

For Freedom and Profit: Baltimore Privateers in the Wars of South American Independence

Fred Hopkins

Après la guerre de 1812, les corsaires de Baltimore qui avaient assailli les navires marchands anglais pendant le conflit n'ont pas abandonné cette vocation profitable. Ils ont cherché commissions navales et autres lettres de marque auprès des états nouvellement indépendants de l'Amérique latine, principalement le Venezuela et la Colombie sur le littoral des Caraïbes, et dans le Rio de la Plata où Buenos Aires et Banda Oriental (l'état futur d'Uruguay) se rebellaient contre l'Espagne. Bien que les Etats-Unis aient été officiellement neutres dans les guerres d'indépendance sud-américaines, l'opinion publique a soutenu les états révolutionnaires, tenant le gouvernement des États-Unis dans un équilibre précaire dans la poursuite des corsaires.

While debating the conditions of a neutrality bill in the United States Congress in January 1817, John Randolph rose to state that the proposed legislation was actually a peace treaty between Spain and Baltimore.¹ What actions of the citizens of Baltimore had brought the United States to the brink of war with Spain? With the signing of the Treaty of Ghent on Christmas Eve of 1814, the merchants and seamen of Baltimore had every reason to expect that the city would return to its prewar position as the fastest growing center of sea borne commerce in America. For approximately a year, Baltimore appeared to have regained her prewar status. Slowly, however, the merchant fleets of Europe began to encroach upon Baltimore's trade with the West Indies and South America. Between 1816 and 1819, the declining value of vessels coupled with falling freight rates and commodity prices caused the collapse of many of Baltimore's oldest mercantile houses. This decline left the city's ship masters and seamen with three choices for earning a livelihood: continue to engage in the diminishing merchant trade, enter the slave trade, or join the forces of the South American colonies in revolt against Spain. For captains and seamen who had just concluded two and one-half years of successful combat against the world's greatest navy, the choice for many was easy.

Baltimore's trade relations with South America began in 1796 after Spain

¹ *Baltimore Patriot*, 30 January 1817.

declared war on Great Britain.² The city was two days' sail closer to South America than other American ports to the northeast. It was two Baltimore vessels that brought the news of the initial patriot revolution in Caracas to the United States in 1810.³ Over the ensuing years, Baltimore proved to be the American city most receptive to requests for aid from the various revolutionary representatives. In addition to Baltimore's long standing commercial relationship with South America, two additional factors made her a haven for patriot activity. During the early nineteenth century, Baltimore was the center of Roman Catholicism in the United States and since the patriot representatives were all Roman Catholics, they found a most sympathetic audience to their pleas for aid. In addition, Baltimore in 1810, much like today, had a wide variety of nationalities living and working together. This atmosphere provided a more tolerant environment for patriot spokesmen than many of the cities in the United States.⁴

The advent of hostilities with Great Britain in 1812 overtook interest in the revolutions in South America. By 1816, however, Spain's colonies from Mexico to the Rio de la Plata were in full revolt. None of these colonies had a naval tradition so the issuance of privateering commissions became the means to offset Spain's maritime advantage by harrassing that country's commerce. Although some Baltimore captains accepted commissions from Mexico, New Granada (Central America) and Venezuela, the majority chose to sail for the United Provinces of La Plata, whose commissions were authorized by Buenos Aires, or the Banda Oriental, modern Uruguay, which under the leadership of General Jose Artigas was in revolt against both Spain and Portugal. A commission from General Artigas had the advantage of allowing a captain to attack the vessels of two European nations.

The Baltimore-Buenos Aires connection began in early 1816 when Thomas Taylor arrived in Baltimore with six letters of marque and reprisal against Spanish seaborne commerce. Born in Bermuda, Taylor had emigrated to the United States and became a citizen residing near Wilmington, Delaware. By 1810 Taylor had taken residence in Buenos Aires and sailed as a privateer in the Rio de la Plata in the *Zephyr*. Back in Baltimore in 1816, Taylor used three of his privateer commissions to purchase and arm the former War of 1812 privateers *Romp* and *Orb* and to construct a new vessel *The Fourth of July*.⁵

Taylor's initial commissions were soon followed by a flood of commissions that were issued by the consuls for the United Provinces in Washington, D.C. Over 101 letters of marque and reprisal were signed in blank by Manuel de Aguirre, David De Forest, and Juan de Aguirre. The cost of a commission averaged about \$2000 in 1819

2 Jared Sparks, "Baltimore," *North American Review*, XX, (1825), pp. 99-183.

3 *Baltimore American and Daily Commercial Advertiser*, 4 June 1810.

4 Laura Bornholdt, "Baltimore as a Port for Spanish-American Propaganda, 1810-1823" (Ph. D. diss., Yale, 1945), pp. 24-25.

5 Lewis Winkler Bealer, "The Privateers of Buenos Aires, 1815-1821: Their Activities in the Hispanic American Wars of Independence" (Ph.D. diss., University of California, 1935), pp. 28-29.

dollars;⁶ an 1819 dollar would currently be worth approximately twelve dollars.⁷ In Baltimore these commissions were initially secured by groups of merchants, the most important being the "American Concern" consisting of Joseph Karrick, Matthew Murray, John Johnson, J. Gooding, Samuel Brown, John Snyder, Joseph Patterson, and John Skinner. Leading members of a second group were Clement Calhell and R. M. Goodwin. Possible "silent" group members were James McCulloch, collector of the port, federal judge Theodoric Bland and lawyers William Pinkney and General William Winder of Bladensburg fame. Both Winder and Pinkney would appear as counsel for merchants and captains before the courts in Baltimore.⁸ This list of owners does not contain many of the merchants who owned privateers during the War of 1812.⁹ The revolutionaries seem to have been looked down upon by the 1812 merchants.¹⁰ Baltimore captains who embraced the revolutionary cause and had served in the War of 1812 included John Dieter, Daniel and James Chayter, James Barnes, John Danels, Thomas Boyle, John Clark and Joseph Almeida.¹¹

Once the merchants had purchased a privateering commission and secured a captain, the next step was to purchase a vessel and sign on a crew. A Baltimore pilot schooner that had seen service in the War of 1812, fully equipped and in good condition, could be purchased from \$25,000 to \$40,000. A new well-built vessel could be purchased for \$35,00 to \$42,000.¹² Hiring a crew was accomplished in the same manner as during the War of 1812. Crew members were paid a share of the prize money of ships and cargoes that were safely liquidated. The average share of a seaman for about a three month cruise was often less than one hundred dollars.¹³ By comparison, the average pay of a civilian carpenter was \$1.87 per day.¹⁴ *Niles' Weekly Register* in 1820 claimed that between fifteen and twenty thousand seamen from the United States were engaged in revolutionary privateering activities based on an average of 110 crew members per vessel.¹⁵ At least eighteen captains who served as privateers maintained their homes and families in Baltimore.¹⁶ Two of the most famous privateer captains from Baltimore were Thomas Boyle and John Daniel Danels. Boyle was probably the nation's most renowned War of 1812 privateer as a result of his exploits as captain of both *Comet* and *Chasseur*,

⁶ Bealer, pp. 30-31.

⁷ Stanley Morgan Friedman, *The Inflation Calculator*, <http://www.westegg.com/inflation>.

⁸ Charles G. Griffin, "Privateering from Baltimore during the Spanish American Wars of Independence," *The Maryland Historical Magazine* (March 1940), pp. 5-6.

⁹ Jerome R. Garitee, *The Republic's Private Navy* (Middletown, Conn.: Wesleyan University Press, 1977), pp. 260-265.

¹⁰ *Niles' Weekly Register*, 1 April 1819.

¹¹ Bealer, pp. 47-49.

¹² Griffin, p. 13.

¹³ Griffin, p. 10.

¹⁴ Donald R. Hickey, *The War of 1812* (Chicago: University of Illinois Press, 1987), p. 90.

¹⁵ *Niles' Weekly Register*, 8 January 1820.

¹⁶ J. Thomas Scharf, *History of Maryland from the Earliest Period to the Present Day*, vol. 2 (Baltimore, 1879), p. 528.

the *Pride of Baltimore*. During the Spanish American Wars of Independence, Boyle would have a less than spectacular record. John D. Danels, on the other hand, had a dismal War of 1812 career but when sailing for the South American revolutionary governments became one of the heroes of the struggle. On 5 July 1959 at the graduation ceremonies at the Escuela Naval de Venezuela, Danels was honored with the unveiling of a statue dedicated to him for services rendered to the cause of South American freedom. Thomas Boyle had to settle for a street named in his honor in South Baltimore.

After the Treaty of Ghent, Thomas Boyle had returned to the merchant trade. While Boyle was at sea in the summer of 1816, a group of Baltimore merchants formed the Mexican Company of Baltimore for the expressed purpose of supporting the invasion of Mexico by the Spanish Napoleonic War guerrilla hero Francisco Xavier Mina. Feeling his king was oppressing the colonies, Mina decided to oppose royal forces in Mexico. The Mexican Company of Baltimore hoped to gain trade concessions should Mexico win her independence. A total of \$244,764.44 was paid out by the Mexican Company for three ships, arms, munitions, and supplies.¹⁷ The company partners needed an experienced captain to lead Mina's invasion fleet and be their on-the-spot representative. All of the partners had had dealings with Boyle during the War of 1812. Soon after returning from a merchant voyage to South America in September 1816, Boyle became not only the company's representative but a partner and captain of one of the invasion vessels. Boyle and the invasion fleet sailed to Haiti in October of 1816 where a hurricane damaged the vessels and delayed the invasion. Meanwhile Mina was in conference with Luis Aury who was also planning an invasion of Mexico. It appears that Boyle remained with the fleet until his flagship was transferred to Aury's fleet. Boyle returned to Baltimore in the spring of 1817.¹⁸

Boyle went back to the merchant service, but not for long. In the fall of 1818 a proclamation authored by Luis Aury appeared in Baltimore newspapers calling for seamen and captains to join his fleet, which was backed by the confederated republics of Buenos Ayres and Chile, in a campaign against New Granada. Interested parties were to rendezvous at the islands of Providence and St. Catalina.¹⁹ Boyle sailed with Aury from November 1818 to July 1819, under a privateering commission issued by Buenos Aires. Boyles commanded *Congreso Mexicano*, the same vessel he had commanded in the Mina expedition.²⁰ Aury planned a daring raid in May 1819 against the town of Izabal in what is now Guatemala. With Aury aboard the *Congreso*, Boyle led a squadron of three vessels against Izabal. Three Spanish vessels in the harbor carrying specie and cargo worth \$190,000.00 fell to Aury's fleet but the town's treasury was saved when the Spanish

¹⁷ John Basset Moore, *History and Digest of the International Arbitrations to which the United States has been a Part* (6 vols.; Washington, D.C.: Government Printing Office, 1898), 4: 3426-3429.

¹⁸ William Davis Robinson, *Memoirs of the Mexican Revolution* (2 vols. ; London: Lackington, Hughes, Harding, Mavor, and Lepard, 1821), 1: 75-84.

¹⁹ *Baltimore American and Daily Commercial Advertiser*, 16 September 1818.

²⁰ Letter from Captain Aldo N. Canceco, Departamento de Estudios Historicos Navales, Armeda Argentina, Buenos Aires, Republic of Argentina, 9 April 1974.

officials fled inland during the battle between Aury and the Spanish vessels. The revolutionaries did raid the town's warehouses to add to their plunder. Returning to Old Providence Island, the squadron met the Spanish brig-of-war *Mars. Congreso*, after a fifteen minute duel, captured the *Mars*. Flushed by success, Aury now planned to attack the fortified cities of Omoa and Trujillo on the Gulf of Honduras, but Boyle resigned as master of the *Congreso*. Boyle's reasons for leaving Aury are unknown. He had not, however, seen his family since leaving Baltimore on 22 October 1818. Also Boyle was a privateer, at his best on the open sea against another ship. He was undoubtedly shrewd enough to figure the odds were against Aury overcoming the forts at Omoa and Trujillo. A third possibility is the one suggested in the records of the Argentinean Navy — Boyle was just tired of the whole affair. Whatever the reason, Boyle turned in his letters of marque and reprisal and parted with Aury on 16 July 1819.²¹ Boyle's departure did not deter Aury in his plans to attack New Granada, and in April 1820 he was repulsed at both cities.²²

While Thomas Boyle was sailing as part of Luis Aury's fleet, Baltimore's most famous South American privateer was beginning his career under letters of marque and reprisal from Buenos Aires. John Daniel Danels, like Boyle, had served as a privateer during the War of 1812. Unlike Boyle his wartime record was less than successful. Twice Danels was captured by the British and later exchanged. Only one of his cruises was a financial success. After the Treaty of Ghent, Danels returned to the merchant service sailing for the firm of D'Arcy and Didier whose business connections with South America were very strong. The *Romp* and the *Orb*, the two initial vessels purchased by Thomas Taylor for service as revolutionary privateers were owned by D'Arcy and Didier.

Sometime in late 1817, Danels commissioned the Ferguson shipyard in Baltimore to construct a brigantine having a length of 101 feet, a beam of 12 1/2 feet, a burthen of 285 tons and pierced for twelve guns. On 25 March 1818 registration papers for this vessel, now named *Vacunia*, were filed at the Baltimore Custom House listing John Daniel Danels as owner and a John Cox as master.²³ In April of 1818, *Vacunia* cleared Baltimore for Teneriffe, but, like many other Baltimore privateers, he sailed for the wars in South America. In 1818 and 1819, Danels roamed the Atlantic coast of South America as a privateer or pirate, depending on one's point of view, with a commission for the Banda Oriental. From 1820 through 1825, Danels functioned as part of Simon Bolivar's fledgling navy blockading the coasts of Venezuela and Colombia against Spanish shipping.²⁴

²¹ Canceco letter.

²² Stanley Faye, "Commodore Aury", *Louisiana Historical Quarterly* XXIV (1941), pp. 611-697. Unless otherwise noted, the details concerning the career of Luis Aury were extracted from this text.

²³ Records of the Bureau of Marine Inspection and Navigation, Record Group 41, Baltimore Certificates of Registry (Washington, D.C.: Industrial and Social Branch, National Archives and Records Administration), 25 March 1818.

²⁴ For the period of 1818-20, this paper is based mainly on the following court records: U.S. vs. *La Irresistible*, Swift vs. J. D. Danels, J. D. Danels vs. Vasques, Bernabeau vs. *Nereyda*, Admiralty Docket of U.S. District Court for Maryland and the Appeals Docket of the U.S.

When *Vacunia* sailed from Baltimore in April 1818, John Danels was not aboard; but as the brigantine neared White Rocks at the mouth of Rock Creek on the Patapsco River, a pilot boat brought out Danels and he replaced Cox as captain. Cox remained as first lieutenant. Proceeding down the Chesapeake to the Atlantic, cannon were hauled from the hold and *Vacunia* became a ship of war. Still flying the American flag, *Vacunia* sailed for Buenos Aires arriving in late April 1818.

Danels anchored in the Rio de la Plata for fifteen weeks, during which time he gave his sixty-man crew the option of joining him as a Buenos Airean privateer or going ashore. The entire crew elected to follow Danels. Next Danels went through a rather complicated legal procedure that was designed to forestall any violation of the various neutrality laws enacted by the U.S. Congress. First Danels sold *Vacunia* to the patriot government of Buenos Aires and then had himself declared a citizen of Buenos Aires. Danels then repurchased *Vacunia* changing her name to *Maipu*. Since both Danels and *Maipu* were now Buenos Airean, they supposedly could not violate American neutrality laws. Danels and *Maipu* finally put to sea on 15 July 1818.

After clearing the mouth of the Rio de la Plata, Danels mustered his crew and announced that he also had a commission from Banda Oriental, modern Uruguay, signed by that country's revolutionary leader Jose Artigas, giving Danels authority to attack both Spanish and Portuguese sea-borne commerce. Bearing letters of marque and reprisal from two separate governments was not legal according to international law. Danels was later to claim he returned the Buenos Airean commission via a passing schooner. Officials in Buenos Aires claimed never to have received the documents and declared Danels a pirate. The exact reasons for Danels' securing two commissions are uncertain. Several possibilities do exist. Recent evidence gives the date of the Banda Oriental commission as 14 February 1818, two months before Danels departed Baltimore.²⁵ By accepting the commission in Baltimore, Danels would have been in violation of the Neutrality Act of 1817. The affair of the Buenos Airean commission may have been an attempt to cover somehow Danels' earlier violation of American law. Another possibility is that Danels may have really wanted a Buenos Airean commission. Banda Oriental was the less stable of the two governments, but Buenos Aires would only give commissions against Spanish shipping. Also Buenos Aires at least attempted to exert some control over its privateers. This control may have been unwanted and unexpected by Danels.²⁶

Once into the western Atlantic, Danels renamed his vessel *La Irresistible*, the name which supposedly appeared on the February 1818 commission. After cruising for only a month and a half, Danels had plundered or sunk over twenty-six Spanish and Portuguese vessels. The *Globo*, Bombay to Lisbon, netted Danels \$30,000 in specie and

Circuit Court for Maryland, Record Group 21 (Philadelphia: General Archives Division) and Letters of Elias Glenn to John Q. Adams, Miscellaneous Letters of the Dept. of State, Record Group 59, Microcopy 179, roll 44 (Washington, D.C.: Diplomatic Branch, National Archives and Records Administration), 1 March-30 June 1819.

²⁵ Rene W. Furest, Montevideo, Uruguay, personal letter, 17 September 1986.

²⁶ Anjel J. Carranza, *Campanas Navales de la Republica Argentina*, vol. 3 (Buenos Aires: 1916), pp. 32-44.

a cargo valued at \$90,000. But his most valuable prize was the *Gran Para*, Rio de Janeiro to Lisbon, with \$300,000 in specie. Suddenly Danels became an international figure.

As extraordinary as Danels' exploits were on his initial cruise, the record for a single capture by a revolutionary privateer appears to belong to Captain Monson of the *Tupac Amaru*, formerly the 1812 privateer *Regent*, who on New Year's Eve of 1816 off Cape Verde captured the Philippine Company's *Triton* with a cargo worth one and a half million dollars.²⁷

Using a loophole in the neutrality laws, Danels and *Irresistible* returned to Baltimore in September 1818. The neutrality laws permitted vessels from other countries engaged in war to refit in American ports in an emergency situation. Danels claimed *Irresistible* to be in danger of sinking. While waiting for repairs, Danels managed to deposit \$488,000 in prize money in the Marine Bank of Baltimore. His refit complete and still bearing a Banda Oriental commission, Danels departed Baltimore in mid-October of 1818 for another cruise in the South Atlantic.

From October 1818 until early March of 1819, Danels played havoc with the shipping of all nations. He even boarded American and British vessels searching for Spanish and Portuguese owned cargoes. In March 1819, Danels engaged the Spanish brig-of-war *La Nereyda*. Although more heavily armed than *Irresistible*, Danels succeeded in boarding the Spaniard and took her as a prize. Unable to sell his prize in St. Thomas, Danels sailed to Margarita Island off the coast of Venezuela where a patriot prize court did not ask too many questions. By 29 March 1819, *La Nereyda* had been condemned and sold at auction to a Venezuelan national named Antonio Franchesco and turned into a Venezuelan privateer with Henry Childs of Baltimore, a former lieutenant of Danels, as captain.

While the prize sale was being negotiated, Danels appears to have been holding discussions concerning the possibilities of joining Simon Bolivar's fledgling navy. Danels may have entered into these discussions because the day of the patriot privateer was drawing rapidly to a close. Pressure was being brought to bear on the emerging nations in South America by both the United States and European powers to withdraw all letters of marque and reprisal. Too many of the so-called privateers had turned to outright piracy and by late 1819 most of the revolutionary governments had ceased to issue commissions.²⁸

While Danels was negotiating with representatives of Simon Bolivar, a Buenos Airean privateer, *Creola*, arrived at Margarita Island and anchored next to *Nereyda* and *Irresistible*. Like Danels the *Creola*'s captain expressed an interest in joining Bolivar. The *Creola*'s crew, who were from Baltimore, wanted to return home.²⁹ One night *Creola*'s crew boarded *Irresistible* and with the help of some of Danels' crew, who also wanted to return to Baltimore, put ashore anyone desiring to remain and sailed out of St.

²⁷ Bealer, p. 116.

²⁸ Bornholdt, "Baltimore as a Port," p. 216.

²⁹ *Niles*', 7 August 1819.

John the Greek harbor. *Irresistible* was no longer covered by her Banda Oriental commission but the mutineers proceeded to stop and plunder vessels of all nations. The mutineers had become true pirates. Danels learned of the mutiny the next day and followed in *La Nereyda*.

By 15 April 1819, *Irresistible* had made it back to Maryland and was off the mouth of the Patuxent River when she was taken into custody by a revenue cutter and quarantined at the Nottingham Custom House. Most of the crew managed to slip away but were later captured and put on trial in Richmond, Virginia, for piracy with the ringleaders sentenced to be hanged. Danels had also returned and was in Baltimore. Upon hearing that *Irresistible* was at Nottingham on the Patuxent, he went to Nottingham, took his brigantine, and sailed it back to Baltimore.

The recovery of *Irresistible* appears to have been the least of Danels' problems upon his return to Baltimore. During the next nine months Danels would be involved in no fewer than five separate court cases related to his activities in South America. Two of the cases would eventually reach the Supreme Court.

In April of 1819, Joaquim Jose Vasquez, Consul General of the King of Portugal, filed a suit in Baltimore to recover the specie taken by Danels from *Gran Para*. The case was tried in U.S. District Court for Maryland before Judge Theodorick Bland. Don Vasquez held that Danels, in Baltimore, had outfitted the *Irresistible* as a ship of war to serve a foreign country. Thereby Danels violated various acts of Congress relating to the neutrality of the United States. Danels' lawyers argued that Danels had not become a privateer until he reached the Rio de la Plata and that he was now a citizen of Banda Oriental. Judge Bland decreed that Danels had violated the neutrality laws and awarded the *Gran Para* specie, worth \$300,000, to Don Vasquez. Danels, supported by the Marine Bank where the specie was on deposit, appealed the decision to the Circuit Court of Maryland, which upheld Judge Bland. By 1822 the case had reached the Supreme Court of the United States where Chief Justice John Marshall upheld the Circuit Court.³⁰

At about the same time the *Gran Para* case was being adjudicated, William A. Smith filed a suit against Danels on behalf of the King of Portugal to recover the specie taken from *Globo* and twenty-six other Portuguese vessels. Again Judge Bland found against Danels, who again appealed to the Circuit Court of Maryland. The district court decree was upheld and Danels did not appeal to the Supreme Court.

While Danels was having problems in the Baltimore courts, the federal government captured most of the mutineers from *Creola* and *Irresistible* and tried them for piracy before Chief Justice Marshall in Richmond, Virginia.³¹ Two of the ringleaders, having been sentenced to hang, accused Danels of murder. They stated that Danels had stopped a British merchantman to search for Spanish owned cargo. After the British captain had lowered his flag, Danels had allegedly fired off a carronade killing the British captain. Federal authorities brought Danels before Judge Bland once again.

³⁰ J. B. Scott (ed.), *Prize Cases Decided in the United States Supreme Court*, vol. 2 (New York: Oxford University Press, 1923), pp. 1209-1218.

³¹ *Niles'*, 7 August 1819.

Danels defense was that he had ordered the carronade not to be fired, but his order was disobeyed. Judge Bland found Danels not guilty since accidents often occur in war-like situations.³²

Danels' legal problems, however, were not over. On 21 April 1819, John B. Bernabeau, representing the King of Spain, filed suit in the District Court of Maryland to recover *La Nereyda*. Again Bland was the presiding judge. Although like the Portuguese, Bernabeau claimed violation of American neutrality laws, he further claimed that the entire admiralty court and sale proceedings on Margarita Island were a hoax. Danels' lawyers were challenged to produce a bill of sale indicating *La Nereyda* had actually been purchased by Venezuelan national Antonio Franchesco and that Franchesco had given Danels permission to have the vessel commissioned as a Venezuelan privateer. Danels' lawyers could do little to prove Franchesco did purchase the Spanish brig. Once again Judge Bland found in favor of the foreign claimants. Danels then again appealed to the Circuit Court of Maryland. Danels' attorneys now changed their tactics in the appeals procedure. Rather than deal with the Franchesco sale, the attorneys focused on the fact that in several speeches in 1817 and 1818 President James Monroe had called the situation in South America a civil war rather than a revolution. Since both parties in a civil war are considered equal, no violation of United States neutrality occurred when *La Nereyda* entered Baltimore Harbor. A neutral can give aid to both sides in a civil war. The United States, therefore, had no right to confiscate Danels' prize. Danels' attorneys further argued that Danels could not be held in violation of the 1817 Neutrality Act because the 1818 act imposed a time limit on the laws of 1817. By the time Danels' case was heard, these time limits had passed. The court agreed with Danels' lawyers and returned *La Nereyda* to him.

In 1823, however, the case was appealed to the Supreme Court. On 8 March 1823, Justice Joseph Story delivered the opinion that Danels had violated the various neutrality acts, that the President was unclear on the civil war issue, that the prize court on Margarita Island had no jurisdiction over a Banda Oriental prize, and finally that there was definitely a question as to the sale of the vessel to Franchesco. The decree of the Circuit Court was reversed.³³

Danels, in addition to the two prize cases, was brought before the District Court of Maryland by United States Attorney Elias Glenn on charges of violating the Neutrality Acts of 1817 and 1818. Pressure to prosecute Danels came from Secretary of State John Quincy Adams who was reacting to notes from the Portuguese and Spanish ambassadors.³⁴ Adams also wanted to use the trial to showcase, for various revolutionary leaders, the fallacies in their privateering laws and to bring to light the questionable

³² *Niles'*, 11 Dec. 1819.

³³ Scott, pp. 1236-1271.

³⁴ Correa de Serra to J. Q. Adams. Notes from the Portuguese Legation, Record Group 59, Microcopy 57, role 1, 1 December 1818; and Luis de Onis to J. Q. Adams, Notes from the Spanish Legation, Record Group 59, Microcopy 59, roll 8, 21 April, 1819 (Washington, D.C.: Diplomatic Branch, National Archives and Records Administration).

activities of the Margarita Island prize courts.³⁵

Glenn brought Danels to trial before Judge Bland. The two specific charges were that Danels had violated the Neutrality Act of 3 March 1817, by fitting out a vessel of war in the United States for service under a foreign flag, and that he had also violated the Neutrality Act of 20 April 1818, by adding to the armament of *Irresistible* in Baltimore during the period between the first and second cruises of the brigantine. Judge Bland acquitted Danels of the 1818 charge because Danels proved he had not added to *Irresistible's* armament, only replaced it. Danels was also acquitted of the 1817 charge because the Act of 1818 had placed a limit on the length of time the 1817 laws would be applicable. By the time Danels was brought to trial, this time period had expired. Glenn had had enough of Judge Bland and decided not to appeal the decisions. Judge Bland was summoned to Washington by Secretary Adams to discuss his apparent pro-revolutionary sympathies. Bland was able to clear himself.³⁶

Perhaps the pressure of too many lawsuits or because of arrangements made at Margarita Island in March 1819, John Danels sailed *Irresistible* from Baltimore in late 1819 or early 1820 to join Simon Bolivar's admiral Luis Brion at Margarita Island. Danels would serve in the Venezuelan-Colombian navies until 1824 commanding both combat and supply vessels, many of which he personally financed. His service included the patriot invasion at Maracaibo in 1820 and the defeat of the Spanish at Carabobo on 24 June 1821. For this last service Danels was granted Venezuelan citizenship and the rank of commodore in Bolivar's navy.³⁷

In the summer of 1822, Danels returned to Baltimore with orders to purchase a 30-gun corvette for no more than 80,000 pesos for the Colombian and Venezuelan navy. Unable to find a suitable vessel in either Baltimore or Philadelphia, Danels traveled to New York and purchased the 497-ton *Hercules* from David Leavitt. After renaming the ship *Bolivar*, Danels sailed her to Venezuela arriving in late October 1822.³⁸

From the fall of 1822 until May 1823, Danels was part of the patriot blockading squadron off Puerto Cabello. On 1 May 1823, Danels attacked a large Spanish fleet under the command of Angel Laborde on its way to Lake Maracaibo for what was to be the final battle for Venezuelan and Colombian freedom. Danels was unsuccessful in his attempt to stop the Spanish losing two corvettes and 340 sailors killed or captured. After a court martial in which he was absolved of his actions against Laborde, Danels was

³⁵ J. Q. Adams to Elias Glenn, Domestic Letters of the Dept. of State, Record Group 59, Microcopy 40, roll 15 (Washington, D.C.: Diplomatic Branch, National Archives and Records Administration), 5 June 1819.

³⁶ Glenn to Adams, Record Group 59, Miscellaneous Letters of the Dept. of State, 23 May 1819.

³⁷ For the period of 1820-24, this paper is based mainly on excerpts from Ramon Azurua, *Biografía de Hombres notables de Hispanoamericas*, vol. 3 (Caracas: Imprenta Nacional, 1877), pp. 273-275. Also excerpts from Archivos de la Colombia, Bogota transcribed by Captain de Fragata Antonio Laborde Restrepo, Ayudante General de la Armada Nacional.

³⁸ Records of the Bureau of Marine Inspection and Navigation, Record Group 41, New York Certificate of Registry, 26 September 1822.

returned to active duty but there is no evidence that he participated in the final patriot victory on Lake Maracaibo on 3 August 1823.³⁹

Danels resigned his patriot commission in 1824 and returned to Baltimore to his home on 53 Albemarle St. where he and his family would reside until his death in 1855.⁴⁰ Danels, however, did not die fully satisfied in the way he had been treated by Colombia and Venezuela regarding some outstanding debts owed to him for funds spent on vessels and supplies during his patriot service. Danels claimed the two countries owed him approximately \$300,000. Ironically it was the United States Department of State that had prosecuted Danels for his South American adventures that would begin procedures in 1845 to satisfy Danels' claim. The claim remained unsettled at the time of his death.⁴¹

The privateers created difficulties for the United States in its international obligations. The federal government endeavored to remain neutral but still aid the revolutionary states. Policy had to walk a fine between public opinion, which, until 1818-19, favored the patriot cause, and the danger of war with Spain. After 1818-19 the abuses of privateer commissions, particularly those of Banda Oriental, caused a decrease in public support.

Beginning in 1816 the Spanish and Portuguese diplomats in the United States complained bitterly concerning the outfitting of privateer vessels in American ports by American citizens and the sale of prize cargoes taken by these privateers in American ports, especially Baltimore. Up until this time the neutrality of the United States had been covered by the Acts of 5 June 1794, and 14 June 1796. These acts simply stated that they prevented citizens from privateering activities against friendly nations and citizens of the United States. The acts also declared illegal the taking of a commission under any foreign prince or state. This gave a loophole to pro-revolutionary lawyers who claimed that since the patriot states were not recognized they did not come under the acts.

As a result of the urging of President James Monroe a new neutrality law was passed on 3 March 1817. This new act attempted to close loopholes by providing prison terms and fines for the fitting out of vessels in ports of the United States for use against friendly nations, recruiting crews in the United States, and augmenting armaments. Although the new act addressed many of the previous loopholes, the problem was not the law but the fact that juries, whose members were more often than not in sympathy with the patriot cause, would not convict. As support for the privateers appeared not to be curtailed in any degree, a new act was passed by congress on 20 April 1818. This act repealed all previous legislation and re-stated the 1817 act. It was weakened, however, by pro-patriot legislators who omitted all references to acts committed by United States citizens outside the jurisdiction of the United States unless against other U.S. citizens. The pressure for the United States to do something to control the privateers came from

³⁹ William A. Morgan, "Sea Power in the Gulf of Mexico and the Caribbean during the Mexican and Colombian Wars of Independence, 1815-1830" (Ph. D. diss., University of Southern California, 1969), p. 356.

⁴⁰ *Baltimore Directory*, 1855.

⁴¹ Letter, Ellis to Buchanan, Dispatches from U.S. Ministers to Venezuela, General Letters of the Dept. of State, Record Group 59, Microcopy 79, roll 8, letter 7, 13 May 1845.

Spain who tied the privateering activities to the progress of negotiations between Spain and the United States over Florida.

Activities of the patriot privateers did not go unnoticed in Great Britain. Spain and Portugal continually pressured Great Britain to aid in the suppression of the privateers, and official British policy was to support the two European governments. Citizens and merchants, however, favored the rebels. Like the citizens and merchants, moreover, the government in London had its eyes on the benefits of trade with the former Spanish and Portuguese colonies. British exports to the patriot countries in 1819 were three-hundred percent more than those to Portugal and Spain.⁴²

The hull shape of the Baltimore pilot schooner precluded the carrying of large quantities of cargo. Cruising shipping lanes distant from South American prize courts, the privateer had the problem of disposing of goods taken from prizes. When running prizes and prize goods into U.S. ports, and especially Baltimore, became difficult, the privateers sought out Caribbean islands belonging to small countries. Captured goods and vessels were sold or consigned, often under suspicious arrangements, to merchants of these islands. The goods were often transshipped to larger markets. One popular procedure was to off-load in Haiti and then have the goods transshipped to Jamaica. The sale of these goods in Jamaica made the British merchants wealthy men and their influence in London was considerable. Dutch, Danish, and Swedish islands in the Caribbean also served as ports for the disposal of captured cargoes and vessels. The governors of these islands, when pressed to suppress privateer activity, claimed that their parent countries had not the naval strength to aid in the suppression, and noted that privateers generally avoided attacking Dutch, Danish, and Swedish merchantmen in order to remain in the good graces of the island governors.⁴³

By 1820-21 major privateering efforts by the South American patriot governments had begun to subside. In 1820-21 the United States pressured Buenos Aires to conclude the issuance of letters of marque and reprisal. By 1820 the Banda Oriental revolutionaries had fallen to the Portuguese supported forces of Brazil. The last gasp of privateering in South America was during the war between the Argentine Confederation and Brazil. In the Declaration of Paris in 1856 the practice of privateering was officially outlawed by the world's major maritime powers. Two nations did not sign — Spain and the United States.

⁴² Bealer, pp. 192-193.

⁴³ Bealer, pp. 224-228.