the Conduct of the French towards the Americans," 24 Feb. 1778, *NDAR* 11: 423-24.

51 "Remarks received from Mr Arthur Piggott," [before 3 July 1777], *NDAR* 9: 457-61.

52 Lord Stormont to Lord Weymouth, 22 Oct. 1777, *NDAR* 10: 932.

53 Jonathan R. Dull, *The French Navy and American Independence: A Study of Arms and Diplomacy, 1774-1787* (Princeton, N.J.: Princeton University Press, 1975), 75-83.

54 The British ambassador to France, Lord Stormont, stated the situation concisely: French convoys of American munitions ships left the British "but one and that a very disagreeable alternative. If we attack [La Motte-Picquet's] Squadron and seize the ships he convoys war is inevitable, if we suffer them to pass unmolested an almost open Trade will be carried on

not consoled by the few incidents in which the neutral powers confiscated the Americans' prizes and returned them to their British owners--which happened only when the clarity of the evidence left the neutral powers just one other choice, that of openly renouncing their neutrality.⁵⁵

On 6 February 1778, the day that France formally recognized American independence, the House of Lords began an inquiry "respecting the commercial losses occasioned by the American War." London merchants testified about the effects of American privateering, basing their testimony on the shipping registers kept at Lloyd's Coffee House, records on which merchants, insurers, and underwriters relied in conducting their business. That testimony permits us to take a measure of the success of the American privateers during the period of official French and Spanish neutrality. Royal Navy cruisers had captured about thirty-four of the 173 privateers known by the British to have been active. Of the 733 British merchant vessels that American cruisers had taken since the beginning of the war, 127 had been retaken and forty-seven released. The forty-seven "released" included ships the Americans set free after removing the most valuable cargo, or in order to be relieved of their prisoners, or after receiving ransom payments; the figure likely includes as well the few vessels restored by France and Spain. This left a balance of 559 lost to the American privateers, 247 of them in the West Indies and 108 in European waters.⁵⁶ The Newfoundland trade had lost fifty of its larger ships and many smaller vessels to the American privateers. Since the beginning of the war, the African slave trade had decreased from some two hundred active ships to not above forty, and the Americans had captured fifteen, with their human cargoes.⁵⁷

The available figures make it evident that in many more cases than not the American privateersmen seeking to dispose of their prizes in neutral countries did so successfully, although, given the secrecy surrounding the transactions, the number of American prizes sold in neutral waters is unknown. Usually, clandestine sales came at a cost to the sellers, that is to say, letting their offerings go well below market value. The privateersmen succeeded as well as they did because they enjoyed the sympathy of the local authorities. The Americans had to achieve only enough secrecy to provide the authorities a plausible pretext of ignorance of the illegal transactions.

between France and america and the Rebels be fully supplied with Every thing they can possibly want." Lord Stormont to Lord Weymouth, 23 Feb. 1778, *NDAR* 11: 1040. As of the date of Stormont's letter, the British Cabinet had already acted, having agreed that the Royal Navy should begin searching and taking ships met in the open sea if laden with munitions for the rebellious colonies in America even though under convoy of other powers. Minute of Cabinet, 18 Feb. 1778, *NDAR* 11: 1016.

⁵⁵ The most significant of these instances, and the most irksome to the American privateersmen, involved the Jamaicamen *Clarendon* and *Hanover Planter*, captured by Massachusetts privateers *Fanny* and *General Mercer*, seized at Nantes for false entries. The French government returned the two vessels to their British owners, but later, after formally recognizing the independence of the United States, paid compensation to the owners of the privateers. *NDAR* 10: 955, 974, 986-87, 994, 1053, 1151; 11: 1050-51.

⁵⁶ The last figure is from Kiiskinen, *American Privateers in European Waters*, 567.

⁵⁷ *NDAR* 11: 967-71, 985-987, 994-96. The inquiry continued on 9 and 11 Feb.

On 6 February 1778, Louis XVI entered into treaties of amity and commerce and of alliance with the United States of America. Subsequently, the French and Americans worked out rules by which prizes sent in by American cruisers could be regularly tried, condemned, and sold.⁵⁸ When Spain joined the war against England in the summer of 1779, the king opened his ports to American privateers and their prizes and decided to accept the decisions of American prize courts, even though he waited until the peace in 1783 to grant formal recognition of American independence.⁵⁹ With the end of French and Spanish neutrality, the need for American privateers to find excuses to stay in the ports of France and Spain longer than twenty-four hours and to arrange clandestine sales of their prizes also had come to an end.

⁵⁸ Gabriel de Sartine to the American Commissioners in France, 29 July 1778, *The Papers of Benjamin Franklin*, vol. 27, ed. Claude Lopez, et al. (New Haven, Conn.: Yale University Press, 1988), 177-78; "Regulations for Prizes and Prisoners," Francis Wharton, ed., *The Revolutionary Diplomatic Correspondence of the United States* (Washington, D.C.: Government Printing Office, 1889), 2: 685-87; Arthur Lee and John Adams to Gabriel de Sartine, 13 Aug. 1778, *The Papers of John Adams*, vol. 6, ed. Robert J. Taylor, et al. (Cambridge, Mass.: Harvard University Press), 368-69; Gabriel de Sartine to the American Commissioners in France, 16 Aug. 1778, *ibid.*, 374-75; the American Commissioners in France to Gabriel de Sartine, 18 Aug. 1778, *ibid.*, 376.

⁵⁹ James Gardoqui to Arthur Lee, 7 July 1779, Houghton Library, Harvard University, Cambridge, Mass.; Joseph Gardoqui and Sons to Continental Committee of Foreign Affairs, 9 July 1779, Papers of the Continental Congress, item 92, p. 461, National Archives, Washington, D.C.