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Abstract

Operating Outside of Empire: Trading Citizenship in the Atlantic World, 1783-1815,

looks at markets and ships as spaces for negotiation between merchants and the state. The dissertation follows the experiences of former British colonists in America who won independence and then immediately tried to find a way to get back into the British empire. For American merchants, such as Nicholas Low, William Constable, and Thomas Handasyd Perkins, the inconsistently-governed Caribbean provided an entry point to the greater British Atlantic and the markets of the empire. These merchants won access by exploiting the opportunities offered by environmental catastrophes, slave rebellions and trade wars.

The dissertation approaches the trade in identity through five chapters that trace the connections formed between transatlantic merchants and their relationship to an increasingly intrusive and powerful state apparatus. By taking citizenship and belonging in a new direction, the dissertation looks at the ways in which commerce reshaped nationality and challenged what it meant to be a citizen in the Atlantic World. Before the idea of the nation was fully formed, merchants, statesmen, and philosophers offered an alternative conception of belonging and nationality that was much more fluid and malleable. By focusing on information as a valuable commodity, the dissertation shows how letters filled with rumors and gossip sustained an economy without the official support of a government monopoly and even in opposition to the Royal Navy. It was through their discussions of demand and opportunity that merchants participated in debates about the nature of commerce, the loyalty of the citizen, and the role of the state in regulating national identity and international trade.

Operating Outside of Empire:
Trading Citizenship in the Atlantic World, 1783-1815

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DISSERTATION

Submitted in partial fulfillment of the requirements for the degree of
Doctor of Philosophy in History

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The process of crafting this dissertation has made me indebted to numerous friends, family, and colleagues. While I have worked on this dissertation for the last five years, its origins date back to my time at Maryville University. Under the direction of Dr. Linda Pitelka and Dr. Dennis Wachtel I wrote a paper on Enlightenment cosmopolitanism and the British radicals who protested their own government during the French Revolution. That paper served as my writing sample for graduate school, and its underlying ideas continued to fester in my first years at Syracuse University, eventually developing into a conference paper and this dissertation. For their encouragement and support of a demanding and oftentimes arrogant history major, I am forever grateful.

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Table of Contents

LIST OF FIGURES	VIII
ABBREVIATIONS	IX
INTRODUCTION	X
CHAPTER 1: PLACING AMERICANS IN THE BRITISH EMPIRE, 1783-1789	1
ST. EUSTATIUS AND THE LIMITS OF BRITISH COMMERCIAL IDENTITY	5
“THE ALIEN STATES OF AMERICA”	19
AMERICANS ATTEMPT TO REVERSE THE REVOLUTION	29
CONCLUSION	51
CHAPTER 2: TRAGIC OPPORTUNITIES FOR ANGLO-AMERICAN COMMERCE, 1784-1792	53
ENVIRONMENTAL DISASTER AND BREAKING INTO WEST INDIAN MARKETS	63
GAMBLING WITH DISASTER IN THE HAITIAN REVOLUTION	84
CONCLUSION	95
CHAPTER 3: NEUTERING ‘REAL AMERICANS’, 1793-1802	97
THE BRITISH STATE (IM)PRESSES THE ‘AMERICAN’ SAILOR	101
SHIPPING ‘AMERICANNES’ IN SUSPICIOUS WATERS	122
CONCLUSION	142
CHAPTER 4: INTENTIONAL ENEMIES: NEUTRALS BEFORE THE COURT, 1800-1809	144
THE ADMIRALTY COURT SYSTEM UNDER SCOTT	153
ADMIRALTY COURT EVIDENCE AND THE RESHAPING OF NEUTRAL IDENTITY	172
CONCLUSION	188
CHAPTER 5: LICENSED AMERICAN TRADERS, 1809-1815	190
DEBATING THE LICENSE SYSTEM	202
WARTIME COMMERCE AND LICENSED AMERICAN TRAITORS	212
CONCLUSION	235
CONCLUSION	238
BIBLIOGRAPHY	247
ARCHIVAL SOURCES.....	247
DATABASES	249
PRINTED PRIMARY SOURCES	250
SECONDARY SOURCES.....	255
VITA	273

List of Figures

1. Price of sugar in Jamaica April 1790 to December 1792 92
2. Price list from the Liverpool firms of Tait & Co. for 12 August 1801 (left) and John Thomas Esquire (right) for 31 January 1804. 163
3. Map for the voyage of the Osiris (1806), provided by the crew of HMS Ethalion 182

Abbreviations

LC	Library of Congress
MHS	Massachusetts Historical Society
NARA	The National Archives and Records Administration, Washington D.C.
NYHS	New York Historical Society
NYPL	New York Public Library
RBML	Columbia University, Rare Book & Manuscript Library
TNA	The National Archives, Kew
UMSC	University of Missouri Columbia, Special Collections and Rare Books

Introduction

On November 1, 1797, an American vessel known as *The Indian Chief* arrived in the port of Cowes. Mr. Hewlet, *The Indian Chief's* supercargo, had stopped in Cowes for the latest commercial news when his ship was promptly seized by British authorities under suspicion of having violated the law by trading with His Majesty's enemies. The ship had just completed a global voyage. Having left London in 1795, Hewlet directed *The Indian Chief* to the Portuguese island of Madeira, undoubtedly to fill its hold with that island's namesake wine, before continuing on to the English East India Company's outpost at Madras. From Madras, Hewlet stopped in Dutch Batavia and then proceeded to return to England for further instructions on the best market to sell his newly obtained wares. By flagrantly sailing across three empires in the midst of the bloody French Revolutionary Wars, this one vessel seemed to challenge not only Britain's exclusive hold on India, but the entire mercantilist system which underpinned all European overseas empires. However, when *The Indian Chief* found itself before the British High Court of Admiralty on February 27, 1801, the captors defended their prize not by emphasizing *The Indian Chief's* proclivity for smashing through imperial markets, but instead by harping on the alleged British identity of the ship and its owner. At first, this appeared to be a peculiar tactic as *The Indian Chief's* owner, Joshua Johnson, was the former American consul to London. Johnson, who was born in America, had resided in London as a merchant since 1771. Johnson had only left England in 1797 (two years after *The Indian Chief* left port) and the captors believed that his twenty-six year residence in the country made Johnson a British merchant, despite his official status as an American agent.

According to the captors, Johnson was a British subject whose business with *The Indian Chief* violated his obligations as a subject of the crown. The court eventually sided with Johnson,

whose representatives in court argued that Johnson was in the process of moving permanently from England during *The Indian Chief's* voyage. Judge Sir William Scott agreed, arguing in his ruling for the restitution of the vessel that Johnson was to be “considered as an American,” from the very moment when he “set foot on board the vessel to return to America.”¹ According to the court, Johnson was in fact a British merchant by residence, but the act of leaving the country had transformed his identity.

Cases like that of *The Indian Chief* reveal the multiplicity of interpretations of nationality and belonging that were still possible at the end of the eighteenth century. Despite the nationalizing impulses of the Age of Revolution, trade was an activity through which merchants and states constantly reshaped the definition of national identity.² Merchants used the marketplace to trade in identity and select the most appropriate nationality to safeguard their profits. Those self-fashioned voyages often came into contact with the state when merchant vessels were caught by privateers and hauled before the admiralty courts. In the courtroom, merchant transnationality came into conflict with privateers and the state, each of which had a unique and evolving understanding of national identity.

Operating Outside of Empire: Trading Citizenship in the Atlantic World, 1783-1815, examines markets and ships as spaces for negotiation between merchants and the state. This study follows the experiences of former British colonists in America who had just won independence and then immediately tried to find a way to get back into the British empire. For American merchants, the inconsistently-governed Caribbean provided an entry point to the

¹ *The Indian Chief*, 27 Feb. 1801, see, Christopher Robinson, *Reports of Cases Argued and Determined in the High Court of Admiralty, 1798-[1808]*, vol. 3 (London: A. Strahan, 1802), 12–21.

² My approach to the Age of Revolution embraces the broad chronological and geographical framework adopted by Subrahmanyam and Armitage, see, Sanjay Subrahmanyam and David Armitage, eds., *The Age of Revolutions in Global Context, c. 1760-1840* (New York: Palgrave Macmillan, 2010).

greater British Atlantic and the markets of the empire. They won access by exploiting the opportunities offered by environmental catastrophes, slave rebellions and trade wars. For the first ten years of independence, Americans maneuvered around restrictive trade regulations through subterfuge, intermediary ports, and outright smuggling.

The period bracketed between the French Revolution and the Napoleonic Wars brought new challenges and opportunities for American merchants, who faced increasing scrutiny as neutral carriers in hostile waters. American nationality, while undefined, became a liability as British and French authorities suspected the American flag of covering enemy property. When American sea captains left home waters they were forced to negotiate with foreign merchants, naval officers, and admiralty court judges to justify their national identity and the legitimacy of their neutral commerce. By the turn of the century, state reforms had closed regulatory loopholes and rationalized the administration of the empire, effectively constricting foreign contact with the British colonies. Armed with these weapons of economic warfare, British privateers seized vessels based on the mere suspicion that American ships intended to venture towards blockaded enemy ports. Ultimately, the Royal Navy's supremacy in the Atlantic provided the British a chance to increase drastically the scale of Britain's economic dominance through the licensing of all commercial activity. In other words, precisely at the moment that historians traditionally claim that "economic liberalism" gained traction over mercantilist systems, the British introduced a new system wherein the state could control free enterprise by forcing Atlantic merchants to pay to play. After twenty-five years of independence, American commerce once again operated under the umbrella of the British Empire. Peace may have brought America's political separation from Europe, but economic interdependence persisted well into the middle of the nineteenth century.

This study brings into focus the Caribbean as the center of European negotiations over trade, citizenship, and empire. While focusing on the Atlantic as a field of inquiry, it views the ocean as a conduit, which allowed merchant practices to flow into a wider world that increasingly experienced the effects of consumer globalization since the sixteenth century. My research traces the connections formed between transatlantic merchants and their relationship to an intrusive and powerful state apparatus. Information was a valuable commodity, and the letters filled with rumor and gossip sustained an economy without the official support of a government monopoly. It was through their discussions of demand and opportunity that merchants participated in debates about the nature of legitimate commerce, the loyalty of the citizen, and the role of the state in regulating national identity and international trade.

The story of Americans operating outside of empire engages with a wide range of historical scholarship on identity, globalization, and the Atlantic World. As a distinct field, the Atlantic offers an important window into understanding the connections between individuals belonging to different empires, operating on the frontier, or even in imperial metropolises. The Atlantic World was a sphere of interaction, at the intersection of four continents, where commodities, people, and ideas flowed across borders despite closed imperial controls.³ Instead of a stateless utopia, the Atlantic World subsumed overlapping systems of governance and market control. Atlantic studies, then, reveal the experiences of individuals living in an early modern world of cross-border circulation and immense state growth.

Work in Atlantic history has focused on the transatlantic exchange of goods, people and ideas. In taking this approach, scholars of the Atlantic World were inspired by Fernand Braudel's groundbreaking studies on global trade and the regional unity of the Mediterranean. Braudel's

³ On the Atlantic as a "sphere of interaction", see, Nathaniel Millett, "Borderlands in the Atlantic World," *Atlantic Studies* 10, no. 2 (2013): 268–95.

focus on a ‘shared sea’ and the circulation of goods and money uncovered hidden connections which united disparate peoples together under a common culture. Braudel’s work on climate and circulation has inspired scholars to consider whether the Atlantic was another shared sea.⁴ In pursuing this idea, Atlantic historians have adopted Braudel’s view of a ‘complex of seas’ in order to accommodate the geographic and cultural diversity of the communities which made up the Atlantic World.⁵ The ‘complex of seas’ approach has encouraged the study of several nationalized Atlantics (British, French, Spanish, and Dutch) which overlapped and interacted with one another. By looking at Atlantic worlds, the story of empire is no longer limited by imperial borders or even simple models of center and periphery.⁶

According to Bernard Bailyn, Atlantic history is more than a composite of national histories, historians should instead focus on the ‘informal actuality’ that lies beneath the mercantilist policies of governments.⁷ Since David Armitage championed a methodology known as ‘Cis-Atlantic History’, scholars have opened our eyes to the importance of particular spaces and their relationship to the wider Atlantic World in order to overcome the obscuring effect of artificial national barriers erected by nationalist historians of the nineteenth century.⁸ Histories of

⁴ Fernand Braudel, *The Mediterranean and the Mediterranean World in the Age of Philip II*, 2 vols. (Berkeley: University of California Press, 1995); Fernand Braudel, *Civilization and Capitalism, 15th-18th Century*, 3 vols. (Los Angeles: University of California Press, 1982); For a discussion of Braudel’s impact on Atlantic history, see, Alison Games, “Atlantic History: Definitions, Challenges, and Opportunities,” *The American Historical Review* 111, no. 3 (June 2006): 741–57.

⁵ On the “complex of seas” approach and its impact on the Atlantic World, see, Philip Morgan and Jack Greene, “Introduction: The Present State of Atlantic History,” in *Atlantic History: A Critical Appraisal*, ed. Philip Morgan and Jack Greene (New York: Oxford University Press, 2009), 337–56.

⁶ Ian Kenneth Steele, *The English Atlantic, 1675-1740: An Exploration of Communication and Community* (New York: Oxford University Press, 1986); Kenneth J. Banks, *Chasing Empire across the Sea: Communications and the State in the French Atlantic, 1713-1763* (Ithaca: McGill-Queen’s University Press, 2002); Wim Klooster, *Illicit Riches: Dutch Trade in the Caribbean, 1648-1795* (Leiden: KITLV Press, 1998).

⁷ Bernard Bailyn, *Atlantic History: Concept and Contours* (Cambridge: Harvard University Press, 2005), 51–60.

⁸ David Armitage, “Three Concepts of Atlantic History,” in *The British Atlantic World, 1500-1800*, ed. M.J. Braddick and David Armitage (New York: Palgrave Macmillan, 2011), 23; For a criticism of the Atlantic history approach as too limited in scope and artificial in approach, see, Peter A. Coclanis, “Atlantic World or

port cities in particular have offered an important avenue for studying cross-border interactions and circuits of exchange. By focusing on an individual city's orientation toward the sea, this scholarship has revealed important connections prevalent in early modern commerce despite the strict mercantilist barriers setup by competing European empires.⁹ Several chapters below contribute to this interest in specific ports as a meeting place for illicit exchanges by examining both the peripheries of empires through the neutral islands of St. Eustatius and St. Bartholomew's as well as more central hubs such as Jamaica and London.

As the most dynamic and cosmopolitan space for transnational cooperation, historians have identified the Greater Caribbean as a key geographical framework for understanding how empire worked on the ground. Works by Ernesto Bassi, John McNeill and Matthew Mulcahy have emphasized the fluidity of space and the unique connections which overrode traditional national barriers. According to Bassi, mobile subjects, such as sailors and explorers, "did not live lives bounded by the political geographies of the time nor were their lived experiences circumscribed by geographical frameworks defined after their own time."¹⁰ Studies of the

Atlantic/World?," *The William and Mary Quarterly* 63, no. 4 (2006): 725–42; Peter A. Coclanis, "Beyond Atlantic History," in *Atlantic History: A Critical Appraisal*, ed. Philip Morgan and Jack Greene (New York: Oxford University Press, 2009), 337–56; Peter A. Coclanis, "Introduction," in *The Atlantic Economy during the Seventeenth and Eighteenth Centuries: Organization, Operation, Practice, and Personnel*, ed. Peter A. Coclanis (Columbia: University of South Carolina Press, 2005); Also see the global approach to empire taken by Games, Games, "Atlantic History: Definitions, Challenges, and Opportunities."

⁹ Linda Marguerite Rupert, *Creolization and Contraband: Curaçao in the Early Modern Atlantic World* (Athens: The University of Georgia Press, 2012); Kit Candlin, *The Last Caribbean Frontier, 1795-1815* (New York: Palgrave, 2012); Fabrício Prado, *Edge of Empire: Atlantic Networks and Revolution in Bourbon Río de La Plata* (Oakland: University of California Press, 2015); There is also increased interest in comparative studies of empires, see, J. H. Elliott, *Empires of the Atlantic World: Britain and Spain in America, 1492-1830* (New Haven: Yale University Press, 2006).

¹⁰ Ernesto Bassi, *An Aqueous Territory: Sailor Geographies and New Granada's Transimperial Greater Caribbean World* (Durham: Duke University Press, 2016), 9; Matthew Mulcahy, *Hurricanes and Society in the British Greater Caribbean, 1624–1783* (Baltimore: Johns Hopkins University Press, 2008); Matthew Mulcahy, *Hubs of Empire: The Southeastern Lowcountry and British Caribbean* (Baltimore: Johns Hopkins University Press, 2014); John Robert McNeill, *Mosquito Empires: Ecology and War in the Greater Caribbean, 1620-1914* (New York: Cambridge University Press, 2010); Schwartz describes this approach as applying Braudel to the "circum-Caribbean region",

Greater Caribbean move from the national to the transimperial, and emphasize the often forgotten links connecting disparate islands to the rest of the Atlantic World. The ecological focus of the scholarship on the Greater Caribbean is particularly relevant here as it applies directly to the opportunities created for extraimperial trades in the years after the American War of Independence.

The call to move beyond national barriers, due to the rapid increase in international trade and communication, has led historians to extend the history of globalization back into the early modern period.¹¹ Immanuel Wallerstein has argued for a world-system model to understand the transition to capitalism and the rise of the European world-economy in the modern world. The birth of Wallerstein's capitalist world-system was dependent on the collapse of empires and the end of the early modern era. Wallerstein focused on the dynamic exchange between center and periphery, which has been particularly appealing for historians of the Atlantic World interested in the direction of trade as well as political power within imperial structures. The strict Wallersteinian reliance on nation-states for the formation of a global economy, however, limits the scope and effectiveness of the model as it relates to transnational exchange and intercultural experience in the Atlantic World. Further, world-system theory needs to accommodate the important commercial role of individual ports, over entire nations, in contributing to the process of globalization. In the words of Mark Peterson, in discussing the port of Boston, "individual British North American cities often had more features in common with their competitors and

see, Stuart B. Schwartz, *Sea of Storms: A History of Hurricanes in the Greater Caribbean from Columbus to Katrina* (Princeton, NJ: Princeton University Press, 2015).

¹¹ Emma Rothschild, "Globalization and the Return of History," *Foreign Policy*, no. 115 (Summer 1999): 107.

counterparts in the greater Atlantic world than they shared with their fellow cities in the ‘thirteen colonies’.”¹²

Studies of consumption have focused on the similarities between early modern economies and have shown how commodities connected individuals throughout the world, effectively transforming their daily lives.¹³ Emma Rothschild and Paul Cheney have separately emphasized the advantages of intellectual history to illustrate not only the prosopographical dimension to globalization but also the increased interest in the real effects of globalization on European states in the eighteenth century. According to Cheney, French writers throughout the eighteenth century grappled with the effects of international credit on morality, and worried over the increasing influence and wealth of the French colonies, which obscured the distinction between center and periphery.¹⁴

As a bridge between histories of continents and a global history, historians of the ocean have viewed the sea as a space of social life and exchange rather than a dead space between

¹² Immanuel Maurice Wallerstein, *The Modern World-System*, vol. 1–3 (Berkeley: University of California Press, 2011); Mark Peterson, “The War in the Cities,” in *The Oxford Handbook of the American Revolution*, ed. Edward G. Gray and Jane Kamensky (New York: Oxford University Press, 2015); Manuel Covo, “Baltimore and the French Atlantic: Empires, Commerce, and Identity in a Revolutionary Age, 1783–1798,” in *The Caribbean and the Atlantic World Economy: Circuits of Trade, Money and Knowledge, 1650-1914*, ed. Adrian Leonard and David Pretel (New York: Palgrave Macmillan, 2015); Still others challenge the class-consciousness, homogeneity, and modernity of the modern world system, see, Joop De Jong, “The Dutch Golden Age and Globalization: History and Heritage, Legacies and Contestations,” *Macalester International* 27, no. 1 (2011): 46–67; Kenneth R. Hall, ed., *Secondary Cities and Urban Networking in the Indian Ocean Realm, c. 1400-1800* (Lanham: Lexington Books, 2008).

¹³ See John Brewer and Roy Porter’s monumental collection of essays on consumption, John Brewer and Roy Porter, eds., *Consumption and the World of Goods* (New York: Routledge, 1993). In particular, see the essays by Amanda Vickery, Peter Burke, and John Wills though all of the essays emphasize the ‘world of goods’ that consumers participated in. For the similarities and eventual ‘divergence’ in economies between East and West see, Kenneth Pomeranz, *The Great Divergence*, Princeton: Princeton University Press, 2009. Also see Maxine Berg on foreign commodities as a spur and inspiration for Western industrialization.

¹⁴ For Rothschild on intellectual history, see, Rothschild, “Globalization and the Return of History”; also see Emma Rothschild, *The Inner Life of Empires: An Eighteenth-Century History* (Princeton, NJ: Princeton University Press, 2011), 201 for a discussion of the impact of commodities on the daily life of merchants and their families. For Cheney, see, Paul Burton Cheney, *Revolutionary Commerce: Globalization and the French Monarchy* (Cambridge: Harvard University Press, 2010), 17 According to Cheney, some French writers worried that the commercial links between France and her colonies would make Europeans into savages, while the Physiocrats suggested that the distinction between France and her colonies should be broken down in the name of modernizing French trade, see, 160 and 164.

different metropolises and peripheries. Scholars have suggested that oceans were spaces beyond the limits of any individual empire; politically neutral, the ocean had a social life of its own which was unrestrained by mercantilist trade barriers. The ocean, then, could be a web of reciprocal influence rather than the traditional hub and spoke model of empire common to historical narratives.¹⁵ By using Atlantic history as a history of the Atlantic Ocean these scholars have challenged traditional geographic assumptions, questioning continental and national biases and producing a polycentric Atlantic World founded on principles of mutual dependence and exchange located in hundreds of overlapping networks that crisscrossed empires.¹⁶ Further, as is emphasized below, oceans were spaces where identities were shaped by both personal agency and external forces. A merchant might safeguard his cargo under a neutral flag, but the vessel could still be seized by vigilant privateers attacking ships under suspicion of possessing an alter ego, or by a naval squadron that believed the neutral ship intended to wander into hostile waters.

While the focus of this dissertation lies primarily in the waters of the Atlantic and Caribbean, merchants who disregarded national and imperial borders were not limited by a single ocean. Many of the merchants under examination here had business interests in the Mediterranean, Indian and Pacific Oceans. In this regard, this work situates itself into a broader scholarship on world history which has developed in recent years. Outside of the Atlantic World, the Indian Ocean has proven to be one of the most vibrant spaces for the study of border-crossers

¹⁵ In an attempt to understand trade outside of strict imperial controls, Alison Games has looked at English overseas trade before the British Empire, when the English relied on negotiation and adaptability in order to prosper, see, Alison Games, *The Web of Empire: English Cosmopolitans in an Age of Expansion, 1560-1660* (New York: Oxford University Press, 2008).

¹⁶ Peregrine Horden and Nicholas Purcell, "The Mediterranean and the New Thalassology," *The American Historical Review* 111, no. 3 (June 2006): 722–40; Paul D'Arcy, *The People of the Sea: Environment, Identity and History in Oceania* (Honolulu: University of Hawaii Press, 2006); A. Polónia, A. S. Ribeiro, and D. Lange, "Connected Oceans: New Pathways in Maritime History," *The International Journal of Maritime History* 29, no. 1 (2017): 90–95; M. N. Pearson, ed., *Trade, Circulation, and Flow in the Indian Ocean World* (New York: Palgrave Macmillan, 2015); David Abulafia, *The Great Sea* (New York: Oxford University Press, 2011).

and transnational exchange.¹⁷ Sebouh Aslanian's study of Armenian trade networks from the Indian Ocean to the Mediterranean and beyond has shown how global merchant communities mobilized imperial structures for their own commercial ends. Aslanian's Julfans served as important 'go-betweens' or cross-cultural brokers whose network depended on the successful circulation of personnel, information and credit.¹⁸

From the Seven Years' War to the nineteenth century, the governments of Great Britain, France, and later the United States made increasing demands on its citizens. The service of a citizen in a war, their loyalty to a cause, or their abhorrence of another became the markers of modern citizenship. Many historians have noted the transformation of citizenship in this period as states began to shape citizens around certain ideals, and to demand more from their citizens than passive obedience. This was seen most forcefully in the mobilization of armies and volunteer movements in the Revolutionary Wars. Histories of national identity and citizenship at the close of the early modern period tend to either focus on themes of consensus or exclusion.

Linda Colley's *Britons* discusses the active participation of Britons in the formation of a British identity; a relatively inclusive process for Colley leading her to compare Britishness to an umbrella or "a shelter under which various groupings and identities could plausibly and even advantageously congregate."¹⁹ David Bell has similarly underlined the successful and widespread acceptance of the nation as the sole source of legitimate authority in France by the

¹⁷ M. N. Pearson, *The Indian Ocean* (New York: Routledge, 2003); Pearson, *Trade, Circulation, and Flow in the Indian Ocean World*; Subrahmanyam has discussed at length the dilemmas faced by border-crossers in a world of unstable identities, see, Sanjay Subrahmanyam, *Three Ways to Be Alien: Travails and Encounters in the Early Modern World* (Waltham, Mass.: Brandeis University Press, 2011).

¹⁸ Sebouh Aslanian, "'The Salt in a Merchant's Letter': The Culture of Julfan Correspondence in the Indian Ocean and the Mediterranean," *Journal of World History* 19, no. 2 (June 2008): 127–88; Sebouh Aslanian, *From the Indian Ocean to the Mediterranean: The Global Trade Networks of Armenian Merchants from New Julfa* (New York: University of California Press, 2014).

¹⁹ Linda Colley, *Britons: Forging the Nation, 1707-1837* (London: Pimlico, 2003), xi.

1780s. Though Bell identifies consensus in the popularity of the nation as an ideal, his work also focuses on how the concept of the nation was ‘destabilized’ through debate during the French Revolution.²⁰ Discord rather than consensus has proven far more popular in historical scholarship as historians have identified this Age of Revolution as a formative period not only for French identity but for the wider Atlantic World as well.²¹ Scholars have notably recognized the state’s reaction to growing British radicalism as important in the ideological formation of Britishness; backed by loyalist mobs, reformists of every stripe were accosted in the name of loyalty to the state. Lisa Steffen argues that the definition of treason in Britain was redefined and the concept of allegiance was narrowed during the French Revolution in order to exclude reformist movements who wished to alter the legislature. Treason in earlier periods had been defined by disloyalty to the monarch, but in the Age of Revolution the king was made into a symbol of the state — one to which all loyal Britons now owed their allegiance.²² The passive subject of the early modern period gave way then to the conscripted citizen actively participating in the nation state. As Kenneth Johnston notes in his study of the persecution of radical British authors, “neutrality was not possible.”²³ Rather than seeing Britishness as axiomatic of state expansion, Kathleen Wilson argues that national identities were “understood, performed and consumed in a variety of ways by different groups,” all making claims on the resources of the

²⁰ David Bell, *The Cult of the Nation in France: Inventing Nationalism, 1680-1800* (Cambridge: Harvard University Press, 2001), 12, 14.

²¹ Dror Wahrman has shown how the American Revolution acted to not only reshape the British Empire but it tested the limits and concept of Britishness itself, see, Dror Wahrman, “The English Problem of Identity in the American Revolution,” *The American Historical Review* 106, no. 4 (October 2001): 1236–62.

²² Lisa Steffen. *Defining a British State : Treason and National Identity, 1608-1820*. New York: Palgrave, 2001, 7, 138. G.A. Kelly has similarly shown the gradual shift in French thinking over the eighteenth century from treason defined as an attack on the king (lèse-majesté) to treason as an attack on the nation itself (lèse-nation) brought upon by Enlightenment discourses and the desacralization of the monarchy, see, G. A. Kelly, “From Lese-Majeste to Lese-Nation: Treason in Eighteenth-Century France,” *Journal of the History of Ideas* 42, no. 2 (April 1981): 269–86.

²³ Kenneth R. Johnston, *Unusual Suspects: Pitt’s Reign of Alarm and the Lost Generation of the 1790s* (New York: Oxford University Press, 2013), 294.

nation-state.²⁴ According to Douglas Bradburn this was also an important period for the creation of the modern citizen in America as proponents of expatriation claimed that free men had the right to leave an oppressive regime if necessary. Bradburn argues that the debate over the right to expatriation led to America's first naturalization laws. Similarly, Nathan Perl-Rosenthal has shown how sailors and the American federal government worked together to create a system for documenting and defending American citizenship claims. Similarly, Peter Sahlins has uncovered how citizenship in early modern France evolved gradually from a legal distinction of taxation to a political category based on exclusive rights.²⁵ In short, citizenship was a tool for governments and individuals to use to their advantage.

This narrative of modern citizenship has revealed the nuances of legal discrimination and the development of natural right ideologies, but it appears wholly incompatible with how states managed merchants and commercial nationality at the end of the eighteenth century. At one level, scholars following the mercantilist schema of early modern states are right to focus on exclusion. After all, long before the British Parliament issued sweeping alien acts, or the French Republic broke down the distinction between foreigners and enemies, the governments of these countries had established strict definitions of nationality in the construction of their respective

²⁴ Kathleen Wilson, *The Island Race: Englishness, Empire and Gender in the Eighteenth Century* (London: Routledge, 2014), 4.

²⁵ Douglas Bradburn, *The Citizenship Revolution: Politics and the Creation of the American Union, 1774-1804* (Charlottesville: University of Virginia Press, 2009); Nathan Perl-Rosenthal, *Citizen Sailors: Becoming American in the Age of Revolution* (Cambridge: Harvard University Press, 2015); For a later discussion of sailors and the development of definitions of citizenship in the United States, see, Matthew Taylor Raffety, *The Republic Afloat: Law, Honor, and Citizenship in Maritime America* (Chicago: The University of Chicago Press, 2013); While Brunsman sees impressment as contributing to similar developments in the U.S., the author sees most claims of American citizenship by sailors in the early republic era as fraudulent, see, Denver Brunsman, *The Evil Necessity: British Naval Impressment in the Eighteenth-Century Atlantic World* (Charlottesville: University of Virginia Press, 2013), 247; Peter Sahlins, *Unnaturally French: Foreign Citizens in the Old Regime and After* (Ithaca: Cornell University Press, 2004).

empires.²⁶ Great Britain's navigation system restricted trade with the empire to British ships owned by British subjects and manned by a British crew. This policy was first enshrined into law by the Navigation Act of 1651, and reaffirmed and modified by later governments to act as the bulwark of the empire. While the prevalence of smuggling and cosmopolitan commerce in North America always undermined this policy on the periphery, historians' interpretation of mercantilism has often reified the main premise of the system: the British empire was solely for the British.²⁷

The last ten years has seen a rich scholarship develop over the ability of border-crossers, tricksters, transnational subjects and go-betweens to negotiate past religious, political, and commercial restrictions. Primarily, scholars have focused on the Mediterranean in the early modern period as a shared world, particularly suited for cross-cultural cooperation. Following this trend, studies of the Atlantic world have used 'entangled history' as a framework for challenging the study of empire as a closed geographic unit.²⁸ Recent works on migrations into

²⁶ Henning Hillmann and Christina Gathmann, "Overseas Trade and the Decline of Privateering," *The Journal of Economic History* 71, no. 03 (2011): 730–61; Thomas M. Truxes, "Dutch-Irish Cooperation in the Mid-Eighteenth-Century Wartime Atlantic," *Early American Studies Early American Studies: An Interdisciplinary Journal* 10, no. 2 (2012): 302–34; Sheryllynne Haggerty, *Merely for Money? Business Culture in the British Atlantic, 1750-1815*. (Liverpool: Liverpool University Press, 2012), 17, 220.

²⁷ The most detailed discussion of the role of smuggling in affecting the navigation system comes from Richard Pares, see, Richard Pares, *War and Trade in the West Indies, 1739-1763* (Oxford: Clarendon Press, 1936); Truxes's in-depth examination of smuggling during the Seven Years' War shows the importance of illicit trade, but his interpretation rests on a traditional "mercantilist frame of reference". Truxes also sees the dynamic illicit practices of eighteenth-century merchants in the British empire ending with the Seven Years' War, see, Thomas M. Truxes, *Defying Empire: Trading with the Enemy in Colonial New York* (New Haven: Yale University Press, 2008), 39, 200; For a new interpretation of merchant cosmopolitanism, see, Margaret C. Jacob, *Strangers Nowhere in the World: The Rise of Cosmopolitanism in Early Modern Europe* (Philadelphia: University of Pennsylvania Press, 2006).

²⁸ Natalie Zemon Davis, *Trickster Travels: A Sixteenth-Century Muslim Between Worlds* (New York: Hill and Wang, 2007); Eric Dursteler, *Venetians in Constantinople: Nation, Identity, and Coexistence in the Early Modern Mediterranean* (Baltimore: Johns Hopkins University Press, 2006); E. Natalie Rothman, *Brokering Empire: Trans-Imperial Subjects between Venice and Istanbul* (Ithaca: Cornell University Press, 2011); Molly Greene, *Catholic Pirates and Greek Merchants: A Maritime History of the Early Modern Mediterranean* (Princeton, NJ: Princeton University Press, 2010); For the possibilities of the "entangled" approach to the Atlantic World, see, Jorge Cañizares-Esguerra, "Entangled Histories: Borderland Historiographies in New Clothes?," *The American Historical Review* 112, no. 3 (June 2007): 787–99; Eliga H. Gould, "Entangled Histories, Entangled Worlds: The English-

the British Empire have challenged a narrow interpretation of the Navigation Acts and Britain's closed commercial system. By integrating foreign merchants into the empire, works by Margrit Beerbühl and Mark Häberlein have questioned who qualified as British and who participated in the project of empire.²⁹ If Britishness was not limited to native Britons, and could be exploited by foreigners for their own ends, the state was also complicit in reshaping nationality on a whim to restrict access to markets, seize a neutral vessel, or impress sailors into service in the Royal Navy. Scholars have also 're-thought' and 're-imagined' the mercantilist policies of European empires, by looking at deliberative processes over unitary discourses and by emphasizing the mutually dependent relationship between merchants and political institutions in the early modern period.³⁰

Speaking Atlantic as a Spanish Periphery," *The American Historical Review* 112, no. 3 (June 2007): 764–86; Renaud Morieux, *The Channel* (Cambridge: Cambridge University Press, 2016).

²⁹ Margrit Schulte Beerbühl, *The Forgotten Majority: German Merchants in London, Naturalization, and Global Trade, 1660-1815*, English-language edition. (New York: Berghahn Books, 2015); Mark Häberlein, "Migration and Business Ventures: German-Speaking Migrants and Commercial Networks in the Eighteenth-Century British Atlantic World," in *Transnational Networks: German Migrants in the British Empire, 1670-1914*, ed. John R. Davis, Stefan Manz, and Margrit Schulte Beerbühl (Boston: Brill, 2012); Margrit Schulte Beerbühl, John R. Davis, and Stefan Manz, "Introduction: Germans in the British Empire," in *Transnational Networks: German Migrants in the British Empire, 1670-1914*, ed. John R. Davis, Stefan Manz, and Margrit Schulte Beerbühl (Boston: Brill, 2012); For an analysis of how the Dutch nationality was opened up to foreigners in the Caribbean, see, Gert Oostindie and J.V. Rotman, "Introduction," in *Dutch Atlantic Connections, 1680-1800*, ed. Gert Oostindie and J.V. Rotman (Boston: Brill, 2016); Gert Oostindie, "Modernity and the Demise of the Dutch Atlantic, 1650-1914," in *The Caribbean and the Atlantic World Economy: Circuits of Trade, Money and Knowledge, 1650-1914* (New York: Palgrave Macmillan, 2015); Claudia Schnurmann, "Atlantic Trade and Regional Identities: The Creation of Supranational Atlantic Systems in the 17th Century," in *Atlantic History: History of the Atlantic System* (Göttingen: Vandenhoeck & Ruprecht, 2002), 179–97; Similar to the Dutch, naturalization in the Swedish West Indies was expansive, to include all foreigners for a fee, Victor Wilson, *Commerce in Disguise: War and Trade in the Caribbean Free Port of Gustavia, 1793-1815* (Åbo, Finland: Åbo Akademi University Press, 2015).

³⁰ Steve Pincus, "Rethinking Mercantilism: Political Economy, the British Empire, and the Atlantic World in the Seventeenth and Eighteenth Centuries," *The William and Mary Quarterly* 69, no. 1 (January 2012): 3–34; See the introductory essay by Stern and Wennerlind and the essays by Regina Grafe, John Shovlin and Victor Enthoven, especially: Philip J. Stern and Carl Wennerlind, eds., *Mercantilism Reimagined: Political Economy in Early Modern Britain and Its Empire* (New York: Oxford University Press, 2013). These works have not only reminded scholars of the importance of the state at a moment when the cross-cultural trades of the cis-Atlantic tends to have an obscuring effect, but they also show how debate creates a space for individuals to reshape mercantilism around their own economic needs. The following chapters emphasize both of these approaches.

This dissertation takes citizenship and belonging in a new direction by looking at the ways in which commerce reshaped nationality and challenged what it meant to be a citizen in the Atlantic World. Before the idea of the nation was fully formed, merchants, statesmen, and philosophers offered an alternative conception of belonging and nationality that was much more fluid and malleable. As the following chapters illustrate, the years after political independence can be defined by the transactions and schemes of American merchants who contested the boundaries of the British empire.

The 1780s is often defined by historians as one of marked inactivity in the history of Anglo-American commerce. The opening chapter instead argues that the 1780s was a period of intense public debate and commercial creativity for the British empire. The conduct of British subjects who had both won independence and traded with the enemy during the war provoked a series of troubling questions about the loyalty of Great Britain's West Indian colonies and the place of Americans within the empire after independence. The chapter shows that American merchants continued to rely on the empire for business connections, products, and even commercial identity. By focusing on experimentation rather than market mishaps, the chapter shows how merchants and state officials attempted to understand the limits of legitimate commerce and the role of the Navigation Act in defining commercial identity. The following chapter then focuses on the persistence of Anglo-American commerce in the West Indies. Despite increasingly stringent Orders in Council, American produce continued to flood into the West Indies to meet the extraordinary demand caused by a series of natural and political disasters. Even when 'the American trade' hit a temporary downturn after 1789, American merchants continued to correspond and depend on the British state to create new opportunities for trade in the Caribbean. The information exchanged and gathered by merchants and states

offers valuable insight into how those who participated in the economy of information understood risk, opportunity, and diplomacy, as they attempted to self-fashion their way into the next move of the market.

Chapter 3 moves into the French Revolutionary Wars, which brought new opportunities for neutral American trade both within and without the British Empire. In order to enjoy the benefits of neutrality, Americans had to first prove their Americanness to foreign states. The chapter points to the general disinterest of the commercial classes in the impressment debate, which has overshadowed merchant concerns about sailor desertion to the Royal Navy. In short, the voyage from port to court required numerous negotiations with foreign merchants, naval officers, and admiralty court judges as Americans grappled with the limits of national identity and legitimate commerce.

Chapter 4 charts the turn from concerns over relative Americanness to questions of neutrality. The rationalization of British mercantilist policies during the Napoleonic Wars effectively narrowed the field of legitimate commerce in wartime. The period from 1798 to 1809 saw the dynamic evolution of ‘the neutral’ in law and public consciousness from a morally ambiguous supplier of consumer goods to a malicious war profiteer whose trade with belligerents undermined the war effort. The chapter argues that the debate over concepts of neutrality should be situated within the wider discussion of national allegiance and commercial identity which had consumed the British Empire since the American Revolution. The mercantilist rhetoric that pervaded reforms in colonial governance and admiralty courts attempted to force a choice on American merchants: to rejoin the British Empire or stand with Napoleon as an enemy.

Finally, Chapter 5 examines how the licensing system transformed international commerce. For almost a decade Great Britain and its dominions became the entrepôt for the world at the end of the Napoleonic Wars. All trade and even correspondence required the empire's approval. The licensing system had the potential to greatly expand the British empire. In this sense, licensing was a mercantilist milestone in the final years of the Navigation Act. More importantly, the system offered an alternative view of mercantilism. Rather than a restrictive system catering to the few who monopolized foreign trade, licensing greatly expanded membership in the empire by granting access to any merchant willing to pay a fee.

Through these five chapters the dissertation explores the irreconcilable relationship between modern citizenship and early modern commercial practices in the Atlantic World. While international trade in earlier periods depended on freedom of movement and ineffectual state regulation, the French Revolution fostered the growth of state institutions, which increasingly restricted access to citizenship. After independence, American merchants accessed European empires by constantly reshaping their own identity to meet the needs of the market. British merchants in particular, tempted Americans with offers of access to technically forbidden markets and the promise of enormous profits by taking advantage of the general uncertainty surrounding American commercial identity. While this period is often mistakenly portrayed as one of American neutrals operating in a vacuum, the chapters below emphasize American dependence on the British Empire to create demand and furnish a steady supply of news, rumor, and gossip. Americans relied on the institutions of the empire to reformulate their identity in order to re-enter the British Empire. Despite official commercial restrictions, and eventual war in 1812, these networks of information persisted. By studying the correspondence of merchants and state officials, admiralty court rulings, popular pamphlets, parliamentary debates, and the wealth

of commercial information found in contemporary newspapers, this dissertation underscores how commerce reshaped individuals' roles as loyal citizens in the Age of Revolution.

Chapter 1: Placing Americans in the British Empire, 1783-1789

On February 3, 1781, Richard Downing Jennings faced a crisis of identity. This crisis did not originate from any internal angst, but was rather imposed on him by external forces, in this case, the Royal Navy. Three days before, the first part of the Royal Navy's Leeward Island squadron surrounded the neutral island of St. Eustatius, taking the inhabitants entirely by surprise and cutting off any chance of escape. Now, the remainder of the fleet had sailed into the harbor and taken the island with scarcely a shot fired. In their conquest of the island, the two British commanders, Admiral George Brydges Rodney and General John Vaughan, managed to capture over 150 vessels, along with numerous warehouses overflowing with sugar and tobacco, in a single day.¹ Jennings, a British subject and native of Bermuda, had resided in St. Eustatius for fifteen years while seeking his fortune in the aftermath of the Seven Years' War.² When war broke out again in 1775, the neutral inhabitants of St. Eustatius offered their active assistance to the nearby British islands. Jennings proudly recalled that the British merchants in particular were always willing to aid their fellow countrymen. And Jennings himself had offered to assist in the war effort by supplying Admiral Byron in 1779 with military stores.³ Despite all of their efforts on behalf of their country and king, Jennings and the other British merchants on the island received no special reward or compensation on February 3, 1781. Instead, under the pretext of

¹ George Brydges Lord Rodney, *The Life and Correspondence of the Late Admiral Lord Rodney*. Vol. 2, ed. Godfrey Basil Mundy, (London: John Murray, 1830), 9-11.

² Richard Downing Jennings, *The Case of Richard Downing Jennings, an English Subject Who Resided at Saint Eustatius* (London: Printed by JW Galabin, 1790), 5. According to Michael Jarvis, Jennings represented one of many Bermudians who spread out into the Greater Caribbean in search of opportunity. Bermuda served as an "invisible central hub" for intercolonial trade in the eighteenth-century. From the island, Bermudians spread into foreign and imperial ports and 'often disregarded imperial borders and restrictive trade laws,' see, Michael J. Jarvis, *In the Eye of All Trade: Bermuda, Bermudians, and the Maritime Atlantic World, 1680-1783* (Chapel Hill: University of North Carolina Press, 2010).

³ Jennings, *The Case of Richard Downing Jennings, an English Subject Who Resided at Saint Eustatius*, 1790, 8–10. St. Eustatius had a long history of supplying the British military (along with their rivals), see, Cathy Matson, *Merchants and Empire: Trading in Colonial New York* (Baltimore: Johns Hopkins University Press, 2002), 271.

their residency on the island, the Royal Navy singlehandedly disregarded their British identity and seized their property.

Like the Dutch, French, and American merchant communities on St. Eustatius, the British merchants received notice that their property and papers would be confiscated in violation of their rights as British subjects. Despite their trade being officially sanctioned by multiple Acts of Parliament, Admiral Rodney declared that it was his intention to punish the English merchants in particular, “who forgetting the Duty they owe their King and Country, were base enough, from lucrative motives, to support the enemies of their country, will, for their treason, justly merit their own ruin.”⁴ Though Jennings willingly admitted that he “did not attempt to restrain [himself]” from the advantages a neutral port offered, he nevertheless insisted that his business remained neutral and actually contributed to the “general wealth and revenue of his mother country, while he was enriching himself.”⁵ Indeed, Jennings’s business proved to be immensely profitable and by the start of the war he was one of the leading merchants on St. Eustatius.⁶ Like many on St. Eustatius, Jennings maintained business partnerships with British, French, Dutch, and Spanish merchants during the war. For the Royal Navy, the activities of Jennings and the other British merchants were viewed as treasonable and tantamount to a renunciation of their Britishness. According to Rodney, British neutral traders had become Dutch Burghers and were liable to confiscation and Rodney’s own brand of rough justice. Yet the merchants conceptualized Rodney’s actions in a wholly new light. Jennings stated that he believed the British admiral was “infected with the commercial mania of the place,” and in turn had become a

⁴ George Brydges Lord Rodney, *Letters From Sir George Brydges Now Lord Rodney to His Majesty's Ministers, Relative to the Capture of St. Eustatius, and Its Dependencies*, (London: Printed by A. Grant, 1789), 17.

⁵ Jennings, *The Case of Richard Downing Jennings, an English Subject Who Resided at Saint Eustatius*, 1790, 7.

⁶ Jarvis, *In the Eye of All Trade: Bermuda, Bermudians, and the Maritime Atlantic World, 1680-1783*, 406–7.

merchant himself, plundering the property of his countrymen for sale to the highest bidder.⁷

Rodney and Jennings's opposing views on loyalty and appropriate commerce caused a crisis of identity for British merchants on St. Eustatius. This crisis would come to define the debates over the future of the British Empire in the following decade.

These competing views of belonging and utility to the state were symbolic of a greater discursive division within Great Britain as a whole. In Parliament, calls by the supporters of the government to sink St. Eustatius into the ocean were met with warnings about the potential dangers of pushing the war too far and creating more enemies for Great Britain at a precarious moment. This discussion continued into the decade after the American Revolution, as Britons questioned the meaning of loyalty, belonging, and empire.⁸

Despite the commotion at St. Eustatius, the 1780s are often defined by historians as one of marked inactivity in the history of Anglo-American commerce. This chapter will instead highlight the intense public debate and commercial creativity of the period. By focusing on innovation and experimentation rather than market mishaps we can further understand how merchants, state officials, and pamphleteers attempted to grapple with the true meaning of the Navigation Act and its pivotal place in defining commercial identity in the British Empire. In order to examine the nature of mercantile activity in the 1780s and the debates surrounding it, this chapter will engage with several pressing historiographical questions. How did the state attempt to regulate Anglo-American commerce in the aftermath of the war? What were the conceptions and limits of British identity in the initial years after independence? What types of

⁷ *ibid.*, 14.

⁸ In the debate over the war with the Dutch, Edmund Burke warned of committing to “a scheme of inhuman plunder and unjust oppression,” see, William Cobbett, ed., *The Parliamentary History of England, from the Earliest Period to the Year 1803* (London, 1806), XXI, 1004; XXII, 218.

relevant information were commodified in Anglo-American correspondence and how did this information shape merchant perceptions of major political events?

To answer these questions, the chapter approaches the changing shape of Anglo-American commerce between 1783-1789 through three interrelated perspectives: the internal consequences of commercial war against the neutral Dutch; the debate over American trade with the British Empire; and the nature of American commerce with the British Isles and Europe in the 1780s. The first section examines popular reaction to Rodney's St. Eustatius escapade in order to get at a better understanding of the competing discourses mobilized by merchants, politicians, and the Royal Navy in the debate over legitimate commerce and loyalty to the state. The debates that St. Eustatius provoked were given further impetus in the years after the war as Britons questioned the role of Americans in the British Empire. The next section then reexamines the debate started by Lord Sheffield's *Observations on the Commerce of the American States* (1783) over the makeup of the British Empire and the reification of old mercantilist trade barriers. Continuing the argument from the previous section, emphasis is placed on how Sheffield and his supporters sought to further redefine British mercantile identity and loyalty around the Navigation Act. Rather than merely retelling Sheffield's work as a restatement of zero-sum mercantilist theory, this section focuses on the different interpretations of empire and the Navigation Act that came out of the cessation of hostilities in 1783. After examining these competing debates, the chapter then addresses the experiences of newly minted 'American' merchants as they were shut out of old colonial markets and forced to rethink their commercial strategies. While technically able to trade independently, many American merchants were much more interested in commercial dependence on the British Empire. By looking at the experiences of those on the periphery, we can further understand the complexities inherent in

British identity during the breakup of the First British Empire. The third section looks at American merchants as a bridge between two communities in the Atlantic world. Rather than focusing on the relative success of various mercantile ventures, this section instead emphasizes the old and new connections these merchants utilized and the information they traded within a seemingly new Atlantic world. By placing an emphasis on commercial information, we can acquire a better understanding of how these merchants viewed their own commercial world in the aftermath of independence.

St. Eustatius and the limits of British commercial identity

In studying the capture of St. Eustatius, historians have variously focused on the military repercussions of the siege and occupation, the greed and rage of Admiral Rodney in his wanton seizure of merchant property, and even the war's effect on the stability of the Dutch Republic.⁹ Yet Rodney's views on the identity of the English merchants at St. Eustatius have garnered relatively little attention. Most scholars note that Rodney was particularly harsh towards his fellow countrymen, but little reason is given as to why Rodney focused so incessantly on the identity of these merchants, who, in his words, were only "calling themselves English merchants."¹⁰ This section will examine the myriad of ways in which the press, ministers of

⁹ Kenneth Breen, "Sir George Rodney and St. Eustatius in The American War: A Commercial and Naval Distraction, 1775-81," *The Mariner's Mirror* 84, no. 2 (May 1998): 202; Andrew J. O'Shaughnessy, *An Empire Divided: The American Revolution and the British Caribbean* (Philadelphia: University of Pennsylvania Press, 2000), 221; H. M. Scott, "Sir Joseph Yorke, Dutch Politics and the Origins of the Fourth Anglo-Dutch War," *The Historical Journal* 31, no. 3 (September 1988): 581; Barbara W. Tuchman, *The First Salute* (New York: Random House, 1988), 207, 218.

¹⁰ *Lords Commissioners of Appeals in Prize Causes. St. Eustatius and Its Dependencies. Appendix to the Appellant's Case* (London, 1786), 1. As is show below, Rodney not only repeatedly returned to the subject of identity but also even habitually used this phrase in his official and private correspondence as well as in subsequent affidavits.

state, MPs, military commanders, and merchants conceived of British identity in their discussions of Rodney's actions on St. Eustatius.

In order to approach the debate over commercial identity in the taking of St. Eustatius it is first necessary to examine the British motivations behind the Fourth Anglo-Dutch War. The British ministry was especially interested in outlining their reasons for going to war through the publication of a manifesto in December 1780. According to the manifesto, Britain's declaration of war was not meant to target the Dutch Republic as a whole but only its commercial element in the city of Amsterdam.¹¹ In the subsequent debate over the war in the House of Lords, the Secretary of State for the Northern Department, Lord Stormont, referred to the Dutch as "secret enemies" who plotted to undermine Great Britain by forming treaties with Britain's enemies, and clandestinely supporting the rebels from St. Eustatius.¹² For the ministry, then, this was undoubtedly a commercial war carried on from the general belief that without Dutch aid the American rebels would have already been defeated.¹³

The opposition in both houses challenged the government's interpretation of recent events by pointing to numerous British violations of the treaties with the Dutch and warning of reprisals by the League of Armed Neutrality if Britain made war with their former ally.¹⁴ The Whig leader William Petty, Earl of Shelburne, led the charge in opposition to the ministry, arguing that the current government simply did not understand that the Dutch were merchants. In

¹¹ Cobbett, *The Parliamentary History of England*, XXI, 970.

¹² Cobbett, XXI, 997, 1004. In Stormont's initial speech after the delivery of the manifesto he focused considerable time on the treaties of 1674, 1678 and 1716 which governed Anglo-Dutch relations, here Stormont was forced to admit that while the Dutch had the right to carry goods to Britain's enemies, their inability to honor subsequent treaties and provide the stipulated aid to their ally invalidated all previous agreements between the two powers.

¹³ Riley notes that because of the Fourth Anglo-Dutch War, the Dutch began to invest in France as a means of commercial warfare against England, see, J. C. Riley, "Dutch Investment in France, 1781-1787," *The Journal of Economic History* 33, no. 04 (December 1973): 733.

¹⁴ Scott, "Sir Joseph Yorke, Dutch Politics and the Origins of the Fourth Anglo-Dutch War," 574; Tuchman, *The First Salute*, 188.

Holland, according to Shelburne, acts deemed ‘heinous’ were excused in the name of promoting and extending commerce. In this line of reasoning, Shelburne was backed by Lord Camden in the House of Commons who declared that the Dutch were “a wise and politic people; commerce, and the advantages derivable from it, were the uniform objects of their political pursuits.”¹⁵ If the Dutch had strayed and supported the French and Americans against the British, it was due to the conduct of the ministry in attempting to restrain Dutch commerce.

The identification of the Dutch as a ‘commercial people’ in order to justify their actions or condemn them is a startling window into contemporary British conceptions of commerce and identity. For the North ministry, the Dutch had violated the laws of nations by greedily supplying Britain’s enemies in their pursuit of French gold. The Dutch sale of naval stores to the French led MP Anthony Eyre to call for a crippling blow against the Dutch island of St. Eustatius, which he referred to as “that abominable nest of pirates.”¹⁶ The opposition though warned of the disastrous repercussions of a Dutch war. Thomas Townshend claimed that if the British succeeded in destroying the Dutch trade they would in turn destroy Britain’s own commercial prosperity. Townshend asked the Commons, if the war continued, “what maritime state remained capable of carrying our manufactures of various kinds, to all quarters of the globe, as the Dutch had done for above a century?”¹⁷ Townshend’s claim was borne out as British manufacturers and merchants, along with American traders, exploited the Dutch carrying trade in order to continue the consumption of British goods during the war.¹⁸

¹⁵ Cobbett, *The Parliamentary History of England*, XXI, 1068.

¹⁶ Cobbett, XXI, 1089.

¹⁷ Cobbett, XXI, 1087.

¹⁸ For evidence of the continued consumption of British goods and the use of Dutch bottoms in this trade see, Robert Morris to Benjamin Franklin, 11 Nov. 1781, Robert Morris Papers, LC, reel 4; William Cheever, Jr. to John Hodshon & Son, 29 Oct. 1782, Caleb Davis Papers, MHS, Box 20; Jonathan Amory to John Amory, 21 June 1782, Amory Family Papers, MHS, vol. 140.

In their debate over the decision to go to war with the Dutch Republic, MPs revealed that the conduct of a commercial war would depend on their interpretation of what it meant to be a ‘commercial people’. The ambiguity of what it meant to be a ‘commercial people’ in 1780 is somewhat surprising given that historians have readily identified the eighteenth century as the pivotal moment when the British began to define their own nationality around Britain’s global commerce. To use David Armitage’s well-known argument, British national and imperial identity was based around the principles of “Protestant, commercial, maritime and free.”¹⁹ Yet the debate in Parliament also belies a tension between commerce and morality. If the British were a commercial people, clearly their morality was distinct from the ‘Gallo-American’ faction running the States General. Unlike the Dutch, the British were not motivated solely by “lucre and usurious gain.”²⁰ For their moral compass in navigating the rough waters of commercial identity, Britons relied on the Navigation Act as their guide. The debate over the meaning of ‘commercial people’ would later have a direct bearing on the debates over the inclusion of Americans in the British Empire and the sanctity of the Navigation Act.

Parliament met on May 14 to again consider the issue of ‘commercial people’ and St. Eustatius. Edmund Burke opened the debate over the seizure of private property on the island with a warning for Britain if it continued to carry out a “scheme of inhuman plunder.”²¹ Burke recounted in vivid detail the violent seizure of property on the island. Like a plague, Rodney had

¹⁹ David Armitage, *The Ideological Origins of the British Empire* (Cambridge: Cambridge University Press, 2000); T.H. Breen, “Ideology and Nationalism on the Eve of the American Revolution: Revisions Once More in Need of Revising,” *The Journal of American History* 84, no. 1 (June 1997): 13–39; Colley, *Britons: Forging the Nation, 1707-1837*; Perry Gauci, *The Politics of Trade: The Overseas Merchant in State and Society, 1660-1720* (New York: Oxford University Press, 2001); Pincus, “Rethinking Mercantilism: Political Economy, the British Empire, and the Atlantic World in the Seventeenth and Eighteenth Centuries”; Bailyn, *Atlantic History: Concept and Contours*.

²⁰ Cobbett, *The Parliamentary History of England*, XXI, 1006.

²¹ Cobbett, XXII, 218.

indiscriminately attacked both countrymen and enemy traders, seizing everything from the artisan's utensils to the wealth of the most opulent merchants. Though Burke spent much of his time on the different victims of Rodney's onslaught, in particular the Jews of St. Eustatius who were expelled from the island, the real force of his speech was reserved for Rodney's treatment of the English merchants. Burke recounted how Rodney had brazenly ignored the protests of the Saint Kitts Assembly and the several Parliamentary Acts legitimizing and even encouraging trade with the island.²² Burke claimed that Rodney had blatantly and disrespectfully ignored these Acts of Parliament, telling the petitioners that, "he and the general did not come there to hear acts of parliament explained, but to obey his Majesty's orders."²³ The resulting debate in Parliament was tempered only by a general confusion over whether the British commanders had acted independently or if they had been instructed to ignore Parliament by the ministry. Lord George Germain, Secretary of State for the Colonies, explained that Rodney and Vaughan had not been informed of any Acts of Parliament but were merely told to secure all the property on St. Eustatius. Germain justified this approach by claiming that St. Eustatius was "perfectly a new case," independent of existing practices of war.²⁴ Germain's justification of Rodney's conduct then took a unique turn as he explained to the Commons how Burke's defense of private property was ill founded. Though the inhabitants of St. Eustatius were now part of the British Empire,

²² These were the Grenada Act, the Tobacco Act, and the Cotton Act. For the Tobacco Act, see 20 Geo. 3 c. 39, which permitted the importation of tobacco through neutral islands, recognizing it as a "benefit to the revenue" and further acknowledging the merchants involved in this trade were "his Majesty's subjects not in rebellion." For more see, Selwyn H. H. Carrington, *The British West Indies during the American Revolution* (Providence, RI: Foris Publications, 1988), 82.

²³ Cobbett, *The Parliamentary History of England*, XXII, 227. Burke also claimed that Rodney had expelled American loyalists from the island, including a Loyalist Jew who was forced to flee North America because of the war. Burke went so far as to present in 1782 the petition of one Jew who was stripped of his clothing in the search for money before being expelled from St. Eustatius, see, Cobbett, XXII, 1024.

²⁴ Germain explained that St. Eustatius was a 'new case' because it was a possession formerly held by an ally who had ignored treaties in order to assist Britain's enemies, see, Cobbett, *The Parliamentary History of England*, XXII, 243-44.

Germain explained that there were actually two types of naturalized subjects: those who took oaths of allegiance, and were entitled to all the privileges of a natural born subject, and then there were those who joined the empire “at the point of the bayonet.”²⁵ As a conquered people, these ‘bayonet subjects’ were vulnerable to mistreatment, seizure of property, and expulsion from British territory.

The opposition took to a stringent defense of ‘commercial people’ and challenged the categorization of the merchants on St. Eustatius as ‘bayonet subjects’ and ‘merchants who call themselves British’. At the end of Burke’s debate, George Byng entered into a harangue against the ministry who, he argued, exerted its influence to give “a mortal stab to the trade of the commercial world.”²⁶ Byng praised merchants for their completely legal and praise-worthy commerce. The capture of St. Eustatius was, for Byng, a severe loss to the city of London.²⁷ The Parliamentary debates continued through 1781 and as the war wound down Burke’s investigation of Rodney continued but to no avail. Rodney’s momentous victory at the Battle of the Saintes in 1782 garnered him lasting fame and prevented any further consideration of the St. Eustatius issue in Parliament.²⁸ Indeed, when Burke moved on to the impeachment of Warren Hastings in 1787, Hastings’s defenders pointed to Burke’s earlier persecution of Rodney as evidence of his misguided vendetta.²⁹

²⁵ Cobbett, XXII, 247.

²⁶ Cobbett, XXII, 258.

²⁷ On May 14, 1782, Thomas Stanley claimed in the Commons to have a petition of 125 Liverpool merchants affected by the confiscations on St. Eustatius. Stanley, the MP for Lancashire, claimed that the members for Liverpool had ignored the petition in violation of their duty to constituents. See, Cobbett, XXII, 237.

²⁸ O’Shaughnessy suggests that the reason why Rodney was immune to prosecution was because he was the closest the British came to a war hero for the American Revolution, with his victory at the Battle of the Saintes being immortalized in Jamaica with a marble statue in 1783. For more see, O’Shaughnessy, *An Empire Divided: The American Revolution and the British Caribbean*, 232.

²⁹ Nathaniel William Wraxall, *Posthumous Memoirs of His Own Time by Sir N.W. Wraxall* (London: Samuel Bentley, 1836), v. i, 337.

Parliament's unwillingness to act forced the British merchants of St. Eustatius to turn to the courts and the general public for redress.³⁰ The first formal complaint came from the West India lobby, which published a petition to the king in April 1781 calling for the release of the property seized by the British commanders on St. Eustatius. The petition warned of reprisals by the French if Rodney's actions were seen as a precedent, and reminded the king and the public that the tobacco trade on the island was in keeping with the tenets of the Navigation Act and sanctioned by Parliament. Rather than the harbor of 'secret enemies', the petition claimed that the island of St. Eustatius had frequently assisted the British Leeward Islands during the war, supplying provisions to the islands of Antigua and Saint Kitts in order to prevent a famine. That many British subjects had property in the islands was well known but the petition claimed that these subjects, whom the petition called 'most faithful and loyal subjects', had remained on St. Eustatius in order to trade with Great Britain and her colonies.³¹ The overall effect of this petition on Parliament seems to have been minimal.³² Outside of Parliament though the first publication in defense of the island's inhabitants sparked a wider debate over Britain's conduct in the West Indies.³³

³⁰ North and the supporters of the government used the court battles as a pretext to refuse to investigate Rodney in May and again in December of 1781, see, Cobbett, *The Parliamentary History of England*, XXII, 240 & 770.

³¹ *Copy of the Petition of the West-India Planters and Merchants to the King, on the Subject of the General Seizure of Private Property, Found in the Dutch Islands of Saint Eustatius and Saint Martin*, 1781, 2 The petition also by comparison discussed the favorable treatment of British property by the French during the war, repeating a favorite trope of the opposition in parliament, see *ibid.* p.3 and ; Cobbett, *The Parliamentary History of England*, XXII, 231.

³² This was probably due to the lobby's gradual decline in influence over the course of the eighteenth century noted by Andrew O'Shaughnessy, Andrew J. O'Shaughnessy, "The Formation of a Commercial Lobby: The West India Interest, British Colonial Policy and the American Revolution," *The Historical Journal* 40, no. 1 (March 1997): 71–95.

³³ The *Salem Gazette* in quoting the *London Advertiser* claimed that the British commanders' actions on St. Eustatius had harmed "the dignity and credit of the British nation," see, *Salem Gazette*, 8 Jan. 1784. Royal Navy sailors and officers were also dissatisfied with their treatment by their commanders and two separate pamphlets appeared in 1786 and 1788. These anonymous pamphlets implicated Rodney and his lieutenants in corruption, misconduct and abandonment of their men now suffering in debtors' prisons. It was even suggested that Rodney's agents may have sold some of the prizes off in secret, see, A Navy Officer, "A Letter to the Right Hon. Lord Rodney" (London, 1788); "An Explanation of the Case Relating to the Capture of St. Eustatius" (London, 1786).

Despite the popularity of their position in some quarters, the merchants' cause faced considerable pushback from those aware of the notorious legacy of Dutch neutral trade in the late eighteenth century. In the Seven Years' War, the Dutch had made a name for themselves shuttling North American provisions and lumber to French islands, effectively trading with the enemy. St. Eustatius also served as an important hub for news traveling through the Caribbean, linking together the European Caribbean empires with the North American colonies in wartime.³⁴ Further, the Dutch profited again from this commerce through the insurance trade by covering French property at exorbitant prices. In 1757, James Marriott claimed in *The Case of the Dutch Ships Considered* that neutrals gave up their rights when they traded with Britain's enemies. Marriott argued that the Dutch ships operating in the French islands under special licenses were "adopted French ships."³⁵ Marriott's pamphlet was aimed at revealing Dutch violations of neutrality in the Seven Years' War, but the pamphlet found a second life when the Dutch continued their neutral trade during the American Revolution. *The Case of the Dutch Ships Considered* was reprinted in 1778 after France entered the war. The reprint was not only a reaction to the widespread illicit trade conducted during the war, but also as a response to increasing interest in curtailing the illegal and often violent activities of smugglers in the colonies and in the British Isles.³⁶

³⁴ Truxes, *Defying Empire: Trading with the Enemy in Colonial New York*, 3 Alice Carter notes that while many scholars assert that the Dutch were being controlled alternatively by the British and the French, Carter argues that Dutch policy was formulated by Dutch statesmen based on Dutch policy, see, Alice Clare Carter, *The Dutch Republic in Europe in the Seven Years War* (Coral Gables, FL: University of Miami Press, 1971), ix; Jarvis, *In the Eye of All Trade: Bermuda, Bermudians, and the Maritime Atlantic World, 1680-1783*.

³⁵ James Marriott, *The Case of the Dutch Ships Considered* (London: T. Harrison and S. Brooke, 1778), 18. Marriott's pamphlet and the debate over Dutch commerce in the war led to the obscure Rule of 1756 which barred neutral vessels from trading with Britain's enemies. This admiralty ruling would fall out of use during the American Revolution only to come back at the end of the century under Sir William Scott, see, Chapter 4.

³⁶ The active participation of a vast sampling of the population in smuggling is well noted in a variety of contemporary sources, see, "An English Lord Detected Smuggling French Goods," *The Weekly Amusement*, August 8, 1764; Richard Lord Bishop of Cloyne, *Considerations on the Immorality and Pernicious Effects of Dealing in*

The conquest of St. Eustatius was greeted by some as the end result of decades of treachery on the part of the Dutch.³⁷ In April 1781, the *London Courant and Westminster Chronicle* featured several letters from Admiral Rodney detailing his conquest of the Dutch islands. In one letter, Rodney celebrated the conquest of Demerara and Essequibo, two colonies that had the potential to “produce more revenue to the crown, than all the British West India islands united.”³⁸ The same paper also featured a letter from Rodney regarding the capture of St. Eustatius and the complicity of the British merchants in neighboring islands. In this letter, Rodney warned that the only threat to his securing the island was the nearby community of British merchants who disregarded their duty and traded in provisions and naval stores with the enemy.

As a result of the conquest, the few papers seized on the island were published anonymously as *Authentic Rebel Papers* (1781).³⁹ *Authentic Rebel Papers* provided documentary evidence of the poor state of the American government, rising tension within the Franco-American alliance, and the treasonable activities of British merchants on St. Eustatius who were

Smuggled Goods (Cork: William Flynn, 1783); Anthony Merry, *Methods to Prevent Smuggling in Great Britain* (London, 1780).

³⁷ One pamphlet as early as 1778 called for Britain to seize the colonies of their ‘true enemies’ including the Dutch, who had supplied the Americans with over 100,000 muskets and 10,000 barrels of gunpowder from St. Eustatius, see, A Friend to Great-Britain, *Address to the Rulers of the State: In Which Their Conduct and Measures, the Principles and Abilities of Their Opponents, and the Real Interest of England, with Regard to America and Her Natural Enemies, Are Freely Canvassed* (London: J. Bew, 1778), 36.

³⁸ *London Courant and Westminster Chronicle*, 24 April 1781. Such a claim by Rodney clearly represents his antipathy for the West India merchants and planters who were adamantly opposed to the further extension of the British Empire in the Caribbean. See, O’Shaughnessy, *An Empire Divided: The American Revolution and the British Caribbean*, 76.

³⁹ Rodney made repeated reference to the implicating papers he seized on the island, but they disappeared before any of the claims came to court. It was suggested at the time that these papers were handed over to American agents by Shelburne when he entered office, see, *Leeds Intelligencer*, 11 July, 1786. There is some dispute among historians about what happened to the mysterious papers; Kenneth Breen suggests that the ministry destroyed the evidence because of the scale of the potential scandal if the documents were made public and Andrew O’Shaughnessy claims that they were destroyed because they were at best unhelpful and probably detrimental to Rodney’s case, see, Breen, “Sir George Rodney and St. Eustatius in The American War: A Commercial and Naval Distraction, 1775-81,” 199; O’Shaughnessy, *An Empire Divided: The American Revolution and the British Caribbean*, 226.

in constant contact with the rebels. *Authentic Rebel Papers* also revealed the extensive trade in tobacco between London and America during the war. Notably, the author of the pamphlet decided to redact the names of the merchants trading with the enemy, merely threatening to reveal the names if anyone challenged the authenticity of the papers. While this may have served to protect merchants in the particular, the author clearly viewed the merchants as traitors, “who have been seduced by the flattering prospect of immense gain into a criminal and scandalous support of the Rebellion.”⁴⁰ In a letter from ‘CM’ in Virginia to ‘TS’ in December 1780, the Americans are shown taking advantage of the British convoy system to transport tobacco to St. Eustatius. Though the tobacco trade was technically legal, due to the Tobacco Act of 1780, the Act only protected loyal British trade through neutral islands.⁴¹ Another letter from Virginia detailed the intricate web of secrecy required in such a voyage, not only to subvert the Royal Navy but also to best their fellow American merchants by reaching St. Eustatius first. Too many participants in the trade would raise the premium on insurance and therefore affect the profitability of the voyage, the anonymous author concluded “let this matter be as secret as possible, i.e. in America, but public as the 'Statia streets in the West Indies.”⁴² *Authentic Rebel Papers* called for ‘public vengeance’ against those who acquired their fortune by such means, which illustrates the tension between the English merchants who profited from the war and those who viewed their ventures as ‘secret treasons’. The perception, for some, that Rodney had saved the empire from its most disloyal subjects was assisted by his own victory at the Battle of the Saintes, the multiple votes of thanks offered in both Houses as a result of his victories, the toasts

⁴⁰ *Authentic Rebel Papers, Seized at St. Eustatius, 1781* (London: L. Lambert, 1781), v.

⁴¹ ‘CM’ Petersburg, VA to ‘TS’, 19 Dec. 1780, *Authentic Rebel Papers, Seized at St. Eustatius, 1781*, 20–21.

⁴² Captain ‘RH’ Petersburg, VA to ‘Brother’, 13 Dec. 1780, *Authentic Rebel Papers, Seized at St. Eustatius, 1781*, 17.

offered throughout the empire in his honor, and by Rodney's own spirited public defense of his actions in the West Indies.⁴³

In hearing the appeals of the inhabitants of St. Eustatius, the Admiralty Court handled sixty-four different claims. Even though Rodney stated that the value of the prizes taken at St. Eustatius were "beyond all comprehension," the merchants' claims still managed to exceed the estimated value of the prizes taken in 1781.⁴⁴ Due to the loss of almost all of the documentary evidence of smuggling and trade with the enemy, the court process was a prolonged ordeal for both Rodney and the claimants. By 1786 only 13 claims had been dealt with: nine of which resulted in restitution, 25 were still waiting for an appeal, and the remaining 26 had yet to be heard. It was in this climate of legal distress and general confusion that the Lords Commissioners of Appeals heard case no. 47, the claim of John and Philip Hawkins in 1786. John Hawkins was an English merchant in London whose brother Philip resided in St. Eustatius and oversaw the firm's business on the island; though a relatively modest venture their claim amounted to £16,559.⁴⁵ According to John Hawkins's affidavit, the Hawkins brothers had entered into an agreement with the Amsterdam banker Jean de Neufville to trade with the island in British manufactures and tobacco. De Neufville was a well-known banker engaged in trading with America during the war. De Neufville's activities on behalf of the American trade, which

⁴³ The account of the debate in the Lords over Lord Rodney's formal 'thanks' ran for three pages in the *Morning Chronicle and London Advertiser*, 28 May 1782. Though some were clearly still divided over Rodney's legacy, he nevertheless had stalwart supporters in government. For more on the debate, see, Cobbett, *The Parliamentary History of England*, XXIII, 51–75. Rodney's continued popularity can be seen in the numerous dinners and celebrations in Rodney's honor in the 1780s, several of which were recounted in the newspapers, *Morning Post and Daily Advertiser*, 3 April, 1784 *Norfolk Chronicle*, 1 April 1786 and *Norfolk Chronicle*, 8 March, 1788.

⁴⁴ Lord Rodney to Lady Rodney, 7 Feb. 1781, in George Brydges Rodney, *The Life and Correspondence of the Late Admiral Lord Rodney*. Vol. 2 (London: John Murray, 1830), 18–19. O'Shaughnessy states that the ninety claims amounted to almost £300,000, with the claim on one merchant amounting to £70,000; far exceeding the value of the initial prize money. See, O'Shaughnessy, *An Empire Divided: The American Revolution and the British Caribbean*, 226.

⁴⁵ *Lords Commissioners of Appeals in Prize Causes. St. Eustatius and Its Dependencies. Appendix to the Appellant's Case*, 13.

included the signing of a secret treaty with Henry Laurens, were discussed extensively in Parliament in the lead up to the war.⁴⁶ Between their partnership with the literal symbol of British animosity and their trade in tobacco with the neutral Dutch, the Hawkinses represent the quintessential ‘secret enemies’ of the British Empire. While their claim was rejected, and the result of the appeal is unknown the published appendix to their affidavit is valuable for providing the testimony of Admiral Rodney, General Vaughan, and their agents on the island. In Rodney’s affidavit of November 8, 1781, the admiral made his clearest statement yet about his views on the neutral British merchants of St. Eustatius, condemning those “who had made themselves Dutch Burghers, and thereby as this deponent is informed had forfeited their rights as British subjects.”⁴⁷ Rodney recounted to the court his discovery of twenty-five warehouses containing the property of “divers persons, calling themselves English merchants.”⁴⁸ Rodney’s personal secretary, Reverend William Pagett, corroborated Rodney’s testimony before the Admiralty Court. Though Pagett conveniently claimed that he could not remember any details regarding either the merchants’ papers or Rodney’s correspondence, he did tell the court that Dutch Burghers, “chiefly Dutch and English subjects,” owned the goods seized on the island.⁴⁹ Pagett believed that if the prizes had been restored to their original owners the goods would have been transported to the enemy in the French islands or North America. Rodney and Pagett were clearly of the same mind when it came to the British inhabitants, but other depositions show less interest in the identity and activities of their fellow countrymen on the island. While General

⁴⁶ Cobbett, *The Parliamentary History of England*, XXI, 1002.

⁴⁷ *Lords Commissioners of Appeals in Prize Causes. St. Eustatius and Its Dependencies. Appendix to the Appellant’s Case*, 1.

⁴⁸ *Lords Commissioners of Appeals in Prize Causes. St. Eustatius and Its Dependencies. Appendix to the Appellant’s Case*, 1.

⁴⁹ *Lords Commissioners of Appeals in Prize Causes. St. Eustatius and Its Dependencies. Appendix to the Appellant’s Case*, 3.

Vaughan's testimony mentioned the English merchants, his account focused on the confiscated property rather than the identity of the claimants, simply describing, "merchandizes, which were claimed and asserted by divers English merchants to be their property, were left undisposed of by the said agents."⁵⁰ Comparing the affidavits of the deponents makes clear that the lawyers were working from a script of some thirty-two questions. Among others, each witness was questioned about their origin, the events they witnessed during the capture of the island, whether they saw anyone destroy any papers related to the island's trade, and if the witness knew the identity of the owners of the stores. While some testimonies claimed that all of the residents had become Dutch Burghers in order to legally trade on the island, only Rodney and his secretary transformed this legal status into a moral category.⁵¹

Despite Rodney's victory in the Hawkins decision, in other cases Rodney was far less successful. Elias Lindo, a London merchant, twice defended his claim against Rodney, successfully proving through his own articles of agreement and bills of lading that the goods on St. Eustatius were owned by his firm Noble & Lindo.⁵² Lindo's partnership with David Noble of Amsterdam served as a pretext for continued appeals by Rodney on the grounds that "the said goods are not proved by legal evidence to have been the property of the claimant, and to have

⁵⁰ *Lords Commissioners of Appeals in Prize Causes. St. Eustatius and Its Dependencies. Appendix to the Appellant's Case*, 2. The deposition of Henry Savagae, Commander of HMS Russel, shows a similar disregard for identity, merely stating that the owners of the goods found in the warehouses were "British and neutral subjects." See, *ibid.* 5. Kenneth Breen, who examined Vaughan's personal correspondence with Germain, claims that Vaughan held a similar prejudice against the British on the island. Clearly in his testimony though, Vaughan did not see English identity as the most important factor in justifying his actions. See, Breen, "Sir George Rodney and St. Eustatius in The American War: A Commercial and Naval Distraction, 1775-81," 197.

⁵¹ The testimony of Richard Foxall, a merchant from Dublin residing in Saint Lucia, bears this out as he even makes a further distinction between the Dutch burghers and English merchants, or neutral subjects, see, *Lords Commissioners of Appeals in Prize Causes. St. Eustatius and Its Dependencies. Appendix to the Appellant's Case*, 7.

⁵² *Before the Lords Commissioners of Appeals in Prize Causes. St. Eustatius and Its Dependencies, No. 8, Claim of Elias Lindo* (London, 1786), 6.

been employed in a lawful British trade.”⁵³ The London *World* reported on June 4, 1788 that the Lords of Appeal confirmed their former sentence in favor of Lindo, “with full costs,” and in addition accepted the appeal of Joseph Waldo, a Bristol merchant.⁵⁴ Kenneth Breen argues that the Continental merchants tended to prevail in court over the residents of St. Eustatius. The cases of Waldo and Lindo allow us to widen Breen’s argument to include merchants trading from Great Britain as well. These merchants were also able to overcome the labels of ‘secret enemy’ and those who ‘call themselves British merchants’.⁵⁵ As will be discussed in the next section, many in Britain were beginning to consider the colonies as separate from the national body in the aftermath of the American Revolution. This new approach to empire appears directly related to the concern over space and residency in Admiralty court decisions.

The changing ideology about the loyalty of the inhabitants of the West Indies helps to explain the treatment of Richard Jennings at the beginning of this chapter. Jennings published his short memoir in 1790, and after almost a decade he had found little redress in the Admiralty Courts. Impoverished and his reputation ruined, he turned to the public as his final court of justice. Jennings argued angrily that his claim had been denied because the Admiralty Courts favored local merchants, and thus a line had been drawn and “THAT OF RESIDENCE HAS BEEN MADE THE BOUNDARY OF JUSTICE.”⁵⁶ Jennings stated that he had endangered his business to assist in the war effort while English merchants based in London safely profited

⁵³ *Before the Lords Commissioners of Appeals in Prize Causes. St. Eustatius and Its Dependencies, No. 8, Claim of Elias Lindo*, 4.

⁵⁴ *The World*, 4 June 1788.

⁵⁵ Breen, “Sir George Rodney and St. Eustatius in The American War: A Commercial and Naval Distraction, 1775-81,” 199.

⁵⁶ Jennings, *The Case of Richard Downing Jennings, an English Subject Who Resided at Saint Eustatius*, 1790, 31. Like many former residents of St. Eustatius, Jennings later relocated to another neutral island in the Caribbean, the Danish island of St. Thomas, see, Wilson, *Commerce in Disguise: War and Trade in the Caribbean Free Port of Gustavia, 1793-1815*, 90.

through their temporary agents in the West Indies. As a British West Indian, Jennings was condemned as merely one ‘who calls himself English’.

“The Alien States of America”

With the conclusion of the war in 1783 the question of America’s place in relation to the British Empire remained unresolved. John Baker Holroyd, Lord Sheffield’s *Observations on the Commerce of the American States with Europe and the West Indies* led the charge in this debate. Sheffield sought to place the American states outside of the British Empire, arguing for the exclusion of Americans from British commercial identity. Sheffield’s fierce defense of the Navigation Act ostensibly serves as the preeminent definition of British mercantilism and the guiding light for the government’s policy towards America.⁵⁷ Yet the variety of responses to Sheffield’s pamphlet from British and American officials, West Indian planters, and merchants, reveals that the Navigation Act was always being reinterpreted and Sheffield’s opponents could just as easily use it for their own ends. This section examines the complexity of Anglo-American relations in the immediate years after the war. By focusing on debate rather than unitary discourses of mercantilist rhetoric, this section highlights the limitations of studying commercial policy from solely the perspective of statesmen and Orders in Council.

Historians have traditionally examined Sheffield’s treatise from an economic perspective. This is only natural considering the wealth of economic data Sheffield mobilized in order to prove his claim that the British Empire needed its maritime nursery more than it needed America. The weight of Sheffield’s argument and its consequent success in shaping official

⁵⁷ Lowell J. Ragatz, *The Fall of the Planter Class in the British Caribbean, 1763-1833* (New York: The Century Co., 1928), 174; Kenneth Morgan, “Mercantilism and the British Empire, 1783-1815,” in *The Political Economy of British Historical Experience 1688-1914*, ed. Donald Winch and Patrick Karl O’Brien (New York: Oxford University Press, 2002), 167.

policy has led many scholars to shy away from dissent to view this conversation over commercial and national identity as one with a preordained and settled victor.⁵⁸ Sheffield's *Observations* was written in response to a proposed commercial act by the Shelburne ministry to continue the colonial trade with the new United States. Shelburne's ministry, motivated by the spirit of reciprocity and the potential of solidifying an Anglo-American alliance, sought to secure the American trade with a provisional bill on March 7, 1783. The bill granted Americans access to the British West Indies and treatment as British subjects within British ports. The liberal treatment of the Americans stemmed from Shelburne's emphasis on reciprocity and particular privileges in order to preserve the British-American Empire.⁵⁹ Despite its temporary status, the bill provoked a firestorm from Sheffield and his supporters, who decried it in the parliamentary debate on March 18. Sheffield argued that Shelburne's proposal would lead to the destruction of the carrying trade.⁶⁰ Though Shelburne's ministry soon crumbled, the dangerous ideas behind the

⁵⁸ Frances Armytage, *The Free Port System in the British West Indies: A Study in Commercial Policy, 1766-1822* (New York: Longmans, Green and Co., 1953), 3; Carrington, *The British West Indies during the American Revolution*, 163–64; John E. Crowley, "Neo-Mercantilism and the Wealth of Nations: British Commercial Policy after the American Revolution," *The Historical Journal* 33, no. 2 (June 1990): 359–60; Vincent T. Harlow, *The Founding of the Second British Empire, 1763-1793* (New York: Longmans, Green & Co., 1952), 486; Ragatz, *The Fall of the Planter Class in the British Caribbean, 1763-1833*, 179.

⁵⁹ There is some disagreement among historians over whether Shelburne was a Smithian free-trader or a mercantilist. For the former, see, Andrew Hamilton, *Trade and Empire in the Eighteenth-Century Atlantic World* (Newcastle upon Tyne: Cambridge Scholars Publishing, 2008), xv. John Crowley believes Sheffield was a true Smithian as he wished to treat all foreign nations, including the new United States, equally, see, Crowley, "Neo-Mercantilism and the Wealth of Nations: British Commercial Policy after the American Revolution," 348.

⁶⁰ J Debrett, ed., *The Parliamentary Register; or, History of the Proceedings and Debates of the House of Commons; Containing an Account of the Most Interesting Speeches and Motions; Accurate Copies of the Most Remarkable Letters and Papers; of the Most Material Evidence, Petitions &c. Laid before, and Offered to, the House* (London, 1781), IX, 502. The Treaty of Paris (1783) was the first recognize Americans as British subjects in particular spaces, defining American in the Newfoundland fishery 'as British fishermen'; and introducing the category of 'real British subjects' to refer to Loyalists, see, *ibid.* 177-78. Jasanoff discusses how this distinction between 'real British subjects' and other types of subjects reflected the official view that Loyalists were not 'perfectly British', see, Maya Jasanoff, *Liberty's Exiles: American Loyalists in the Revolutionary World* (New York: Random House, 2011), 121–22. In Parliament, the bill did have its supporters, including Edmund Burke who believed in upholding what he viewed as the old system of commerce with America, including treating Americans as 'fellow-subjects', see, Cobbett, *The Parliamentary History of England*, XXIII, 614.

bill prompted Sheffield to write his spirited defense of the Navigation Act in 1783. The debate that Shelburne's bill provoked came to define the commercial disputes of the next three decades.

Beyond its wealth of economic data, Sheffield's *Observations* was most of all a treatise on identity and belonging. The provisional bill, described by its opponents as an 'experiment', declared that in British ports the ships of the United States would remain American but the cargo would be treated as if it were the property of British subjects imported in a British vessel.⁶¹ For Sheffield, the Americans were first and foremost aliens, and any experimentation with their identity would undermine the Navigation Act, which Sheffield called "the guardian of the prosperity of Britain."⁶² Sheffield pitched commercial competition as an endless battle for preeminence; if the Americans were allowed an exception to the Navigation Act they would increase their shipbuilding efforts and overtake the British carrying trade.⁶³ Sheffield further warned that the American flag would become a universal flag, used by the French and Dutch to sneak into the British Empire and then sell British goods at lower rates in Europe.⁶⁴ Sheffield concluded that the Americans had fought for their independence and Parliament must recognize their new identity in order to protect the remainder of the British Empire: "it is absolutely necessary to mark the line of distinction between our subjects and these aliens."⁶⁵ Sheffield viewed these experiments as a dangerous breach of the Navigation Act, crafted out of a desire to

⁶¹ Debrett, *The Parliamentary Register*, IX, 477, 506; John Holroyd Lord Sheffield, *Observations on the Commerce of the American States* (London: Printed for J. Debrett, 1784), 281.

⁶² Sheffield, *Observations on the Commerce of the American States*, 2, 214.

⁶³ Playing on the fear of a crumbling empire, Sheffield and his supporters focused on the weakening of the Britain's strength at sea, Harlow, *The Founding of the Second British Empire, 1763-1793*, 457. Harlow further argues that those in the Sheffield camp were primarily concerned with the need for ships to meet growing demand for commodities from new markets in China and Peru, see, *ibid.*, 491.

⁶⁴ Sheffield, *Observations on the Commerce of the American States*, 136–37. This fear was at least partially proven in 1785 when it was reported that Dutch ships were taking on American (and English) colors in the face of an impending war with the Austrian Emperor, see, *United States Chronicle*, 17 March 1785.

⁶⁵ Sheffield, 134.

protect the American trade with the West Indies. In a third edition to his popular work, writing after the failure of the bill, Sheffield noted with relief the calamities Britain had narrowly avoided:

“Had it passed into a law, it would have affected our most essential interests in every branch of commerce, and in every part of the world; it would have deprived of their efficacy our navigation laws, and undermined the whole naval power of Britain; it would have endangered the repose of Ireland, and excited the just indignation of Russia and other countries: the West India planters would have been the only subjects of Britain who could have derived any benefit, however partial and transient, from their open intercourse directly with the American states, and indirectly through them with the rest of the world.”⁶⁶

As is seen here, Sheffield recognized the need to supply the West Indies from some external source. But in order to maintain the sanctity of the Navigation Act, it was necessary for these supplies to come from within the British Empire. As an alternative to the Americans, Sheffield suggested that Canada and Nova Scotia could both supply the West Indies and serve as a potential nursery for seamen. Sheffield argued that within five or six years up to 400 vessels might be employed in trafficking Canadian goods to the West Indies and Europe.⁶⁷ British North America then would save the empire, protect the Navigation Act, and supply the West Indies without recourse to ‘these aliens’ the Americans.

If the Americans were to be excluded from the West Indies and treated in Great Britain like any other nation, what was their commercial role in Sheffield’s worldview? The former colonies were now merely another customer, and Sheffield encouraged his fellow Britons to

⁶⁶ Sheffield, 3–4.

⁶⁷ Sheffield, 65. Sheffield actually claimed that Canada was already supplying Europe through Philadelphia ships before the American Revolution. British North Americans certainly were in favor of Sheffield’s championing of their trade, in 1786 the *Public Advertiser* noted that a new ship built in New Brunswick was named the Lord Sheffield, see, *Public Advertiser* 13 Oct. 1786. Sheffield was also presented with the freedom of the city of Glasgow for his work in defense of the nation’s commerce, see, *General Evening Post*, 25 Dec. 1783.

view ‘the dismemberment of the empire’ for the advantages it offered.⁶⁸ Rather than losing an essential member, Great Britain had gained a valuable new customer, wholly dependent on British manufactures. The Americans actively sought a trade with Great Britain, and Sheffield noted that they begged for credit in order to feed consumer demand. The real danger was not that America may shun British markets if kept out of the West Indies, but rather that British creditors and manufactures may overstock and over-lend the impoverished American consumer.⁶⁹ Further, American inexperience in foreign languages and overseas negotiations meant that the British would serve as necessary middlemen in any American business transaction with Europe.⁷⁰ Partially as a result of Sheffield’s pamphlet, the new Fox-North ministry shifted the regulation of trade to the king and council and issued a new Order in Council on July 2, 1783, to regulate the commerce with America.⁷¹

The initial Order in Council repealed the prohibitory acts on American trade, permitted the Americans to trade with the British West Indies in British bottoms, and allowed the exportation of colonial produce from the British colonies to the United States. Notably, these goods would be subject to the same duties as “if exported to any British colony or plantation in America.”⁷² Subsequent Orders in Council would continue to modify and restrict American

⁶⁸ Sheffield, 193–97.

⁶⁹ Sheffield, 264. Sheffield was right in recognizing the potential dangers of overselling to the Americans as a post-war glut began in 1784 that destroyed many American and British firms. See, Emily Buchnea, “Bridging the Middle Atlantic: The Liverpool-New York Trading Community, 1763-1833” (University of Nottingham, 2013), 207. Sheffield was not the first to note that the Americans would continue to prefer British goods despite the war, see, Josiah Tucker, *Cui Bono? Or, An Inquiry, What Benefits Can Arise Either to the English or the Americans, the French, Spaniards, or Dutch, from the Greatest Victories, or Successes, in the Present War?* (London: T. Cadell, 1782), 75–77.

⁷⁰ Sheffield, *Observations on the Commerce of the American States*, 203–4.

⁷¹ For recognition of this at the time, see, *South Carolina Gazette and General Advertiser*, 12 Feb. 1784.

⁷² *London Gazette*, 8 July, 1783. The restriction to British bottoms was controversial as many claimed that the trade depended on small schooners coasting down North America rather than ships coming from Britain bi-annually. The State of Virginia also pushed for authorizing a retaliatory act against British shipping until the order was changed. See, Sir Philip Gibbes, *Reflections on the Proclamation of the Second of July, 1783, Relative to the Trade between*

commercial access to the West Indies until 1788 when an Act of Parliament made the previous orders permanent. The Act of Parliament and Orders in Council reaffirmed restrictions on American trade in the West Indies but also continued to treat American ships and goods to the “payment of the same duties as the like sort of goods or merchandize are or may be subject and liable to if imported in British-built ships.”⁷³ In the British West Indies, Americans were gradually treated as foreigners and aliens but in the British Isles they remained fellow subjects entitled to the privileges they had renounced in 1776. The legal fiction of American foreigners, created by subsequent ministries, continued rather than ended the debate over America’s true place within the British Empire.

While Sheffield’s work provoked considerable interest on both sides of the Atlantic, it was the prominent Jamaican politician and future historian of the West Indies, Brian Edwards, who penned the most important response.⁷⁴ Edwards’s *Thoughts on the late Proceedings of Government* (1784) argued for a return to the consanguinity of the past, viewing the Americans as “our best friends and customers in peace, and in war our firmest allies.”⁷⁵ By restricting American trade to British ships, Edwards believed the Orders in Council would eventually destroy the American trade altogether. Edwards also noted that many in the British West Indies

the United States of America and the West-India Islands (London, 1783); *An Act to Authorize the Congress of the United States to Adopt Certain Regulations Respecting the British Trade* (Richmond, 1784).

⁷³ 28 Geo. 3, c 6; *London Gazette*, 25 March 1788.

⁷⁴ Historians’ views of Edwards have differed widely. O’Shaughnessy claims that he was a radical who upheld colonial liberties and challenged the doctrine of parliamentary supremacy after the American Revolution, see, O’Shaughnessy, *An Empire Divided: The American Revolution and the British Caribbean*, 247. Ragatz, seeing the West Indians motivated by pure self-interest, argued that there was no basis for the West Indies to claim supplies from a foreign source while still maintaining their monopolies, Ragatz, *The Fall of the Planter Class in the British Caribbean, 1763-1833*, 179. Ritcheson notes the lies and false assumptions within the West Indian responses to the July 2 Order, describing these works as “Ingenious, ingenuous, and untrue!” See, Charles R. Ritcheson, *Aftermath of Revolution: British Policy toward the United States, 1783-1795* (Dallas: Southern Methodist University Press, 1969), 9. For an example of the importance of Edwards to this debate, see *New Hampshire Gazette*, 19 Aug. 1785, which quoted Edwards’s work at such a length that it covered the first page of the paper.

⁷⁵ Bryan Edwards, *Thoughts on the Late Proceedings of Government: Respecting the Trade of the West India Islands with the United States of North America*. (T. Cadell, 1784), 3.

had observed the immediate increase in the cost of American supplies after the proclamation was published.⁷⁶ Further, Edwards claimed that these restrictions might provoke the Americans into acting from their passions rather than their interest and shunning the British market entirely. Contrary to Sheffield, Edwards viewed the American trade as more extensive and more important to British commerce than traditionally imagined. Arguing that custom house books could not convey the extent of such a trade, which Edwards described as “spreading through a variety of distant channels, their profits all returned to, and ultimately concentrated [sic] in, Great Britain, like rivers to the ocean.”⁷⁷ Edwards concluded his *Thoughts on the Late Proceedings of Government* by connecting the commercial success of the sugar islands with the national wealth; a view that stood in stark contrast to Sheffield’s emphasis on the importance of the Navigation Act as the source of all prosperity.

Sheffield was not alone in supporting a strict interpretation of the Navigation Act.⁷⁸ Denying the ties of consanguinity after the war, John Stevenson challenged Edwards’s claim that the colonists would favor passion over self-interest. Stevenson did agree with Edwards over the prevalence of smuggling in the islands, claiming that despite the Orders in Council, the Americans would obtain sugar ‘clandestinely’. Nevertheless, the existence of smuggling was not a sufficient reason to alter the law, or “for our granting the Alien States of America a free trade with our sugar islands.”⁷⁹ Along with Stevenson, the most stalwart defender of Sheffield’s

⁷⁶ Edwards, 10, 12.

⁷⁷ Edwards, 19. Edwards view of commerce outside the bounds of custom house records stands in stark contrast to Sheffield’s voluminous appendix to his *Observations*, see, Sheffield, *Observations on the Commerce of the American States*, 219–87.

⁷⁸ The *Manchester Mercury* reiterated much of Sheffield’s argument in November and December 1783, see, *Manchester Mercury*, 18 Nov. 1783. Also see, *General Evening Post*, 26 Aug. 1783.

⁷⁹ John Stevenson, *An Address to Brian Edwards* (London: Printed for W. Nicoll, 1784), 6, 27, 44. Stevenson continued to defend his views against Edwards’s supporters, reiterating his support for legal trade with America and

principles at the time was George Chalmers. Chalmers chastised the West Indians for complaining that the proclamation of July 2, 1783, did not do enough for their economic welfare: “The question however does not turn off the pivot of supplying the West India Lords with their usual luxuries, or the West India slaves with their accustomed needs.”⁸⁰ It was not enough that the West Indians had three different markets vying to supply their every need, Chalmers mocked, because “neither the proclamation nor the law commanded traders *to supply the West India wants*.”⁸¹ Finally, Chalmers reiterated Sheffield’s argument that Great Britain had successfully supplied the West Indies during the war, stating simply that, without American competition, the British were able to provision the islands at great profit to the nation.⁸² Chalmers believed that the true solution was for the West Indies to pursue self-sufficiency, stating that Britain was more interested in the West Indies cultivating their own food than any colonial produce.⁸³

Several other authors rallied to the West Indian cause in response to Sheffield and his supporters. These authors undermined Sheffield through a reinterpretation of the purpose of Britain’s commerce, the conduct of American merchants, and the true meaning of the Navigation Act. Edward Long, a close friend of Edwards, pointed to the irrationality of British policy toward the Americans, complaining that Britain was ostensibly seeking to prevent the development of a competitive American mercantile marine. Yet, according to Long, British policy seemed to encourage the building of large transatlantic brigs to trade with the British Isles over the small

warning that if the Americans were allowed to trade with the West Indies, Britain’s honor would be ‘tarnished’, see, *Morning Post and Daily Advertiser*, 13 Oct. 1784.

⁸⁰ George Chalmers, *Opinions on Interesting Subjects of Public Law and Commercial Policy; Arising from American Independence* (London: J. Debrett, 1784), 57.

⁸¹ Chalmers, 57–58.

⁸² Chalmers, 73. In other parts of the treatise, Chalmers appeared much less confident about Britain’s ability to supply the colonies, stating ‘there is reason to hope...that Great Britain will be able to spare wheat flour’ on *ibid.* 80. This claim was a popular one for the advocates of Sheffield’s interpretation of the Navigation Act. See, William Eden in the 10 March 1783 debate in Parliament, Cobbett, *The Parliamentary History of England*, XXIII, 643.

⁸³ Chalmers, *Opinions on Interesting Subjects of Public Law and Commercial Policy; Arising from American Independence*, 88.

coasting vessels used by the Americans in the West Indies. Further, Long pointed to the contradictory policy of treating Americans as fellow subjects in Britain while barring them from the West Indies as foreigners: “Thus the American, when he goes to Saint Kitts with his cargo of lumber, finds himself renounced as an *alien*; but when he lands with the same cargo at Liverpool, he is caressed and welcomed, as a naturalized Briton.”⁸⁴ Others chose to focus on Sheffield’s warnings about American trustworthiness and credit. ‘An American’ claimed that the commercial difficulties brought on by the market glut and widespread credit failures of the 1780s were not due to American negligence but rather the inhibitions of Europeans trading in America and “assuming the mask of calling themselves Americans.”⁸⁵ As a counter to the cool logic of Sheffield’s trade data, some turned to emotional arguments, seeing the prohibition on American commerce as revenge for the war.⁸⁶ Finally, James Allen’s sweeping attack claimed that Canada was a frozen wasteland, producing no crops for export. Allen further argued that only the United States could supply the necessary provisions for the West Indies and that the sacrifice of commerce for the promotion of navigation would destroy the empire. “The *carrying trade*,” Allen asserted, “is of great importance, but it is of greater still *to have trade to carry*.”⁸⁷ Allen believed that the trade was so necessary for the survival of the West Indies that if prohibited the

⁸⁴ Edward Long, *A Free and Candid Review, of a Tract Entitled, “Observations on the Commerce of the American States”* (London: T. and W. Lowndes, 1784), 57–58; Ragatz, *The Fall of the Planter Class in the British Caribbean, 1763-1833*, 176.

⁸⁵ An American, *Remarks on Lord Sheffield’s Observations* (London: Printed for John Stockdale, Opposite Burlington-House, Piccadilly, 1784), 4. The argument that Americans were taken advantage of by European’s ‘inconsiderate spirit of adventure’ was echoed by Tench Coxe in 1787, see, Tench Coxe, *An Enquiry into the Principles on Which a Commercial System for the United States of America Should Be Founded* (Philadelphia: Robert Aitken, 1787), 42–43. For more on Sheffield’s warnings see, Sheffield, *Observations on the Commerce of the American States*, 201.

⁸⁶ Some historians have continued to view British policy as guided by emotion in this period, see, Harlow, *The Founding of the Second British Empire, 1763-1793*, 487. Ritcheson significantly claimed that British policy was not guided by revenge for the war but to secure their marine and empire for the future. See, Ritcheson, *Aftermath of Revolution: British Policy toward the United States, 1783-1795*, vii–x, 17, 358.

⁸⁷ James Allen, *Considerations on the Present State of the Intercourse between His Majesty’s Sugar Colonies and the Dominions of the United States of America* (London, 1784), 28, 33–34, 38.

colonists would simply smuggle American supplies through neighboring islands or take advantage of lax customs enforcement.⁸⁸

Contemporary newspapers mark the widespread knowledge and engagement with Sheffield's work. Articles provided supposed proof that the new minister, William Pitt, was in favor of a free trade between America and the West Indies, and accounts of Canadian scarcity mocked Sheffield's blind faith in Nova Scotia as an alternative source of grain and lumber.⁸⁹ A letter to the London *Public Advertiser*, signed 'Albion', warned of a 'set of writers' that attempted to exacerbate the loss of America by claiming that Britain had benefited from the separation. The article further claimed that any person who dared to complain of these 'national calamities' was either ridiculed as a fool or charged as an 'internal enemy of the state'.⁹⁰ In this spirit, Thomas Paine penned a piece under the pseudonym 'Common Sense', claiming that the British wished to govern American trade since America lacked a system of commerce.⁹¹ Paine's conspiracy of clandestine British governance of America fed into rumors that an American had assisted Sheffield in his 'noxious doctrines'. The British, according to Paine, were conniving with the Barbary pirates to destroy American commerce in the Mediterranean in order to protect "the favorite system of Lord Sheffield."⁹²

⁸⁸ Allen, 40. Allen gave specific examples of how these practices were carried on; to such an extent that it obscured the potential suffering of the colonists, see *ibid.* 48. William Bingham claimed that unless America was recognized as the 'granary of the British West Indies' than rampant smuggling would take place, with the assistance of every planter on the island working against Britain's guarda costas, see, William Bingham, *A Letter from an American, Now Resident in London, to a Member of Parliament on the Subject of the Restraining Proclamation: And Containing Strictures on Lord Sheffield's Pamphlet on the Commerce of the American States*. (London: Printed for J. Stockdale, 1784), 18–19.

⁸⁹ *American Herald*, 25 July 1784; *Freeman's Journal*, 4 Aug. 1784.

⁹⁰ *Public Advertiser*, 24 Sept. 1784.

⁹¹ See the *Providence Gazette* 27 Dec, 1783; *Political Intelligencer*, 30 Dec, 1783; *New Jersey Gazette*, 30 Dec, 1783; *Norwich Packet*, 1 Jan. 1784; and *Salem Gazette*, 15 Jan, 1784.

⁹² *American Herald*, 12 April, 1784. The paper alleged that the infamous Silas Deane had assisted Sheffield. Deane's own papers appear to bear this out, if Deane did not help Sheffield write the pamphlet he certainly provided much assistance in its early stages, see, Silas Deane, *The Deane Papers; Correspondence between Silas Deane, His*

Responses to this debate continued to pour through the press at a rapid rate well into the following decade. In 1791 Assistant U.S. Treasury Secretary Tench Coxe used custom house records to prove that Sheffield's blind faith in Canada was baseless. Coxe attempted to show conclusively that "the British West India islands are proved to have been indebted to the United States, in 1790 for more lumber, more grain, and more bread and flour than they imported from these states before the revolution."⁹³ While this was hardly the final word on the place of America within the British Empire, the Atlantic World had shifted considerably by 1791 from what Sheffield had described in 1783. In the midst of another revolution American merchants would regain their position as an essential part of the British Empire.

The antipathy prevalent in popular literature during the 1780s is undeniable, but as the following section shows, this dispute over government policy did not necessarily lend itself to a hatred of the British in general. Merchant correspondence reveals a climate of mutual cooperation, which ensured the continuation of commercial relationships despite the competing claims of government ministers. Whether out of consanguinity or the safety of old commercial ties, Sheffield was right to argue that Americans would continue to purchase British commodities despite the restrictive Orders in Council.

Americans attempt to reverse the Revolution

Despite ministerial aggression, Anglo-American commerce returned to its pre-war pace after the war. The uncertainties created by the debate over British identity and the limits of the empire offered opportunities for American merchants seeking to rekindle Anglo-American trade. This

Brothers and Their Business and Political Associates, 1771-1795. (Hartford: Connecticut Historical Society, 1930). For the Barbary rumor see, *Pennsylvania Packet*, 12 May 1785.

⁹³ Tench Coxe, *A Brief Examination of Lord Sheffield's Observations on the Commerce of the United States* (London: J. Phillips, 1792), 21–22.

section examines the vicissitudes of that relationship by focusing on the economies of information maintained by networks of transatlantic merchants.⁹⁴ Merchants participated in the transatlantic exchange of information and ideas by reacting to gossip and seeking new ventures based on rumors of market demand found in their professional correspondence and contemporary newspapers.⁹⁵ By viewing the Atlantic as a sea of exchange, rather than a space of competing trade barriers, we can gain a fuller understanding of the complexities of commerce and national identity at the end of the eighteenth century.⁹⁶ Three merchant firms are examined in order to highlight the characteristics of these economies of information: the New York firm Lynch & Stoughton whose correspondence documented America's dependence on British manufactures; New York merchant Nicholas Low's struggle with British identity as he attempted to assist his loyalist family and cover his own property with British Mediterranean Passes; and Boston merchant and Revolutionary patriot Caleb Davis's commercial relationships with British contacts despite the war and proceeding market glut. These three case studies serve to not only reiterate America's dependence on British commodities in the 1780s but also the continued importance of Britishness in Anglo-American commerce and British contacts for facilitating foreign trade.

⁹⁴ This section is influenced by Emma Rothschild's discussion of an 'empire of information' in her study of a Scottish merchant family's global exchange of information, see, Rothschild, *The Inner Life of Empires: An Eighteenth-Century History*, 193–94, 177, 175.

⁹⁵ For more on the theoretical underpinnings of merchant participation in the exchange of information, see, Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry Into a Category of Bourgeois Society*. Cambridge, Mass.: MIT Press, 1991. Aslanian notes that Habermas fails to recognize the importance of business correspondence in a print age, this section serves to show how print and private correspondence worked together to form an economy of information, see, Aslanian, "'The Salt in a Merchant's Letter': The Culture of Julfan Correspondence in the Indian Ocean and the Mediterranean," 140. McCusker has argued that business newspapers served to complement correspondence by acting as 'independent, impartial, and redundant sources of information,' see, John J. McCusker, "The Demise of Distance: The Business Press and the Origins of the Information Revolution in the Early Modern Atlantic World," *The American Historical Review* 110, no. 2 (April 2005): 305. Also see Chapter 2.

⁹⁶ Armitage, "Three Concepts of Atlantic History," 23; Bailyn, *Atlantic History: Concept and Contours*, 51; Games, "Atlantic History: Definitions, Challenges, and Opportunities," 744; Horden and Purcell, "The Mediterranean and the New Thalassology," 723.

The merchant firm of Lynch & Stoughton was formed on March 10, 1783, in Bruges between Dominick Lynch, originally from Galway, and Don Thomas Stoughton, a merchant with connections to Spain and France. That same year, Stoughton relocated to New York to establish a trading house and later married Lynch's sister Catherine. The partnership agreement saw Lynch providing the majority of the funds from the fortune he had accumulated in Bruges while Stoughton served as acting partner in New York, dealing with the day-to-day business.⁹⁷ The firm's observations on the American market offer considerable detail on the demands for British goods, the general uncertainty from the lack of reliable information, and the missed opportunities resulting from such widespread confusion.

On March 3, 1784, Thomas Stoughton wrote to an Irish contact celebrating the demands for British goods, which had even exceeded the abundant supply provided by the evacuation of the British from New York. Stoughton wrote confidently that he could obtain advantageous sales for Irish linens. Stoughton was so optimistic about the market that he advised Dominick Lynch, who was still in Europe, of the possibility of engaging a ship from Galway or Sligo to maintain a regular trade between Ireland and New York.⁹⁸ Yet, just over a month later, Stoughton wrote to his partner of potential impending losses for importers of goods from Europe. He now predicted that the amount imported would take at least two years to sell. By May, Stoughton had revised his estimate again after witnessing the arrival of eight more cargoes from London and Liverpool. Now Stoughton believed that it would take three years to sell all of the British merchandise.

⁹⁷ Thomas Zanslaur Lee, *The Journal of the American Irish Historical Society, Volume 8* (Providence, RI: The Society, 1909), 135; William Johnson, *Reports of Cases Adjudged in the Court of Chancery of New-York: Containing the Cases from March, 1814 to December, 1815* (Albany: E. F. Backus, State-street, 1816), 467. After the termination of their partnership, Don Thomas Stoughton was appointed Spanish Consul for the port of New York in 1795 and the two partners began a lawsuit against each other that lasted for over twenty years which was eventually decided in Stoughton's favor for the sum of \$25,076, see, *The American Catholic Historical Researches, Volume 3, Issue 4* (M.I.J. Griffin, 1886), 74.

⁹⁸ Lynch & Stoughton to Patrick, Mark & Nicholas Lynch, 3 Mar, 1784, Lynch & Stoughton Letter book, 1783-1787, NYHS.

Combined with the market glut, New York's agriculture had suffered considerably from the war and Stoughton claimed that time was needed before the merchants could begin to sell produce in order to pay off their growing debt.⁹⁹ By the end of the year Stoughton wrote to his partner with a gloomy view of their commercial activity thus far:

“Excuses & ambition in trade are ever productive of evil consequences, that of America has been over done. GB & Ireland I am fearful will have reason to remember the year 1784. We have neither produce or money to discharge our debts, happy is the man of honest principles who has nothing to do with dry goods or exposes himself or friends to the collection of debts in this country.”¹⁰⁰

With the arrival of peace, a flood of British goods saturated the American market. British merchants, eager to maintain their commercial ties with the now independent colonies, lent liberally to American customers. As a result, several merchant houses in Britain and America went bankrupt due to these lending practices.¹⁰¹ The state of the market was so severe that the *London Chronicle* reported the story of an ‘eminent merchant’, who had sent a large shipment of goods to America and failing to receive payment, and too proud to accept assistance, “put a period to his existence by shooting himself through the head. He has left a disconsolate widow and nine children.”¹⁰² British newspapers warned young merchants and tradesmen to ignore reports of “American wealth, American faith, [and] American prosperity.”¹⁰³ Rather than a merchant's paradise, the new states had committed a ‘universal violation of commercial confidence’ by failing to pay their debts to British creditors. One London newspaper described America's ‘commercial infidelity’ as a final act of vengeance against Great Britain.

⁹⁹ Lynch & Stoughton to Dominick Lynch, 3 March 1784; Lynch & Stoughton to Dominic Lynch, May 1784, Lynch & Stoughton Letter book, 1783-1787, NYHS.

¹⁰⁰ Lynch & Stoughton to Dominick Lynch, 1 Dec. 1784, Lynch & Stoughton Letter book, 1783-1787, NYHS.

¹⁰¹ Ritcheson, *Aftermath of Revolution: British Policy toward the United States, 1783-1795*, 20–22.

¹⁰² *London Chronicle*, 19 Oct. 1784

¹⁰³ *Morning Post and Daily Advertiser*, 30 Sept, 1784; *Morning Herald and Daily Advertiser*, 13 Sept. 1784.

The irresponsible demand for British goods was not limited to young adventurers or disreputable Americans. Jonathan Amory, of the prominent Boston merchant family, clearly participated in these ventures, taking out five advertisements in the *Independent Chronicle* over the course of a month in order to sell “a large assortment of English goods, too many to be enumerated.”¹⁰⁴ Stoughton noted that it was not only American demand that fueled the destructive trade but also Europeans who “have been intoxicated with golden dreams of America & rapid prospects of fortunes.”¹⁰⁵ James Beekman echoed Stoughton in a letter to a Manchester firm; Beekman blamed the British for draining the specie from New York during the war, preventing Americans from repaying their debts. The pervasive spread of British commodities alarmed Thomas Pleasants Jr. who warned Thomas Jefferson that if something was not done to regulate the trade, “there will not be in Virginia a Merchant unconnected with G. Britain.”¹⁰⁶ In 1784, at the height of the glut, British exports to America were valued at £3,679,467. Over the course of the following two years, the value of these exports dropped by almost two million pounds before recovering in 1787.¹⁰⁷ The market bust ruined several firms on both sides of the Atlantic.

For British commerce, despite these losses, the continued dependence of America on British commodities was recognized as a victory. The *Hereford Journal* boasted that all of

¹⁰⁴ *Independent Chronicle*, 9 June, 16 June, 23 June, 30 June and 7 July, 1785. The following year, Jonathan Amory advertised English goods on ‘the lowest terms’ with the offer of twelve months credit, see, *Independent Ledger*, 20 Feb, 1786.

¹⁰⁵ Lynch & Stoughton to Pragers, Liebaert & Co. 24 April 1784, Lynch & Stoughton Letter book, 1783-1787, NYHS.

¹⁰⁶ For Beekman, see, Philip L. White, *The Beekman Mercantile Papers: 1746-1799*, vol. III (New York: New York Historical Society, 1956), 1283. Thomas Pleasants Jr. to Thomas Jefferson, 24 Oct. 1785, Founders Online, National Archives. For more on the pernicious effects of luxurious commodities see, *Berkshire Chronicle*, 8 May 1788 and James Swan, *National Arithmetick: Or, Observations on the Finances of the Commonwealth of Massachusetts* (Boston: Adams and Nourse, 1786), 21–22; *A Few Salutary Hints, Pointing out the Policy and Consequences of Admitting British Subjects to Engross Our Trade* (New York: S. Kollock, 1786), 4.

¹⁰⁷ Figures taken from Merrill Jensen, *The New Nation: A History of the United States during the Confederation, 1781-1789* (New York: Knopf, 1950), 196.

Europe's freight to America could not equal Great Britain's share of the trade.¹⁰⁸ Phineas Bond, British Consul to America, noted that so long as British creditors used restraint in their liberal lending they could insure a monopoly of the American market for British credit and manufactures.¹⁰⁹ This general preference for British manufactures and credit appeared to closely follow Sheffield's prediction that only the British merchant had the power to supply the "wants of America."¹¹⁰ The market glut of British goods can be explained through the lens of consumption studies, which have shown that the demand for new commodities could often outstrip available income and even rationality. Further, American merchants had spent the better part of the eighteenth century becoming fully immersed in a Georgian culture of gentility based around their consumption of imperial commodities.¹¹¹ Clearly, political independence did not necessarily break the strong ties of commercial and cultural dependence on the British Empire.

In such a climate, how was any merchant expected to carry on transatlantic business? Lynch & Stoughton's strategy for maintaining commercial relationships despite general economic stagnation was to provide their correspondents with a steady supply of negative news about American markets. Rather than paint an optimistic picture of American prosperity, Stoughton followed a strategy of dissuasion and despair in order to maintain the trust of his contacts. Stoughton warned of navigation 'reduced to nothing', and the 'impossibility' of

¹⁰⁸ *Hereford Journal*, 9 Sept. 1784.

¹⁰⁹ "Letters of Phineas Bond, British Consul at Philadelphia, to the Foreign Office of Great Britain, 1787, 1788, 1789," in *Annual Report of the American Historical Association for the Year 1896*, vol. I (Washington: Government Printing Office, 1897), 608–14.

¹¹⁰ Sheffield, *Observations on the Commerce of the American States*, 5.

¹¹¹ Phyllis Whitman Hunter, *Purchasing Identity in the Atlantic World: Massachusetts Merchants, 1670-1780* (Ithaca: Cornell University Press, 2001), 171; Carole Shammas, *The Pre-Industrial Consumer in England and America* (New York: Oxford University Press, 1990). T.H. Breen argues that British goods actually had a kind of leveling element as almost everyone could acquire some manufactures, see, T.H. Breen, "The Meanings of Things: Interpreting the Consumer Economy in the Eighteenth Century," in *Consumption and the World of Goods*, ed. John Brewer and Roy Porter (New York: Routledge, 1993), 252. For the impact of commodities on the daily life of British merchants and their families, see, Rothschild, *The Inner Life of Empires: An Eighteenth-Century History*, 201.

obtaining vessels for shipments. When writing to Strange, Dowell & Co. of Cadiz, Stoughton noted the recent scarcity of grain at Lisbon, and went into great detail on the sudden price increase for wheat, Indian corn & flour. Rather than encouragement or schemes to race to the market in order to meet this sudden demand, Stoughton's response was concerted disenchantment. He explained that the firm had not sent a single shipment to a house in Lisbon because they were fearful of the results of such exorbitant prices.¹¹² The following year, Stoughton noted confidently to his partner the success of this strategy; the price of grain in Lisbon had finally dropped and by avoiding temptation they had survived while eager speculators "must burn their fingers."¹¹³

The successful maintenance of this correspondence without the actual exchange of commodities helps to explain the importance of the economy of information in periods of economic downturn. Lynch & Stoughton ensured their trustworthiness by warning their European customers off. Confessing to his partner, "we really are at a loss how to employ ourselves," Stoughton did nothing in Europe.¹¹⁴ Instead, he focused on building his firm's trustworthiness by avoiding risky ventures. Stoughton provided his contacts with a steady supply of information on the state of agriculture in New York, and in turn requested information on opportunities in Europe from his friends in London, Galway, and Cadiz. In August 1785, the firm finally announced to its European contacts an abundant crop of wheat and solicited their business, telling James Sutton & Co. that any opportunities in London would enable American merchants to begin to pay off their debts.¹¹⁵ By December, Stoughton complained to Sutton that

¹¹² Lynch & Stoughton to Strange, Dowell & Co, 29 Nov. 1784, Lynch & Stoughton Letter book, 1783-1787, NYHS.

¹¹³ Lynch & Stoughton to Dominick Lynch, 13 Feb. 1785, Lynch & Stoughton Letter book, 1783-1787, NYHS.

¹¹⁴ Ibid.

¹¹⁵ Lynch & Stoughton to James Sutton & Co. 24 Aug. 1785, Lynch & Stoughton Letter book, 1783-1787, NYHS.

he had not received any encouragement to ship grain to European markets.¹¹⁶ Still awaiting some sign from a business contact in Europe by May 1786, the firm temporarily gave up on the idea of shipping grain for a European market.

The transactions of Lynch & Stoughton from 1783-1787 make for a dull read. The firm took few risks, and their one major European scheme was a failure. Yet the value of the firm rests in its role as a purveyor of information about the American market. By recognizing and alerting their correspondents to potential market dangers their letters offer us insight into how merchants attempted to manage risk.¹¹⁷ Some risks though could not be so easily avoided. At the end of 1785, Stoughton wrote to Charles O'Brien in London about insuring a ship for a potential voyage to Cadiz. Stoughton noted that it would be preferable to use a British vessel in order to guard against the 'exaggerated danger at Lloyds' of American ships falling victim to Barbary pirates. Unfortunately, the same conditions that flooded the American market with British manufactures ensured that few British bottoms were available in 1785 and Stoughton was forced to use an American vessel burdened by costly insurance premiums and the threat of 'piratical navigators'.¹¹⁸

The inability of the American government to protect its mercantile marine from Barbary pirates was the most troublesome foreign policy test for the new nation. The American

¹¹⁶ Lynch & Stoughton to James Sutton, 7 Dec. 1785, Lynch & Stoughton Letter book, 1783-1787, NYHS. The vast fluctuations in demand forced an earlier shipment to Lisbon to be redirected at the last minute as rival firms had already supplied the market there.

¹¹⁷ Haggerty's analysis of risk places much faith in the merchant's ability to manage risk through "good planning and insurance" Haggerty, *Merely for Money? Business Culture in the British Atlantic, 1750-1815.*, 46-50; Doerflinger instead suggests that merchants often took risks over prudence and precision. Thomas M. Doerflinger, *A Vigorous Spirit of Enterprise: Merchants and Economic Development in Revolutionary Philadelphia* (Chapel Hill: University of North Carolina Press, 1986), 160. While risk can clearly be managed, and some ventures are riskier than others, emphasis here and elsewhere is placed on the impossibility of predicting many types of risk due to poor and unreliable information.

¹¹⁸ Lynch & Stoughton to Charles O'Brien, 7 Dec. 1785, Lynch & Stoughton Letter book, 1783-1787, NYHS. There does not appear to be a ready explanation for Stoughton's flippant comment about the Barbary pirates, as he accepted the danger to American shipping in a previous letter to Strange Dowell & Co.

commissioners in London appointed Thomas Barclay to negotiate with the Barbary powers in 1785. Despite successfully concluding a treaty with Morocco in 1787, American ships in the Mediterranean still faced considerable difficulties from Algerian pirates. Added to this was the widespread belief that the European powers, and particularly the British, were acting in concert with the pirates to keep the Americans out of the Mediterranean.¹¹⁹ In July 1785, the *New-Hampshire Gazette* reported on the scale of the Barbary fleet, commenting that the Barbary pirates typically only used galleys, but now they appeared to be equipped with ‘stout ships’ probably provided by the European states.¹²⁰ Without any naval protection of their own, American merchants relied on the distraction caused by European powers waging war with the Barbary States. In 1786 the onset of peace between Spain and Algiers alarmed the *New York Packet*, which declared that if a permanent treaty was signed, “we shall be almost their only object.”¹²¹ It was in this context of international dominoes, and intrinsically linked markets, that New York merchant Nicholas Low read the news and eagerly awaited word from his foreign contacts about any potential peace between a European state and the Barbary pirates.¹²²

¹¹⁹ *Pennsylvania Packet*, 12 May 1785; this rumor of European collusion was repeated by John Jay in his address to Congress on the need for a treaty with the Barbary states, see, John Jay to Congress, 10 Feb, 1785, Jay Papers, Columbia University Library. Sheffield had suggested as much in his third edition, stating that the Barbary States were ‘advantageous’ for keeping the Americans out of the Mediterranean, see, John Holroyd Lord Sheffield, *Observations on the Commerce of the American States with Europe and the West Indies* (London: J. Debrett, 1784), 204–5. Though there was some implicit truth to the rumors, the conspiracy seemed to matter the most. Gordon Wood argues that individuals in the eighteenth-century ordered their world around conspiracies, see, Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (New York: Oxford University Press, 2009), 245.

¹²⁰ *New-Hampshire Gazette*, 4 July 1785.

¹²¹ *New York Packet*, 31 July 1786.

¹²² New York merchant-banker Nicholas Low came from a loyalist family that removed to Great Britain after the war. Low remained behind building a business for himself, often on the reputation of his brother. Low was embedded in the political and social fabric of New York, becoming an elector to the Constitution and also serving as a director for the Bank of the United States, the Bank of New York and the Society for Useful Manufactures. For more, see, Robert Ernst, “Nicholas Low: Merchant and Speculator in Post-Revolutionary New York,” *New York History* 75 (1994): 357–72. For more on the ripple effect of market events see, Buchnea, “Bridging the Middle Atlantic: The Liverpool-New York Trading Community, 1763-1833,” 6.

In the summer of 1785, Low received a letter from his Lisbon contact, the firm Daniel Bowden & Son, announcing the signing of a treaty between the Spanish and the Algerians.¹²³ By October, one account claimed that the commerce of the United States in the Mediterranean had almost been ‘annihilated’.¹²⁴ The consequences of the Spanish truce for American commerce were clearly drastic, and for Nicholas Low they had severe repercussions for his business in the Mediterranean and especially the Madeira trade.¹²⁵

Low’s first introduction to the Madeira trade came as a byproduct of his loyalist connections. The Madeira firm Mendonsa & Brush solicited Low’s business based on a previous correspondence with his older brother, Isaac Low.¹²⁶ Mendonsa & Brush, and other Madeira firms that corresponded with Low, assured him that despite the number of American ships already in port, Low could expect regular returns for his business.¹²⁷ The prominent landowner Dona Guiomar also made a connection with Low, forming an initial agreement to ship 20 pipes of madeira on consignment with the returns to be invested in wheat, flour, or Indian corn.¹²⁸ Low's opportunities were not limited to just the island of Madeira however. In the Mediterranean, Low received price lists from Lisbon, Leghorn, Cadiz and Marseilles. All of these solicitations were accompanied with tales of great demand for American provisions; some failed to acknowledge the Barbary threat while others mentioned the pirates in tandem with

¹²³ Daniel Bowden & Son to Nicholas Low, 7 July 1785, Nicholas Low Papers, LC.

¹²⁴ *Manchester Mercury*, 11 Oct. 1785.

¹²⁵ Though Madeira was technically in the Atlantic, reports showed that the pirates would pursue vessels ‘between 200 and 300 leagues farther to the Westward than at any former period’, see, *Manchester Mercury*, 11 Oct. 1785.

¹²⁶ Below, I will address the part loyalists played in Low’s business as important middle-men.

¹²⁷ Mendonsa & Brush to Nicholas Low, 24 Aug. 1783, Box 3, Nicholas Low Papers, LC. The extent of Low’s involvement in the Madeira trade can also be charted through the advertisements he placed in local papers. On 9 Dec. 1784, Low advertised ‘Bowden’s best sweet Lisbon wine’, *New York Packet*, 9 Dec. 1784. Additional ads were placed in the *New York Packet* on 12 Jan. 1786 and in the *Daily Advertiser*, 17 May 1786, and 28 Dec. 1789.

¹²⁸ Dona Guiomar to Nicholas Low, 18 Sept. 1784, Box 5, Nicholas Low Papers, LC.

growing market demand.¹²⁹ It was up to Low to decide if the potential reward warranted such risk.

After the American Revolution, Madeira consumption in the United States dropped as Americans turned to Continental wines.¹³⁰ The Madeira trade, however, remained profitable as Americans served as middlemen and carriers to other markets. Through Dona Guiomar, Low shipped pipes of wine on consignment to the East Indies; taking advantage of the rapid growth in the number of civil servants and military officers in India.¹³¹ The numbers reveal the growing profitability of the Asian market for Madeira; one vessel transporting Madeira to Bengal carried seven hundred pipes of wine in 1784. This market would only continue to grow and by 1815, one-quarter of Madeira's exports went to Asia.¹³² Dona Guiomar's initial agreement with Low was a consignment of one hundred and eighteen pipes of East India market wine. Trusting in Low's 'prudent management', Dona Guiomar wrote that Low should attempt to make a remittance as quickly as possible, but if demand for the East India market slipped he should hold onto the wine as it would increase in value with time. In return for his services, Dona Guiomar provided valuable information about Madeira's market. In January 1788, she informed Low of

¹²⁹ See Daniel Bowden & Son (Lisbon) to Nicholas Low, 10 Oct. 1785, Box 7; Valois, Noble, & Co. (Cadiz) to Nicholas Low, 22 July 1783, Box 3; William Orr (Leghorn) to Nicholas Low, 29 April 1785, Box 7; John Bulkeley to Nicholas Low, 23 Aug. 1784, Box 5; J. Wilkis (Marseilles) to Nicholas Low, 9 Oct. 1789, Box 13, Nicholas Low Papers, LC.

¹³⁰ David Hancock, *Oceans of Wine: Madeira and the Organization of the Atlantic World, 1640-1815* (New Haven: Yale University Press, 2009), 122.

¹³¹ Dona Guiomar to Low, 9 Jan. 1788, Box 12, Nicholas Low Papers, LC; Also see, Hancock, 197. Though not an entirely new innovation, the decision to ship to the East Indies was an uncertain one. Dona Guiomar's letter clearly reveals that this was an experiment even for an established landowner.

¹³² In the East India trade, James Fichter argues that the development of British capitalism in Asia can only be understood in tandem with the American trade there, see, James R. Fichter, *So Great a Proffit: How the East Indies Trade Transformed Anglo-American Capitalism* (Cambridge, Mass.: Harvard University Press, 2010). Also see, G. Bhagat, "Americans and American Trade in India, 1784-1814," *The American Neptune* 42 (1986): 11; Ritcheson, *Aftermath of Revolution: British Policy toward the United States, 1783-1795*, 209–11. For a less optimistic view of Anglo-American relations in China see, Kariann Akemi Yokota, *Unbecoming British: How Revolutionary America Became a Postcolonial Nation* (New York: Oxford University Press, 2011), 133.

the late severe weather, and recommended a shipment of 3000 bushels of Indian corn, 3000 bushels of wheat and 300 barrels of flour.¹³³ Low's participation in a global trade which connected the Atlantic, Mediterranean and Indian Ocean highlights his continued dependence on the British Empire for both commercial contacts and available markets.

The immense profitability of the Mediterranean trade meant that even the threat of capture by Barbary pirates was not a sufficient deterrent for enterprising merchants. In order to safeguard his business, Low's shipments needed to become British. Low took advantage of the widespread availability of Mediterranean passes and alternative bottoms to insure his ships at a lower freight and continue his trade in the Mediterranean.¹³⁴ Though not an absolute guarantee of safety, American ships sailing under British colors and carrying a Mediterranean pass were able to pass by Barbary corsairs without examination as they sailed under the Royal Navy's protection.¹³⁵ This trade in identity through false papers was a common practice of early modern

¹³³ Dona Guiomar to Nicholas Low, 9 Jan. 1788, Box 12. On global networks see, Aslanian, *From the Indian Ocean to the Mediterranean: The Global Trade Networks of Armenian Merchants from New Julfa*; On transnationality and the role of foreigners in the British East Indies, see, H.V. Bowen, "Britain in the Indian Ocean Region and beyond: Contours, Connections, and the Creation of a Global Maritime Empire," in *Britain's Oceanic Empire: Atlantic and Indian Ocean Worlds, c. 1550-1850*, ed. H. V. Bowen, Elizabeth Mancke, and John G. Reid (Cambridge: Cambridge University Press, 2012); David Arnold, "Globalization and Contingent Colonialism: Towards a Transnational History of 'British' India," *Journal of Colonialism and Colonial History* 16, no. 2 (Summer 2015).

¹³⁴ Low's fellow director in the Bank of New York, William Constable, also chartered a vessel with a British bottom and a Mediterranean pass, see, *New York Daily Gazette*, 4 May 1789. Albion argues that New York ships rarely ventured into the Mediterranean in this period, but the proliferation of charter parties and consignment agreements meant that ship ownership was not a prerequisite for participation in a trade, see, Robert Greenhalgh Albion, "New York Port In The New Republic, 1783-1793," *New York History* 21, no. 4 (1940): 397.

¹³⁵ Several London papers told stories of the Americans using English identity to evade the Barbary pirates, for just one example see *World and Fashionable Advertiser*, 6 Nov. 1787. One consequence of this trade was that Barbary pirates began to doubt English identity, carrying English vessels into Algiers under suspicion of being American, see, *Morning Chronicle*, 4 Feb. 1786. As an alternative to this, the Boston merchant TH Perkins suggested to his contact the use of French ships in order to guard against capture, see TH Perkins to Daniel Sargent, 27 July 1786, Thomas Handasyd Perkins Papers, reel 6, p-334.

commerce as merchants were able to take advantage of loose definitions of citizenship and nationality to gain access to forbidden markets.¹³⁶

For the British, the trade in passes, papers, and even British bottoms was part of a larger concern over the general violations of the Navigation Act in the 1780s. In Parliament, Charles Jenkinson, future President of the Board of Trade, described how ships sold their Mediterranean passes while at sea once they no longer needed protection. In reaction to the pass trade Jenkinson proposed a series of reforms to stamp out false registries and guarantee that “no ship should be deemed British built, that was not actually built in Great Britain or the British dominions.”¹³⁷ As this debate continued in Parliament, some MPs mocked the collusion of local government officials and whole cities with the smuggling trade, deriding Londoners’ support for ‘Alderman Smuggler’.¹³⁸ Newspapers recounted harrowing stories of cosmopolitan vessels of Scottish and Irish smugglers, navigating under American colors, and violently assaulting revenue cutters off the coast of Britain.¹³⁹ Under William Pitt’s ministry, the government increasingly recognized the annual loss to the revenue from these violations of the Navigation Act.¹⁴⁰ Attempts were made to stamp out smuggling by a reduction in duties, investment in new cutters, and a popular

¹³⁶ Dursteler, *Venetians in Constantinople: Nation, Identity, and Coexistence in the Early Modern Mediterranean*, 60. As Margaret Jacob rightly notes, this commercial cosmopolitanism was still very much dependent on state institutions in order to function, see, Jacob, *Strangers Nowhere in the World: The Rise of Cosmopolitanism in Early Modern Europe*, chap. 3. Undoubtedly the Americans also benefitted from easy access to British bottoms, and cultural similarities between the two groups, for the difficulties in distinguishing between an American and Briton in the East Indies, see, Yokota, *Unbecoming British: How Revolutionary America Became a Postcolonial Nation*, 124. This confusion was not limited to Asia however, French officials and American consuls discussed the challenges at length during the French Revolution.

¹³⁷ Cobbett, *The Parliamentary History of England*, XXV, 1373.

¹³⁸ Wraxall, *Posthumous Memoirs*, v. i, 144.

¹³⁹ *Northampton Mercury*, 10 Sept. 1785,

¹⁴⁰ One study quoted in several newspapers claimed that the government loss £3,440,000 in revenue to smugglers, see, *Reading Mercury*, 29 Dec. 1783.

campaign against the sins of smuggling.¹⁴¹ In order to understand the extent of the trade, more information was needed, and the ministry here relied heavily on its consuls in America for concrete knowledge of American complicity.

After British consul-general John Temple learned of a counterfeiting operation in Mediterranean passes at Philadelphia he unconvincingly warned the U.S. Secretary of Foreign Affairs, John Jay, that the Barbary Corsairs were experts in detecting counterfeit passes and he could only lament “the misery that such of your mariners will probably meet with should they with such counterfeit passes fall into the hands of the Barbary Corsairs...”¹⁴² Recognizing the scale of the trade, British Consul Phineas Bond requested permission from the Secretary of State, the Marquess of Carmarthen, to appoint agents for the different American ports in order to check Mediterranean passes. Bond clearly recognized the danger the pirates posed in motivating Americans to obtain passes, “the mischief is become more alarming, as the fraud is become more general: as far as I can learn most American vessels, sailing in the track of the Algerine cruizers, carry forged passes.”¹⁴³

So extensive was this trade in British identity that American newspapers featured advertisements selling ships with alternative papers. Low took out several advertisements through the 1780s, announcing in the New York *Daily Advertiser* in April 1788, “For Charter. The ship *Philadelphia*, George Tower, Master, lying at Murray’s wharf, British build, now under

¹⁴¹ Philip Henry Stanhope, *Life of the Right Honourable William Pitt: With Extracts from His Ms. Papers*, vol. 1 (London: John Murray, 1861), 221; Hoh-Cheung and Lorna H. Mui, “Smuggling and the British Tea Trade before 1784,” *The American Historical Review* 74, no. 1 (October 1968): 44–73. For the Parliamentary debates on smuggling see, Wraxall, *Posthumous Memoirs*, v. i, 78, 144. Newspapers also participated in this campaign supporting the actions of the government with the slogan ‘give unto Caesar the things which are Caesar’s’, see, *Hampshire Chronicle*, 2 June 1783 and *Northampton Mercury*, 11 Aug. 1783.

¹⁴² John Temple to John Jay, 7 June 1786, John Jay Papers, RBML.

¹⁴³ Phineas Bond to Marquess of Carmarthen, 14 May 1787, “Letters of Phineas Bond, British Consul at Philadelphia, to the Foreign Office of Great Britain, 1787, 1788, 1789,” 521–22. Bond repeated his concern about the passes on 4 Nov. 1787, and 3 Mar. 1788.

Dutch colors, with a Mediterranean pass. Enquire of Nicholas Low.”¹⁴⁴ The multiple identities of a single ship with a British bottom, Dutch flag, and American ownership was meant to throw off any would-be aggressor. The identity of ships though could even confuse the merchants exploiting them. Because the particular identity of a ship and its papers determined its eventual market, it was important to pin down a ship’s origins. After a long discussion with Robert Gilmore over the identity of the ship *Philadelphia*, mentioned above, it was concluded that if the *Philadelphia* was a Dutch bottom and possessed a Mediterranean pass it would be well suited for shipping wheat to Lisbon or Cadiz. But if the *Philadelphia* ‘proved American’ the ship would go to Holland instead.¹⁴⁵ Eventually it was decided to send the *Philadelphia* to Holland, but believing the ship possessed a valid Mediterranean pass, Low and Gilmore decided to charter her regularly between the Iberian Peninsula and New York.¹⁴⁶

While the trade in Mediterranean passes clearly depended on a weak government and haphazard enforcement, it also reveals another layer of American dependence on the British Empire.¹⁴⁷ The temporary acquisition of Britishness by American merchants offered them the opportunity to reduce costs and insure their vessels at cheaper rates. The general confidence in

¹⁴⁴ See, *Daily Advertiser*, 28 April 1788. Low also chartered the ship *Eclipse* with a Mediterranean pass, see *New York Packet*, 26 May 1785 and 6 June 1785. Pennsylvania merchants also advertised Mediterranean passes, including the prominent firm Willing, Morris and Swanwick, see *Pennsylvania Packet*, 19 Sept. 1785. Personal connections could also be used to acquire a pass. John Wilcocks wrote to Nicholas Low offering up to 20 guineas for a pass if it could be provided for a shipment he planned the following week, see, John Wilcocks to Nicholas Low 18 Nov. 1786, Box 10, Nicholas Low Papers, LC.

¹⁴⁵ Robert Gilmore to Nicholas Low, 5 July 1786, Box 9, Nicholas Low Papers, LC. As the above advertisement indicates Low and Gilmore finally settled on an identity for the ship *Philadelphia*. The uncertainty inherent in trafficking in identity is also found in the exchange between Low and Hananel & Jacob Mendes da Costa who wrote with relief that Low’s shipment to London met certain identity expectations, stating “The ship *America* having proved British relieved us from a very great anxiety of mind for which we dreaded the goods having been confiscated which would have happened if the ship had not been English,” see, Hananel & Jacob Mendes da Costa to Nicholas Low, 22 Sept. 1784, Box 9, Nicholas Low Papers, LC.

¹⁴⁶ Robert Gilmore to Nicholas Low, 13 June 1786, Box 9, Nicholas Low Papers, LC. Gilmore believed this traffic would be so profitable that he did not want to waste time forcing the ship to return to his homeport in Baltimore.

¹⁴⁷ For a discussion of European states’ inability to enforce customs regulations see, Jensen, *The New Nation: A History of the United States during the Confederation, 1781-1789*, 212–13.

the effectiveness of the Mediterranean passes to confer British identity and protection helps to explain why Low's partners remained unconcerned when the *Philadelphia* was delayed overseas. Wooddrop & Joseph Sims explained to Low their optimism over the fate of the *Philadelphia* with the following: "The papers the Ship has on board doubt not will prove sufficient for her to pass unmolested from any of the Barbary Corsairs."¹⁴⁸ The continued consumption of Britishness through the purchase of Mediterranean Passes and British commodities reemphasizes the importance of the British Empire in the study of American transatlantic commerce.¹⁴⁹ Americans depended on the British state and the Royal Navy to inadvertently protect their trade in the Mediterranean while British merchants continued to serve as the most important source for manufactured goods and liberal credit for American firms.

The initial trade with the British Empire after the war was characterized by its multiplicity of schemes and diversity of origins. Some, like Nicholas Low, originated their trade through familial ties. These connections often offered vital information about markets and strategies for potential profit. This was the case with Alexander Wallace, Low's brother-in-law, who retreated to Britain after the war with his loyalist family.¹⁵⁰ At the onset of the French Revolution, Wallace lamented Low's failure to ship tobacco to Ireland, mildly scolding his brother-in-law over a missed opportunity: "had she arrived here with a cargo of tobacco this month, you would have made a great voyage."¹⁵¹ Such chastisement was characteristic of an age where the line between the personal and the commercial so often blurred. Low's older brother Isaac, another loyalist, served as a middleman for Low, by first providing a necessary

¹⁴⁸ Wooddrop & Joseph Sims to Nicholas Low, 2 Feb. 1786, Box 10, Nicholas Low Papers, LC.

¹⁴⁹ Yokota, *Unbecoming British: How Revolutionary America Became a Postcolonial Nation*, 63.

¹⁵⁰ Wallace was a prominent merchant in New York before the war, but in England he was forced to scrape together far-fetched ventures to support his family. See, Jasanoff, *Liberty's Exiles: American Loyalists in the Revolutionary World*, 33, 125.

¹⁵¹ Alexander Wallace to Nicholas Low, 25 Jan. 1788, Box 2, Nicholas Low Papers, LC.

introduction to the Madeira trade and then later Isaac set up a shipment of flour to Havre through the London firm, Turnbull, Forbes & Co.¹⁵² Loyalists like Isaac Low and Alexander Wallace were able to act as a conduit of information between two communities, leveraging their previous experience as transatlantic merchants to act as a necessary go-between for Anglo-American commerce.¹⁵³ Just as Low exploited his loyalist and familial connections in order to carry on his firm's business, others were forced to form completely new relationships with overseas firms. Often these merchants were set adrift in search of business and faced the full brunt of the risk and uncertainty of transatlantic commerce.

The strategies utilized by Caleb Davis to reestablish his business in the transatlantic trade required the assistance of state officials and the active solicitation of new commercial relationships. Within the new United States, Caleb Davis's revolutionary credentials offered him the chance to influence state policy and access vital market information. A prominent merchant in Boston before the war, Davis served in the Sons of Liberty, and on the Boston Committee of Inspection, Correspondence, and Safety. After the war, Davis was a representative on the Committee of Tradesmen, served in the Massachusetts House of Representatives, and acted as an elector in the first presidential election.¹⁵⁴ Ever vigilant about the commercial prosperity and safety of Boston, Davis was a signer of a merchant's petition in 1787 to the State Assembly, calling for an increase in the power of Congress to regulate commerce and guard against the

¹⁵² Turnbull, Forbes & Co. to Nicholas Low, 8 Dec. 1789, Box 13, Nicholas Low Papers, LC The familial aspects of this commerce extended beyond general market information to include mentorship of younger merchants. Low helped guide the son of a London banker, and John Amory used his London connections to procure small freights for his son, see James Bourdieu to Nicholas Low, 18 March 1784, Box 4, Nicholas Low Papers, LC; John Amory to Harrison, Ainsley & Co., 29 July 1786, J. & J. Amory Records, volume 53, Baker Library, Harvard University.

¹⁵³ Justin B. Clement, "Neither United States Citizens nor British Nationalists: A Postwar Loyalist Trade Diaspora" (College of William and Mary, 2010), 41–44.

¹⁵⁴ Charles Pelham Greenough, "March Meeting, 1921. Gifts to the Society; Caleb Davis and His Funeral Dinner; The 'Character' and the Historian; Samuel Abbott Green," *Proceedings of the Massachusetts Historical Society* 54 (October 1920): 215–20.

'insidious conduct ' of Great Britain. The petition accused Great Britain of imposing enormous duties on American commodities while British ships and goods enjoyed free passage to America. Recognizing the market conditions brought on by the post-war trade with Britain, the petition warned of a looming British 'monopoly of our trade' if immediate action was not taken.¹⁵⁵

As a public servant, Davis was able to leverage his position in order to benefit his private business. Besides his own public service, Davis exploited his friendship with Rufus King, a member of the Confederation Congress, to acquire the latest information before any of his competitors.¹⁵⁶ It was through King that Davis learned of Congress's attempts to form a treaty with the Barbary powers. King also informed Davis of a potential conspiracy between France and Britain to injure the commerce of America.¹⁵⁷ King encouraged Davis to distribute this information to his merchant friends but to avoid at all costs publishing what he had learned, as it could lead to King's censure before Congress.¹⁵⁸ Davis's relationship to state officials gave him important access to insider information not readily available to the general public. As a merchant, Davis's reliance on state institutions and good order to carry on his business serves as a check on any type of cosmopolitan idealism that transatlantic trade is often associated with.¹⁵⁹ But just as Davis's trade depended on state officials for transatlantic commerce, he also continued to rely on relationships with British merchants to carry on his trade. Davis's search for

¹⁵⁵ *Continental Journal*, 26 May 1785; repeated in the *Providence Gazette*, 28 May 1785. Besides petitions, Davis also worked to protect Boston in a more practical sense, intervening in the armed robbery of James Swan, Davis's fellow Son of Liberty and the author of the anti-British, *A Few Salutary Hints*, see *Connecticut Journal*, 4 Aug. 1784.

¹⁵⁶ Rufus King served in the Confederation Congress from 1784-1787, and later as US Minister to Great Britain (1796-1803).

¹⁵⁷ Rufus King to Caleb Davis, 3 Nov. 1785 and 7 Nov. 1785, Box 12, Caleb Davis Papers, MHS.

¹⁵⁸ King's warning is further proof of the importance of secret information in an era of public spheres, see, Aslanian, "The Salt in a Merchant's Letter": The Culture of Julfan Correspondence in the Indian Ocean and the Mediterranean," 131.

¹⁵⁹ Jacob, *Strangers Nowhere in the World: The Rise of Cosmopolitanism in Early Modern Europe*, 73.

British connections is representative of a wider commercial dependence by American merchants on the British Empire's commercial stability and prosperity.

In his quest to establish his business with overseas firms, Caleb Davis sent Captain Peter Cunningham to Liverpool in pursuit of a freight. Cunningham was told to seek out any house that would offer the best terms, but to give preference to the Liverpool firm, John Johnson & Co. Cunningham was given specific instructions to deliver an open letter to the house of his choosing. After terms were agreed upon, Cunningham was to sell his cargo and in exchange fill up the vessel with a return freight. Then the letter begins to falter, revealing the uncertainty of the voyage. Clearly uncomfortable leaving so much up to Cunningham, Davis suggested that if the freight was inadequate he should fill up the rest of the vessel with 'well assorted ware or salt' or instead proceed to Bristol for a freight. Most importantly, Davis stressed, it was necessary to acquire the 'best information' on Liverpool or Bristol as Davis planned to carry on an extensive trade with Great Britain. The 'seeking voyage' of Cunningham to 'Liverpool or Bristol' with such a loose set of instructions was not atypical of the period. The following year, Davis sent Captain Joshua Henshaw in search of a freight telling him to avoid London and its high port duties but that business may be found in 'Liverpool or Bristol' or even 'Ireland, Holland or any other part of Germany'.¹⁶⁰ Without a prior connection to a new port, merchants depended on 'seeking voyages' to procure shipments and gather information about markets.¹⁶¹ With Captain Cunningham, Davis stressed his ultimate goal of forming a connection with a house in

¹⁶⁰ Caleb Davis and Daniel Sargent to Capt. Joshua Henshaw 25 Nov. 1785, Box 12, Caleb Davis Papers, MHS. Thomas M. Truxes, "Transnational Trade in the Wartime North Atlantic: The Voyage of the Snow Recovery," *Business History Review* 79, no. 04 (2005): 752.

¹⁶¹ The seeking voyage was recognized within maritime law, see, Baron Pollock and Gainsford Bruce, *A Compendium of the Law of Merchant Shipping*, vol. I (London: Henry Sweet, 1881), 219.

‘Liverpool or Bristol’ and acquiring the best information about the articles that would answer at market.¹⁶²

Through Cunningham, Davis was able to establish connections with both Liverpool and Bristol. The arrangement with John Johnson & Co. though was strained from the beginning.¹⁶³ Freights were sent on credit from Liverpool because of the poor value of Davis’s goods, which resulted in a growing debt that Davis was unable to pay. In defense of their conduct towards Davis, John Johnson & Co. used Cunningham as a ploy, stating that he was sent with “such full powers from you that we made him privy to all our transactions...as if he had been one of yourselves.”¹⁶⁴ In Bristol, Davis found a more reliable partner through Joseph Waldo. Waldo was one of the many merchants pursuing claims against Admiral Rodney for his treatment of their property on St. Eustatius. Before the Lords Commissioners of Appeals, Waldo successfully defended his claim and won an appeal for the restoration of his goods in June 1786.¹⁶⁵ In the midst of Waldo’s court battle with Rodney, he began his partnership with Caleb Davis, primarily trading in tobacco, rice, and naval stores.

On February 11, 1785, Waldo wrote to Davis notifying him of an ‘insuperable difficulty’ in supplying a return freight to Boston. Waldo had learned that the Barbary pirates had captured several American vessels, which advanced the premium on all American ships sailing without a

¹⁶² Caleb Davis, Isaac Phillips, Davis & Boardman to Capt. Peter Cunningham 23 Dec. 1783, Box 10, Caleb Davis Papers, MHS.

¹⁶³ See for example the strongly worded letter regarding outstanding debt, John Johnson & Co. to Philips & Co., 29 July 1786, Caleb Davis Papers, Box 12, MHS.

¹⁶⁴ John Johnson & Co to Caleb Davis, Isaac Phillips & Davis & Boardman, 20 May 1784, Box 10, Caleb Davis Papers, MHS. Soon there were mutual recriminations over late shipments and the failure to follow instructions. See Caleb Davis, et. al. to John Johnson & Co., 31 July 1784, Box 10, and John Johnson & Co., to Davis, et. al., 4 Nov. 1784, Box 11. For the letter on Cunningham see, John Johnson & Co. to Caleb Davis, 4 Nov. 1784. The power dynamic between merchant and ship’s captain is particularly interesting as these captains were given so much freedom of movement, while Davis took to signing his orders to captains with ‘your friends and owners’, see, Caleb Davis to Noah Stoddard, 30 Sept. 1789.

¹⁶⁵ Though Waldo won, the appeals would continue for several more years. See, *Before the Lords Commissioners of Appeals in Prize Causes. St. Eustatius and Its Dependencies, No. 28, Claim of Joseph Waldo* (London, 1788).

Mediterranean pass. Forced to use a British bottom, Waldo complained that it was “a very mortifying circumstance, that your ships are not equally privileged with British, which hope will soon be remedied, by some agreement with those piratical states, or by a commercial treaty with this, or other salutary measures, the Congress may think proper to adopt.”¹⁶⁶ Waldo explained that he would delay the shipment while waiting for the American commissioners to reach a settlement with the Barbary States. Davis’s troubles with Waldo continued in May, when Waldo informed him that he was unable to fulfill any new orders as his credit was stretched “to its utmost baring,” due to the failure of remittances from America.¹⁶⁷ Though Waldo was forced to suspend his formal business, he continued to supply commercial information to his correspondents, informing Davis of a potential demand for naval stores in London after a great fire engulfed the city’s existing supply. Waldo continued to pass on discouraging accounts of his market through 1785, complaining in October, “in short the American trade is attended with the greatest discouragmts & embarrassmts which nothing but a commercial treaty will relieve.”¹⁶⁸ In the midst of disputes over remittances between Caleb Davis, John Johnson & Co. of Liverpool and Joseph Waldo of Bristol, these merchants traded in information while patiently waiting for the next market opportunity.¹⁶⁹

Despite the setbacks Davis faced in Liverpool and Bristol, he continued to pursue relationships with British firms and even support pre-existing ties. Beginning in 1786, Davis began to gradually pay off outstanding debts and in the process gathered information about markets and British policies. In an exchange with a merchant from Glasgow, Davis learned of

¹⁶⁶ Joseph Waldo to Caleb Davis, 11 Feb. 1785, Box 11, Caleb Davis Papers, MHS.

¹⁶⁷ Joseph Waldo to Caleb Davis, 28 May 1785, Box 11, Caleb Davis Papers, MHS.

¹⁶⁸ Joseph Waldo to Caleb Davis, 15 Oct. 1785, Box 12, Caleb Davis Papers, MHS.

¹⁶⁹ Caleb Davis to Joseph Waldo, 17 June 1786, Box 12, Caleb Davis Papers, MHS.

two ships built in America by a Scottish firm that existed in a kind of legal limbo; the merchants had unsuccessfully applied to Parliament to recognize these ‘American’ ships as British but their application was rejected, “so that they are neither British nor American bottoms and must be sold to a foreign state.”¹⁷⁰ After a brief hiatus, Davis’s relationship with Joseph Waldo was re-established with a shipment of lumber in 1787.¹⁷¹ In 1791 Davis received a further solicitation from Waldo, Francis & Waldo, advising him of the payment of a dividend on the debt of Joseph Waldo and informing him of the ‘considerable’ demand for American lumber in Bristol.¹⁷² Similarly, Davis received an offer from Edmund Lockyer of Plymouth, England who wrote, “there is not at present perhaps a port in England where the produce of America sells better than at this.”¹⁷³ The sudden demand that Lockyer indicated in Plymouth was only one part of a wider desire for American goods beginning in 1788.¹⁷⁴ Shortages in Great Britain, the Iberian Peninsula, France, Canada and the West Indies created immense demand for American suppliers. Britain’s Corn Laws prevented export once the prices had advanced to a certain level and the nation now required imported grain to offset its own poor harvest.¹⁷⁵ The opportunities of the 1790s created by environmental disaster, revolution, and war would continue to require the

¹⁷⁰ Walter Logan to Caleb Davis, 20 July 1786, Box 12, Caleb Davis Papers, MHS.

¹⁷¹ Caleb Davis to Captain Lemuel Weeks, 25 April 1787, Box 13, Caleb Davis Papers, MHS.

¹⁷² Waldo, Francis & Waldo to Caleb Davis, 4 April 1791, Box 15, Caleb Davis Papers, MHS.

¹⁷³ Edmund Lockyer to Caleb Davis, 6 Sept. 1791, Caleb Davis Papers, Box 15, MHS. Lockyer claimed that Plymouth was not only superior to any market in England but also that of France. Davis also maintained relationships in the 1790s with several prominent British firms including: Thomas Dickason & Co. of London, George Fox & Sons of Falmouth and Irish expatriate Henry Dowell at Cadiz.

¹⁷⁴ The general recognition of a renewed demand for American provisions can be seen in the papers of merchants and state officials, see Bourdieu, Chollet & Bourdieu to Nicholas Low, 1 Oct. 1788, Box 12, Nicholas Low Papers; Phineas Bond to Marquess of Carmarthen, 22 April 1788, “Letters of Phineas Bond, British Consul at Philadelphia, to the Foreign Office of Great Britain, 1787, 1788, 1789,” 565.

¹⁷⁵ Ritcheson, *Aftermath of Revolution: British Policy toward the United States, 1783-1795*, 202–3. For the famine on the continent see, *Pennsylvania Mercury*, 13 March 1788; *The Times*, 4 March 1789; *Norfolk Chronicle*, 11 July 1789.

active participation of British merchants and officials in providing credit, protection, and access to markets.

Conclusion

In the decade after independence, American and British merchants joined ministers of state, Members of Parliament, and popular pamphleteers in a creative effort to define British identity, empire, and the limits of licit commerce. Bernard Bailyn has argued that “Britain’s Atlantic world was far larger and more complex than its formal Atlantic empire.”¹⁷⁶ An examination of merchant correspondence, Parliamentary debates, Admiralty Court reports and popular pamphlets reveals how the intellectual and commercial webs of empire stretched beyond the limits of mercantilist trade barriers. These events also emphasize that the end of the First British Empire was never a clean break with the past. After the war, the British Atlantic served as a space of continual commercial co-dependence and identity making. As a liminal space, the Atlantic enabled a series of transformations: British merchants became those who ‘call themselves British’ or ‘bayonet subjects’; the products of the ‘Alien States of America’ were turned into British goods; and defenseless American ships were re-labeled British vessels under the ostensible protection of the Royal Navy. In the lead up to the French Revolutionary Wars, the Atlantic would be transformed once again as natural disasters and revolutions shook the West Indies, opening up new opportunities for Anglo-American commerce. The next chapter examines the unexpected collaboration between British colonial governments and American and British merchants. The opportunities brought on by environmental disaster and slave rebellion led to

¹⁷⁶ Bailyn, *Atlantic History: Concept and Contours*, 85.

numerous violations of the Navigation Act and prompted further conversations about belonging in the British Empire.

Chapter 2: Tragic Opportunities for Anglo-American Commerce, 1784-1792

In May 1788, the *American Mercury* reprinted an excerpt from Edward Ward's infamous 1698 description of Jamaica. Ward's *A Trip to Jamaica* undoubtedly appeared relevant to the editors of the *American Mercury*, looking back on a decade of hurricanes, war, and disease. In *A Trip to Jamaica*, Ward satirically assessed what he viewed as the chief characteristics of Great Britain's crown jewel in the Caribbean:

“Jamaica is the dunghill of the universe: the refuse of the whole creation: the clippings of the elements; a shapeless pile of rubbish, confusedly jumbled into an emblem of chaos, neglected by Omnipotence, when he formed the world in its admirable order; the nursery of Heaven's judgments...the receptacle of vagabonds, and the sanctuary of bankrupts, as sickly as an hospital, as dangerous as the plague, as hot as [hell], and as wicked as Satan; subject to tornadoes, hurricanes & earthquakes.”¹

The excerpt, printed without attribution to its authorship or original publication, continued for two more columns. All aspects of life on the 'dunghill' were mocked, from the general cost of living to the scarcity of supplies. The underlying argument was clear, Jamaica was a place where in the aftermath of a hurricane the richest man could hardly afford a cask of butter. The excerpt would be republished periodically over the next thirty years in a series of American newspapers, seeming to punctuate periods of costly military adventures, wild swings of the market, and slave insurrections.

The frequent publication of this scathing description of Jamaica reflects two underlying truths: the constancy of natural disaster which loomed over the daily lives of colonists in the region; and the tendency of contemporary newspapers to treat half-truths, rumors, and biased

¹ The piece was republished over the next thirty years in various newspapers, often in the tensest moments for Anglo-American commerce in the West Indies, see for example, *American Mercury*, 12 May 1788; *Federal Gazette*, 8 Sept. 1789; *Litchfield Monitor*, 22 Nov. 1790; *Essex Journal*, 15 June 1791; *New-Hampshire Spy*, 22 June 1791; *Daily Advertiser*, 18 June 1794; *The Visitor*, 30 Oct. 1802; *National Aegis*, 28 June 1809; *Boston Intelligencer*, 09 Sept. 1820.

accounts as the latest intelligence. In such a place, provisions were generally short and demand dependable. In fulfilling this demand, American traders played a vital role in the British West Indies. So much so, that John Adams forcefully proclaimed the West Indies as part of the “American system of commerce,” a claim which would provoke many troubling questions about the loyalty of the British West Indies over the next thirty years.² As the previous chapter has shown, contemporaries hotly debated America’s role in the West Indies. Going beyond the debates over Lord Sheffield’s *Observations*, this chapter will examine how the British state grappled with Anglo-American trade in the Caribbean in the decade after the American Revolution.

From 1784 to 1792 American trade with the British West Indies went through a series of phases: an initial post-war rush to meet the demand caused by repeated hurricanes; a temporary slump as new Orders in Council limited the role of American goods in the British islands; and finally, a pre-war upswing of the market in reaction to new disasters, both environmental and political. Yet, despite the volatility of the market, opportunity was still there for those merchants who could adapt to new Orders in Council and take advantage of the natural disasters that marked the 1780s. This chapter looks at the processes by which the state regulated the empire during the natural and man-made disasters that plagued the British Caribbean in these years. For the state, focus here is primarily placed on the activities of the Board of Trade, which managed an immense administrative apparatus that monitored conditions throughout the empire. The Board’s main responsibility was the enforcement of the provisions of the Navigation Act, which guaranteed the commercial and military strength of the empire. A task which was made more

² John Adams to Secretary Livingston, 23 June 1783, in John Adams, *The Works of John Adams, Second President of the United States Vol. 8* (Boston: Little, Brown and Company, 1852), 74; For more on Ward’s piece, see, Jasanoff, *Liberty’s Exiles: American Loyalists in the Revolutionary World*, 247; Jack P. Greene, *Evaluating Empire and Confronting Colonialism in Eighteenth-Century Britain* (New York: Cambridge University Press, 2013), 67–70.

difficult by the independence of the thirteen North American colonies in 1783. While statesmen, pamphleteers and merchants debated the Navigation Act and America's role in the empire, the Board was forced to deal with a series of disasters which struck the West Indies in the years between the American and French Revolutions.

In response to a crisis, the Board collected information, interviewed planters and colonial officials, and attempted to come to a solution which would uphold the Navigation Act and provide relief for the affected colonies. For merchants looking to navigate around new mercantile restrictions, ready information on the West Indies was necessary. Even as the British state took greater control of the provisioning trade and attempted to force the Americans out, economies of information persisted. Merchants, governors, diplomats, and the Board of Trade all participated in the exchange of the latest news, rumor, and gossip through the spread of correspondence, newspapers, and state decrees. For merchants, this information served as a didactic tool that continuously instructed and corrected those who participated in its exchange. In navigating a region characterized by amorphous borders and transnational cooperation, the latest news helped merchants to configure their identities to meet the needs of the market. States also participated in the information economy, both as repositories of information to guide policy and as a bulwark against the demands of enthusiastic merchants and frantic colonial governors.

The first section of this chapter examines the opportunities and challenges created by the repeated hurricanes that struck the West Indies in the 1780s. Disasters brought competing and contradictory reports of scale and direction which merchants, colonial officials, and the Board of Trade were forced to discern. To understand the impact that storms had on the imperial economy, this section will focus primarily on the island of Jamaica as a case-study. Jamaica's port of Kingston represented the most important port in the British West Indies. A dynamic

entrepôt, Kingston connected the British and Spanish empires under the Free Port Act. Jamaica's size allowed for greater diversification and less reliance on foreign supplies for provisioning its slaves. While these factors helped shield Jamaica from the devastation experienced by many of the empire's smaller islands, the 1780s served as a reminder that Jamaica was hardly immune to regional disasters. While merchants and colonial officials attempted to exploit the aftermath of these storms, the state was forced to chart a course between enforcing mercantilist regulations and uncovering the truth behind colonist claims of widespread destruction and supply shortages.

Section two moves into the early years of the French Revolution and its impact on the economic life of the Caribbean. At the turn of the decade, when the hurricanes had tapered off and supply lines were fortified, the immediate need for American provisions diminished and Americans were forced to consider new commercial strategies.³ The crisis of the Haitian Revolution offered the promise of immense profit for enterprising merchants. Opportunity, however, came with serious risks. The ensuing price fluctuations, caused by the loss of the most important sugar island in the West Indies, destabilized the market. Amidst the general uncertainty of revolution, contradictory reports of market glut and widespread demand forced merchants to choose which version of the truth to invest in. Merchants who attempted to profit from the crisis on Saint-Domingue gambled dangerously with disaster. By studying how merchants and the state not only attempted to 'manage risk' but also exploited disasters, we can better understand the ways in which individuals and institutions interpreted market information and adapted to shifting political climates.

³ Provision merchants depended on conflict and disaster to create new market opportunities. Despite this, many merchants participated in a cosmopolitan discourse that celebrated peace over war. For an example of this see, Head & Amory to Ward Nicholas Boylston, 11 Nov. 1793, Box 30, Boylston Family Papers, MHS.

This chapter draws on the official records and merchant correspondence on both sides of the Atlantic which fueled the economy of information. The proclamations and correspondence of British colonial governors in the West Indies reveals how these governors justified the opening of the ports to the public and to the home government. Every opening of the ports to foreign trade was a violation of the Navigation Act, which required a written defense by the governors. These papers serve as a useful tool for understanding the inner-workings of colonial governments. As a general source for the latest commercial information, newspapers provided accounts of devastating events that offered opportunities for adventurous merchants, as well as a platform for state officials.

In 1783, American commerce in the West Indies was loosely controlled through vague state decrees and unspoken tradition. Under the Shelburne Ministry, the Americans were largely treated as if the war had never happened. At the onset of peace, Americans flocked to the West Indies to exchange lumber and grain for colonial produce. The Board of Trade attempted to limit commerce between the West Indies and the United States to British bottoms, but merchants quickly exploited loopholes in the law. British colonists, for example, remained convinced that the order did not apply to single decked vessels going to free ports.⁴ In subsequent years, the Board of Trade continued to clarify its position by increasing controls over the American trade through a series of Orders in Council, which dictated the types of commodities Americans could bring to the West Indies and further restricted the shipping of American goods to British owned

⁴ Carrington, *The British West Indies during the American Revolution*, 164. In 1784, Nicholas Low's Jamaica contacts were still recommending that he maintain a ship for a regular trip between New York and Kingston, see Daniel Major to Nicholas Low, 30 Jan. 1784, Box 5, Nicholas Low Papers, LC. This confusion was not limited to the British West Indies either, in the new political climate, Low's French contacts informed him that he was mistaken in thinking that trade to the island was restricted, see, Delaire & Chaudrieu to Nicholas Low, 19 Nov. 1784, Box 5, Nicholas Low Papers.

ships.⁵ In response to the actions of the Board of Trade, Massachusetts and New Hampshire issued retaliatory Navigation Acts targeted at British shipping in order to strong-arm the British government into reforming their policy. While there was much enthusiasm for these measures in the American press, and the Board of Trade even began an inquiry into the possible effects of the American Navigation Acts, the Orders in Council nevertheless persisted until 1788 when an Act of Parliament made the provisions permanent.⁶

The restrictions placed on American shipping by the Board should not be viewed as part of a firm and coherent system of rules enforced by the home government.⁷ At local and imperial levels, the British government constantly made alterations to existing policy to fit the needs of the moment. Even when regulations became more stringent, the language used by the government revealed an unspoken uncertainty about how to handle the American trade. This incoherence was partly due to the unpredictability of the weather, but also a product of general economic demand for the empire's goods. Navigation Acts were relaxed and customs officials looked the other way to meet the growing demands for colonial produce in these years.⁸

⁵ The Orders in Council dictated the following terms from 1783 to 1787: "His Majesty is hereby further pleased to order, that no goods or commodities whatsoever, except Pitch, Tar, Turpentine, Hemp and Flax, Masts, Yards and Bowsprits, Staves, Heading Boards, Timber, Shingles, and all other Species of Lumber; Horses, Neat Cattle, Sheep, Hogs, Poultry, and all other Species of Live Stock and Live Provisions, Peas, Beans, Potatoes, Wheat, Flour, Bread, Biscuit, Rice, Oats, Barley, and all other Species of Grain, being the Growth or Production of any of the Said United States of America; and also Tobacco in the fair and lawful Way of Barter and Traffic..." In exchange for these provisions, British subjects in the West Indies could send: "Rum, Sugar, Molasses, Coffee, Cocoa-Nuts, Ginger and Pimento may (until further Order) be exported by British subjects, in British-built ships..." Order in Council of 24 March 1786, *London Gazette*, 22 April 1786.

⁶ Selwyn H. H. Carrington, "'Econocide' – Myth or Reality? – The Question of West Indian Decline, 1783-1806," *Boletín de Estudios Latinoamericanos y Del Caribe*, no. 36 (1984): 19. For the Board of Trade enquiry see, Minutes of the Board of Trade, 7 Oct. 1789, reel 2, Liverpool Papers, UMSC. The Board of Trade also commissioned a report on the impact of these duties, see, *A Report of The Lords of the Committee of Privy Council, Appointed for All Matters Relating to Trade and Foreign Plantations on the Commerce & Navigation between His Majesty's Dominions and the Territories Belonging to the United States of America*, 1791.

⁷ Carrington, *The British West Indies during the American Revolution*, 166.

⁸ On American consumer demands and their effect on British identity, see, Joanna Cohen, "'To Catch the Public Taste': Interpreting American Consumers in the Era of Atlantic Free Trade, 1783-1854," in *The Atlantic World*, ed. D'Maris Coffman, Adrian Leonard, and William O'Reilly (London: Routledge, 2015).

Generally historians of this era tend to focus on many of the events discussed above. Economic historians note the dwindling number of American ships destined for British ports in the Caribbean. Scholars such as L.J. Ragatz, Selwyn Carrington, and Seymour Drescher only mention this trade to debate the dependence and unsustainability of the West Indian slave economy. For historians of the British Empire, the period after the American Revolution serves as a marker for the first stirrings of Caribbean independence, which were only suspended by the subsequent twenty years of war with France. Finally, historians of early America, such as Charles Ritcheson and Andrew O'Shaughnessy, have focused on the political ramifications of these insults to national honor from capricious Orders in Council and the rising specter of impressment.⁹

None of these schools are necessarily wrong, but by focusing on macroeconomic performance or by marrying American merchant activity to national policy they fall short of recognizing the depth and complexity of commerce in this period.¹⁰ Rather than a story of incessant conflict, this chapter focuses on continuity and cooperation at the local level. Under the auspices of unofficial colonial approval, Americans continued to exchange goods and ideas with the empire despite the official policies of the British and American governments. American merchants were not merely agents of either state's policies, and focus should be placed on the

⁹ For these scholars, the most important question of this era was the relative 'decline' of the West Indies, see, Ragatz, *The Fall of the Planter Class in the British Caribbean, 1763-1833*; Carrington, *The British West Indies during the American Revolution*; Seymour Drescher, *Econocide British Slavery in the Era of Abolition* (Chapel Hill: University of North Carolina Press, 2010); Herbert C. Bell, "The West India Trade Before the American Revolution," *The American Historical Review* 22, no. 2 (January 1917): 287; Trevor Burnard, "Harvest Years? Reconfigurations of Empire in Jamaica, 1756-1807," *The Journal of Imperial And Commonwealth History* 40, no. 4 (November 2012): 534; Albion, "New York Port In The New Republic, 1783-1793"; Doerflinger, *A Vigorous Spirit of Enterprise: Merchants and Economic Development in Revolutionary Philadelphia*; Ritcheson, *Aftermath of Revolution: British Policy toward the United States, 1783-1795*; O'Shaughnessy, *An Empire Divided: The American Revolution and the British Caribbean*; C. A. Bayly, *Imperial Meridian: The British Empire and the World, 1780-1830* (New York: Longman, 1989), 91.

¹⁰ Bailyn, *Atlantic History: Concept and Contours*, 84.

ability of merchants to adapt to new situations and even take on new identities. In these years, there was in fact no contradiction for an Atlantic merchant to act as both a loyal citizen of the new American republic and a participant in the British Empire.

Recent scholarship has reoriented our understanding of the Caribbean as a transimperial region, rather than a site of clearly delineated national borders. Historical surveys of the Greater Caribbean's ecology illustrate how natural disasters broke down mercantilist regulations and knit disparate communities together. Stuart Schwartz has applied Fernand Braudel's argument for the role of climate in shaping culture and politics to the circum-Caribbean region. Schwartz has further identified a cross-regional solidarity; a common thread of 'fatalism' balanced with the pursuit of profit running through Caribbean communities of various nationalities.¹¹ Matthew Mulcahy's groundbreaking work on hurricanes in the Caribbean has argued that historians have, for too long, ignored the impact of natural disaster on shaping market conditions, cultural attitudes, and notions of loyalty and state responsibility.¹² Mulcahy's study of disaster and disaster relief relocates the Caribbean from the periphery to the center of the empire. For Mulcahy, the British Caribbean was a central 'hub' from which goods, people, and ideas spread throughout the Atlantic World. Similarly, Berland and Endfield have expanded on the work of Schwartz and Mulcahy by looking at the impact of drought on the Lesser Antilles. Echoing earlier scholars, Berland and Endfield have concluded that the American Revolution was a "watershed in free-trade," that established an emergency policy for the empire of opening the

¹¹ Schwartz's adaptation of Braudel and studies of the Mediterranean World is important not only for how historians conceive of space in the Caribbean but also how they view identity and its malleability, even during the birth of nationalism. Schwartz, *Sea of Storms: A History of Hurricanes in the Greater Caribbean from Columbus to Katrina*, Introduction and p.165.

¹² Matthew Mulcahy, "Weathering the Storms: Hurricanes and Risk in the British Greater Caribbean," *The Business History Review* 78, no. 4 (Winter 2004): 635–63; Mulcahy, *Hurricanes and Society in the British Greater Caribbean, 1624–1783*; Mulcahy, *Hubs of Empire: The Southeastern Lowcountry and British Caribbean*.

ports to foreign traffic. In other words, the pressures of the Caribbean climate overwhelmed the closed commercial systems of European empires.¹³ This chapter will further extend the geographical and political limits of the Greater Caribbean by looking north to the merchant firms of the new American republic. It also pushes the literature on disaster in a new direction by emphasizing the potential profitability of disaster for those operating outside the British empire.

A severe information shortage, especially in moments of crisis, forced merchants and state officials to rely on unsubstantiated intelligence in crafting their market strategies. Rumors, like other types of knowledge, circulated through the empire. Rather than viewing the transmission of knowledge as a zero-sum power struggle between center and periphery, it is necessary to see rumors as ideas which evolved to meet particular societal demands.¹⁴ The concept of rumor here draws on the work of Tamotsu Shibutani who argued that rumors were ‘improvised news’ rather than simply pathological lies. For Shibutani rumor was a result of the ‘failure of formal news’; a product of a situation where the public demand for news exceeds the available supply of information from official channels.¹⁵ Shibutani’s supply and demand problem helps to make sense of the numerous conflicting reports featured in contemporary newspapers in periods of crisis. Michiel van Groesen argues that early modern newspapers in the Low Countries engaged in a ‘culture of anticipation’ in which editors speculated on the latest commercial news to maintain their readership while waiting for information to trickle in from

¹³ A. J. Berland and G. Endfield, “Drought and Disaster in a Revolutionary Age: Colonial Antigua during the American Independence War,” *Environment and History*, 2016.

¹⁴ For more on the circulation of knowledge in the Circum-Caribbean, see, Cameron Blair Strang, “Entangled Knowledge, Expanding Nation: Science and the United States Empire in the Southeast Borderlands, 1783-1842” (The University of Texas at Austin, 2013), 6; Simon Schaffer et al., eds., *The Brokered World: Go-Betweens and Global Intelligence, 1770-1820* (Sagamore Beach, MA: Science History Publications, 2009).

¹⁵ Tamotsu Shibutani, *Improvised News: A Sociological Study of Rumor*. (Indianapolis: Bobbs-Merrill, 1966).

foreign lands.¹⁶ Inspired by Shibutani's 'improvised news,' scholars have also looked at how rumor acted as a driving force in shaping early colonial history in America. Gregory Evans Dowd notes that rumors of hidden treasures and native violence shaped and reflected perceptions on the colonial frontier.¹⁷ According to Dowd, if rumors did not drive history, they at the very least determined how individuals reacted to historical events. This chapter contributes to the growing interest in Shibutani's 'improvised news' by examining how merchants and the state reacted to rumors of disaster and attempted to exploit unsubstantiated intelligence for their own ends.

For the broader picture of the impact of the American Revolution on the region, this chapter emphasizes continuity over conflict and actively questions narratives of revolutionary rupture that supposedly ended the first British Empire. Despite American independence, and increasingly stringent Orders in Council, American goods continued to flow into the West Indies. Even when the 'American trade' hit a temporary downturn after 1789, Anglo-American merchants continued to correspond and depend on the British state to create new opportunities for trade in the wider Caribbean. During moments of crisis the distinction between American citizens and British subjects seemingly broke down, allowing Americans to push back into the empire. Finally, the information exchanged and gathered by merchants and states offers valuable insight into how those who participated in the economy of information understood risk, opportunity, and politics, as they attempted to anticipate the next move of the market.

¹⁶ M. van Groesen, "(No) News from the Western Front: The Weekly Press of the Low Countries and the Making of Atlantic News," *The Sixteenth Century Journal* XLIV, no. 3 (2013): 739–60.

¹⁷ Gregory Evans Dowd, *Groundless: Rumors, Legends, and Hoaxes on the Early American Frontier* (Baltimore: Johns Hopkins University Press, 2015); Christopher Daniel Vernon, "'News, Intelligences and 'Little Lies'" (University of Warwick, 2012).

Environmental Disaster and Breaking into West Indian Markets

On October 22, 1785, the American newspaper *The Providence Gazette*, reported on a violent hurricane that had devastated Jamaica and threatened the island with famine.¹⁸ At about the same time, the English *Hereford Journal* confidently claimed that Jamaica had ‘felt nothing’ from the recent storm. In the midst of these competing accounts, the London *Times* joined the debate by predicting devastation on such a level that it made the opening of the British West Indies to foreign traffic inevitable:

"The late hurricane in the West Indies will occasion such a demand for provisions and lumber, that the Governors of the different islands will be obliged to open the ports for the importation of those articles from America. This is one instance of the inconveniency that may arise from our ports in the West Indies being totally shut by Act of Parliament against American vessels, and of which the planters have loudly complained; it being possible, that from a public calamity, their necessities may be so great, as to bring on a famine..."¹⁹

According to these newspapers, the very same hurricane had at once produced a famine, created an opportunity, and completely passed by the island of Jamaica. These three articles illustrate the immense hurdles faced by merchants who attempted to profit from a calamity when reliable information was less than accurate and speculation ran rampant. Conflicting reports similarly made governing the empire through the Navigation Act a nearly impossible task.

The threat of inconsistent information was an unending battle for merchants trading in provisions. During moments of crisis, to combat the general dearth of reliable knowledge, merchants turned to their correspondents to gauge demand in the ports and acquaint themselves with alternative strategies to bypass trade barriers. The Board of Trade faced a similar problem of unverified intelligence. While naturally suspicious of reports of widespread destruction, the

¹⁸ *Providence Gazette*, 22 Oct. 1785; *Hereford Journal*, 27 Oct. 1785; *Whitehall Evening Post*, 27 Oct. 1785.

¹⁹ *The Times*, 7 Nov. 1785.

Board found that the process of verifying the facts about a disaster was even more difficult. Locals had a vested interest in opening the ports to foreign traffic, and colonial officials often experienced divided loyalties while in the path of a hurricane.

In response to a natural disaster colonial governors had a variety of choices available to them, ranging in degrees from: the opening of the ports for certain enumerated articles (carried in British ships); the temporary suspension of trade barriers; and the liberalization of trade in cases of extreme emergency. The willingness of officials at various levels of the British government to relax the Navigation Act in the face of such disasters has often been overlooked in this period in favor of bellicose Orders in Council and heated Parliamentary rhetoric. This section examines the reaction to natural disaster and impending famine by looking at major environmental catastrophes from 1784 to 1789. To understand the complexities of this trade, multiple commercial and official sources need to be consulted including: contemporary newspapers, the records of colonial governments and the Board of Trade, and the papers of several New York merchant firms. The letters received and sent by American merchants represent the difficulties and potential opportunities merchants faced in navigating an ever-changing field of legal restrictions and furious demand. Often merchants located in the same port received their intelligence at the same time, but the news they received could differ markedly. The contradictory experiences of the merchants examined below, further complicates any attempt at generalizing on the nature of commercial activity in this period.

By studying the multiple reactions to an environmental crisis, we can attempt to grasp how merchants and state officials conceived of risk, and acted on the vague reports and unsubstantiated claims found in newspapers and daily letters. The information available to an enterprising speculator was often the most valuable commodity to be traded. While official

proclamations announced to the world the opening of a port, and newspaper accounts provided striking details of recent hurricanes, information was also exchanged in secret and steeped in rumor and wild predictions. In order to be the first at market, such flimsy evidence of impending demand was often more important than official accounts. Disasters loosened restrictions on foreign nationalities providing a time and space for identity manipulation and the movement of illicit goods past mercantilist barriers.

Rather than being limited by the goals of a nation state, merchants operated in a commercial world full of choices. When New York merchants learned that the Spanish would bar American trade with Havana, they turned to New Orleans, and when that failed merchants considered shipping in Spanish bottoms.²⁰ In planning a speculative venture, ports of call could vary, as might the identity of an individual ship and its cargo. When the 1784 hurricane struck St. Augustine, “a captain's nationality or port of origin was irrelevant when it came to providing food to a desperate population.”²¹ Unexpected events also had the potential to redefine the importance or dangers of certain identities. Even the most spurious rumors of war could double insurance costs on certain flags and offer exciting opportunities for those with access to neutral bottoms. Time was also a determining factor in self-fashioning a business endeavor. An ‘early freight in British bottoms’ made Nicholas Low's shipment of flour to Dominica profitable while the failure to accumulate the proper papers in a timely manner could sink a venture before it ever

²⁰ William Constable to Thomas McIntire, 19 May 1783, reel 1, Constable-Pierrepoint Collection, NYPL. Similarly, when American merchants overestimated the stature of their flag in the East Indies, they took on new identities and traded under the French flag instead. See, William Green to Christopher Champlin, March 1788, in *Commerce of Rhode Island, 1726-1800*. (Boston: Published by the Society, 1914), 358. Such methods were not limited to American merchants, as they were a common practice for early modern traders. For example, a British merchant in Jamaica complained of being attacked for his commercial method of trading to Americans as a Danish merchant and British colonists as a British subject, see, Henry Kelly to Nicholas Low, 10 Nov. 1784, Box 5, Nicholas Low Papers, LC.

²¹ Sherry Johnson, “Climate, Community, and Commerce among Florida, Cuba, and the Atlantic World, 1784-1800,” *The Florida Historical Quarterly* 80, no. 4 (Spring 2002): 466.

got off the ground.²² Such strategies depended entirely on mutual trust between merchants. It was vital for a merchant to recognize potential options in order to properly navigate a market full of risk.²³

For New York merchants Nicholas Low and Thomas Stoughton the initial Orders in Council were viewed as irritating hurdles for the provisioning trade. The *London Chronicle* noted that by October 1783, the new Orders were already in force in Jamaica and American vessels were commanded to leave empty-handed. Stoughton lamented to a contact in Alicante that, “[Between us] the restrictions of the British to their West India Islands is a heavy blow, our intercourse with them was great, the quantities of Jamaica Rum consumed in America immense.”²⁴ At the same time that Stoughton complained to his Spanish contact about the impact of new regulations, Nicholas Low received letters from the West Indies soliciting business. From Jamaica, Abraham Cuyler informed Low that flour was already selling for double its rate at Cap-Français, and if a cargo was to arrive by the middle of March it would sell to a ‘good profit’.²⁵ By June, a contraband trade was already well-established in order to circumvent the Orders in Council, and the Royal Navy was forced to maintain two men of war at Port Royal to combat the smuggling of salt from Turks Island to the United States.²⁶

²² The prospect of a war between Great Britain and France doubled the insurance premiums on British and Irish vessels, see, Edward Forbes to Nicholas Low, 10 Sept. 1787, Box 9, Nicholas Low Papers, LC; Samuel Chollet & Co to Nicholas Low, 12 Sept. 1785, Box 4, Nicholas Low Papers; William Constable to Forrest & Seton, 22 Sept. 1791, reel 2, Constable-Pierrepoint Collection, NYPL.

²³ When Thomas Handasyd Perkins of Cap-Français sent a ship to Baltimore for provisions, he instructed his supercargo to conceal that the ship had come under French colors and from a French port from the consul, Perkins, Burling & Perkins to James Clarke, 9 Jan. 1787, Extracts from the Letter books of James & Thomas Handasyd Perkins, MHS.

²⁴ *London Chronicle*, 25 Dec. 1783; Lynch & Stoughton to Peter Arabet, 15 Jan. 1784, vol. 1, Lynch & Stoughton Letter book, 1783-1787, NYHS. Stoughton was not the only New York merchant suffering from the effects of the new Orders in Council, William Constable also had difficulty turning a profit with his Kingston contact, see, William Constable to John Moore, 19 May 1784, reel 1, Constable-Pierrepoint Collection, NYPL.

²⁵ Abraham Cuyler to Nicholas Low, 17 Jan. 1784, Box 5, Nicholas Low Papers, LC.

²⁶ *London Chronicle*, 17 June 1784.

In response to these restrictions, Stoughton solicited business from a number of West Indian merchants. His letters inquired about the state of various West Indian markets while also informing the potential associate about Stoughton's credentials, the firm's interest in shipping goods, and their access to 'English colors' if necessary. Finally, Stoughton was sure to mention the firm's London contact and intermediary, James Sutton & Co., in order to facilitate any business with Jamaica and other colonial markets.²⁷ Stoughton's emphasis on his London contacts was meant to instill confidence in prospective investors that the firm had access to credit and available markets whenever necessary. By leaning on his British connections and access to British identity, Stoughton's tactics reflected the willingness of many American merchants to rejoin the British empire, however briefly, in order to make a profitable sale.

In the British West Indian colonies, the Orders in Council were met with increasing hostility. It was announced in *The Ipswich Journal* in January 1784 that the inhabitants of Jamaica refused to pay the British forces stationed on the island until the American trade was resumed. Despite official prohibition, by June there was already a considerable contraband trade between America and Jamaica.²⁸ Recognizing the important role of American merchants in the West Indies, The West India Committee, led by Lord Penryhn, petitioned the Board to permit an official trade between the American states and the sugar colonies.²⁹ Such measures though had

²⁷ Lynch & Stoughton to Bell & La Touche, 10 April 1784, vol. 1, Lynch & Stoughton Letter book, 1783-1787, NYHS.

²⁸ *The Ipswich Journal*, 31 Jan. 1784. Similarly, a petition was issued from Antigua warning of the dangers of famine due to shortages and price fluctuation, see, *Morning Post and Daily Advertiser*, 28 Jan. 1784. For the contraband trade see, *London Chronicle*, 17 June 1784.

²⁹ *New York Packet and the American Advertiser*, 1 July 1784. It would be a mistake to assume uniform adherence to the Orders in Council by colonial governments. Governor Maxwell of the Bahamas established himself as a friend to the Americans by first opening the Bahamas in June 1784 in direct contravention of the Orders and then by defending the American flag from insult, see, *South Carolina Gazette*, 3 June 1784 and *Providence Gazette*, 26 June 1784.

little effect on official policy. Instead, it was environmental disaster, which determined the real, albeit unofficial, change in policy.

For the island of Jamaica, the hurricane of 1784 arrived in the middle of a disastrous decade for the colony. Five hurricanes had struck the island in seven years. For the region as a whole, the 1780s are regarded as the most meteorologically active and destructive on record. The first, and the largest, was the Great Hurricane of 1780 which killed approximately 30,000 in the region and left only sixteen houses standing in Kingston.³⁰ The storm which struck Kingston and Port Royal on the night of July 30, 1784, was said to have stripped the trees bare, struck down buildings and reefed ships.³¹ The American poet Philip Freneau was inspired by his harrowing trip to Jamaica during the storm and penned an eyewitness account, titled, “Verses, made at Sea, in a Heavy Gale,”

“While death and darkness both surround,
And tempests rage with lawless power,
Of friendship’s voice I hear no sound,
No comfort in this dreadful hour –
What friendship can in tempests be,
What comfort on this raging sea?”³²

The hurricane of the summer of 1784 ended a long period of tense scheming and market manipulation for American merchants. Before the hurricane, business contacts in Nicholas Low’s network were informing him of poor demand in the West Indies for grain and little chance

³⁰ Mulcahy, *Hurricanes and Society in the British Greater Caribbean, 1624–1783*, 111; Schwartz, *Sea of Storms: A History of Hurricanes in the Greater Caribbean from Columbus to Katrina*, 93. It is estimated that as a result of the decade of hurricanes over 15,000 slaves perished, a figure which contributed to the growing call for abolition.

³¹ For a description of the hurricane, see, *Connecticut Courant*, 28 Sept. 1784; *Gazetteer and New Daily Advertiser*, 13 Oct. 1784.

³² Philip Morin Freneau, *The Poems of Philip Freneau: Poet of the American Revolution* (Princeton, NJ: University Library, 1902), 251.

of tangible profit.³³ Matters changed at the end of July when reports flowed into London of a hurricane which struck several islands in the British West Indies. The news forced the Board of Trade to open the ports of Bermuda to the importation of lumber and provisions in British bottoms.³⁴

Knowledge of the extent of the devastation reached American merchants by September 1784, where it was quickly apparent that the level of demand would outstrip the immediate supply and force merchants to choose their preferred markets carefully. On September 3, 1784, the *New-Jersey Gazette* featured a sensational account of the hurricane. The report, based on ‘a letter from Kingston’, described a scene of absolute devastation as almost all of the vessels in the port were destroyed. On land, the sugar-works were hit particularly hard and the writer lamented that “no pen can describe the havock, and what is worse, there is not provision in this town sufficient for two weeks.”³⁵ The article also noted that the inhabitants had petitioned the Lieutenant Governor requesting the admission of American provisions for six months. Though the article claimed that Lieutenant Governor Alured Clarke had initially refused the petition, by the end of the month, newspapers were announcing that plans were going forward to open the port for four months for provisions and lumber.³⁶ Despite the contradictory information offered

³³ James Heron to Nicholas Low, 4 July 1784, Box 6, Nicholas Low Papers, LC. For Dominica, Low was informed by his contact there of a rumor that the port was about to be converted into a free port and that ‘means’ were already used to allow in American vessels, see, Samuel Chollet & Co to Nicholas Low, 10, Box 4, 13 July 1784, Nicholas Low Papers.

³⁴ Order in Council, 30 July 1784, Liverpool Papers, UMSC. The Order was reported in the *New York Packet*, 9 Sept. 1784. The Order came in tandem with several reports over the next month describing in great detail the hurricane’s effect on the West Indies, see, *New Jersey Gazette*, 13 Sept. 1784, and *Connecticut Courant*, 28 Sept. 1784.

³⁵ *New-Jersey Gazette*, 3 Sept. 1784.

³⁶ *Massachusetts Spy*, 30 Sept. 1784; *United States Chronicle*, 1 Dec. 1784.

to merchants, the article concluded that the above rumors had already resulted in a mad rush to ship out flour to Jamaica as quickly as possible.³⁷

The effects of the hurricane were severe; as late as December 1784 building materials for Jamaica continued to fetch a high price and the demand for flour remained steady. Amidst the chaos, it appeared as if the colonies had completely broken with the commercial regulations imposed by Whitehall. Ships were advertised for charter in local newspapers with British registers and bound for the West Indies. At the same time, West Indian merchants informed their American contacts of repeated renewals of proclamations allowing American vessels into Jamaica well into the following year.³⁸ A supposed letter from Kingston, printed in the *United States Chronicle*, declared that the hurricane had accomplished in a single hour, “more for these ports and for the continent of America than all the negotiations which have taken place on the American commerce, since the conclusion of the definitive treaty. For our Governor, affected by the exigence that was likely to ensue has opened our ports to all the world for four months to come.”³⁹ Most of all, the crisis that beset the British West Indies in 1784 seemed to declare to the world the inadequacy of Lord Sheffield’s plan for British North America to supply the sugar colonies. *The Freeman’s Journal* even speculated that any lumber shipped from Canada to the West Indies was originally acquired in the United States.⁴⁰

³⁷ The temptation to focus on the West Indies over safer alternatives was often too much for some merchants. Thomas Stoughton recognized this dilemma and informed his contact in Cadiz that his shipments of flour to Europe were on hold until orders from Jamaica had been fulfilled. Lynch & Stoughton to Farrel, Strange & Co, 20 Sept. 1784, vol. 1, Lynch & Stoughton Letter book, 1783-1787, NYHS. According to the *Pennsylvania Packet*, 11 Dec. 1784, over twenty ships went from America to Jamaica between September and October carrying provisions. Lynch & Stoughton’s focus on Jamaica is hardly surprising given its prominent place among New York merchants trading with the Caribbean, see, Albion, “New York Port In The New Republic, 1783-1793,” 395.

³⁸ *Independent Journal*, 24 Nov. 1784; Daniel Major to Nicholas Low, 9 Dec. 1784, Box 4, Nicholas Low Papers, LC.

³⁹ *United States Chronicle*, 8 Dec. 1784.

⁴⁰ *Freeman’s Journal*, 4 Aug. 1784. By the end of 1785, *The Essex Journal* declared the idea of Canada and Nova-Scotia supplying the West Indies as a groundless ‘bugbear’ which would not take place for a century. For more on

Though ships continued to embark for the British West Indies into 1785, access began to close as early as January of that year. Peregrine Bourdieu of Dominica noted to Nicholas Low at the end of January that it was impossible to introduce North American lumber, the chief American commodity, into the island. Nevertheless, Bourdieu hinted that Americans continued to travel to the port, often without displaying any colors.⁴¹ A subsequent investigation by Charles Jenkinson, later Lord Hawkesbury, into the trade between the American states and Jamaica, concluded that the distress of the colony was largely exaggerated, and “that in fact there never was the smallest necessity for opening the ports on account of the hurricane.”⁴² Jenkinson’s investigation largely blamed the Lieutenant Governor of Jamaica for overreacting. The report argued that the decision to open the port “does not stand justified either by necessity or good policy,” because it led to the influx of American ships. These ships glutted the market, caused massive price fluctuations, and left Jamaica with fewer resources than during the previous war. Planters, it was said, only reacted to the ‘interest of the moment’ and failed to recognize that a ‘temporary rise in the market’ did not warrant a violation of the Navigation Act. It was concluded that greater adherence to the Navigation Act was necessary and foreign supplies

the limitations of British North America to supply the West Indies, see, Ritcheson, *Aftermath of Revolution: British Policy toward the United States, 1783-1795*, 193; Jensen, *The New Nation: A History of the United States during the Confederation, 1781-1789*, 165.

⁴¹ Peregrine Bourdieu to Nicholas Low, 30 Jan. 1785, Box 7, Nicholas Low Papers, LC. Despite these restrictions, the Governor of the Bahama Islands had issued a proclamation as late as November permitting the importation of Indian corn into the island, see *New-Hampshire Gazette*, 4 Jan. 1785, reprinted in the *New York Journal*, 20 Jan. 1785 and *Essex Journal*, 19 Jan. 1785.

⁴² Narrative of Circumstances respecting the Trade between North America and the Island of Jamaica in the year 1784, reel 2, Liverpool Papers, UMSC. For more on Jenkinson’s role in the debates over the American trade, see, Crowley, “Neo-Mercantilism and the Wealth of Nations: British Commercial Policy after the American Revolution”; Johnson has shown that the Spanish faced a similar issue of questioning whether to trust reports of disaster in Florida, see, Johnson, “Climate, Community, and Commerce among Florida, Cuba, and the Atlantic World, 1784-1800,” 472; For a contemporary discussion of exaggerated disaster claims, see, Joseph Horan, “The Colonial Famine Plot: Slavery, Free Trade, and Empire in the French Atlantic, 1763-1791,” *International Review Of Social History* 55, no. 18 (2010): 103–21; Johnson’s work challenges the view that disaster claims were merely a strategy meant to force the opening of ports, see, Sherry Johnson, “El Niño, Environmental Crisis, and the Emergence of Alternative Markets in the Hispanic Caribbean, 1760s-70s,” *The William and Mary Quarterly* 62, no. 3 (July 2005): 365–410.

should come from North America only in British bottoms.⁴³ In sum, for the British government, the disaster at Jamaica was made by man, not the weather. In the Board's view, if the planters and local officials had used 'better information' they never would have made such claims of distress and famine. The results of Jenkinson's investigation would take on a new importance in 1786 when Jenkinson was made Lord Hawkesbury and President of the Board of Trade. Jenkinson's conclusions would then come to define official British policy towards the West Indies going forward.

The British government was not completely passive in maintaining the wellbeing of its Caribbean possessions. As Johnston has shown, over the course of the eighteenth century the Board of Trade proactively monitored the public health of the colonies, even at the expense of potential economic benefits.⁴⁴ After the Great Hurricane of 1780, Parliament granted relief for the islands of Barbados and Jamaica amounting to £120,000, but relief was typically limited to private subscription campaigns and local charity.⁴⁵ More locally, planters and colonial officials produced a distinct built environment in response to disaster by reducing the height of buildings and investing in alternative construction materials. While historians have noted the state's growing interest in providing disaster relief by the turn of the century, most still acknowledge the limitations placed on contemporaries to 'manage' the everyday risks associated with life in the West Indies within the constraints of the British mercantile system. This was largely due to the demands placed on planters and merchants to fulfill orders and meet the immense demand for

⁴³ Narrative of Circumstances respecting the Trade between North America and the Island of Jamaica in the year 1784.

⁴⁴ Johnston argues that the debate over the relocation of the capital shows that the Board was not limited to economic concerns when coming to a decision, see, Katherine Johnston, "The Constitution of Empire: Place and Bodily Health in the Eighteenth-Century Atlantic," *Atlantic Studies* 10, no. 4 (2013): 448.

⁴⁵ Schwartz argues that the growing liberal movement of the nineteenth century increasingly meant that the colonists were expected to rely on self-help over government assistance. Schwartz, *Sea of Storms: A History of Hurricanes in the Greater Caribbean from Columbus to Katrina*, 98 and 163.

colonial produce in the eighteenth-century. Despite knowledge of a hurricane season, British ships plied the treacherous waters of the Caribbean in every month of the year. To meet growing consumer demand, colonists throughout the empire were forced to ‘weather the storm’ and the most common government response was not relief but the opening of ports to foreign trade.⁴⁶

The persistent need for American relief ensured the continuation of business relationships, despite decrees from the home government.⁴⁷ Even in the relative stability of early 1785, the inhabitants of the West Indies repeatedly petitioned the government to end the restrictions on the American trade.⁴⁸ But as governors became more hesitant to issue blanket proclamations there was much confusion about the extent of the damage done by a storm. As Jenkinson’s investigation had already shown, the British government thoroughly questioned the validity of the information received from the West Indies.

What followed was a constant competition between merchants and officials for control of the market. New hurricanes resulted in begrudging proclamations that allowed in American ships, which resulted in tighter controls once the crisis had ended. With each successive Order in Council, smuggling into the islands became more prevalent.⁴⁹ False papers, the variable change

⁴⁶ For the argument that colonists “weathered” rather than “managed” risk, see, Mulcahy, “Weathering the Storms”; Mulcahy; Pérez has similarly shown that the Spanish Empire’s built environment was still vulnerable as late as the mid-nineteenth century, see, Louis A. Pérez, *Winds of Change: Hurricanes & the Transformation of Nineteenth-Century Cuba* (Chapel Hill, NC: University of North Carolina Press, 2001), 79. On government disaster relief and its limitations, see, Alan Taylor, “‘The Hungry Year’: 1789 on the Northern Border of Revolutionary America,” in *Dreadful Visitations: Confronting Natural Catastrophe in the Age of Enlightenment* (New York: Routledge, 2013), 164–66; Horan, “The Colonial Famine Plot: Slavery, Free Trade, and Empire in the French Atlantic, 1763-1791”; According to Steele, hurricanes were “predictable hazards”, see, Steele, *The English Atlantic, 1675-1740: An Exploration of Communication and Community*, chap. 2; Alternatively, Koot argues that hurricanes were “as unpredictable and devastating as fires,” but they encouraged interimperial trade, see, Christian J. Koot, *Empire at the Periphery: British Colonists, Anglo-Dutch Trade, and the Development of the British Atlantic, 1621-1713* (New York: New York University Press, 2011), chap. 3.

⁴⁷ By May 1785, the Governor of Bermuda had declared the opening of the ports for the importation of salted provisions due to a recent shortage, see, *Columbian Herald*, 2 May 1785.

⁴⁸ *Norfolk Chronicle*, 2 April 1785.

⁴⁹ Carrington argues that the failure to establish a new system of commerce that excluded the United States started the West Indies on its eventual decline, see, Carrington, *The British West Indies during the American Revolution*,

of colors, ‘drifting’ into port, and trade through foreign proxies were all strategies pursued by American merchants attempting to get back into the empire. One common practice was to rely on the flourishing trade in British registers in order to ensure regular access to British ports. Similar to the methods used to ship American goods into the Mediterranean, Americans purchased or chartered vessels that were sold as ‘well-calculated for the West India trade’. Advertisements reassured buyers of the safety of the proposed voyage by referring to ships that were ‘last from Jamaica’ or in possession of an ‘undeniable’ British register.⁵⁰ One possible alternative method was to simply rely on a London merchant firm to send a vessel to America and then to the West Indies, a kind of elongation of the earlier triangular trade.⁵¹ Regardless of the strategy pursued, an examination of merchant correspondence and newspapers from 1785-1789 shows that American merchants continued to regularly trade with the British West Indies well into the French Revolution.⁵²

In these same years, British officials put forward a series of measures aimed at stamping out the smuggling trade. *The Antigua Gazette* noted the sale in June 1785 of a Maryland ship seized by customs officials while carrying twenty thousand shingles and twenty-five hundred bushels of corn.⁵³ As the clampdown continued, newspapers carried the sensational story of a

180. Several historians have noted the broad adoption of smuggling by all levels of society, Wim Klooster, “Inter-Imperial Smuggling in the Americas, 1600-1800,” in *Soundings in Atlantic History: Latent Structures and Intellectual Currents, 1500-1830*, ed. Bernard Bailyn and Patricia L Denault (Cambridge: Harvard University Press, 2009), 142; Ragatz, *The Fall of the Planter Class in the British Caribbean, 1763-1833*, 182.

⁵⁰ *South-Carolina Weekly Gazette*, 6 Sept. 1785; *Daily Advertiser*, 5 May 1786; *Daily Advertiser*, 27 Dec. 1786.

⁵¹ The Liverpool firm Sparling & Bolden sent several ships to their Virginia contacts to load with lumber and continue on to Jamaica, see, Sparling & Bolden to John Lawrence & Co 10 Feb. 1789; The Board of Trade upheld such practices in 1790 when they approved of British bottoms venturing to North America for relief while still keeping the ports closed to foreign traffic, Lord Grenville similarly stating in the House of Commons that bills to regulate the trade with America were meant to protect the navigation of Great Britain rather than operate against the trade of the West Indies, see, *Newcastle Courant*, 31 March 1787; Board of Trade Minutes, 6 May 1790, BT 5/6, TNA, f.310-311.

⁵² Richard Curson to Nicholas Low, 14 June 1785.

⁵³ Excerpt from the *Freeman's Journal*, 24 Aug. 1785.

ship owned by Robert Morris which put into Barbados in distress and was turned away before a leak could be fixed.⁵⁴ In the Leeward Islands, Horatio Nelson earned a name for himself as a tenacious opponent of the smugglers. At Nevis, Nelson captured four American vessels, but without any support from the local vice-admiralty court, his campaign was fruitless. Eventually, the planters were able to successfully turn the tables on Nelson and sue him for £40,000 in damages. Nelson was forced to remain onboard his ship until the matter was settled out of fear of arrest.⁵⁵

Recognizing the complicity of the planters and colonial officials in illicit trade, Charles Jenkinson pushed for tighter controls on ships' registers in the House of Commons. Jenkinson claimed that registers should not be granted to any vessel lacking a certificate showing that the ship was built in a British dock. Further, vessels should only belong to an individual owner and the British government should maintain a master list of all British vessels over fifteen tons.⁵⁶ The increasingly vigilant British government managed to cut sugar exports to the United States from the British West Indies by half in 1787.⁵⁷ For Bermuda, the loss of the American trade and the most important market for the island's commerce, ripped the island apart. Governor Browne announced plans to prevent future abuse of the law by citizens of the United States and proclaimed his intention to adhere to an "exact conformity to the spirit and intention of his orders aforesaid." The reaction to Browne's vigilance was extreme. The 'country party', which had participated in the illicit trade, became violent and the Governor responded by closing the

⁵⁴ *Newport Mercury*, 17 April 1786.

⁵⁵ James Stanier Clarke and John McArthur, *The Life and Services of Horatio Viscount Nelson* (London: Fisher, Son, & Co., 1840), 108–12; Carrington, "'Econocide' – Myth or Reality? – The Question of West Indian Decline, 1783-1806," 21. Nelson's enthusiastic response to smuggling was echoed by the Vice Admiralty Courts in Jamaica, see, Stephen Fuller to Evan Nepean, 1 Aug. 1790, CO 137/88, TNA, f.329-331.

⁵⁶ Other MPs opposed such measures, recognizing the extent of the commerce called for an Alien duty on foreign ships sailing as British, see, *The Times*, House of Commons Debate, 12 April 1786

⁵⁷ Carrington, *The British West Indies during the American Revolution*, 178.

Assembly.⁵⁸ Even in islands where officials did not participate in the American trade, local planters could attempt to forcibly modify government policy in favor of American merchants.

A variety of factors influenced the government's change in policy. The new Board of Trade, which was restructured in 1784, was not made up of mercantilist demagogues looking to prop up an aged colonial system. Constructed initially as an experiment, the Board constantly investigated the state of navigation and the flow of trade by interviewing corn factors, consuls, merchants, and planters. The motives that influenced policy also varied, from a desire to revive the old triangular trade, to protecting the peacetime employment of British sailors by maintaining a vibrant commercial fleet.⁵⁹

The pressure on a governor to supply a colony while maintaining the spirit of the Navigation Act was extreme. Governors were forced to open the ports in order to guarantee steady supplies after a hurricane, but in the face of repeated inquiries by the Board into the conduct of colonial officials, these decrees were increasingly delayed while waiting for absolute proof of famine.⁶⁰ Lacking a clear way out, Governor Shirley of the Leeward Islands wrote to the Board of Trade in January 1790 requesting that the Board take back the governor's discretionary power to open the ports. Shirley complained that his council was full of self-interested planters who would never advise against opening the ports, and that there were already so many small American ships coming to the islands that an official opening would never be necessary. Though

⁵⁸ *The Times*, 6 Sept. 1785; *General Evening Post*, 24 Nov. 1785.

⁵⁹ The complex reasons behind a decision to affirm or deny a policy change can be seen in the Board of Trade's denial of Lord Dunmore's request to admit Americans into Turks Island. According to the Board, their refusal was not out of a fear of smuggling or that it would hurt the commerce of the British West Indies, but rather they worried that such an allowance 'would be injurious to the carrying trade of this country'. Board of Trade Minutes, 3 July 1790, BT 5/6, f.129. For the variety of motives that influenced the policies of the Board of Trade, see, Anna Lane Lingelbach, "The Inception of the British Board of Trade," *The American Historical Review* 30, no. 4 (July 1925): 707–8.

⁶⁰ *World and Fashionable Advertiser*, 20 March 1787.

Shirley wished to no longer be put in the ‘disagreeable situation’ of refusing to open the ports, the Board of Trade disagreed and upheld the existing discretionary power. The Board further reminded Shirley of his duty to only open the ports in cases of public emergency.⁶¹ Recognizing the American trade as a necessary evil, the Board refused to take away the governors’ discretionary power to open the ports, instead reserving for itself the role of oversight and management of colonial officials who overstepped their duty and violated the Navigation Act. Just as Americans continued to rely on the empire for markets and commercial contacts, the empire still needed American goods to support itself.

The debate over environmental disaster and British dependence on American supplies naturally took on a moral dimension over contemporary concerns about the slave trade. Hurricanes had a direct connection to the mortality rates among enslaved Africans in the islands. This created a vicious cycle wherein planters imported slaves in increasing numbers after a hurricane in order to support the sugar economy. Beginning in 1784, James Ramsay’s two-part indictment of slavery in the British West Indies called into question the economic viability and loyalty of Britain’s sugar colonies. Ramsay’s strategy focused on the economic shortcomings of the planters’ monopoly over William Wilberforce’s indictment of the brutality of the slave trade.⁶² Ramsay alleged that the sugar colonies, crippled by their opulence and monopolies, would gradually drift into the new American empire.⁶³ Reliance on America did not come out of unexpected environmental disasters. Rather, Ramsay described the West Indian planters,

⁶¹ Board of Trade Minutes, 16 Jan. 1790, BT 5/6, TNA, f.7-8; Ragatz, *The Fall of the Planter Class in the British Caribbean, 1763-1833*, 182.

⁶² For an example of Wilberforce’s position see the House of Commons debates on the slave trade in March 1789, also repeated at length in contemporary newspapers, see, *Hampshire Chronicle*, 30 March 1789; *Salisbury and Winchester Journal*, 30 March 1789.

⁶³ James Ramsay, *An Inquiry into the Effects of Putting a Stop to the African Slave Trade, and of Granting Liberty to the Slaves in the British Sugar Colonies* (London, 1784), 25–26.

gluttonous and blinded by luxury, pursuing profit over the sanctity of the Navigation Act. Instead of investing in domestic provisions, the planters only produced more sugar and starved their slaves.⁶⁴ Anti-planter editorials repeated Ramsay's position, arguing that a free society could not hold men in bondage, and even suggesting that the repeated hurricanes that struck the West Indies were a result of Providence judging the planters who "torture their fellow creatures from Africa."⁶⁵ By 1792 an association in London had formed to promote the boycott of sugar in order to force an end to the slave trade. The 'sugar-haters', as they became known, even penned a formal address detailing how a single family could affect the profitability of the sugar industry and arguing for individual complicity. These 'sugar-haters' claimed that for every pound of sugar purchased, "we may be considered as consuming two ounces of human flesh."⁶⁶

The response from anonymous West India planters, the West-India Planters and Merchants Committee, and their representatives in Parliament was a resounding defense of the necessity of their trade, and their roles as the stalwart defenders of the British Empire. Early on, the planters perceived an assault on their interests as Parliament considered several measures that would undermine the sugar monopoly of the British West Indies.⁶⁷ When Parliament considered passing the export duty on sugar from the consumer to the planter, in order to lower the price, planters in Barbados petitioned the House of Commons that it was a violation of their rights as

⁶⁴ James Ramsay, *Essay on the Treatment and Conversion of African Slaves* (Dublin, 1784), 67–69.

⁶⁵ *The Times*, 14 July 1788; *New York Journal*, 5 Jan. 1786.

⁶⁶ *Federal Gazette*, 8 Feb. 1792; *Connecticut Courant*, 16 April 1792.

⁶⁷ This included the introduction of sugar from the East Indies and the importation of foreign sugar into free ports, see, Assembly of Jamaica to Governor Effingham, 19 March 1791, CO 137/89, TNA, f.99-101. In light of the Haitian Revolution, many suggested that the market should shift to maple sugar from America and East India sugar as a more reliable alternative, see, *New-Hampshire Spy*, 19 Nov. 1791; *American Apollo*, 5 Oct. 1792. For more on the campaign for East Indian sugar, see, Ragatz, *The Fall of the Planter Class in the British Caribbean, 1763-1833*, 210.

Englishmen to fix the price of sugar.⁶⁸ The petition reminded Parliament that the planters had already suffered from the economic shortcomings of the fixed colonial system and further concluded that any new duties on sugar would only affect the living conditions of the slaves in the islands.

Pro-planter pamphleteers emphasized the importance of the sugar trade to British commerce, arguing that the abolition of the slave trade would be “the annihilation of the colonies.”⁶⁹ It was argued that abolition would not end slavery but rather increase the duties on colonial articles exponentially and even threaten the security of the islands by reducing the number of white inhabitants. *An Address of the Assembly of Jamaica* in 1792 strongly asserted the importance of the West Indian colonies to Britain’s identity as a commercial nation, and portrayed the planters as daring pioneers braving a hostile climate in order to contribute to the wealth of the mother country.⁷⁰ In London, the West-India Planters and Merchants Committee published their official response to the abolitionists in order to encourage all those associated with the sugar trade to petition Parliament.⁷¹

⁶⁸ *Dunlap’s American Daily Advertiser*, 15 Aug. 1792. The planters were echoed by the Jamaican Assembly which commissioned a study on the sugar trade, targeting the act to limit the price of sugar and reaffirming the importance of the British West Indies to the ‘national wealth’ of Great Britain, see, Jamaican House of Assembly, 23 Oct. 1792, CO 137/91, TNA, f.45.

⁶⁹ *Commercial Reasons for the Non-Abolition of the Slave Trade, in the West-India Islands, by a Planter and Merchant of Many Years Residence in the West Indies* (London: W. Lane, 1789), 6; Gordon Turnbull, *An Apology for Negro Slavery* (London: J. Stevenson, 1786).

⁷⁰ Jamaican Assembly, 23 Oct. 1792, CO 137/91, f.45; Address to Lt. Governor Adam Williamson, 26 Nov. 1791, CO 137/90, TNA, f.49-52. The Jamaican Assembly petitioned Parliament twice on the issue of the slave trade, see, *Humble Address and Petition of the Assembly of Jamaica* to Lord Grenville, 1789, CO 137/89, TNA, f.5.

⁷¹ The West India Planters and Merchants Committee met on several occasions to consider the attacks on their industry, see, *The Times*, 26 June 1788; *The Times*, 10 April 1789; *Mail or Claypool’s Daily Advertiser*, 5 June 1792. Jack Greene has shown that trade and empire were often conflated in this period, and there was a widespread feeling among many in the eighteenth century that the empire directly contributed to the strength of the nation, see, Greene, *Evaluating Empire and Confronting Colonialism in Eighteenth-Century Britain*, Chapter 1. Also see, Colley, *Britons: Forging the Nation, 1707-1837*.

The abolition debate eventually stalled in Parliament as news of the Haitian Revolution began to spread, and war with France became a distinct possibility. It was nevertheless taken seriously by contemporaries at the time. This debate not only attacked the planter's way of life but also encouraged the public to consider the planters and merchants as traitors looking to undermine the empire out of a desire for greater profit and luxury. For many, the planters had become, like their American correspondents, reckless speculators in their own right with no allegiance to any country.⁷²

In recognizing the potential disloyalty of speculative merchants, the British government was not alone in pushing back against increasingly aggressive American commercial practices. As part of the several Navigation Acts passed by the American states, Americans were restricted from trading in British bottoms. Thomas Stoughton warned his contact in Jamaica that recent laws in New York had prohibited him from having "any connection in British bottoms."⁷³ There were rumors that mobs would burn down English ships coming from the Dutch West Indies, even if they were owned by Americans.⁷⁴ Similarly, Thomas English in Boston also noted the prohibition, but he still believed that his shipment from Jamaica in a British bottom would be received as American upon arrival.⁷⁵ Former allies of the United States in the West Indies also

⁷² *The Times* called those opponents of Lord Sheffield and the Navigation Act, speculators or 'citizens of the world', or men without a country, an appellation that would seem to apply to the planters as well according to their detractors, see, *The Times*, 10 Oct. 1785. Years of intermarriage and mutual dependence only added to the perception that the West Indian colonists and Americans were one and the same, Bayly, *Imperial Meridian: The British Empire and the World, 1780-1830*, 90; Burnard, "Harvest Years? Reconfigurations of Empire in Jamaica, 1756-1807." Patricia Rogers has shown how similar fears of untrustworthy colonists were even directed towards merchants in Nova Scotia, see, Patricia Rogers, "Rebels' Property: Smuggling and Imperial [Dis]Loyalty in the Anglo-American Atlantic," *Journal of Early American History* 2, no. 1 (2012): 32-67.

⁷³ Lynch & Stoughton to Thompson, Campbell & McNeal, 25 Aug. 1785, vol. 1, Lynch & Stoughton Letter book, 1783-1787, NYHS.

⁷⁴ *Essex Journal*, 22 Aug. 1787.

⁷⁵ Thomas English to Thomas Burrow, 17 Oct. 1785; English told another contact that the law could be evaded by simply going to another state and taking advantage of the relative disunity of the United States, see, Thomas English to Arthur & Munroe, 1 Jan. 1786, reel 2, Thomas English Papers, MHS.

resisted the American trade. By 1786 all American vessels were refused entrance into Havana and similar measures had been taken in the French West Indies to suppress foreign trade with American merchants.⁷⁶

As the push against American commerce continued, British colonial governors believed that trade with the other European colonies would limit American commerce while also provisioning the sugar colonies. In 1787, the Governor of Antigua announced the opening of the ports to goods shipped from any island in the West Indies.⁷⁷ The British had long used their free ports to break down the monopolies of competing colonial empires. As these ports traded in necessary raw materials without infringing on the monopolies of Great Britain, they were seen as a viable alternative to trading with America. Yet the free port system was unsuccessful in excluding American merchants who used foreign ports as a go-between with the British Empire. Among the foreign ports trading in American provisions, the Dutch island of St. Eustatius was once again ascendant, but the Swedish, Danish and French islands also offered similar opportunities.⁷⁸ Through these islands, American merchants traded lumber, flour, and corn for colonial produce. The increasing interest in alternative markets is evident in the correspondence and newspapers of the period. When a hurricane wiped out the sugar cane in the Danish and Dutch West Indies in 1789, William Constable of New York lamented the loss of two islands

⁷⁶ *Derby Mercury*, 6 July 1786; *Pennsylvania Mercury*, 18 Nov. 1785; Lafayette informed Foreign Secretary John Jay that the resistance to free trade in the West Indies came from the French merchants in Paris, 19 March 1785; *Morning Chronicle and London Advertiser* 7 April 1785 and Thomas Ruperson to Low 24 Feb. 1785, Box 7, Nicholas Low Papers, LC. John Adams suggested to Thomas Jefferson that an alien duty might be necessary for French as well as British shipping as the French are also “enemies to our ships and mariners.” See, John Adams to Thomas Jefferson, 7 Aug. 1785, Founders Online, NARA.

⁷⁷ *Pennsylvania Packet*, 9 July 1787.

⁷⁸ Armytage, *The Free Port System in the British West Indies: A Study in Commercial Policy, 1766-1822*, 43–48. Armytage alleges that the planters lost interest after it was clear that the Americans would not be allowed to participate, but as this part shows, the Americans continued to participate and maintain contact with the inhabitants of Britain’s overseas colonies through foreign intermediaries. On St. Eustatius, see, Ragatz, *The Fall of the Planter Class in the British Caribbean, 1763-1833*, 187.

“from where almost all our supplies of sugars were drawn, that article will of course become both scarce & dear in our market.”⁷⁹ These islands were important as markets in their own right, but they also served as conduits into the British and French West Indies. With such fluid markets, ships were sent out with vague directions to stop at a variety of islands in search of a profitable sale. In 1788, Thomas English ordered Captain John Taylor to stop at the Swedish island of St. Bartholomew’s from which goods could be carried into Guadeloupe in exchange for sugar. In order to carry out the trade, Captain Taylor would need to hire a small boat to carry the sugar down to St. Bartholomew’s as the French would seize any article of colonial produce going to America.⁸⁰ Similar covert strategies were also used to continue trade with the British islands.

The nature of this trade did not go unnoticed. This is seen as early as December 1785 in the correspondence of Edmund Lincoln, Governor of St. Vincent’s, with Foreign Secretary Lord Sydney. Governor Lincoln described a commerce carried on by sloops and schooners going to Martinique, Guadeloupe and St. Eustatius to pick up American lumber and provisions. The Americans sold these goods to the planters at a 50 to 100 percent profit. The restrictions on the trade merely ensured a period of extreme price inflation and short supplies.⁸¹ Governor Lincoln claimed Parliamentary regulations had only served to ‘irritate’ the Americans rather than stop their commerce and worst of all, this trade had enriched Britain’s ‘natural enemies’ in the West Indies.⁸² The trade reached such a height by the summer of 1787, that the British government

⁷⁹ William Constable to Gouverneur Morris, 17 May 1789, reel 1, Constable-Pierrepoint, NYPL. Just like any other island, the Dutch and Danish West Indies were also susceptible to the violent market swings from hurricanes.

⁸⁰ Thomas English to Capt. John Taylor, 14 Feb. 1788, reel 2, Thomas English Papers, MHS. Merrill Jensen described these islands as “way stations” into the British Empire, see, Jensen, *The New Nation: A History of the United States during the Confederation, 1781-1789*, 199.

⁸¹ According to Carrington, the price of lumber for Jamaica alone quadrupled in price in the aftermath of the new restrictions, see, Carrington, *The British West Indies during the American Revolution*, 165.

⁸² Lincoln argued that the only measure that would end this trade was a regulation banning vessels from cruising in areas without customhouses, see, Edmund Lincoln to Lord Sydney, 1 Dec. 1785, BT 6/75, TNA.

began to contemplate targeting American produce from foreign islands. In June, rumors circulated of new duties for vessels coming from foreign islands, and by August there were already stories of armed ships targeting smugglers.⁸³ Yet such measures were only effective so long as the weather cooperated. By the summer of 1792, American newspapers again featured devastating accounts of the latest hurricane to hit the West Indies. Bermuda and Antigua were hit particularly hard and by the time the hurricane was reported in American newspapers, the Governor of Bermuda had already opened the ports in order to rectify the ‘very alarming situation’ of the island.⁸⁴

The American trade continued because the Navigation Acts were constantly reinterpreted to suit the needs of the British government. Laws were modified, amended, and even ignored in colonial governments and at Whitehall in order to ensure the steady continuation of British commerce. American merchants continued to gain access to the British Empire by manipulating these loose rules but also through mutual cooperation and dependence on their British counterparts. Rather than trading in a vacuum, these merchants used local contacts to learn about the best market opportunities and methods of subverting maritime regulations. With the coming of the French Revolution, American merchants would continue to find new opportunities for their commerce within the empire. Primarily, they sought the chance to act as neutral carriers in any conflict Great Britain entangled itself in.⁸⁵

⁸³ *Independent Gazetteer*, 29 June 1787; *Maryland Chronicle*, 1 Aug. 1787; *Weekly Monitor*, 13 Aug. 1787. In 1789 Abraham Tuckniss reported to Nicholas Low that several men of war were patrolling at Demarary for contraband, see, Tuckniss to Low, 13 April 1789, Box 14, Nicholas Low Papers, LC.

⁸⁴ *Boston Gazette*, 3 Sept. 1792. For the effect of this hurricane on the other West Indian islands see, *Federal Gazette*, 9 May 1792.

⁸⁵ While traditionally war has been examined for its negative effects on an economy, Brooke Hunter has re-emphasized how war accelerated economic development, Brooke Hunter, “Wheat, War, and the American Economy during the Age of Revolution,” *The William and Mary Quarterly* 62, no. 3 (July 2005): 505–26.

Gambling with Disaster in the Haitian Revolution

Compared to the numerous disasters of the previous decade, the opening years of the French Revolution were relatively calm for the British West Indies. Prices were stable and the British islands had managed to avoid the latest hurricanes to strike the Caribbean and continue to prosper despite the limitations placed on American trade. When the slave rebellion in Saint-Domingue began in 1791, it was immediately viewed as a contagion that threatened the stability of the British colonies. To protect themselves from a revolutionary epidemic, British colonial officials responded with increasingly stringent border controls and the monitoring of foreigners in the islands.⁸⁶ As an unprecedented slave rebellion, the commercial impact of the Haitian Revolution provoked the involvement of a wide range of actors throughout the Caribbean, including: American statesmen, British colonial governors, and American suppliers operating throughout the West Indies. The rebellion spurred on American merchants into action and supplies were sent in vast quantities to Saint-Domingue. This led to an inevitable over-saturation of the market, which was further exacerbated by the dwindling supply of colonial produce as sugar and coffee plantations were burned to the ground. The British government also attempted to profit from the revolution by filling the void created in the sugar market by the fall of Saint-Domingue, but the rapid expansion of sugar production required the British to rely further on American suppliers. For everyone involved, the competing forces of the oversupply of provisions and the undersupply of colonial produce complicated the potential opportunities offered by such a crisis. The Haitian Revolution, then, represents the limitations of a trade centered around disaster, and the importance of having the latest information in order to sort out possible opportunity in-between the lines of general devastation.

⁸⁶ Put another way, the dangers of these radical ideas can be seen as a continuation of the concerns put forward by the Board of Trade regarding inaccurate information of disaster in the 1780s.

By the time the insurrection began in 1791, American merchants were already well-established in Saint-Domingue. Just as in the British islands, Americans faced several hurdles in gaining access to the French West Indies. Early on, the French government had opened up trade with American shipping, but specifically prohibited American flour and the exportation of valuable French colonial produce. While merchants were able to use several methods to subvert these mercantile barriers, the danger of being caught had real consequences for smugglers. The American firm of Perkins, Burling & Co. at Cap-Français recognized the dangers of exporting coffee, as they warned a contact that if caught they could be banned from doing business in the island.⁸⁷ To ensure that their vessels did not ‘drift’ too close to the shore, American vessels were also seized by *guarda-costas* if they remained near Cap-Français for more than twenty-four hours.⁸⁸ These restrictions could persist even in the aftermath of a devastating hurricane hitting the island, and Americans were specifically mentioned in an edict prohibiting all foreign trade under pain of imprisonment and confiscation of goods.⁸⁹ The actions taken by the French colonial government still proved ineffectual in preventing Americans from accessing the islands.

⁸⁷ Perkins, Burling & Co. to Joseph Marquand, 23 Jan. 1788, Extracts from the Letter books of James & Thomas Handasyd Perkins, MHS. The firm though was not frightened off and continued to smuggle goods through the French West Indies by ‘frenchifying’ their vessels, see, Perkins, Burling & Co. to Samuel & John Smith, 24 Jan. 1788, Extracts from the Letter books of James & Thomas Handasyd Perkins.

⁸⁸ *State Gazette of South-Carolina*, 19 Sept. 1785.

⁸⁹ *Pennsylvania Mercury*, 18 Nov. 1785. The French inhabitants clearly opposed such measures as one reported case indicates, the inhabitants refused to trade with Bordeaux captain who reported on an American vessel trading in contraband goods, see, *Whitehall Evening Post*, 28 June 1785; *Connecticut Courant*, 19 Sept. 1785. Despite this, the oppressive measures did not end there as Americans continued to face the dreaded *droit d’aubaine* wherein the French government seized the goods of deceased foreigners, see, Testimony of James Perkins to Samuel Barrett, Justice of Peace, 22 April 1790, reel 3, William Short Papers, LC. The consequences of the ban on American flour can be seen in a description of the state of the French ports of Hispaniola in 1789 where the governor had issued an ordinance allowing the importation of bread and flour for three months, see, *Pennsylvania Packet*, 18 May 1789.

By 1786, the French West Indies imported goods worth an estimated £21 million from the United States.⁹⁰

The French Revolution further opened West Indian markets for American goods. Inspired by the actions of the National Assembly, the colonial elite of Saint-Domingue saw the Revolution as an opportunity to gain a degree of independence. In April 1790, the town of St. Marc attempted to separate from the rest of the colony. When the Assembly in St. Marc announced its intention to open the ports to foreign merchants, a civil war broke out.⁹¹ At the same time that merchants on the island learned of the rebellion at St. Marc, news also came of a revolt by troops stationed in the Antilles. These disturbances brought about an immediate halt to business for several firms at Cap-Français as they waited for further information in order to better assess the market.⁹²

During the general uncertainty on the island some merchants were more than willing to brave the risks. From Paris, Gouverneur Morris wrote to William Constable of a potential scheme to supply Hispaniola with lumber, and carry in return sugar from the island to Holland.⁹³ American merchants also clearly recognized similar opportunities in the island; the following six months witnessed widespread market fluctuations as American produce flooded the market. In June 1790, and again in March 1791, newspapers carried hundreds of advertisements and lists of arrivals from Hispaniola as well as accounts of American produce selling at low prices in the

⁹⁰ Robert W. Smith, *Amid a Warring World: American Foreign Relations, 1775-1815* (Washington, D.C.: Potomac Books, 2012), 41; Silvia Marzagalli, "The Failure of a Transatlantic Alliance? Franco-American Trade, 1783-1815," *History of European Ideas* 34, no. 4 (December 2008): 457.

⁹¹ Wim Klooster, *Revolutions in the Atlantic World: A Comparative History* (New York: New York University Press, 2009), 97. William Short to John Jay, 6 Jan. 1790, reel 3, William Short Papers, LC.

⁹² Perkins, Burling & Co. to William Forbes, 8 Feb. 1790, Extracts from the Letter books of James & Thomas Handasyd Perkins, MHS. Perkins continued to dissuade any business in the immediate months after the conflict, telling Samuel Cabot that his brig arrived at a glutted market due to the political situation of the island, see, Perkins, Burling & Co. to Samuel Cabot, 10 June 1790.

⁹³ Gouverneur Morris to William Constable, 9 Feb. 1790, Box 9, Gouverneur Morris Papers, LC. Morris continued to pursue this plan over the next few months, writing to Constable again on 10 April 1790.

French West Indies. The trade reached such heights that merchants at Cap-Français claimed that they were unable to sell anything due to the “great number of vessels in this harbor.”⁹⁴ Coffee from Hispaniola quickly became the only produce that could turn a profit, and often this was purchased by American merchants for re-export to Europe.⁹⁵

These occurrences of market glut and downturn were also interspersed with periods of intense activity. ‘Troubles’ at Martinique had prevented the cultivation of the sugar-cane, which in turn increased demand and resulted in extravagant prices for sugar in Europe.⁹⁶ This was reiterated by New York and Philadelphia firms, which noted the increasing demand for sugar in America by May 1791.⁹⁷ Despite the confusion caused by the parties vying to control Saint-Domingue, *The Connecticut Gazette* confidently asserted in June of the same year that, “peace and tranquility are returning, and the prospect of a good crop is very flattering.”⁹⁸

Only a few months later the *Gazette* was proven wrong as news of the slave insurrection reached America and prompted another surge in mercantile activity. The widespread availability of news about Hispaniola meant that any delay in informing a business contact could be

⁹⁴ *Federal Gazette*, 25 June 1790; *New-York Journal*, 17 March 1791. For a sense of the scale of the American involvement in Hispaniola see, *Pennsylvania Packet*, 13 April 1790; *The Pennsylvania Mercury*, 29 May 1790; *Pennsylvania Packet*, 8 June 1790; *The City Gazette*, 17 & 21 Aug. 1790; *Pennsylvania Packet*, 3 Sept. 1790; *Daily Advertiser*, 29 Oct. 1790; *Salem Gazette*, 16 Nov. 1790; *Dunlap’s American Daily Advertiser*, 4 March 1791.

⁹⁵ With the scarcity of money on the island Americans began to invest in colonial produce as carriers to Europe, coffee especially, see, Lynch & Stoughton to Capt. George Barnewall, 2-4 April 1791, Lynch & Stoughton Letter book, NYHS.

⁹⁶ Homberg & Homberg to Thomas Boylston, 28 Dec. 1790 and 22 March 1791, Box 26, Boylston Family Papers, MHS; *Federal Gazette*, 22 Aug. 1791. For an earlier example of this commerce see June 1790. Then, the intendant of Saint-Domingue announced the opening of the ports for flour and biscuit for the next two months, *Pennsylvania Mercury*, 24 June 1790.

⁹⁷ Gelston & Saltonstall to George & Thompson Phillips, 21 May 1791, reel 1, Gelston & Saltonstall Papers, NYHS; Gelston & Saltonstall to Samuel Mather Jr., 24 May 1791, reel 1, Gelston & Saltonstall Papers. Also see, Nalbro Frazier to James Clarke, 16 June 1791, Nalbro Frazier Letter book, NYPL; *Dunlap’s American Daily Advertiser*, 8 July 1791. Some merchants pursued other avenues, Nathaniel Cutting and Lynch & Stoughton both concocted schemes to supply the French West Indies with slaves, see, Nathaniel Cutting to Havilland Le Mesurier & Cie, 4 Feb. 1791, reel 2, Nathaniel Cutting Papers, MHS; Lynch & Stoughton to Capt. George Barnewall, 2 April 1791, Lynch & Stoughton Letter book, NYHS.

⁹⁸ *The Connecticut Gazette*, 23 June 1791.

catastrophic to a speculative venture. On September 17, 1791, New York firm Gelston & Saltonstall began formulating plans for a massive investment in sugar loaf but their scheme was already too late. On the same day, the *Independent Gazetteer* reported on a letter from Port-au-Prince which claimed that flour was no longer selling in the colony due to the scale of the arrivals, and added that a dry season had ruined the sugar cane. Despite these horrible conditions, the letter noted that merchants continued to invest, “notwithstanding all our advices, the shipments are continuing.”⁹⁹ By October, it was proclaimed in the *New York Journal*, that “American produce is a drug at present in this place.”¹⁰⁰ Gelston & Saltonstall were forced to call off any further sales of produce as the destruction of the island’s staple crops had made prices completely unpredictable. The firm was forced to wait for further information before proceeding, yet as they indicated to a fellow American merchant, “[we] dread the information that may come next.”¹⁰¹ Only a month into the insurrection it seemed as if the demand for American goods had already disappeared. The firm concluded that any participation in the trade at this point was merely gambling and would lead to the ‘ruin of many’.¹⁰²

While historians have largely focused on the impact of the slave revolt on the psyches of America’s slave-holding elites, contemporaries were much more concerned with the political and economic implications of the slave rebellion.¹⁰³ Newspapers provided merchants with the latest

⁹⁹ Gelston & Saltonstall to David Greene, 17 Sept. 1791, Gelston & Saltonstall Papers, reel 1, NYHS; *Independent Gazetteer*, 17 Sept. 1791.

¹⁰⁰ *New York Journal and Patriotic Register*, 22 Oct. 1791.

¹⁰¹ Gelston & Saltonstall to William Joseph & R. Hart, 19 Sept. 1791, reel 1, Gelston & Saltonstall Papers, NYHS; Gelston & Saltonstall to Thomas Mumford, 19 Sept. 1791, reel 1, Gelston & Saltonstall Papers.

¹⁰² Gelston & Saltonstall to David Greene, 24 Sept. 1791, Gelston & Saltonstall Papers, NYHS. Others interpreted the market information differently, the *Gazette of the United States*, 24 Sept. 1791, reported that despite the rise in West India produce would eventually pass as there was the “fairest prospect of excellent crops this season.”

¹⁰³ For an alternative approach, see James Dun’s informative article on the consumption of commercial news in Philadelphia, James Alexander Dun, “‘What Avenues of Commerce, Will You, Americans, Not Explore!’: Commercial Philadelphia’s Vantage onto the Early Haitian Revolution,” *The William and Mary Quarterly* 62, no. 3 (July 2005): 473–504. Nathaniel Cutting even suggested that the disturbances in the island might offer up the

arrivals, price currents, and printed reports from faraway markets, which acted as an addendum to their existing commercial networks. Indeed, as merchants waited for news of prices to stabilize, they consumed the latest accounts of the insurrection from the island in great detail. Often these accounts contradicted one another, and merchants were forced to determine which version of an event they would invest in. The dependence on newspapers again illustrates the inherent risks and uncertainty of business ventures based on disaster.

It was within this context that merchants read the news that over 200 sugar plantations had been burned by October 1791. Newspapers reported that business had come to a complete halt as the merchants of Port-au-Prince and Cap-Français were busy fighting the rebellion. The port cities were under siege and all the citizens were arming to protect against the possibility of an ‘insurgent’ setting fire to the town. Each issue brought new totals of the number of dead on each side, and more importantly for merchants, economic intelligence on the number of plantations burned and the total cost of the damage to the island – estimated at 111.8 million *livres* by the end of the year.¹⁰⁴

For the neighboring British islands, the impact of the Haitian Revolution was two-fold. First, the British colonial government viewed the spread of the revolutionary spirit as a disease that could potentially infect their own slaves. In response, colonial governments exerted increasing control over borders and immigrants through a series of state decrees. Second, the loss of Saint-Domingue offered an invaluable opportunity for British planters. The importance of Saint-Domingue for the world’s supply of colonial produce is difficult to overestimate as the island provided forty percent of the world’s sugar and fifty percent of its coffee. Yet the

opportunity of adding it to America, see, Nathaniel Cutting to Thomas Jefferson, 19 April 1791, reel 2, Nathaniel Cutting Papers, MHS.

¹⁰⁴ *General Advertiser*, 2 Oct. 1791; *New York Journal and Patriotic Register*, 22 Oct. 1791; *Boston Gazette*, 24 Oct. 1791; *Columbian Centinel*, 26 Nov. 1791; *National Gazette*, 21 Dec. 1791.

economic advantages for the British islands were limited by an inability to meet the level of demand created by the loss of such an important market. This was largely due to the extraordinary demand in Europe for sugar. In fact, despite the collapse of Saint-Domingue, Europeans were consuming more sugar by 1807 than before the French Revolution.¹⁰⁵

The identification of the Haitian Revolution as an epidemic came out of similar fears of the French Revolution. Contemporaries clearly recognized the link between the two, and discussed a general ‘fear of infection’ for other islands.¹⁰⁶ The instability of the islands in the West Indies led to an expansion in local government’s internal policing powers in order to monitor foreigners, and foreign slaves, who might carry with them the ‘levelling influenza’. Inquiries were made into the state of neighboring islands, and intelligence about Saint-Domingue was passed across imperial borders as all West Indian planters feared the consequences of a new outbreak.¹⁰⁷ According to the Governor’s Council of Jamaica in November 1791, slaves on the island had so far remained peaceful but additional forces were required to check against immigrants who might come with “symptoms of the same phrenzy which rages a few leagues distant.”¹⁰⁸ Colonial officials responded to the contagion by continuing to issue proclamations

¹⁰⁵ Klooster, *Revolutions in the Atlantic World: A Comparative History*, 84; Ragatz, *The Fall of the Planter Class in the British Caribbean, 1763-1833*, 205; Carrington, *The British West Indies during the American Revolution*, 180; Cuba also attempted to profit from the Haitian Revolution and vied with the British islands to fill Saint-Domingue’s role in the region, see, Pérez, *Winds of Change: Hurricanes & the Transformation of Nineteenth-Century Cuba*, 38; Silvia Marzagalli, “Was Warfare Necessary for the Functioning of Eighteenth-Century Colonial Systems? Some Reflections on the Necessity of Cross-Imperial and Foreign Trade in the French Case,” in *Beyond Empires: Global, Self-Organizing, Cross-Imperial Networks, 1500-1800*, ed. C Antunes and A Polónia (Boston: Brill, 2016), 260.

¹⁰⁶ Nathaniel Cutting to John Brown, 8 Aug. 1791, reel 2, Nathaniel Cutting Papers, MHS. Franklin W. Knight argues that the Haitian Revolution could not have happened if it was not for 1789, see, Franklin Knight, “The Haitian Revolution,” *The American Historical Review* 105, no. 1 (February 2000): 109.

¹⁰⁷ See for example the extract of a letter from a Gentleman from St. Croix forwarded by Edward Matthew, Governor of Grenada, 27 Jan. 1791, CO 101/32, TNA, f.221. See also, *New-Hampshire Spy*, 17 March 1792; Nathaniel Cutting to Delamotte & Co, 19 May 1792, reel 2, Nathaniel Cutting Papers, MHS.

¹⁰⁸ In May 1791, Dominica passed an act barring foreigners from staying in the island for more than forty days without a license, see, Board of Trade, 30 May 1791, BT 5, TNA. See Address of the Council to Lt. Governor Adam Williamson, 26 Nov. 1791, CO 137/90, TNA, 49-52. Also see Lt. Governor Adam Williamson to Lord Grenville, 4 July 1791, CO 137/89, TNA, f.135.

which monitored foreigners and targeted slaves specifically. Slaves from Saint-Domingue were barred from Jamaica in December 1791, unless they were accompanied by ‘two responsible housekeepers’.¹⁰⁹

Taking place within a broader context of state expansion and growing rationalization of the police and the army, the home government also recognized the dangers their colonial possessions faced in this period.¹¹⁰ This appears most evident by the initial orders given to Ninian Home, Lieutenant Governor of Grenada, at the commencement of his office in 1792. Home was told to remain vigilant to the ‘movements’ of the nearby foreign islands in order to guard against the admission of “all strangers of a dangerous and suspicious character.”¹¹¹ Taking his orders seriously, Home published in the public papers an act for regulating ‘strangers’ and the government began collecting the names of immigrants and requiring security for their good conduct. Despite these measures, Acting-Governor Samuel Williams, wrote anxiously of the immense numbers of French émigrés flooding into the island, threatening Grenada with instability and famine.¹¹² While the outbreak of war in 1793 gave colonial governments the power to expel all dangerous foreigners, the islands still faced the very real threat of famine. Indeed, the ever-present danger of famine in the West Indies now took on a more sinister dimension in the shadow of the Haitian Revolution. As the Governor’s Council of the Bahamas warned, any scarcity in the islands now had the potential to spark another slave revolt.¹¹³ The dual specters of slave rebellion and war with France made it absolutely necessary that colonial

¹⁰⁹ See Proclamations of the Governor of Jamaica, 10 Dec. 1791 & 15 Jan. 1792, CO 137/90, f.75-77, TNA. Also see, *The Mail*, 6 April 1792. For more on the wider effects of Haitian Revolution in the Caribbean, see, Knight, “The Haitian Revolution,” 113–15.

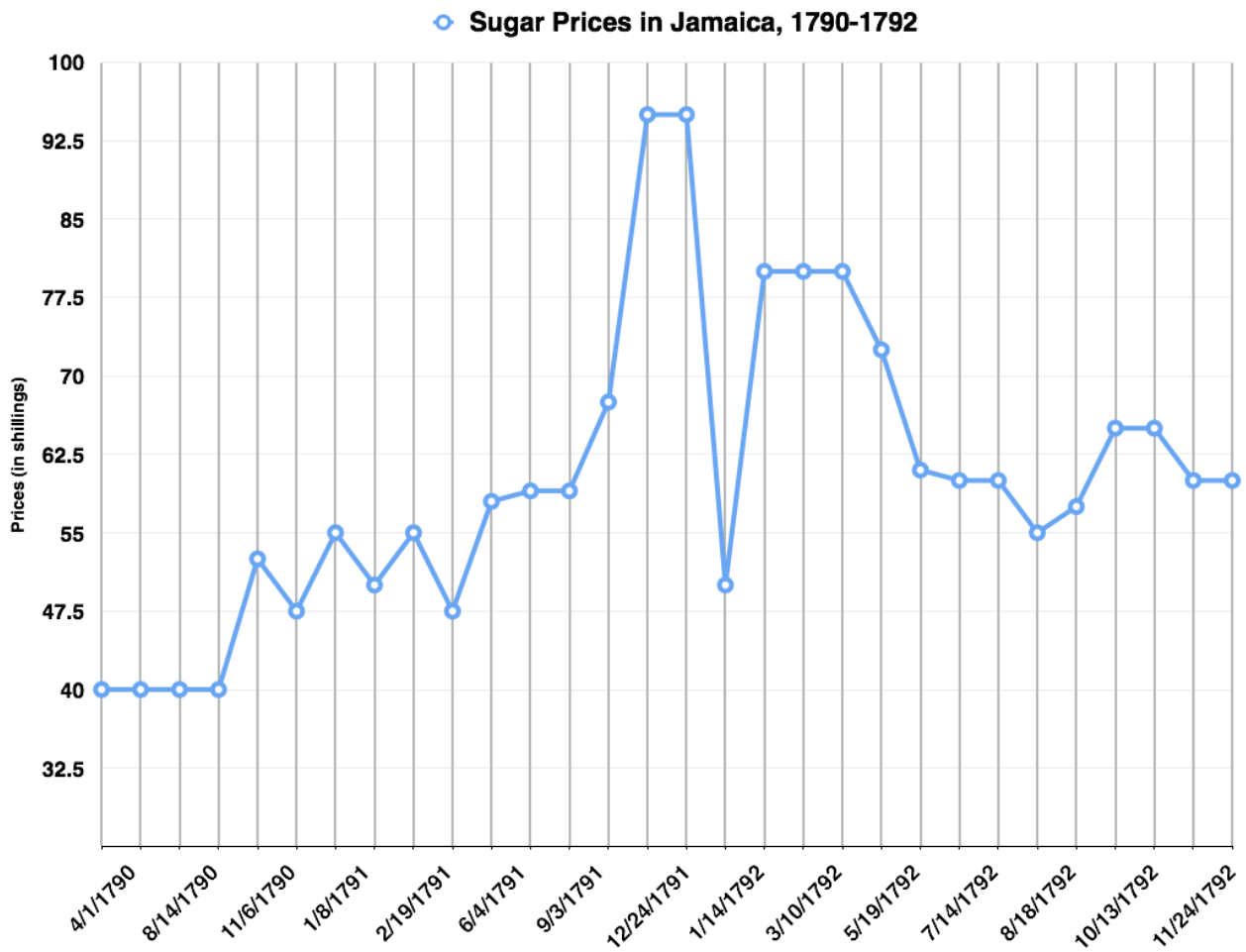
¹¹⁰ Bayly, *Imperial Meridian: The British Empire and the World, 1780-1830*, 7, 129.

¹¹¹ Whitehall to Lt. Governor Ninian Home, 5 Oct. 1792, CO 101/32, TNA, f.285.

¹¹² Gov. Samuel Williams to Whitehall, 28 Dec. 1792, CO 101/33, TNA, f.11.

¹¹³ Minutes of the Governor’s Council of the Bahamas, 11 April 1793, CO 23/33, TNA, f.33; Also see, Lt. Gov. Ninian Home to Whitehall, 2 May 1793, CO 101/33, TNA, f.83.

officials guarantee a regular supply of provisions from the United States in order to avoid another Saint-Domingue. So long as these two threats remained, American merchants would have a place in the empire.



The dangers of famine and ‘strangers’ only further hindered British attempts to replace Saint-Domingue as the world’s chief supplier of sugar and coffee. From the outset, this was an uphill battle, as the prices in Jamaica in the eighteenth century were commonly 22 to 93 percent higher than in Saint-Domingue. While British sugar eventually made up 57 percent of the total

market, the immediate result was a rapid increase in the price of sugar.¹¹⁴ From October to the end of December 1791, the price of sugar in Jamaica increased 110 percent. Making the market more unpredictable, the relative increase in the price of sugar was interspersed with wild fluctuations in the market, echoing the price changes in the French West Indies. In one week in January 1792, the price dropped 60 percent.¹¹⁵ The high cost of sugar ruined several London houses as sales ground to a halt.¹¹⁶ Desperate to meet the extraordinary demand, it was reported that British merchants had sent agents throughout the West Indies to buy up all of the available sugar. To offset these drastic prices, the British government also considered regulating the price of sugar at home as well as granting permissions for the manufacture of foreign sugar, to the outrage of West Indian merchants and planters.¹¹⁷ The demand for increased production was a third factor in the empire's continued reliance on American merchants to ensure the steady supply of provisions and a market for British sugar.

The New York firm Stewart & Jones recognized the opportunities the Haitian Revolution brought to the British West Indies. Weathering the storm brought on by months of price fluctuations, the firm proposed a new venture with Alexander Longlands & Co. of Jamaica in 1792 to carry rum and sugar to North America. In March they assured their Jamaican contact that

¹¹⁴ Carrington, *The British West Indies during the American Revolution*, 169; Drescher, *Econocide British Slavery in the Era of Abolition*, 76–77; Ragatz, *The Fall of the Planter Class in the British Caribbean, 1763-1833*, 205.

¹¹⁵ Prices gathered from official price lists submitted by the Government of Jamaica, April 1790 to December 1792, CO 137/88-91, TNA.

¹¹⁶ Thomas Boylston to Caspar Voght & Georg Heinrich Sieveking, 3 Nov. 1791, Box 26, Boylston Family Papers. Boylston's sugar trade suffered considerably as he struggled to meet the demands made on him by continental buyers, see Caspar Voght & Georg Heinrich Sieveking to Thomas Boylston, 10 Nov. 1791, Box 26; Homberg & Homberg to Thomas Boylston, 20 Oct. 1792, Box 26, Boylston Family Papers, MHS.

¹¹⁷ Simeon Perkins, *The Diary of Simeon Perkins, 1790-1796*, ed. C.B. Fergusson (Toronto: Champlain Society, 1948), 137. Resolutions of the West India Planters and Merchants in the Minutes of the Board of Trade, 2 April 1792, BT 5/8, TNA, f.1; Assembly of Jamaica to Governor Effingham, 19 March 1791, CO 137/89, TNA, f.99-101. For more on the British government's search for sugar, see, Armytage, *The Free Port System in the British West Indies: A Study in Commercial Policy, 1766-1822*, 60–61. Carrington claims that the failure to take advantage of the 'life saver' provided by the destruction of Saint Domingue revealed the limitations of Britain's West Indian colonies, see, Carrington, "'Econocide' – Myth or Reality? – The Question of West Indian Decline, 1783-1806," 47.

the market had improved for West Indian produce as the ‘tumults’ in the French West Indies worsened, resulting in even greater demand.¹¹⁸ Yet their confidence soon waned. By May, Stewart & Jones noted that the high price of rum and low price of provisions had forced a suspension of the commerce between the two houses.¹¹⁹ The situation remained fluid over the summer of 1792. By the end of May, Stewart & Jones believed that the price of rum would decline due to a massive shipment which had just arrived at port. In July the firm revised their projections again, they now claimed that trade with the island was only profitable for ships coming from Europe, as there was a prohibition against American vessels to guard against another glutted market.¹²⁰ It was only by the end of the summer of 1792 that Stewart & Jones had finally managed to send a ship to Jamaica. The firm continued to correspond over the course of the year on the high price of colonial goods with contacts in London and Jamaica, supplying market information to their British commercial contacts when they could not provide shipments.¹²¹

The Haitian Revolution opened up several opportunities for daring merchants willing to risk unstable markets and even the ‘infection’ of liberty for great profits. In comparison to earlier crises, merchants had access to the latest information from local officials, diplomats, and prominent local businesses. Yet the widespread availability of ready information on Saint-Domingue could not help merchants manage the risk of investing in a shipment to the West

¹¹⁸ Stewart & Jones to Alexander Longlands, 7 March 1792, Stewart & Jones Letter book, NYHS.

¹¹⁹ Stewart & Jones to Alexander Longlands, 2 May 1792, Stewart & Jones Letter book, NYHS. Further illustrating the incoherence of information, Stewart & Jones noted that while they had learned of the high price of rum and sugar, if this was untrue they could proceed the venture, Stewart & Jones to Malcolm Ross, 2 May 1792, Stewart & Jones Letter book, NYHS.

¹²⁰ Stewart & Jones to Alexander Longlands, 20 May 1792; Stewart & Jones to Alexander Longlands, 4 July 1792, Stewart & Jones Letter book, NYHS.

¹²¹ *New York Daily Gazette*, 20 Sept. 1792; See Stewart & Jones to Donald Malcom Lucea, 13 Aug. 1792; Stewart & Jones to Malcolm & Burton, 22 Dec. 1792, Stewart & Jones Letter book, NYHS.

Indies. Provision merchants required a crisis in order to exploit the loopholes and loose enforcement of mercantile barriers, but the scale of the revolt in the French West Indies had disastrous market implications for everyone concerned. Profiting from a revolution proved to be a costly endeavor.

Conclusion

This chapter has illustrated the stories of several American merchant firms as they tried, and largely failed, to continue American commerce with the British West Indies. Not every merchant venture was a failure, but by studying commercial mishaps over windfalls we can further understand the conditions under which transatlantic merchants operated. Failure also offers a window into how contemporaries understood the historical moment. As merchants adapted to new markets based on preconceived notions of identity and commerce, they often underestimated the ability of states to adapt with them. Rather than a series of failures, this period should be more accurately defined as one of intense commercial creativity for states and merchants. The inherent risks involved in complex speculative ventures required the participation of only those men who had an ‘aggressive, atavistic, speculative streak’.¹²² Often disregarding their own country’s political ambitions, American merchants broke through the commercial barriers of several different European empires. For Great Britain, this was a period of experimentation as well, as officials attempted to grapple with the practical meaning of empire

¹²² Doerflinger, *A Vigorous Spirit of Enterprise: Merchants and Economic Development in Revolutionary Philadelphia*, 163.

in the aftermath of the American Revolution.¹²³ In a period defined by reaction and experimentation, the latest news was vital to guiding both states and merchants.

Perhaps most importantly, given the failure of their schemes, American merchants participated in the exchange of commercial information with the empire. Price lists and state edicts were coupled with rumors of war and baseless speculations as the foundation for commercial news. This information was most vital in light of so many failures as merchants attempted to learn from past mistakes in order to avoid future hazards. While merchants used this information to ‘manage’ risk, the quality of the information they exchanged shows how limited they were in that endeavor. Gambling on a venture based on dubious information, their schemes reveal how they understood international politics, diplomatic relations, and the inner-workings of empires. The latest information allowed merchants to choose the best port, vessel, and flag for their commerce. In this regard, commercial nationality was often constructed around market opportunity. The following chapters will explore how American merchants negotiated their conceptions of national identity with the British admiralty courts during the French Revolutionary and Napoleonic Wars.

¹²³ Maxine Berg has shown how the West Indies served as a “laboratory of experimentation” for Great Britain in the transfer of eastern products into European empire, see, Maxine Berg, “In Pursuit of Luxury: Global History and British Consumer Goods in the Eighteenth Century,” *Past & Present*, no. 182 (February 2004): 135.

Chapter 3: Neutering 'Real Americans', 1793-1802

This chapter and the next use the typical merchant voyage during wartime as an analytical lens. Chapter 3 looks at the debate over the identity of the crew and the ship at sea during the initial stages of the war (1793-1802). Chapter 4 then examines the fate of American ships captured and tried by the British admiralty courts during the Napoleonic Wars (1803-1809). Taken as a whole, these two chapters highlight how the different parties (sailor, merchant, privateer, admiralty court judge) understood and attempted to manipulate national identity for their own ends. The different interpretations of what it meant to belong to a certain nation illustrate how immensely difficult it is to define national identity in the eighteenth century. Despite trade barriers and passionate rhetoric, ships, products, merchants, and seamen all travelled seamlessly across borders between 1793 and 1809 in their pursuit of greater profits. It is particularly important to complicate the study of the origins of nationalism as the field has flourished in recent years. Works by Nathan Perl-Rosenthal and Nathan Rafferty have shown how American sailors fought in court and aboard ships to force the government into producing an official definition of national citizenship.¹ Scholars of the British Empire have similarly looked at debates over nationality in this period and have highlighted the increasingly narrow and strict definition of belonging pursued by ministers in London, often to the detriment of colonial subjects. As seen in Chapter 2, the British state increasingly viewed West Indians as disloyal because of their economic ties to American merchants. Coupled with this was an increasing sense, from the perspective of domestic Britons, that British West Indians were racially inferior. While these recent studies have served to highlight the parameters of identity by focusing on the disenfranchised periphery, they also run the risk of reaffirming national identity

¹ Perl-Rosenthal, *Citizen Sailors: Becoming American in the Age of Revolution*; Rafferty, *The Republic Afloat: Law, Honor, and Citizenship in Maritime America*.

as a tangible, concrete fact of history; implying that those at the center possessed a uniform sense of what it meant to be American, British, or French. Rather, national identity should be seen as a concept that was continuously manipulated and renegotiated by many members of the community. As Kathleen Wilson has recently explained, national identity, like all identification, generally lacked a stable and continuous frame of reference.² As is shown below, the transient nature of overseas commerce makes this point even more important, since sailors and merchants, whose court cases contributed to nationality laws, often were not permanent residents in any given country.

The first section of this chapter looks at the impressment of American sailors in the British Empire. It considers how merchants and state officials dealt with the issue of impressment amidst a general scramble for men to man merchant and naval ships. The forceful removal of seamen from merchant vessels by the British Royal Navy has garnered much attention from historians of the Early Republic in recent years, despite the relative indifference of most Atlantic merchants of the period. While diplomats – and historians – tended to discuss impressment and the capture of neutral ships in the same breath, they were in fact distinct phenomena, involving two very different social classes. The demands of the war and the maintenance of the empire required vast numbers of able-bodied seamen to man British ships; as such, the British government was often indifferent to appeals for the release of ‘American’ seamen impressed into the Royal Navy. As is shown below, this intransigence did not limit the creativity of the British government in expanding the definition of ‘Britishness’ to include foreign sailors to meet the needs of the moment. On the part of merchants, who relied on sailors

² Trevor Burnard, “West Indian Identity in the Eighteenth Century,” in *Assumed Identities the Meanings of Race in the Atlantic World*, ed. John D. Garrigus and Christopher Morris (College Station, Texas: Texas A & M University Press, 2010); Burnard, “Harvest Years? Reconfigurations of Empire in Jamaica, 1756-1807”; Rogers, “Rebels’ Property: Smuggling and Imperial [Dis]Loyalty in the Anglo-American Atlantic”; Wilson, *The Island Race*, 204.

to man their ships and facilitate the movement of goods across the sea, impressment is surprisingly absent from their correspondence. If the amount of ink expended on a topic is any reflection of interest or concern, then merchants were far more concerned with sailor desertion than the dangers of the press-gang. The harsh reality was that, from a commercial perspective, individual sailors were imminently replaceable on a neutral merchant vessel in wartime. The general disinterest of the commercial class to defend national honor and fight the press-gangs suggests that historians need to reassess the relative impact of such national issues on all levels of society.

While the first section highlights the many similarities between British and American seamen in the eyes of the British government, the second section focuses on the suspicion of difference that led privateers and customs agents to target American commerce as a secret invading force. As a point of entry, this section looks at the business interests of New York merchant William Constable during the French Revolutionary Wars. Constable's global business connections came into frequent contact with the British and French governments as both a victim and military contractor. Like many Americans, Constable soon discovered that the key to wartime profits was in successfully proving one's own Americanness while abroad. A task made immensely more difficult by the willingness of neutral American merchants, like Constable, to adapt and self-fashion their way into new markets. Such strategies made all neutral commerce suspicious to the privateers that swarmed the Caribbean and Atlantic waters. The continual contact with the West Indies made Americans appear subversive and dangerous to British officials, who had already called into question the loyalty of their own subjects.³ This simultaneous expansion and contraction of British identity, to include foreign sailors and exclude

³ See, for example, Chapter 2 above.

American (and West Indian) merchants, allows us to situate British nationalism within the broader context of the discriminatory and universalizing trends found in the United States and France in the same period.⁴

In order to dig further into the competing views of nationality at sea, this chapter draws on a wide range of sources. Contemporary newspapers featured sensational accounts of American sailors and ships captured by Great Britain and France. As the previous chapter discussed, newspapers often passed on rumors and unsubstantiated reports as the latest intelligence. These unverified accounts contributed to a rising national discourse of America pitted against the belligerent powers, and it also shaped the strategies of merchants looking to avoid wartime hazards. American and British diplomatic dispatches reveal how the two governments negotiated competing philosophies of nationality, but also the striking disconnect on the part of British diplomats between theories of unbreakable allegiance and impressment practices. Finally, admiralty court papers and merchant correspondence demonstrate how neutral American merchants stretched the bounds of neutrality in wartime while supplying the British military in the West Indies. All of these documents show how individuals and institutions reshaped and molded nationality for their own ends. In fact, what united the neutral American merchant to the press gang and the statesman crafting new wartime policies was a similar understanding of the fluidity of national identity at the end of the eighteenth century.

In studying the ship and the crew, this chapter examines American merchants and sailors as they constantly negotiated their identity as distinct from the British Empire and even the

⁴ For the American version of this see, Bradburn, *The Citizenship Revolution: Politics and the Creation of the American Union, 1774-1804*; Philipp Ziesche, *Cosmopolitan Patriots: Americans in Paris in the Age of Revolution* (Charlottesville: University of Virginia Press, 2010); For the evolving French view of who belongs to the nation, see, Sahlins, *Unnaturally French: Foreign Citizens in the Old Regime and After*; Michael Rapport, *Nationality and Citizenship in Revolutionary France: The Treatment of Foreigners 1789-1799* (Oxford: Clarendon Press, 2000).

French Republic. The chapter argues that while war in 1793 technically brought new opportunities for neutral American commerce, the war also called into question how states should go about defining American identity. The British, American and French governments all issued repeated and often contradictory decrees concerning national allegiance during the war. Added to this, was the immense power of commerce to spontaneously reshape national identity. Origin, destination, family, war service or even general suspicion could condemn a sailor to the press gang or a vessel to the privateers swarming the coast. While the American government strove to maintain its neutrality, American commercial practices often called into question this neutral identity. In looking at the first part of the voyage from port to court, negotiation over identification is the key to understanding how merchants, naval officers, and admiralty court judges grappled with the limits of national identity and legitimate commerce.

The British State (Im)presses the ‘American’ Sailor

On April 4, 1800 Captain James Steward arrived at New London, Connecticut, after a long voyage to the West Indies. Captain Steward brought with him a damning report of British conduct towards American seamen in the British Empire, reprinted in several local papers:

“I was retaken by the *Acasto* of 44 guns, a British ship, commanded by Capt. Edward Fellows, who came on board the *Sally* himself, ordered my chest open, and with his own hands took out of it 1250 dollars, and ordered one of his people to take about 200 oranges, (being all I had) for himself, and carried them away; the people plundered the cabin and steerage of other articles... Capt. Waterman of New York was treated in the same manner, with many others; and Mr. Savage, the American agent at Kingston, informed me that he forwarded to the Secretary of State, by commodore Truxton, an attested list of the names of one thousand and one American seamen, who had been impressed by the British in that single port.”⁵

⁵ Captain Steward’s formal deposition was reprinted in the *Connecticut Gazette*, 7 May 1800 and then repeated in several other papers, see, *American Mercury*, 15 May 1800; *Spooner’s Vermont Journal*, 20 May 1800; *Connecticut Journal*, 21 May 1800; *Impartial Register*, 22 May 1800.

Captain Steward's story highlighted some of the most notorious aspects of British policy towards American seamen: the indiscriminate seizure of men, the robbery of the vessel, and the general disrespect shown to American officers. Yet Steward's account, printed in the *Connecticut Gazette* and other newspapers, is only a partial story. The inconsistencies in Steward's version of events began to emerge in other papers, revealing a general uncertainty about the nature of impressment.

The story first appeared in the *American Mercury* on April 17, 1800. Here, it was printed with a warning from the editor that the report came from a 'stranger' and therefore the paper was unable to vouch for its authenticity.⁶ In the first version of Captain 'Stewart's' story 1001 'bona fide' American seamen were discovered to be impressed in the West Indies, and the British officers stole 1,250 dollars from Steward/Stewart. Subsequent versions tripled the amount of money stolen by the British but nevertheless maintained the claim of 1001 impressed seamen. But later investigations into Steward/Stewart's story concluded that only 53 seamen were claiming American protection, instead of 1001. It was further argued that the 'American' ship captured and robbed by the British was actually Swedish property, sailing under Swedish colors, and taken as salvage by the Court of Admiralty at Jamaica.⁷

Deciphering Steward/Stewart's account, and uncovering the fate of American sailors impressed in the West Indies, reveals the continued uncertainty and liminality of national identity for mariners in the late eighteenth century. Beyond the realm of public discourse and high politics, the role of impressment in American commerce takes on a much more ambiguous

⁶ *American Mercury*, 17 April 1800. Though a retraction was promised in the following issue if errors were found, no such retraction has been located.

⁷ For the challenges to Steward/Stewart's account see, *Daily Advertiser*, 28 April 1800; *Connecticut Courant*, 28 April 1800. For the tripling of the amount stolen by the British see *American Citizen*, 23 April 1800.

dimension. This section explores impressment through two avenues of analysis. First, it looks at how the British state and sailors understood national identity through the impressment of ‘foreign’ sailors. Here, I argue that the state proved highly adaptable to meet the needs of the moment and often responded to diplomatic demands for the release of American sailors. Impressment resulted in the negotiation of specific identity claims between state officials, merchants, the Royal Navy, and sailors in their travels across the Atlantic. When accused of Englishness and impressed into the Royal Navy, sailors participated in an explosion of official documentation produced by consuls, customs officials, and traders. Yet impressment was merely one facet of a wider story of commerce and identity manipulation. Sailors also transitioned between identities through desertion from one ship to another. Therefore, this section secondly looks at the relative silence on the issue of impressment in merchant correspondence and highlights the few and sporadic discussions of sailors aboard merchant ships. Desertion, rather than impressment, I argue was a much more pressing concern for transatlantic merchants. From the perspective of commercial correspondence, sailors were essential cogs but also dangerous burdens that could hold back the success of a voyage.

Since the seventeenth century, the Royal Navy faced a continual ‘manning problem’, which only became more difficult at the onset of each new war. By the time of the French Revolutionary Wars, the Royal Navy had mobilized a force of 130,000 men, a feat which placed extraordinary demands on the maritime population of the British Empire.⁸ While the navy first focused on the collection of experienced volunteers, it was soon forced to turn to the official Impress Service on land and the loosely regulated press gangs on the high seas to meet wartime demands. Impressment, too, initially searched for experienced or ‘able seamen’ to man the Royal

⁸ J. Ross Dancy, *The Myth of the Press Gang: Volunteers, Impressment and the Naval Manpower Problem in the Late Eighteenth Century* (Woodbridge: Boydell & Brewer Ltd, 2015), 122.

Navy, and these men were offered bounties to join up. Exemptions were also offered to all masters, chiefmates, fishermen, whalers, privateers, and other protected persons in order to ensure that the steady flow of overseas trade continued uninterrupted.⁹ In essence, skilled seamen were a commodity, at times in great demand, but also susceptible to devaluation based on fluctuations within the market. Contrary to contemporary opinion, impressment was never a universal system directed at once towards all seafaring individuals in the empire.¹⁰

Despite its gradual approach and own internal logic, the controversy surrounding impressment was multifaceted. Impressment threatened traditional English liberties by forcefully controlling the movement of sailors who acted as essential cogs in Great Britain's overseas trade. In the French Revolutionary Wars, this violation of English liberty was echoed by American politicians, pamphleteers, and impressed sailors who all claimed that foreign impressment was a challenge to American independence and an insult to republican liberty. When pushed to it, the press gangs themselves contributed to their tyrannical and arbitrary reputation by seizing every man in a seaport town or by blatantly disregarding official documentation while onboard American ships. A 'hot press' had the potential to pick up hundreds of men, but it could also

⁹ N. A. M. Rodger, *The Wooden World: An Anatomy of the Georgian Navy* (London: Folio Society, 2009), 154; Dancy, *The Myth of the Press Gang*, 188.

¹⁰ The New York *Daily Advertiser* recounted the press in preparation for a war between Spain and Great Britain in June 1790, according to the paper, entire ships were emptied of all their sailors but the officers, see, *Daily Advertiser*, 19 June 1790. According to Dancy, the vast majority of sailors were volunteers, see, Dancy, *The Myth of the Press Gang*; Brunsmann's discussion of the eighteenth-century Knowles riots throughout the Atlantic world indicates that many rioted over Admiral Knowles's failure to discriminate in the sailors he impressed, see, Denver Brunsmann, "The Knowles Atlantic Impressment Riots of the 1740s," *Early American Studies* 5, no. 2 (Fall 2007): 324–66; For an alternative view that reflects contemporary opinion on impressment, see, Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates, and the Anglo-American Maritime World, 1700-1750* (New York: Cambridge University Press, 1987).

provoke a mob, which would forcefully assault the press gang as it conducted the men on board. In 1803 there were as many as 88 riots in Great Britain alone in response to the press gangs.¹¹

This reputation for brutality was widely repeated throughout the eighteenth and nineteenth centuries and by historians of the Royal Navy and Early American Republic. Nicholas Rogers has described impressed sailors as slaves serving the state in perpetuity in order to “preserve other people's freedom and independence.”¹² Echoing this view, Paul Gilje has described seamen as survivors and symbols for American liberty in a ‘capricious world’ ruled by the Royal Navy.¹³ Other scholars still have connected the plight of impressed sailors to other disenfranchised classes including enslaved Africans and victims of forced migration.¹⁴ More recently, J. Ross Dancy’s study of the press gang has moved beyond defending or attacking impressment, by relying on statistics to establish the chief characteristics of the press gang. In the end, these statistics are inevitably used to prove that masses of men were not ‘thrown into a foreign world’.¹⁵

Recent scholarship shifts attention away from the violence associated with impressment to its effects on contemporary notions of citizenship, nationalism, and maritime culture. The works of Douglas Bradburn, Nathan Perl-Rosenthal, and Denver Brunzman greatly expand our understanding of impressment’s role in shaping the political climate of the French Revolutionary Wars. They show how sailors played a role in the formation of American citizenship, the

¹¹ Nicholas Rogers, *The Press Gang Naval Impressment and Its Opponents in Georgian Britain* (London: Continuum, 2007), 112.

¹² Rogers, 11.

¹³ Paul A. Gilje, *Liberty on the Waterfront* (Philadelphia: University of Pennsylvania Press, 2004), 157–58.

¹⁴ Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2002); Though Brunzman has contributed to the study of impressment, as described below, this is still a surprising comparison, Denver Brunzman, “Subjects vs. Citizens: Impressment and Identity in the Anglo-American Atlantic,” *Journal of the Early Republic* 30, no. 4 (Winter 2010): 561.

¹⁵ Dancy, *The Myth of the Press Gang*, 123, 152.

maintenance of the British Empire, and as a catalyst to the entrenched political divisions of the Early Republic. By politicizing sailor activity, these scholars have offered a new lens into how we view the movements, petitions, and court cases of seamen.

Douglas Bradburn has situated impressment in a wider story of English emigration policy towards the United States. Bradburn shows how republican idealism for the universal rights of man came into conflict with Medieval English laws preventing a subject from renouncing his allegiance to the king. For Bradburn, the debate over the right of expatriation helped to establish formal American naturalization policy, and contributed to the tone of every political debate in America in the 1790s.¹⁶ Yet by solely focusing on periods of conflict, Bradburn has charted a continuity in English policy that fails to explain the well-known mobility of merchants and sailors in the early modern period.¹⁷

Denver Brunzman has similarly looked at impressment from the British perspective to show how ‘cultures of impressment’ helped to shape the British Empire. Instead of an arbitrary system of state tyranny, Brunzman outlines the debates surrounding impressment to show how it possessed real legal limits and was forced to react to local social, political and economic conditions.¹⁸ Brunzman’s work stresses the agency of sailors who either resisted the press gangs or chose to serve on naval vessels. In response to previous critics of the system, Brunzman asks the pertinent question, “If impressment was so bad, why was the British Royal Navy so good?”¹⁹ In attempting to answer this, Brunzman challenges historians to recognize more than just the

¹⁶ Bradburn, *The Citizenship Revolution: Politics and the Creation of the American Union, 1774-1804*, 125.

¹⁷ N. Frykman, “The Mutiny on the Hermione: Warfare, Revolution, and Treason in the Royal Navy,” *Journal of Social History* 44, no. 1 (Fall 2010): 160; Perl-Rosenthal has recently argued for a more narrow interpretation of allegiance in this period, see, Perl-Rosenthal, *Citizen Sailors: Becoming American in the Age of Revolution*, chap. 1.

¹⁸ Brunzman, *The Evil Necessity: British Naval Impressment in the Eighteenth-Century Atlantic World*, 13.

¹⁹ Denver Brunzman, “Men of War: British Sailors and the Impressment Paradox,” *Journal of Early Modern History* 14, no. 1 (2010): 9; Rodger asked a similar question of historians thirty years ago, when he asked how such brave and skilled men could possibly be the daily subjects of tyranny, Rodger, *The Wooden World*, 314.

agency of sailors who chose to resist. Participation in the navy, though perhaps less admirable, was an equally valid expression of individualism.

In examining how identity was worked out at sea and in the admiralty courts, Nathan Perl-Rosenthal argues that sailors were ‘border crossers,’ or a transnational group whose movements between states helped to establish official laws on American citizenship.²⁰ In studying the documents created by sailors, consuls and the federal government, Perl-Rosenthal argues that sailors themselves took the first steps in helping to define American national identity. Between 1796 and 1803 sailors and the American government attempted to produce a coherent system of naturalization in response to British impressment.²¹ Much of this rested on the question of whether allegiance was a choice or an inherited trait. Most importantly, Perl-Rosenthal makes two significant contributions to the study of impressment and commercial identity. First, Perl-Rosenthal expands his study to include Admiralty Court trials for captured neutral prizes, which has enabled him to consider how Admiralty Courts conceived of allegiance and national origin in relation to ships and the masters of vessels.²² Second, Perl-Rosenthal offers a chronological distinction between the British state’s treatment of naturalized Americans in the postwar 1780s from their situation in the Revolutionary Wars. In making this distinction, Perl-Rosenthal has shown how mariners were able to navigate between states before the war while also accounting for the tense period of conflict after 1793.

Impressment, then, is placed uncomfortably in a period of increasing restrictions on claims to British identity. Despite the early attempts by Lord Sheffield to limit British identity by forcing the Americans out of the empire and Ramsay's claims that the British West Indians were

²⁰ Perl-Rosenthal, *Citizen Sailors: Becoming American in the Age of Revolution*, Introduction.

²¹ Perl-Rosenthal, chaps. 3 & 4.

²² I have followed a similar method but with different conclusions below.

disloyal and corrupt; war prompted the Royal Navy and the British government to pursue an incredibly expansive approach to British citizenship. Any sailor, native born or foreigner, who had previously served for at least two years in the Navy was eligible for impressment. By 1805, at least 12 percent of the seamen who served in the Royal Navy were from outside of the British Isles.²³ Further, British merchants were permitted in times of war to supplement their crews, to a maximum of three-quarters, with foreign sailors to make up for any losses they sustained from press gangs.²⁴ In this climate, British claims of a strict adherence to ‘Once an Englishman, always an Englishman’ proved incredibly imprecise. Pressed by the American government to return American sailors, the need to distinguish ‘American’ sailors from British tars arose quickly - a task made exponentially more difficult by the general makeup of the American merchant marine during the war. From the British perspective, the matter of wrongfully impressed American seamen paled in comparison to the considerable “part of the navigation of the United States carried on by British seamen...”²⁵ It was estimated by Admiral Nelson that as many as 40,000 British sailors had entered into American service by 1803.²⁶

The challenge of distinguishing between British sailors and native-born Americans proved particularly acute. It was well-noted that the similarity of manners and language hindered any quick judgment by a press gang as to a sailor’s identity. Numerous sources over the course of the decade confirm a pervasive concern on both sides of the Atlantic that very little could be

²³ Brunsmann, *The Evil Necessity: British Naval Impressment in the Eighteenth-Century Atlantic World*, 246; Hatfield similarly argues that sailors were essential go-betweens, carrying the latest news of religion and politics between empires, see, April Lee Hatfield, “Mariners, Merchants, and Colonists in Seventeenth-Century English America,” in *The Creation of the British Atlantic World*, ed. Elizabeth Mancke and Carole Shammas (Baltimore: Johns Hopkins University Press, 2015).

²⁴ Peter Earle, *Sailors: English Merchant Seamen 1650-1775* (London: Methuen, 1998), 201.

²⁵ Lord Grenville to Phineas Bond, 19 May 1796, FO 5/13, TNA.

²⁶ Charles R. Ritcheson, “Thomas Pinckney’s London Mission, 1792-1796, and the Impressment Issue,” *The International History Review* 2, no. 4 (October 1980): 535.

done to uncover the ‘real’ or ‘bona fide’ Americans.²⁷ This was reflected in Captain Steward/Stewart’s controversial list of ‘1001 bonafide American seamen’ and in the correspondence of American diplomats abroad. Thomas Pinckney, American Minister in London, complained to his superiors in 1792 that a sailor could declare “that they belonged to whichever nation might suit their present inclination or convenience.”²⁸ Matters did not improve with Pinckney’s successor, Rufus King, who continued to press the Foreign Secretary, Lord Grenville, for a system of mutual recognition between the two governments. Faced with increasing numbers of impressed seamen, and no clear way of devising a method of distinguishing ‘real’ from pretended Americans, some American officials could only advise American captains coming to the British Isles to take ‘only American born seamen’.²⁹ This uncertainty over a sailor’s true identity testifies to the fluidity of national identification in this period. Sailors, like ships and merchandise, could ‘circulate’ through different markets and cross national borders on a whim.³⁰

In attempting to chart a path towards a formal policy of dealing with ‘American’ sailors, both sailors and state officials turned to paperwork as a means of solidifying, at least

²⁷ Thomas Jefferson to George Washington, 7 Feb. 1792, Founders Online, NARA.

²⁸ Thomas Pinckney to Thomas Jefferson, 5 Oct. 1792, Founders Online, NARA. Pinckney continued to pursue the theme of a common language and culture with Lord Grenville in his letter, Thomas Pinckney to Lord Grenville, 31 Dec. 1792, Pinckney Papers, LC; and repeated again at the end of his tenure, see, Thomas Pinckney to Lord Grenville, 1796, Pinckney Papers, LC.

²⁹ Rufus King to Lord Grenville, 7 Oct. 1799, Rufus King, “The Life and Correspondence of Rufus King,” vol. 3 (New York: G.P. Putnam’s Sons, 1896), 115–18. For the ‘only American born seamen’ reference see, Joshua Johnson to Thomas Jefferson, 19 May 1792, RG 59, T168, NARA. The French experienced similar frustration in distinguishing between the British and Americans, see, for example, Consul-General Fulwar Skipwith’s resignation, Fulwar Skipwith to Talleyrand, 1 May 1799, Causten-Pickett Papers, LC. The American government considered barring British sailors from service in the American merchant marine in 1807, but after an extensive study Treasury Secretary Gallatin concluded that such a move would “materially injure our navigation,” and the matter was dropped, see, Albert Gallatin to Thomas Jefferson, 13 April 1807, Founders Online, NARA.

³⁰ For the fluidity of national identity, see, Raffety, *The Republic Afloat: Law, Honor, and Citizenship in Maritime America*, 189; Frykman, “The Mutiny on the Hermione: Warfare, Revolution, and Treason in the Royal Navy,” 160; Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates, and the Anglo-American Maritime World, 1700-1750*, 83.

temporarily, a sailor's identity. Initially, captains obtained citizenship oaths, attesting to their crew's status as American citizens, from their men before leaving port. This method was, of course, liable to abuse and was generally under strict scrutiny from British authorities. On top of the disadvantage faced in identifying British subjects on American ships, the British consul Phineas Bond worried about widespread fraud in citizenship oaths, "the similarity of language & of manners renders it difficult to discover the fallacy of such oaths, which is certainly too frequent."³¹ Consequently, British press gangs at times chose to ignore these oaths, along with any associated documents, and pressed men onto their ships anyway.³²

American consuls quickly recognized the insufficiency of oaths, and on their own initiative issued certificates of citizenship to impressed mariners. The relative success of these documents was mixed. British officials would not technically support any protections for foreign sailors deemed British, and protections did not ensure immunity. This is made evident by the case of the American ship *Lydia* in 1796. Pinckney claimed that documents and oaths on the *Lydia* were ignored by a British lieutenant who left the vessel with only three men and a boy to complete its voyage. Pinckney, now at the end of his tenure in office, openly criticized the truthfulness of the lieutenant's testimony and Lord Grenville's assurance that 'bonafide American seamen' would undoubtedly be released.³³

The sporadic refusal to recognize oaths or citizenship certificates, and the generally unregulated system of impressment that allowed British officers to make sweeping decisions,

³¹ For an example of the practice of the oaths taken by seamen to avoid impressment, see, Gouverneur Morris to George Washington, 26 Sept. 1790, Gouverneur Morris Papers, LC. For Bond's letter see, Phineas Bond to Lord Grenville, 1 Feb. 1793, FO 5/2, TNA.

³² Morris complained of this to the Duke of Leeds, see, Gouverneur Morris to Duke of Leeds, 24 Sept. 1790, Gouverneur Morris Papers, LC. The British government did not always ignore oaths of allegiance. After the conquest of the French islands in the West Indies, the Board of Trade proposed oaths of allegiance for French mariners entering on board Royal Navy ships, see, Board of Trade Minutes, 25 March 1794, BT 5/9, TNA.

³³ Thomas Pinckney to Lord Grenville, undated [1796], Pinckney Papers, LC.

contributed to the view that the entire system of impressment was corrupt. This view was heightened by repeated delays in court and the forceful confinement on ship of sailors who attempted to apply for American protection. All of this led many to believe that no proof would save a mariner caught by the press gang.³⁴ American officials, however, attested to the usefulness of protections in rescuing impressed seamen from the Royal Navy, and defended the practice when Lord Grenville questioned the authority of consuls to issue certificates of citizenship.³⁵ While Lord Grenville eventually forced American consuls to halt their issuing of certificates, he discovered that his own consuls were granting similar documents to British petitioners in America. This came to light after an impressed seaman presented a certificate provided by the British consul in Virginia to the Lords of the Admiralty.³⁶

These protections were also inherently controversial for some in the American government. Thomas Jefferson especially found passports and certificates to be an affront to republican liberty, as they implied an innate distrust of an individual's word. As Secretary of State, Jefferson barred ambassadors from issuing these documents without his permission. During his presidency, he continued to espouse the view that all individuals found on board American ships should be regarded as citizens.³⁷ Both governments were deeply uncomfortable

³⁴ It was claimed that British judges would support anyone the press commander claimed was born in Britain, see, *Diary or Loudon's Register*, 10 Dec. 1793. Delays could also ensure the continued service of impressed seamen, see, Rufus King to Lord Grenville, 24 Jan. 1797, Rufus King, "The Life and Correspondence of Rufus King," vol. 2 (New York: G.P. Putnam's Sons, 1895), 137–38. Sailors in the West Indies even experienced 'corporal chastisement' for attempting to acquire certificates of citizenship, see, Robert Liston to Timothy Pickering, 30 Aug. 1797, FO 5/18, TNA.

³⁵ Rufus King to Timothy Pickering, 8 Sept. 1796, King, 85–86. Lord Grenville to Rufus King, 6 Nov. 1796, RG 59, T168, NARA. Yet King himself was less certain about the matter and encouraged the consuls to suspend their certificates until he received further orders from the Secretary of State, see, Rufus King to George Knox, 18 Nov. 1796, King, 121–22.

³⁶ Lord Grenville to John Hamilton, July 1796, FO 5/15, TNA.

³⁷ Ritcheson, "Thomas Pinckney's London Mission, 1792-1796, and the Impressment Issue," 531. Though Gouverneur Morris initially issued passports and certificates to seamen while he served as an unofficial ambassador in England in 1790 he later opposed the measure as he believed that issuing passports to some vessels would

with the current state of affairs but unwilling to make any change that might result in a drastic loss in seamen.

The rate of impressment had drastically increased by 1796 leading Congress to pass *An Act for the Protection and Relief of American Seamen*. The act attempted to formalize protection documents by deputizing customs collectors at American ports with the responsibility of issuing certificates to American seamen before departure. The act even appointed agents to be sent to London and the West Indies, David Lenox and Silas Talbot respectively, to help expedite the process of saving American mariners from the Royal Navy. These agents represented an unprecedented move by a foreign power and their reception was always tenuous. Silas Talbot's initial treatment by the Admiralty in Jamaica was so scornful that he was forced to return home and a replacement was eventually sent in 1799. His replacement, William Savage, had a similar experience at first and only began to successfully secure the release of American sailors in 1801 with peace on the horizon. Yet Savage's early experience helps to explain why impressment had such an enormous impact on popular politics in the Early Republic. Savage claimed that on several occasions he feared for his life as armed men roamed the docks attempting to prevent him from carrying out his duties.³⁸ The disrespect these agents experienced made claims of a hot press all the more believable. It was Savage, after all, who supposedly dealt with Captain Steward/Stewart and gave him the list of 1001 names of impressed seamen discussed above.

The official reports of the American agents never reached those numbers in any one location and their successes were monitored closely by American newspapers. The *Alexandria Times* in 1801 carried an official list of 82 American seamen on board British vessels at

immediately put suspicion on American ships without passports. For Morris's earlier support see, Gouverneur Morris to George Washington, 29 May 1790, Founders Online, NARA. For the later debate over these documents in the American government, see, Thomas Pinckney to Thomas Jefferson, 13 March 1793, RG 59, M30, NARA.

³⁸ William Savage to James Madison, 24 March 1801, Founders Online, NARA.

Kingston, of which, “3 have died on board. 6 have made their escape, and 36 have been discharged.”³⁹ While the numbers may not have appeared encouraging, Savage was optimistic as a ‘great number’ of American seamen had been recently liberated and local officials had begun to pay ‘proper respect’ to his position.⁴⁰ This optimism was echoed by David Lenox in London who boasted, “in a short time I shall be able to effect the discharge of every Seaman claiming protection as an American Citizen.”⁴¹

By 1801 the British government was increasingly willing to release American seamen, but this new generosity was also in the context of an end to the war at the beginning of the nineteenth century. The complicated negotiation of Anglo-American identities persisted into the Napoleonic Wars, leading one historian to describe the U.S. Navy in 1808 as a ‘British-American body’.⁴² Rather than helping to establish a coherent system of citizenship, the continual mixing of British and American seamen undermined the effectiveness of naturalization and allegiance policies for both countries. While sailors often relied on state protection in order to guarantee their freedom of movement and employment, it would be wrong to assume that sailors, the most diverse and well-traveled body of laborers in any empire, naturally felt the nationalistic impulses of the revolutionary era.

As described above, impressment inspired widespread political action and offers up a unique window into how sailors, captains, diplomats and the general public understood national

³⁹ For the earlier treatment of American agents, and the Admiralty’s refusal to release any seamen to them see, Rufus King to Lord Grenville, 7 Oct. 1799, King, “The Life and Correspondence of Rufus King,” 1896, 115–21.; *Alexandria Times*, 20 Aug. 1801.

⁴⁰ *Vermont Centinel*, 27 Aug. 1801. Savage also claimed to James Madison that he had liberated ‘hundreds’ of Americans from the press gangs during his time in office, see, William Savage to James Madison, 9 Oct. 1801, Founders Online, NARA.

⁴¹ David Lenox to James Madison, 12 Oct. 1801, Founders Online, NARA.

⁴² Christopher McKee, “Foreign Seamen in the United States Navy: A Census of 1808,” *The William and Mary Quarterly* 42, no. 3 (July 1985): 389.

identity. Yet notably silent from the historical record are the views of the merchants whose voyages mobilized these transnational seamen. In the twelve merchant collections consulted for this chapter, impressment is almost completely invisible from the daily correspondence of merchants in New York, Boston, Nova Scotia and London. When impressment is mentioned, it often is merely in reference to the high cost of shipping and other wartime hazards.⁴³ In fact, merchants were generally unwilling to do anything that might disrupt their wartime trade with Britain.⁴⁴ Merchant silence on impressment in itself does not discount the importance of the press for sailors caught in its web, for diplomats debating the implications of existing policies, or the emotional weight of protecting a new nation's honor abroad. What it does tell us though, is that merchants may have had more immediate concerns than the fates of men whose names they simply did not care to know.⁴⁵

Outside of impressment, when sailors do appear in merchant correspondence they are very different from the liberty-seeking radicals so popular with historians. Sailors were seen as essential to any voyage, but they also appear in letters as potential hazards to business. A sailor's testimony could undermine a prize case in the Admiralty Court, their exorbitant wartime wages served as a continual drain on profits, and their desertion, like impressment, could potentially cripple a ship. By studying sailors on the ship, rather than in the consular office, we can gain a further understanding of how they navigated a world rife with opportunity and risk. Desertion,

⁴³ William Constable to Cruden, Pollard & Stuart, 23 June 1796, reel 2, Constable-Pierrepont Collection, NYPL.

⁴⁴ N. A. M. Rodger, *The Command of the Ocean* (New York: W. W. Norton & Company, 2005), 565.

⁴⁵ Perl-Rosenthal has recently contradicted this view, claiming that reports of impressment "flooded into American merchants' cabinets." A claim my own evidence is unable to verify. See, Perl-Rosenthal, *Citizen Sailors: Becoming American in the Age of Revolution*, chap. 5. A more balanced view can be seen in an article by Denver Brunzman which describes impressment as a system which merchants disliked but were nevertheless complicit in, Brunzman, "The Knowles Atlantic Impressment Riots of the 1740s," 339.

then, should be studied in conjunction with impressment as it equally emphasizes mariner agency and identity claims.

For sailors, wages served as the engine of mobility. Higher wages tempted sailors to move from ship to ship, to desert, or even to take the bounty offered by the Royal Navy. It was widely considered that wages, rather than the appeal of liberty and natural rights offered by the new republic, was the prime factor in encouraging so many foreigners to join the American merchant marine. This was understandable, given that wartime wages were always high. By the end of the Seven Years' War merchant marine wages went up to 70 shillings a month in winter, a 35 percent increase from standard peacetime pay.⁴⁶ When at war, merchants complained of few available men to man their ships and wages without limits. The sudden rise in wages could also prove extremely disruptive to a voyage planned months in advance, as it could lead to the suspension of costly ventures to faraway ports. In the midst of war, wages, coupled with rising insurance premiums, could prove 'too extravagant' for most, cutting merchants off from perceived dangerous, but valuable, markets in the Mediterranean and the West Indies.⁴⁷

Nonetheless, many at the time criticized these economic inducements as poor compensation for the "loss of honor, liberty, limb and life" Americans suffered on board English 'prison ships'. This contemporary view has led historians to downplay economic factors in favor of patriotic rhetoric.⁴⁸ Though economic rationalism cannot solely explain any historical actor's

⁴⁶ Stephen Conway, *War, State, and Society in Mid-Eighteenth-Century Britain and Ireland* (New York: Oxford University Press, 2006), 90; Ralph Davis, *The Rise of the English Shipping Industry in the Seventeenth and Eighteenth Centuries*. (New York: Macmillan, 1962), 137.

⁴⁷ Lynch & Stoughton to John Leamy, 28 Feb. 1794, Lynch & Stoughton Letter book, vol. 2, NYHS; Gouverneur & Kemble to David Scott & Co, 15 June 1794, Gouverneur & Kemble Letter book, NYHS; Thomas Boylston Adams to Joseph Pitcairn, 17 May 1796, Founders Online, NARA; Lynch & Stoughton to David Calaghan, 27 June 1794, Lynch & Stoughton Letter book, vol. 2, NYHS; Cornelius & Alexander Wallace to Low & Wallace, 11 April 1801, Box 28, Nicholas Low Papers, LC.

⁴⁸ *Washington Spy*, 15 June 1796. See for example Raffety's discussion of this, Raffety, *The Republic Afloat: Law, Honor, and Citizenship in Maritime America*, 189.

decisions, it should be noted that American officials also recognized the consequences behind such a rampant rise in wages. Governments were generally unable to compete with the merchant service, especially as war dragged on, and were forced to turn to impressment. This uncontested truth of naval warfare and the maritime labor market led Rufus King to admit that even America would one day need to turn to impressment to supply the navy.⁴⁹

Many volunteers and impressed seamen in the Royal Navy took the bounty offered to new recruits, but in doing so they made a choice of sacrificing any future defense for their impressment to meet an immediate economic need.⁵⁰ When an impressed seaman's brother applied to Secretary of State James Madison for protection in 1801, his case rested on the question of whether the seaman had received a bounty for his service. Despite the validity of the seaman's claims that he was an American, receiving the bounty had made him a de facto British tar.⁵¹ In pursuing such a policy, the Royal Navy essentially claimed that the contract of the bounty overrode any previous allegiances and accompanying documents. The uncertainty of impressment may also have encouraged some to enter the Royal Navy on their own terms. Despite the obvious danger of naval service, the navy generally offered a guarantee of better food, less work and steady pay.⁵² Because of this, American captains in the 1790s wrote home repeatedly on the topic of seamen deserting their ships for British men of war.⁵³

It would be a mistake to assume that captains were mere victims of desertion. Life aboard ship was a constant negotiation for wages and privileges. Captains could demand strict discipline

⁴⁹ Rufus King to Timothy Pickering, 14 Dec. 1799, King, "The Life and Correspondence of Rufus King," 1896, 156–59. David Humphreys to John Adams, 20 March 1797, Founders Online, NARA.

⁵⁰ Gouverneur Morris to George Washington, 26 Sept. 1790, Founders Online, NARA; Edmund Randolph to George Hammond, 11 Sept. 1794, and Hammond to Randolph, 12 Sept. 1794, FO 5/5, TNA.

⁵¹ William Hubbel to James Madison, 18 June 1801, Founders Online, NARA.

⁵² Rodger, *The Command of the Ocean*, 398.

⁵³ Diary or Loudon's Register, 28 May 1793.

from their crew and even offer recalcitrant seamen to the press gang in extreme cases.⁵⁴ More commonly, captains would desert crew members to lower the cost of the voyage. The frequent sale of merchant vessels often meant the abandonment of its crew at the point of sale. This was the case of the schooner *Jay*, whose captain was ordered to sail to Barbados, sell the ship, and return home, leaving the crew behind on a foreign island with a month's wages.⁵⁵ Vessels sold in foreign ports could leave a sailor destitute without any means of travelling back home. Abandoned by their captain, deserted sailors were forced to choose between the relative generosity of the local consul or joining a rival nation's vessel.⁵⁶

Desertion by the crew or the captain should not be seen as an exceptional reaction to wartime demands. Rather, desertion has accurately been described as “a normal part of life in an extremely mobile profession.”⁵⁷ Reports of desertion from merchantmen and naval vessels filled the newspapers in the 1790s. To combat desertion, it was said that Dutch sailors were treated to a ‘continual succession of amusements’ with vessels playing music and distributing liquor to distract the fleet when inactive. Advertisements were also displayed in local papers offering a reward for the return of deserting seamen.⁵⁸ In the Royal Navy, desertion rates in the eighteenth century rose to 30 percent of the total number of recruits. Deserters from the Royal Navy risked

⁵⁴ Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates, and the Anglo-American Maritime World, 1700-1750*, 226.

⁵⁵ William Constable to Capt. Oliver Smith, 20 Feb. 1796, reel 2, Constable-Pierrepont, NYPL.

⁵⁶ Francis Coffyn to Gouverneur Morris, 10 Nov. 1793, Gouverneur Morris Papers, RBML; Sir John Temple to Lord Grenville, 10 May 1794, FO 5/6, TNA; Sylvanus Bourne to James Madison, 10 June 1801, Founders Online, NARA; *Greenleaf's New York Journal*, 1 Feb. 1794.

⁵⁷ Rodger, *The Wooden World*, 176.

⁵⁸ *American Mercury*, 6 Nov. 1797. The captain of a Swedish brigantine offered a fifty-dollar reward for the return of two seamen in Boston, *Boston Gazette*, 27 June 1796.

court-martial but prosecution relied on proof of intention to desert, as opposed to being accidentally left behind, which meant that execution was rare and repeat offenders common.⁵⁹

While general sailor desertion remained a problem for merchants during the war, desertion from a merchant vessel to the Royal Navy posed a whole new set of problems. As early as 1792, merchants were reporting that their captains had lost men to the navy. The merchant firm of Blow & Milhado wrote to Secretary Jefferson that their schooner, the *David & George*, had lost three seamen who deserted at Sierra Leone for a British ship. The seamen claimed that they had been abused by the captain of the *David & George* and convinced the British commander at Sierra Leone to demand their wages from the American captain. Despite the captain's claims that the crewmen had failed to fulfill their end of the contract, the British commander demanded their wages claiming that "he cared not what became of the vessel and cargo, but if the whole crew said they were British Subjects, and demanded a discharge, that they should have it."⁶⁰ British officers then proceeded to seize part of the *David & George's* cargo, and the slave ship was forced to carry on its voyage with only seven men and a boy. In the aftermath of cases like the *David & George*, twenty-eight merchants of New York submitted a petition to President Washington in 1796 complaining of widespread desertion to the Royal Navy in Kingston upon Hull and requesting an American consul to protect merchant interests.⁶¹

Given the incredible demand for new recruits, the British government was unwilling to stop American deserters from joining the navy and American seamen continued to desert to naval vessels throughout the British Empire. Thomas Pinckney reported that in 1792 alone four

⁵⁹ Rodger, *The Command of the Ocean*, 398; Rodger, *The Wooden World*, 177–78. In 1797 Parliament passed *An Act for the Regulation of Seamen*, the act fined masters £1000 for accepting deserters on their ship and attempted to limit wages on merchant vessels to lessen their appeal, *City Gazette*, 16 Nov. 1797.

⁶⁰ Blow & Milhado to Thomas Jefferson, 10 Sept. 1792, Founders Online, NARA.

⁶¹ Isaac Clason to George Washington, 1796, Founders Online, NARA.

men deserted an American vessel at the Cape of Good Hope, and he noted another case of desertion at Ramsgate by Americans coming from the East Indies. All of these deserters alleged that they were British subjects and demanded their wages from American captains.⁶² A letter to the *Salem Gazette* claimed that a British officer compromised a cargo worth £15,000 by taking a seaman and threatening the captain “with cutting away the rigging and masts of the ship, if payment of the man's wages...is not made.”⁶³ Rather than the standard-bearers of liberty, sailors onboard American ships were occasionally willing to exploit a British identity in order to escape an unfavorable vessel and leverage their wages. Their actions serve to complicate any account of the experiences of sailors in the Revolutionary Wars. Despite growing state interference in the negotiation of maritime identity, sailors still operated in a world full of choices. The continued conflict over the ‘real’ and ‘true’ identity of sailors opened up essential gaps in navigation laws, allowing seamen to operate in-between the borders of states.

The British and American governments continued to struggle to define a concrete policy towards their mariners because the flow of labor from one state to another was hardly ever as clear-cut as the popular pamphleteers alleged. In 1797, Robert Liston, the British Minister to America, suggested to Lord Grenville a revision to the Jay Treaty which would allow for the recovery of deserting seamen. Grenville recognized the appeal of such a policy, but warned that any amendments to the treaty would need to guard against American consuls “claiming as deserters from American ships all seamen being the king's subjects and who may have entered into his service or been impressed under due authority for that purpose.”⁶⁴ No settlement could

⁶² Thomas Pinckney to Thomas Jefferson, 5 Oct. 1792, and Thomas Pinckney to Lord Grenville, 31 Dec. 1792, Pinckney Papers, LC.

⁶³ *Salem Gazette*, 19 June 1792.

⁶⁴ Lord Grenville to Robert Liston, 5 July 1797, FO 5/18, TNA; Conversation with Robert Liston, 28 Oct. 1797, Founders Online, NARA.

be reached on the question of British and American deserters, as each side depended too heavily on the mobility of the workforce to meet their demands. As Rufus King explained to Secretary Pickering, there would be no agreement until a convention had decided on the propriety of British vessels seizing “not only Seamen who spoke the English Language and who were evidently English or American Subjects, but also all Danish, Swedish, and other foreign Seamen.”⁶⁵

As foreign policy on both sides failed to solve the issue of mariner identity, the Board of Trade turned to internal reforms in 1794 to help define the nationality of seamen. The Board feared the increasing influx of foreign seamen onto British merchant ships over the course of the eighteenth century and proposed a revision to the Navigation Acts in order to protect the employment of British tars. As Lord Sheffield had claimed in 1784, the carrying trade was essential to the empire because it served as a “nursery of our seamen.”⁶⁶ Overseas trade was meant to train seamen for naval service when the empire was at war. Foreign sailors, unless they served in the navy, were dangerous as they took employment opportunities away from British seamen and potentially trained foreign navies. This very fear was celebrated sarcastically in the *Washington Spy* in 1796. The paper asked its readership to recognize the hidden benefits of impressment: “Besides, is there a better school for naval discipline than a British man of war, and ought we not to be extremely happy, that our seamen are so well situated on board those vessels for a thorough training by the time our frigates are built. The British, the fools, are working their own destruction by their impressment of American seamen.”⁶⁷ The Board put forward a series of proposals in March 1794 requiring that all vessels in the future maintain a

⁶⁵ Rufus King to Timothy Pickering, 15 March 1799, King, “The Life and Correspondence of Rufus King,” 1895, 560–67.

⁶⁶ Sheffield, *Observations on the Commerce of the American States*, 167.

⁶⁷ *Washington Spy*, 29 June 1796.

‘due proportion’ of British sailors, except in cases of sickness or desertion. Masters who unexpectedly lost the ‘due proportion’ of British sailors would have to apply to the local British consul for a certificate testifying to their current condition.⁶⁸ The Board further proposed in the same month that vessels lacking all British subjects should be barred from importation and exportation of British goods.⁶⁹ Lord Hawkesbury, President of the Board of Trade, brought these reforms before Parliament at the beginning of April 1794 with the stipulation that nothing should be done until “after the conclusion of this war, when no less than 60 or 70 thousand men must be discharged from His Majesty’s navy.”⁷⁰ Similarly, in 1792 it was suggested in the U.S. House of Representatives that measures were needed for the encouragement of ‘our national seamen’, which would include a drawback on seamen’s wages and the establishment of an apprentice system to ensure the growth of a more domestic labor force.⁷¹ These proposed reforms clearly reflected a desire by many state officials to end the transnational mixing of seamen. Yet sweeping reforms were incompatible with wartime demands, postponing any chance of a drastic change in the national makeup of sailors until after the Napoleonic Wars.

Together, desertion and impressment continued to challenge any attempt to define a set national identity for sailors during the French Revolutionary Wars. By looking at impressment and desertion as two parts of a negotiation between sailors and states over wages and mobility, this section has complicated the polemical debates surrounding impressment both in the eighteenth century and by present-day historians. The successful negotiation of an identity claim was not an impossible task and the historical record shows that the British government was

⁶⁸ Board of Trade Minutes, 20 March 1794, BT 5/9, TNA.

⁶⁹ Board of Trade Minutes, 25 March 1794, BT 5/9, TNA.

⁷⁰ Debrett, *The Parliamentary Register*, XXXIX, 197–99.

⁷¹ *Diary or Loudon’s Register*, 22 Nov. 1792.

willing to release certain sailors on a case-by-case basis. Rescue, though, was hindered by the near impossibility of distinguishing between British and American sailors in a period of loosely-defined emigration policies, few available documents, and the overriding demands of the marketplace. Further, by looking at desertion along with impressment, this section has shown how sailors interacted with merchant vessels and the Royal Navy, often playing one off of the other in order to achieve a better position for themselves. Similar to the experiences of merchants attempting to navigate the stormy commercial waters of the 1790s, sailors recognized the risks and opportunities offered by war.

The second part of this chapter continues this theme and examines how merchants balanced their valuable neutral identity as Americans with their continued participation in the British Empire. Like sailors, merchants struggled to distinguish American merchandise and ships from those of the British. Similarities in language and national character continued to make American neutrality a tenuous idea in the face of French cruisers and British Admiralty courts. In taking advantage of this identity, Americans relied on economies of information in order to gain access to new markets and avoid capture. Increased competition with other neutrals and rapid changes in foreign markets made the latest news, rumor and gossip essential tools for overseas trade with nations at war.

Shipping ‘Americanness’ in Suspicious Waters

The declaration of war in February 1793 was greeted with much anticipation by the commercial classes on both sides of the Atlantic. War would mean the suspension of navigation laws in the West Indies, increased charges on freight, and immense demand for provisions from states looking to supply their military forces and colonies. War, in many ways, simply exaggerated

existing market demands. Yet war also confused the rules of the market as states unpredictably opened ports or embargoed traffic. The establishment of blockades and embargoes, seemingly the death of any commercial transaction, could provide new opportunities elsewhere as these barriers artificially inflated demand and prices in neighboring ports and for those vessels willing to run the blockade. In uncovering these opportunities, despite the inconveniences of war, merchants relied on information about how a port, and the navy nearby, understood identity. As American merchants discovered, their new identity made them vital carriers of other nations' goods, but as the previous section has shown, American identity was largely undefined in these years. During the war, the belligerent parties often viewed Americans suspiciously as French smugglers or English spies. The task of merchants was to avoid or disprove these assumptions in order to successfully gain access to foreign markets. In order to do so, Americans first needed to prove their Americanness in order to claim neutrality. The letters sent back and forth further reveal a larger debate taking place between merchants and state officials regarding the limits of national identity and belonging in the eighteenth century.

It has long been established that the war between Britain and France gave American merchants a commanding presence in markets as the sole supplier of colonial produce. Douglas North famously recognized the impact of this trade on the American economy, declaring that events in Europe from 1793 to 1814 helped to explain “every twist and turn” in the fortunes of America. For these years, North charted the millions of pounds of sugar, coffee, tobacco, and food stuffs that Americans carried to Europe and the West Indies. These goods mobilized a massive domestic shipping force, which in turn led to a rapid expansion in the American

economy.⁷² North's argument has since been challenged by historians who have claimed that the benefits of American neutrality were offset by the nature of a trade that was socially limited, commodity-specific, and costly for the nation.⁷³ Yet the relative economic merits of neutrality are perhaps beside the point. More recently, scholars have moved beyond the question of the North thesis to consider this trade in the context of American interaction with foreign states in the Atlantic. Peter Hill, for example, has looked at American trade from the French viewpoint, arguing that French seizures of American vessels were prompted by the overriding suspicion that Americans were greedy and unscrupulous traders who were constantly suspected of concealing their true British identity.⁷⁴

Suspicious of American merchants concealing their identity were only a symptom of the greater uncertainties in transatlantic shipping in this era. Silvia Marzagalli and Javier Cuenca-Esteban have each focused on the ambiguity of trade during the Revolutionary Wars. Marzagalli's research into American trade with Bordeaux and the 'failure' of the establishment of greater commercial ties between the two countries has revealed that the 'French' merchants trading with America were often really settled American or Irish traders. These men were fluent in English and already possessed deep commercial ties to the United States, making the trade

⁷² Douglass C. North, *The Economic Growth of the United States, 1790-1860*. (Englewood Cliffs, NJ: Prentice-Hall, 1961), chaps. 4 & 5.

⁷³ Donald R. Adams, "American Neutrality and Prosperity, 1793-1808: A Reconsideration," *The Journal of Economic History* 40, no. 4 (December 1980): 734-35; J.H. Coatsworth even claimed that along with the dangers of the carrying trade, it also meant that peace in Europe could lead to a depression in the United States. J. H. Coatsworth, "American Trade with European Colonies in the Caribbean and South America, 1790-1812," *The William and Mary Quarterly* 24, no. 2 (1967): 243-66; Updating this argument, O'Rourke has argued that the wars and repeated embargoes "seriously impeded trade", see, Kevin H. O'Rourke, "The Worldwide Economic Impact of the French Revolutionary and Napoleonic Wars, 1793-1815," *Journal of Global History* 1, no. 01 (2006): 146; Lance Davis and Stanley Engerman, *Naval Blockades in Peace and War an Economic History since 1750* (New York: Cambridge University Press, 2006).

⁷⁴ Peter P. Hill, "Prologue to the Quasi-War: Stresses in Franco-American Commercial Relations, 1793-96," *The Journal of Modern History* 49, no. 1 (1977): D1046, D1054; Most damning, the French suspected that the Americans were funneling French specie to London to payoff American debts. For the French perception of Americans in the Napoleon Era, see, Peter P. Hill, *Napoleon's Troublesome Americans Franco-American Relations, 1804-1815* (Washington, D.C.: Potomac Books, Inc., 2005).

between the countries a narrow and exclusive enterprise. Cuenca-Esteban has approached transatlantic commerce in this period from another angle to show that British exports to the United States during the war were really ‘ghost’ exports that were subsequently reshipped to promising markets in Spanish America.⁷⁵ In considering the identity of the merchants and products moving across the Atlantic, these historians have highlighted the unsettled nature of transatlantic commerce in the eighteenth century. Exports for one country could be secretly spirited away to another continent and new American trades with foreign countries may have simply acted as an extension of preexisting commercial ties.

Given recent historiography, it is safe to assume that war saw an intense interest from all sides into the nature of American commercial identity. In the previous decade, Americans had struggled to reacquire the old privileges they enjoyed as British subjects while also avoiding the immense dangers associated with their new national identity in the Mediterranean. With the war, Americans were ‘neuter’, meaning neither British nor French, and could therefore move in-between empires. In this sense, to be ‘American’ during the war was to have all European markets open to trade. Like impressed seamen, merchants defended their claims of American identity in courts and on the high seas. This section looks at how merchants attempted to avoid capture, and position their transactions as neutral and American. In doing so, it also highlights how the state conceived of commercial identity during war and how flexible such definitions could be to meet wartime demands. The following chapter will complete the merchant voyage by looking at how this neutrality was debated in the Admiralty courts and in the popular press.

⁷⁵ Silvia Marzagalli, “Establishing Transatlantic Trade Networks in Time of War: Bordeaux and the United States, 1793-1815,” *Business History Review* 79, no. 04 (Winter 2005): 811–44; Marzagalli, “The Failure of a Transatlantic Alliance? Franco-American Trade, 1783-1815”; Javier Cuenca-Esteban, “British Ghost Exports, American Middlemen, and the Trade to Spanish America, 1790-1819: A Speculative Reconstruction,” *The William and Mary Quarterly* 71, no. 1 (January 2014): 63–98.

Merchant firms throughout the British Empire quickly recognized the commercial consequences of war for their American contacts. Within a week of the declaration of war in February 1793, London firm Edward MacCulloch & Co. wrote hurriedly to Nicholas Low that “[t]he American flag & produce will feel the advantage of being neutral on this occasion.”⁷⁶ This sentiment was echoed by other British firms to their American contacts in the following weeks; the war that many merchants had anticipated for the last five years had finally arrived. The general consensus of these firms was that Americans would command the carrying trade ‘while’ and ‘if’ they remained neutral.⁷⁷ The question of commercial success, then, became a conditional one, equally as dependent on American merchants appearing neutral as it was on their government acting neutral. Even then, the appearance of being neutral was deeply complicated since British privateers did not capture American vessels for technically violating their neutrality. Instead, the language used to justify a prize in these initial years of the war, tended to focus on the identity of the property on board rather than broader violations of international law.

Privateers claimed that the suspicion of French property and the intended destination of a ship effectively altered the American character of the voyage. When capturing vessels, suspicion was given priority over any hard proof in a privateer’s possession. When the American brig *Aurora* was captured in June 1793, for example, it was reported that the sole reason for its detention was the privateer’s suspicion of the American vessel having French property on board. Similar captures throughout the West Indies were repeatedly justified on this suspicion of French property. In capturing vessels without real evidence, the privateers were shielded by the unprecedented new instructions sent to commanders of men of war and privateers on June 8,

⁷⁶ Edward MacCulloch & Co. to Nicholas Low, 11 Feb. 1793, Box 19, Nicholas Low Papers, LC.

⁷⁷ Turnbull, Forbes & Co. to Nicholas Low, 6 Feb. 1793, Box 19; Charles Bern & Higgins to Nicholas Low, 3 April 1793, Box 19, Nicholas Low Papers, LC; Sparling & Bolden, to John Lawrence & Co., 14 Feb. 1793, Sparling & Bolden Letter book, UMSC.

1793. These instructions considered grain as contraband, arguing that the French government was the only real importer of provisions into French ports. If the French government was the only real buyer of grain, it was argued, then the possession of any kind of grain warranted capture. Once a vessel was brought before an admiralty court, emphasis was finally placed on actual evidence discovered after the vessel was seized. But even in court, suspicions could alter the degree of proof necessary to prosecute a case.⁷⁸ Contributing to this web of suspicion, the British minister to America, George Hammond, declared to Lord Grenville that he would regularly supply British cruisers with information on all vessels leaving Philadelphia “which I may suspect of having French property...”⁷⁹ Hammond’s spying apparently garnered results as American vessels were repeatedly captured in the West Indies and carried into British ports during the summer of 1793 under suspicion of hiding their true French identity.⁸⁰

By February 1794, the British government had declared all of the French West Indies under blockade. This blockade – really a paper blockade – could never have been successfully enforced by the navy. The use of privateers though allowed the British to make fixed claims on territories they could not possibly hold.⁸¹ Instead, the point was to push forward a guiding principle for British privateers, which justified the capture of American ships based on their suspected destination to the French islands. Capture based on destination was an incredibly difficult case to settle as smuggling was rampant and legitimate voyages often changed their

⁷⁸ For discussion of the instructions issued to privateers, see, Thomas Pinckney to Thomas Jefferson, 5 July 1793; and Thomas Jefferson to Thomas Pinckney, 7 May 1793, Founders Online, NARA. The Instructions of June 8 were not formally revoked until late into the following year, see, *American Apollo*, 16 Oct. 1794. For more on the Admiralty courts see chapter 4 and Lord Grenville to John Jay, 1 Aug. 1794, RG 59, M30, NARA.

⁷⁹ *Connecticut Journal*, 19 June 1793; David M. Clarkson to Thomas Jefferson, 14 June 1793, Founders Online, NARA; George Hammond to Lord Grenville, 7 July 1793, FO 5/1, TNA.

⁸⁰ Sparling & Bolden to John Lawrence & Co., 3 June 1793, Sparling & Bolden Letter book, UMSC.

⁸¹ John R. Gillis, “Islands in the Making of an Atlantic Oceania, 1500-1800,” in *Seascapes: Maritime Histories, Littoral Cultures, and Transoceanic Exchanges*, ed. Jerry H. Bentley, Renate Bridenthal, and Kären Wigen (Honolulu: University of Hawaii Press, 2007), 27.

ports of call to meet new market demands. Even insurance policies were generally taken out with a vague destination in mind, often avoiding only specific areas of piracy or blockade. Otherwise, captains were given a broad ‘liberty to touch’ at any port in Europe or the West Indies.⁸² This practice was widely known and perceived as extremely liable to abuse. The American consul in Hamburg, for example, believed that American captains were secretly shipping wheat to France while claiming to go to Lisbon. Despite swearing to their destinations, the consul continued to worry that American ships would sneak off to French ports, which would eventually lead to capture by British cruisers.⁸³ Like with suspicion, capture because of intended destination rested on appearances above all else.

Due to the British blockade, and the liberties granted to privateers in the initial months of the war, the prizes captured in the West Indies were numerous. These successes led Governor Henry Hamilton of Bermuda to boast in 1793 that his ships had captured £18,000 worth of prizes in a few months, and that the spirit of privateering had only increased with these successes. Yet Hamilton also noted in the same year that Bermudians and Americans had intermarried since the previous war and knowledge of how to subvert the islands’ customs agents was well-known in America. Hamilton believed the intermingling of Americans and Bermudans had thus far contributed to the success of the privateers (as Bermudans also possessed knowledge of America), but he also worried about the potential consequences if a future war with America occurred.⁸⁴ Hamilton’s misgivings about the Bermudians were hardly surprising. According to

⁸² See for example, Gouverneur & Kemble to Richard D Jennings, 19 May 1795, Gouverneur & Kemble Letter book, NYHS. For directing captains to new ports see, Jonathan Davis & Son to Ward Nicholas Boylston, 22 Jan. 1793, Box 29, Boylston Family Papers, MHS. Also see Chapter 1.

⁸³ John Parish to Thomas Jefferson, 20 Sept. 1793, Founders Online, NARA.

⁸⁴ Bermuda was famously the port of call for most British privateers in the West Indies. Henry Hamilton to Henry Dundas, 24 July 1793 and 12 Dec. 1793, CO 37/44, TNA. Hamilton appeared to deeply believe that America would

Michael Jarvis, Bermuda maintained a much closer commercial relationship with North America than with Great Britain in the eighteenth century. Moreover, much like the Americans before and after independence, Bermudians were notorious for their disregard of the Navigation Acts in the pursuit of profit.⁸⁵

Hamilton's uncertainty over the allegiance and identity of Bermudans went beyond the capture of American vessels. In March 1794, the Attorney General of Bermuda tried Josiah Meigs for sedition based on comments that Meigs had made in the Attorney General's presence. Meigs allegedly insulted the admiralty jurisdiction of the government by insinuating that America should go to war with Great Britain for the instructions issued to privateers. Even more damning, it was said that Meigs had offered tacit support for the French Republic, which made Meigs, in the Attorney General's view, a "maintainer & abettor of the French republicanism."⁸⁶ Meigs was eventually released on condition of good behavior, but not before his friends were examined to discover any hidden sympathies Meigs may have held for French republicanism. Meigs's examination before the Governor's Council illustrates the increasingly tense and suspicious atmosphere of the British West Indies in the war years. It also draws attention to the instability of identity during the revolution; in the eyes of their own government, Bermudians were at once: French republicans, disloyal Americans, and British privateers.

soon declare war on Britain and never tired of sending the Home Government evidence to support his views, see, Henry Hamilton to Henry Dundas, 12 March 1794, CO 37/45, TNA.

⁸⁵ Jarvis, *In the Eye of All Trade: Bermuda, Bermudians, and the Maritime Atlantic World, 1680-1783*, chap. 2 and 3. As the major mariners of the British Caribbean, Jarvis argues that Bermuda (and Bermudians) acted as a hub for the spread of news, people, and goods.

⁸⁶ Minutes of the Bermuda Council, 12 March 1794 and 13 March 1794, CO 37/45, TNA. Such suspicions were not limited to bystanders at parties, in 1796 Governor Crawford was run out of the island for his conflict with the Admiralty, first his African servants were assaulted and then he was eventually accused of being a 'Jacobin' forcing him to request letters of recommendation from his own council proving his adherence to the English constitution, see, James Crawford to Duke of Portland, 10 Oct. 1795; James Crawford to Governor's Council, 6 Sept. 1796, CO 37/45, TNA.

Fear of sedition was not helped by the state of the island in 1793. Despite Hamilton's boasting to Dundas about the value of his prizes, Bermuda was as poorly supplied during the war as in any other period in its history. To feed the inhabitants of the British West Indies, it was still necessary to depend on American goods.⁸⁷ Despite his fears of American knowledge, Hamilton opened the ports to the importation of provisions for six months in 1793, and the proclamation was renewed almost continuously through 1795. British governors in Barbados, Grenada, Jamaica and in the conquered French islands similarly followed suit.⁸⁸ Just as in the previous decade, letters from Whitehall strongly opposed opening the ports to neutral traffic as "highly dangerous" and as a "measure not only illegal and contrary to the commercial policy of this kingdom, but subject to improper communications."⁸⁹ The Board of Trade echoed this sentiment, and condemned the opening of the ports to foreign vessels as unjustifiable except in cases of 'absolute necessity'.⁹⁰ By 1795, the Jay Treaty temporarily settled the question of foreign trade in the British islands, but it did not alleviate the fears of the colonial and home governments that suspicious persons were working in the islands to undermine the war effort.⁹¹

Nervous about these 'improper communications' with foreigners, Parliament in 1793 attempted to limit the continued border crossings that characterized so many relations in the West Indies. In order to better control wartime commerce, Parliament passed the *Bill for Preventing Traitorous Correspondence*. As the Attorney General explained to Parliament, this bill was merely meant to prevent trade with His Majesty's enemies by expanding the definition

⁸⁷ See Jarvis, *In the Eye of All Trade: Bermuda, Bermudians, and the Maritime Atlantic World, 1680-1783*, 98.

⁸⁸ For evidence of the opening of the ports, see, *Impartial Herald*, 17 Aug. 1793; Ninian Home to Henry Dundas, 31 Aug. 1793, CO 101/33, TNA; *City Gazette*, 24 Oct. 1793; *Providence Gazette*, 30 Nov. 1793.

⁸⁹ Henry Hamilton to Lord Commissioners of His Majesty's Treasury, 20 Nov. 1793 and Henry Dundas to Henry Hamilton, 6 Jan. 1794, CO 37/44, TNA; For Dundas's response to the Governor of Grenada's proclamation, see, Henry Dundas to Ninian Home, 16 Oct. 1793, CO 101/33, TNA.

⁹⁰ Board of Trade Minutes, 7 Aug. 1793, BT 5/9, TNA.

⁹¹ Davis and Engerman, *Naval Blockades in Peace and War an Economic History since 1750*, 73-74.

of treason to include the sale of provisions and arms. In doing so, the bill also implicitly recognized that letters between belligerent powers could not be stopped, as it would “destroy all commercial communication.”⁹² It would have been uncharacteristically harsh, from the perspective of the government, for merchants to be barred from carrying on commercial correspondence with their business contacts in enemy territory. In the same spirit as the *Traitorous Correspondence Bill*, foreigners were expelled from the British islands or forced to justify their presence before the local government. Over the course of the decade, orders were issued by the Earl of Balcarres of Jamaica (1795) and Governor Beckwith in Bermuda (1799) ordering the expulsion of all unauthorized foreigners from British colonies.⁹³ Fear of foreign influence continued despite these efforts, leading Home Secretary Portland to claim that the insurrection of the maroons in Jamaica was brought about by a cabal of “His Majesty’s Enemies in Saint Domingo, in concert with those residing in the North American Provinces, and in Jamaica itself.”⁹⁴

The tense and confused atmosphere that pervaded the British West Indies during the war made commerce a dangerous game. In pursuing a profitable voyage, merchants traded in information about the latest policies, blockades and embargoes. The demands offered by the war and the repeated opening of the ports often offset the risks of a venture to the West Indies. Each capture of a neutral vessel increased the risk for all shippers and could potentially explode the

⁹² See the debate on 15 March 1793 in the House of Commons, Debrett, *The Parliamentary Register*, XXXV, 72.

⁹³ As early as March 1793, Lt. Governor Home of Grenada ordered the departure of all ‘French and other foreigners’ from the colony. *Connecticut Journal*, 28 March 1793; Earl of Balcarres to Duke of Portland, 30 May 1795, CO 137/95, TNA; Duke of Portland to George Beckwith, 10 Sept. 1799, CO 37/48, TNA. As these documents also note, expelling even French foreigners was exceedingly complicated as hundreds of French refugees fled Saint-Domingue during the slave revolt and settled in the British islands.

⁹⁴ Duke of Portland to Earl of Balcarres, 14 Nov. 1795, CO 137/95, TNA.

price for colonial goods at home and in Europe, making risky ventures even more alluring.⁹⁵ The temptation to dominate the carrying trade also forced merchants to make sense of British policies that both welcomed foreign commerce and suspected foreigners as hidden insurgents or enemy smugglers. In order to understand how merchants handled the risks associated with trade during the war, it is necessary to look more closely at an individual merchant's experience. A qualitative approach has an advantage over considering merchants en masse as it is better able to reveal the nuances of identity negotiation particular to this study. William Constable of New York provides an invaluable example of this experience, as his trade with both countries during the war allowed him to experience these commercial policies, and their inconsistencies, firsthand.

William Constable, born in Dublin in 1752, began his career as a fur trader to the important London firm of Phyn & Ellice in 1769. By 1800, Constable owned about ten percent of New York State. While growing his business, Constable made important connections to several prominent New York families. These connections included the Morris family of New York, a relationship which he used to his advantage in acquiring a tobacco contract with France, and as a vital source of commercial information on French policies during the Revolution. Along with his transatlantic commerce, Constable also participated in land speculation and the early China trade with mixed results.⁹⁶

Constable spent the initial years of the war in Europe, where he coordinated his business transactions with contacts in London, Cadiz, Lisbon, Bordeaux, Canton, and the British and French West Indies. As has been shown in previous chapters, the breadth of Constable's business

⁹⁵ For examples of this, see, William Constable to Phyn, Ellice & Inglis, 21 Oct. 1796, vol. 32 letter book, Constable-Pierrepont Papers; Gouverneur & Kemble to John Corser, 1 Nov. 1796, Gouverneur & Kemble Letter book; Edward Goold & Co. to John Cowper & Co., 26 May 1798, Edward Goold & Co. Letter book, NYPL; *Newburyport Herald*, 3 July 1798.

⁹⁶ Donald G. Tailby, "Chapters from the Business Career of William Constable: A Merchant of Post-Revolutionary New York." (Rutgers The State University of New Jersey, 1961), chap. 8.

contacts was not exceptional when compared to other transatlantic merchants. Nor was he particularly successful at navigating the stormy waters of commercial traffic during the war. In fact, Constable fell victim to both the British and French governments despite his valuable network of informers. Nevertheless, much like the American traders in the 1780s, Constable's failures offer exceptional insight into the nature of transatlantic trade and identity manipulation during the French Revolution. Constable lost ships to the French during the Bordeaux embargo (1793-1794) and to British privateers while trading in the British East Indies under a foreign flag (1793). While the belligerent powers seized his property, Constable pursued a scheme to furnish British troops in the West Indies with cattle, hoping to profit from a valuable victualing contract. For a study into how merchants attempted to prove their American identity, Constable is essential. Captured by both, he was forced to learn how best to negotiate his identity, and because of his troubles we are offered a window into how merchants and states differed in their interpretations of true allegiance and national identity.

Given the dangerous situation in Europe, Constable believed that the only market left for American trade was the West Indies. There though, French privateers swarmed the West Indies searching for British property onboard neutral vessels and declaring all the British islands under siege. As is described above, Britain pursued similar measures against neutral commerce in their search for French property, leaving few gaps for American traders to exploit. Nevertheless, Constable noted eagerly to a contact in 1794 that there was considerable demand for flour in the islands, and the current American crop was so abundant that it warranted speculation.⁹⁷ More importantly, Constable hoped to acquire a valuable government contract to supply British troops

⁹⁷ William Constable to Thomas Cave, 26 May 1794, vol. 31 letter book, Constable-Pierrepoint Papers, NYPL.

in the West Indies with cattle. Such a measure by a ‘neutral’ merchant clearly invited condemnation by French privateers.

At first, Constable’s willingness to pursue a government contract with the British army appears wholly incompatible with his earlier experience dealing with the British government. While in Britain in 1793, Constable claimed to have spent every day for six months waiting in the Admiralty Court of Appeals for a hearing on his vessel, the *St. Jean de Lone*, in order to prove his American identity. According to the records of the case, Constable’s goods were found on board a French ship travelling to America in May 1793. The ship was captured while carrying goods from the British East Indies, which were to be reshipped to America after stopping in Europe. Though Constable believed his bill of lading proved that the goods belonged to him and were American, the admiralty judge was nevertheless struck by the case of a ship so blatantly “exporting the goods in question from an English settlement upon a foreign bottom.”⁹⁸ The captors, similarly struck with the creative identity politics at play in this single voyage, argued in court that Constable should be considered in fact as a British merchant. The captors claimed that Constable’s extended residence in London altered his commercial identity and therefore as a British merchant he and his partners were ‘carrying on an illegal trade’ with the enemy. Constable claimed his long residence in England was unintentional, but due to the drawn out proceedings of the current case and his involvement in the bankruptcy proceedings of a prominent London merchant.

In response to the judge’s questions, Constable tried to prove that he was in fact an American based on his frequent trips to the Continent and the shipments he had made since arriving in London to America under consignment to his British contacts (rather than in his own

⁹⁸ The judge seemed unaware that American merchants had this privilege, adding to the confusion of the case, see, *Saint Jean de Lone*, 29 July 1793, HCA 45/17, TNA, f.198.

name). Further, according to Constable, the goods in question were ‘clearly calculated’ for the American market rather than any market in Europe or Great Britain. For Constable, his intention to leave the country and his purchase of goods for America clearly revealed his true identity. The court was less sure though, and the vessel and the goods were again condemned by the Lords Commissioners of the Admiralty. In 1795, Swiss merchants Pourtales & Co. were able to recover their portion of the cargo from the *Saint Jean de Lone* on appeal as neutrals but Constable was less successful in ever proving his American identity.⁹⁹ While scholars have been quick to identify the advantages of neutrality for American commerce in these years, there has been little consideration of the hurdles put in the way of American merchants making citizenship claims abroad. As is described in the next chapter, the Admiralty Court offered an important venue for asserting identity claims, but it also reveals the very different and fluid conceptions of national origin held by captors, judges and merchants.

Reflecting on his failed trip to Europe, Constable complained that the policies of Britain and France had forced neutrals to take sides: “The very unsettled state of affairs in Europe deters us from adventuring thither, for it appears no power is allowed to remain neuter in the contest with France.”¹⁰⁰ At least in Europe, the war had forced everyone to make a choice. Remaining ‘neuter’ only invited suspicion that a merchant was in fact wearing a mask to conceal a more sinister identity. Perhaps because Constable believed that he was now forced to take a side, at least outwardly, he turned to directly supplying the British military in the West Indies with provisions.

⁹⁹ Curiously, the captors never brought up Constable’s birth in Dublin to prove that he was British, *Saint Jean de Lone*, 25 July 1795, HCA 45/18, TNA, f.274-275. Constable even planned to turn to the Privy Council as the last court of appeal, but nothing seems to have come of it, see, William Constable to John Ross, 27 Jan. 1794, reel 1, Constable-Pierrepoint Papers, NYPL.

¹⁰⁰ William Constable to Edward MacCulloch & Co., 24 May 1794, vol. 31 letter book, Constable-Pierrepoint Papers, NYPL.

Constable was willing to join with other Americans in supplying the British military forces in the West Indies due in part to the encouragement of his London correspondent, John Inglis, of the firm Phyn, Ellice & Inglis. In the spirit of greater cooperation after the Jay Treaty, Inglis excitedly informed Constable in August 1795 that 20,000 soldiers were destined for the West Indies, and that they would need to be fed. Inglis explained that the contract was time sensitive as the troops would sail by September in order to retake Guadeloupe, “[i]f you can persuade any smart Yankey to set immediately about procuring proper means to carry cattle to the army you may depend upon it, he will do well & I think I can insure him encouragement & preference.”¹⁰¹ Less than a month later, Inglis wrote three additional letters to Constable pushing the deadline back to December of that year and again directing him to send cattle, horses and mules to the West Indies. By the end of the month, Inglis warned that other merchants had become interested and it was necessary for Constable to send an agent to New London to buy ‘all the good fat cattle’ and hire as many ships as necessary for the voyage. Inglis ended his letter stating that the army being sent to the West Indies, “is such as never appeared in these seas before.”¹⁰² Inglis’s letters further emphasize the importance of acting quickly on information and the demand for regular letters from a correspondent. By October, Inglis had learned that a competitor had won the contract to provide livestock for the army, “contrary to my expectation,” but he nevertheless encouraged Constable to send flour to the military in the West Indies from America, in order to still profit from the war effort.¹⁰³

¹⁰¹ John Inglis to William Constable, 21 Aug. 1795; John Inglis to William Constable, 8 Sept. 1795, Box 4, Constable-Pierrepoint Papers, NYPL. By May 1796, it was reported that only 12,000 troops had arrived in the West Indies, helping to explain the many problems American merchants faced in trying to gauge and meet the demands of the victualing market.

¹⁰² John Inglis to William Constable, 19 Sept. 1795, Box 4, Constable-Pierrepoint Papers, NYPL.

¹⁰³ John Inglis to William Constable, 3 Oct. 1795; John Inglis to William Constable, 10 Oct. 1795; John Inglis to William Constable, 30 Oct. 1795, Box 4, Constable-Pierrepoint Papers, NYPL.

At Inglis's continued urging to get involved in the victualing trade, Constable formed a partnership with the winner of the cattle contract, Cruden, Pollard & Stuart of Barbados, to assist in shipping livestock for the army. Under the contract, Constable shipped regularly to Barbados five or six cargoes per month, with the promise of more frequent shipments if the cost of freight went down.¹⁰⁴ Though the business was in high demand, Constable complained frequently of 'irregular & contradicting' correspondence, explaining to one of his partners that if he had followed their earlier advice of stopping the shipments they would have been in a 'bad scrape'.¹⁰⁵ The victualing plan depended partially on Spanish cattle, which was cheaper, to fill the order, but Britain's deteriorating relations with Spain endangered this supply system. By September 1796, a 'Spanish War' promised an even greater opportunity for American shipments as the sole supplier of cattle, but it also threatened to put immense strain on the available supply of American beef.¹⁰⁶ In response to the rumored war, the cost of shipments increased, but as late as October 12, 1796, Constable had still not learned of an actual declaration of war and was confidently reporting contrary information to his contacts. A week later, he learned of the British declaration of war and wrote worriedly about the future of the contract. In order to avoid privateers, Constable suggested that they would need to send the vessels first to a French port, but he was concerned this maneuver would endanger the entire venture as "[the French] seem to know for whom the cattle are shipped, they will condemn the cargoes nevertheless."¹⁰⁷ Despite his earlier defense in

¹⁰⁴ William Constable to Joseph Howland, 24 Aug. 1796; William Constable to Captain Robinson, 18 Aug. 1796, vol. 32 letter book, Constable-Pierrepoint Papers, NYPL.

¹⁰⁵ William Constable to Francis Pollard, 6 Aug. 1796, vol. 32 letter book, Constable-Pierrepoint Papers, NYPL.

¹⁰⁶ William Constable stated to his London contacts that a Spanish War would make America the sole supplier of beef, which would raise prices, see, William Constable to John Inglis, 3 Oct. 1796, vol. 32 letter book, Constable-Pierrepoint Papers, NYPL.

¹⁰⁷ William Constable to Jeremiah Wadsworth, 28 Oct. 1796, vol. 32 letter book, Constable-Pierrepoint Papers, NYPL.

a British admiralty court, Constable now clearly understood that his business would make him appear British in the eyes of French privateers.

Coupled with a renewed French decree targeting neutral shipping in 1796, Constable worried that the cost of freight and available supply would make it impossible to fulfill the complete contract. If the government insisted that they hold up their end, he believed it would be a ‘ruinous undertaking’.¹⁰⁸ In response to the new market uncertainty, Constable’s London contacts ordered a suspension of shipments and purchases for the West Indies in December 1796.¹⁰⁹ Further advice from London the following year suggested that the shipments continue but Constable was dubious, explaining that the French “take all American vessels they can lay hold of & we must therefore wait for a change.”¹¹⁰

Constable’s position as a neutral in the British empire was always tenuous. While the French continued to harass American shipments to the West Indies, and consequently postpone further shipments of cattle, Constable also informed his contact in Barbados that the British were just as dangerous. He claimed that the British Men of War threatened every voyage, as they would chase American vessels carrying supplies for the British military ‘upon a suspicion’ that they were really intended for French ports. Constable complained of his vessels being ‘treated as enemies’ when his supplies meant for British troops were fired on by the Royal Navy.¹¹¹ The

¹⁰⁸ William Constable to Cruden, Pollard & Stuart, 5 Nov. 1796, vol. 32 letter book, Constable-Pierrepoint Papers, NYPL.

¹⁰⁹ William Constable to Phyn, Ellice & Inglis, 10 Dec. 1796, vol. 32 letter book, Constable-Pierrepoint Papers, NYPL.

¹¹⁰ William Constable to Phyn, Ellice & Inglis, 03 Feb. 1797, vol. 32 letter book, Constable-Pierrepoint Papers, NYPL.

¹¹¹ William Constable to George Cruden, 10 March 1797, vol. 32 letter book, Constable-Pierrepoint Papers, NYPL. Eventually the Admiralty were willing to help convoy American shipments past French privateers, see, William Constable to Joseph Howland, 13 April 1797, vol. 32 letter book, Constable-Pierrepoint Papers, NYPL. Escaping one group did not necessarily insure safety, as vessels fleeing the French often ended up in the hands of the Spanish, see, William Constable to Phyn, Ellice & Inglis, 12 July 1797, vol. 32 letter book, Constable-Pierrepoint Papers, NYPL.

widespread suspicion of American commerce meant that the British were unable to recognize their dependence on certain neutral trades to continue the war effort.

The main challenge for Constable's business was effectively proving his American identity in order to enjoy the neutral protections that came along with Americanness. Constable attempted to prepare for privateers by equipping his ships with 'every document, passport & paper' that the government would provide for his shipments, but claims of only shipping American property fell flat. Business was further hurt by the capture of American ships carrying correspondence to Constable's contacts in the West Indies. To compensate for this, letters were sent in 'duplicates & triplicates & frequently quadruplicates' but these precautions were offset by nervous American captains who would throw all their papers overboard when stopped by a privateer, "for fear their real destination should be discovered..."¹¹² The destruction of papers was an insurmountable stopgap to commerce. Without regular letters, orders could not be placed or cancelled, and correspondents remained in the dark to the latest moves of the market and disposition of privateers. Most importantly, regular correspondence informed merchant nationality strategies. Letters informing Constable of dangers to American property in the West Indies were tacit instructions for self-fashioning; to make his property appear less American. Avoiding risk meant using this intelligence to invest in different ships, cargoes, and destinations.

The only solution to guarantee the delivery of correspondence was the use of other neutrals as middlemen who would forward letters to contacts in one of the belligerent countries. This method, while popular and somewhat effective, also increased the time between each letter. Opportunities were often lost while waiting for a response from months ago. Delays could be equally destructive to merchant ventures. In 1797 Constable wrote to a contact in Lisbon

¹¹² William Constable to Captain Kemp, 31 Oct. 1797; William Constable to Joseph Howland, 9 Sept. 1797; William Constable to Phyn, Ellice & Inglis, 12 Dec. 1797, vol. 32 letter book, Constable-Pierrepoint Papers, NYPL.

informing him that he had just received the last six months of letters sent to his address, the poor timing of which resulted in goods coming to a ‘bad market’ and arriving when ‘the season was too far advanced’.¹¹³

The situation of American commerce by 1797 was desperate. Repeated French depredations threatened the viability of American merchant firms and many suffered bankruptcy due to the general uncertainty of trade.¹¹⁴ American newspapers reported that the French and Spanish privateers captured so many vessels in 1797 that it was impossible to reach the Windward Islands.¹¹⁵ The victualing business was so hazardous that Phyn, Ellice & Inglis informed Constable in July that American trade could only continue under British protection. Recognizing the need to protect some American trade, the British regularly convoyed American vessels through the islands and even across the Atlantic. Yet, this protection was also limited as American vessels were often abandoned during the voyage and the French viewed any British protection of neutral vessels as proof of British nationality.

Since official British protection had its own inherent dangers, it was necessary for merchants to pursue strategies they had used in the previous decade in order to save their vessels. Recognizing the dangers associated with their American identity, merchants attempted to cover

¹¹³ For delays in the receipt of letters, see, William Constable to Daniel Bowden & Sons, 24 Jan. 1797, vol. 32 letter book, Constable-Pierrepoint Papers, NYPL; Alexander Turnly to Low & Wallace, 12 May 1798, Box 25, Nicholas Low Papers, LC. Disputes could also arise as a result of delayed letters, especially when merchants sent family members on ships and failed to hear of their fates from overseas contacts, see for example, Calef & Chuter to George Crwoninshield, 2 May 1796, Calef & Chuter Letter book, UMSC. For the letter chain during the war see, Phyn, Ellice & Inglis to Forsyth, Richardson & Co (by way of William Constable), 13 Feb. 1793, reel 2, Constable-Pierrepoint Papers, NYPL. Gouverneur & Kemble to Smiths & Atkinson (by way of Matthieson & Sillem of Hamburg), 1 Sept. 1797, Gouverneur & Kemble Letter book, NYPL.

¹¹⁴ For reports of these bankruptcies see, Gouverneur & Kemble to James Murphy, 16 Dec. 1796, Gouverneur & Kemble Letter book, NYPL; William Leffingwell to Hezekiah Beers Pierrepoint, 15 June 1797, Constable-Pierrepoint Papers, NYPL; Rufus King to Nicholas Low, 1 Nov. 1799, Box 2, Nicholas Low Papers, NYHS.

¹¹⁵ Along with the Americans, the West Indians complained of late and delayed cargoes endangering their ships, see, Minutes of the West India Committee, 23 May 1797, reel 2, SHL. *Windham Gazette*, 23 Nov. 1797; John Inglis to William Constable, 22 July 1797, Box 4, Constable-Pierrepoint Papers, NYPL; *Time Piece*, 8 Sept. 1797. Also see, Simeon Perkins Diary, 20 March 1797, in Simeon Perkins, *The Diary of Simeon Perkins, 1797-1803*, ed. Charles Bruce Fergusson, vol. iv (Toronto: Champlain Society, 2013), 12.

American property through the use of foreign vessels. A typical example of this can be seen in an insurance policy taken out by the New York firm Gouverneur & Kemble, for their property on board a Danish ship headed to Saint-Domingue: “The vessel will be cleared out and invoiced as Danish property bound for Cape Nicola Mole in Hispaniola from St. Thomas altho she is intended to take another direction.”¹¹⁶ Similar to the previous decade, newspapers advertisements further reveal American firms actively trading in foreign flags, offering: British prize ships, Bermuda-built sloops ‘to any of the Windward or Leeward Islands’, Danish vessels for Europe and India, and Swedish ships for the Mediterranean.¹¹⁷ The trade in foreign flags was not perfect, and vessels flying foreign neutral colors were captured after Britain occupied the Danish West Indies in 1801.¹¹⁸

The hostility of the French and the undependable protection of the British convoy led American officials to become concerned with their merchants provisioning the British military. When the French consul in Charleston learned that American merchants in the city had contracted to supply the British troops in the West Indies with a shipment of horses, he formally protested the transaction as a violation of American neutrality. In response, local officials requested the suspension of the shipments. Bewildered by these actions, the British consul, John Hamilton, protested that the Governor of Virginia must have been aware of the deal and accused the Americans of waiting until a postponement would have caused the most ‘heavy expence’ to the British. Hamilton further argued that any blockage of the deal was a violation of American

¹¹⁶ Gouverneur & Kemble to Lawrence & Seton, 25 Jan. 1796, Gouverneur & Kemble Letter book, NYHS.

¹¹⁷ *The Minerva*, 5 Dec. 1796; *Mercantile Advertiser*, 13 May 1799; *Daily Advertiser*, 16 Jan. 1795.

¹¹⁸ Gouverneur & Kemble to James & William Perot, 10 Oct. 1795, Gouverneur & Kemble Letter book, NYHS; William Constable to James Constable, 1 Dec. 1798, reel 1, Constable-Pierrepoint Papers, NYPL.

neutrality in favor of the French.¹¹⁹ After several men attacked American ships carrying British property in the port of Charleston, Hamilton even claimed to know of a conspiracy of men in town to undermine the British war effort, but the mayor refused to act without further proof.¹²⁰ For Hamilton, American refusal to supply the British was a sign of their failure to live up to their neutral American identity. Increasingly, as the war progressed into the nineteenth-century, American merchants would discover that if their business interests did not lead them into taking a side, a side would be chosen for them.

Conclusion

Even as peace was on the horizon in 1801, the need for supplies for the British military persisted. In 1801, William Savage, the American agent in Jamaica, indicated to Secretary Madison that the British demand for American beef was still great, and the island alone would purchase twenty thousand barrels.¹²¹ Though the signing of the Jay Treaty saw a noticeable shift from British to French depredations, the British continued to capture American ships, despite their dependence on foreign supplies. By 1799 Constable was clearly done with the cattle scheme, telling his brother that the West Indians held an irresponsible amount of debt, and concluding dismissively, “These West Indians will not do.”¹²²

Dependence on foreign vessels, the constant intermingling of nationalities, and the sharing of seamen across navies all served to undermine the legitimacy of American identity

¹¹⁹ Lt. Col. Thomas Newton to John Hamilton, 23 Jan. 1796; John Hamilton to Lt. Col. Thomas Newton, 23 Jan. 1796; FO 5/15, TNA. For an example of the complicated identity negotiations at play in American commerce on Danish ships, see the case of the ship *Indianer* in 1801 captured by Bermuda privateers, George Beckwith to Duke of Portland, 20 April 1801, CO 37/50, TNA.

¹²⁰ Seth Foster to John Hamilton, 29 Jan. 1796, FO 5/15, TNA.

¹²¹ William Savage to James Madison, 9 Oct. 1801, Founders Online, NARA

¹²² *Rutland Herald*, 5 Dec. 1796; *Impartial Register*, 18 May 1801; William Constable to James Constable, 30 May 1799, reel 1, Constable-Pierrepoint Papers, NYPL.

during the war. The Napoleonic Wars in the following decade continued many of these same issues as ‘American’ seamen were once again impressed into the Royal Navy and American merchants took an even larger part of the carrying trade during the first four years of the war. Though impressment continued, the debate over proper commerce shifted from a question of relative ‘Americanness’ to the limits of neutrality in wartime. Given American conduct during the 1790s, many, especially in Great Britain, questioned their role in perpetuating the war. In these debates, Americans were compared to the Dutch during the Seven Years’ War who unscrupulously traded with both sides and profited from the suffering of all of the participants. As the next chapter reveals, the debate over neutral identity in the admiralty courts and the popular press attempted to finally limit American participation in the British empire by representing neutral commerce as a subversive act of war against Great Britain and its interests.

Chapter 4: Intentional Enemies: Neutrals before the Court, 1800-1809

On February 2, 1800, Sir William Scott, the newly-appointed judge of the High Court of Admiralty, decided the fate of an American ship known as the *Polly*. Scott's ruling for this single ship travelling with colonial produce from Havana to Spain, by way of Boston, would have an enormous impact on the future of neutral trade in the early years of the Napoleonic Wars. In this case, Scott declared that neutral vessels were able to legally trade between enemy colonies and the mother country so long as the goods were first imported into a neutral port. As a result of Scott's ruling, the American neutral trade grew rapidly, quickly overtaking European rivals in transatlantic shipping. By 1805, this trade had become so extensive that European merchants tended to describe valuable West Indian commodities as American exports. Yet, as Britain gained control over the Atlantic, and Napoleon attempted to seal off the continent, the pressing need for American middlemen dwindled in comparison to the relative benefits of an economic war. Finally, by December 1807, the commercial landscape of transatlantic shipping had permanently shifted with the passage of the Embargo Act by the U.S. Congress. The decision by the American government to end their participation in neutral trade may have averted war, but it also opened up all remaining American shipping to confiscation by the two warring powers.

The years between the *Polly* and the Embargo provide a framework for studying the changing position of neutrals within the British admiralty courts. By examining British admiralty court records within the context of state formation and economic warfare, we are able to chart how precedents established in superior courts affected debates over merchant identity taking place in the West Indies. Neutral merchants, and their captors, actively mobilized the language of Sir William Scott's famous decisions in defense of their conduct while at sea. As the courts served as a venue for constantly renegotiating the meaning of neutrality, they also provided a

platform for new government policies. When the economic war between Britain and France intensified, the British government used the admiralty courts to secure the imperial economy, enforcing a protectionist agenda onto neutral trade. American merchants found in violation of state decrees were classified as belligerents and their property was condemned in court. This process of transforming former British subjects into enemies provides a window into how states and individuals understood nationality and the role of international commerce in war.

This period, then, highlights the gradual evolution of American neutrals into enemies of the British government. In the years after independence, Americans trading abroad had struggled with the malleability of their identity, a challenge that became even more difficult when war broke out in 1793. As has been shown, privateers looking to seize an American ship depicted the Americans onboard as Frenchmen in disguise. Press-gangs claimed to be incapable of distinguishing between natural-born American citizens and recent British immigrants, and impressed members of both groups on the grounds of a perpetual British identity. Similarly, French officials, skeptical of English-speaking foreigners during the Revolution, accused Americans of concealing their English identity, seizing their ships in port while they searched for spies. While many of these ideas persisted into the Napoleonic Wars, the language used by belligerents changed subtly over the course of the war. Americans were no longer secretly French or English, but instead they were viewed as de-facto enemies: individuals whose actions had caused them to lose their neutrality. The argument that neutrals had failed to ‘remain neutral’ placed all of the blame on neutral conduct, essentially ignoring the active role of the state in redefining the limits of acceptable commerce.¹

¹ The idea of ‘remaining neutral’, a concept that implied the neutral’s actions rather than the state’s goals were to blame, was common at the time, for an example of this, see, *The Rights of Neutrality in The Gazetteer*, 27 July 1803,

The years leading up to 1807 witnessed the institutional growth of the British Empire, as Britain gained dominance over the sea after the Battle of Trafalgar (1805). With trade lines relatively secured, mercantilist regulations lost the loopholes and loose enforcement of the early modern period, taking on the characteristics that historians have often associated it with: a restrictive commercial system hostile to competing foreign interests. Along with exploring the more effective enforcement of commercial policy, this chapter focuses on the struggle of American merchants to supply European markets in the face of the steadfast opposition of both warring powers. An examination of the records of the High Court of Admiralty, American and British diplomatic dispatches, popular pamphlets, newspaper editorials, and merchant correspondence, illustrates the adaptability of merchants and the state to meet the commercial and political pressures of the war.

This chapter contributes to the recent interest in nationality and international commerce by placing complicated negotiations over the identity of the merchant, ship and voyage within the context of the growing ability of the British state to govern the empire. The rationalization of British mercantilist policies during the Napoleonic Wars effectively narrowed the field of legitimate commerce in wartime. The period from 1798 to 1807 saw the dynamic evolution of ‘the neutral’ in law and public consciousness from a morally ambiguous supplier of consumer goods to a malicious war profiteer whose trade with belligerents undermined the war effort. This chapter argues that the debate over concepts of neutrality should be situated within the wider discussion of national allegiance and commercial identity which had consumed the British Empire since the American Revolution. The mercantilist rhetoric that pervaded reforms in

and George Cabot to Rufus King, 2 July 1798, in King, “The Life and Correspondence of Rufus King,” 1895, 353–55.

colonial governance and admiralty courts attempted to force a choice on American merchants: to rejoin the British Empire or stand with Napoleon.

The first section of this chapter examines admiralty court practice and the evolution of international law under the leadership of Sir William Scott (1745-1836). The chronological framework of section one is situated around a ten-year period beginning with Scott's appointment to the High Court of Admiralty in 1798 and ending with the Orders in Council of 1807. In these years, neutral merchants shifted from important sources of maritime trade to hidden enemies undermining Britain's war effort. Scott's appointment and reform of the British admiralty courts provides an invaluable lens for studying this period. The local courts were reformed under a singular vision of admiralty court practices and the rule of law. This served as a break with the previous system of local autonomy, which had allowed for a more fluid interpretation of commercial identity in admiralty court cases. These reforms were just one part of a broader project by the British state to increase control over transatlantic shipping and colonial governance.

Section two examines the different types of evidence used in the admiralty courts to condemn neutral vessels. In focusing on the years after the *Essex*, this section shows how the standards of evidence used in court decisions relied heavily on the recent reforms to admiralty court law. Just as Chapter 3 highlighted the importance of 'suspicion' in the capture of American vessels, this section focuses on the role of 'intention' in determining the guilt of a vessel before the admiralty court. 'Intention' was always important in admiralty law to prove the violation of a blockade, but the focus on 'intention' by the court increasingly pushed the law into a largely indefinable area for the consideration of evidence. The value and nature of the goods onboard a

ship might inform a vice-admiralty court judge of a merchant's true 'intention' to secretly land those goods on a French island, regardless of any exculpatory evidence.

The scholarship surrounding commerce during the Napoleonic Wars can be divided into two distinct but overlapping trends. The first looks broadly at commercial relations between Britain, France and the United States. These studies encompass everything from commercial policy to impressment and the decisions of the British admiralty courts. The literature on this topic has largely focused on the causes and characteristics of the economic war that resulted in the British Orders in Council, Napoleon's Continental System and the American Embargo of 1807, all of which eventually culminated in the War of 1812. The second branch examines the experiences of merchants trading in the Atlantic and the Caribbean as well as that of European and American neutrals operating within Napoleon's Continental System. This scholarship has ranged from the macroeconomic results of neutral trade in relation to the fortunes of the nation-state, to closer studies of individual men and women who smuggled coffee past customs agents and lone ships negotiating their neutrality in tumultuous wartime waters.

Histories of the economic effects of the Napoleonic Wars date back to Alfred Mahan and Henry Adams in the nineteenth century. These American historians largely focused on the economic aspects of the war as it benefited American neutrality and eventually led America into a war with Great Britain in 1812. From this nineteenth-century perspective, economic evidence mattered only so much as it related to national pride and power. While focused almost entirely on diplomatic figures and relations between these states, these broad nineteenth-century histories nevertheless supplied the economic, diplomatic and legal lenses still used by scholars today.² For

² Henry Adams, *History of the United States of America During the Administrations of Jefferson and Madison*, 2 vols. (Englewood Cliffs, NJ: Prentice-Hall, 1963); A. T. Mahan, *Sea Power in Its Relations to the War of 1812*, 2 vols. (Boston: Little, Brown and Company, 1905); For the continued use of Adams and Mahan, see, Bradford

the European perspective, Eli Heckscher's foundational study of the Continental System helped to develop the focus on civilian experience during the war by looking at economic over military factors. Heckscher was able to expand on several of the points made by Mahan while also reinterpreting them in light of a mass of economic data. Like Mahan, Heckscher saw the British Orders in Council and licensing system as an attempt to re-impose mercantilist policies on the former American colonies, effectively depriving the United States of its commercial independence. However, by repositioning the economic policies as a battle between Britain and France, rather than a prologue to war with America, Heckscher opened the door for historians to examine the effects of economic war on the economies and daily lives of neutrals and belligerents.³

Since Heckscher, historians have established the contours of the Continental System and its real effect on British and neutral trade. Here, historians have noted that the Continental System was more detrimental to British industry than previously imagined, and that its inconsistent application on the continent allowed for divergent experiences for those living under the self-blockade. Kenneth O'Rourke has used trade data to show that among the three powers, Britain emerged from the war as the economic 'victor' while the United States suffered the most from the repeated trade embargoes and blockades.⁴ Increasingly, historians have moved beyond

Perkins, *Prologue to War: England and the United States, 1805-1812* (Los Angeles: University of California Press, 1961); Reginald Horsman, *The Causes of The War of 1812* (Philadelphia: University of Pennsylvania Press, 1962); Patrick K. O'Brien, "The Impact of the Revolutionary and Napoleonic Wars, 1793-1815, on the Long-Run Growth of the British Economy," *Review (Fernand Braudel Center)* 12, no. 3 (Summer 1989): 335-95.

³ Eli F. Heckscher, *The Continental System* (Oxford: Clarendon Press, 1922); For a recent statement on the impact of Heckscher, see the introduction by Aaslestad, Katherine B. Aaslestad, "Introduction," in *Revisiting Napoleon's Continental System*, ed. Johan Joor and Katherine B. Aaslestad (New York: Palgrave Macmillan, 2015).

⁴ O'Rourke, "The Worldwide Economic Impact of the French Revolutionary and Napoleonic Wars, 1793-1815"; O'Rourke here builds off of the work of François Crouzet, see, François Crouzet, "Wars, Blockade, and Economic Change in Europe, 1792-1815," *The Journal of Economic History* 24, no. 4 (December 1964): 567-88; François Crouzet, *Britain, France, and International Commerce: From Louis XIV to Victoria* (Brookfield, Vermont:

the ‘blockade’ and its principal actors, to focus on a ‘system’ with many moving parts. Under the Napoleonic System, the experiences of the Baltic States show the uneven application of Napoleon’s universal economy. Neutrality could be immensely profitable for cities like Hamburg, but direct subjugation had the potential to ruin an economy with drastic price increases, the loss of territory and a crippled merchant marine.⁵

The devastating impact of the war on local economies was a significant factor in shaping the general outlook of trade for many merchants. However, it is important not to ignore the role of governments in determining merchant success as well as the scope of international trade in wartime. Silvia Marzagalli has recently pushed for a view of international commerce that focuses on the mutual interests of state policy and merchant activity. According to Marzagalli, American commerce should be understood by studying it in conjunction with the activities of the American consular service. Merchants depended on consuls, who were often state agents as well as local traders, to provide important commercial information, but consuls were also merchants’ advocates with a foreign state looking to seize their goods and condemn their ships. In such a climate, merchants depended heavily on local consuls for protection and guidance in order to carry on their trades.

At the same time, in emphasizing the importance of government intervention, scholars have also argued for a global perspective on trade. This is a perspective which emphasizes the often overlooked connections between ports in different countries regardless of the evidence

Variorum, 1996); François Crouzet, *L'économie britannique et le blocus continental: 1806-1813*, 2 vols. (Paris: Presses Universitaires de France, 1958).

⁵ Katherine B. Aaslestad, “Lost Neutrality and Economic Warfare: Napoleonic Warfare in Northern Europe, 1795-1815,” in *War in an Age of Revolution, 1775-1815*, ed. Roger Chickering and Stig Förster (New York: Cambridge University Press, 2010); Though depicted as a blockade, Davis and Engerman have suggested that the results of Napoleon’s Continental System varied in time as well as geography, see, Davis and Engerman, *Naval Blockades in Peace and War an Economic History since 1750*.

coming out of national trade statistics. While making new connections, such a view does not wholly preclude the role of the government as a commercial actor. These historians though have minimized the importance of commercial regulations in favor of the fluidity and unpredictability of global trade.⁶ Much of the focus on commerce in this period has centered around the constraints on neutral trade, but as Katherine Aaslestad argues, the Continental System and the Orders in Council helped to create a ‘shadow economy’ for smugglers to funnel British goods into the continent under the nose of Napoleon’s customs agents.⁷

In order to integrate individual merchant experience into the broader histories of the Continental System and trade during the Napoleonic Wars, it is necessary to turn to how historical actors conceived of their dual identity as both merchants and subjects of the state. A broad range of recent studies has examined the relationship between trade and identity in this period. These scholars have shown how the study of nationality can help to explain the makeup and direction of international commerce. Reinvigorating older traditions which focused on national pride to explain state policy, Mlada Bukovansky and Paul Gilje have each looked at the ideology used by the American state in the lead up to the War of 1812. Bukovansky argues that American foreign policy can only be understood by viewing neutrality as integral to American identity. More recently, Gilje has shown how the early American political system was based around ideals found in the popular slogan ‘free trade and sailors’ rights’. As Federalist and

⁶ José Luís Cardoso, “Lifting the Continental Blockade: Britain, Portugal and Brazilian Trade in the Global Context of the Napoleonic Wars,” in *A Global History of Trade and Conflict since 1500*, ed. L. Coppolaro and F. McKenzie (New York: Springer, 2013); Silvia Marzagalli, “American Shipping and Trade in Warfare, or the Benefits of European Conflicts for Neutral Merchants: The Experience of the Revolutionary and Napoleonic Wars, 1793-1815,” *Kyoto Sangyo University Economic Review*, no. 1 (March 2014): 1–29.

⁷ Katherine B. Aaslestad, “War without Battles: Civilian Experiences of Economic Warfare during the Napoleonic Era in Hamburg,” in *Soldiers, Citizens and Civilians: Experiences and Perceptions of the Revolutionary and Napoleonic Wars, 1790-1820*, ed. Alan I. Forrest, Karen Hagemann, and Jane Rendall (New York: Palgrave Macmillan, 2009).

Republican politicians debated free trade and America's economic enemies, the government was able to mobilize the populace's support for war against Britain with this rhetoric.⁸

As trade continued to develop over the course of the war, the identity of merchants became more pliable. Traditionally, the national character of the owner of a ship was a key factor in determining the results of an admiralty court decision. Margrit Schulte Beerbühl has re-examined the British licensing program to show the malleability of an owner's identity in determining legitimate neutral commerce. Even when the United States and Great Britain were at war in 1812, the licensing system allowed for American neutrals to trade with the continent under the British stamp of approval.⁹ Taking note of the layers of criteria used to define a neutral in the admiralty courts, scholars have further emphasized the importance of identifying property and ships taking part in neutral voyages. The definition of contraband was hotly contested in the eighteenth century, as it varied by country and treaty.¹⁰ Though historians of international law have frequently emphasized the legacy of precedents and traditions behind admiralty court decisions, recent studies of neutral trade have highlighted the complicated factors that determined neutral identity. This has led Eric Schnakenbourg to question whether a neutral

⁸ Mlada Bukovansky, "American Identity and Neutral Rights from Independence to the War of 1812," *International Organization* 51, no. 2 (April 1997): 209–43; Paul A. Gilje, *Free Trade and Sailors' Rights in the War of 1812* (New York: Cambridge University Press, 2013).

⁹ Margrit Schulte Beerbühl, "Trading with the Enemy. Clandestine Networks during the Napoleonic Wars," *Quaderni Storici*, no. 2 (2013): 541–66. See Chapter 5.

¹⁰ Rogers, "Rebels' Property: Smuggling and Imperial [Dis]Loyalty in the Anglo-American Atlantic"; Aaslestad, "Lost Neutrality and Economic Warfare: Napoleonic Warfare in Northern Europe, 1795-1815"; Silvia Marzagalli and Leos Müller, "'In Apparent Disagreement with All Law of Nations in the World': Negotiating Neutrality for Shipping and Trade during the French Revolutionary and Napoleonic Wars," *International Journal of Maritime History* 28, no. 1 (2016): 108–17; For an earlier examination of the ways in which contraband was manipulated: Michael Kwass, *Contraband: Louis Mandrin and the Making of a Global Underground* (Cambridge: Harvard University Press, 2014).

voyage was defined in court by an adherence to the rules or merely by an absence of any culpable evidence.¹¹

As Britain and France became embroiled in an economic war, neutral merchants were forced to navigate an increasingly hostile ocean. This chapter contributes to recent scholarship on economic warfare's effects on conceptions of nationality and allegiance by examining the experiences of neutral ships tried by the British Admiralty Courts. As the records of these courts during the Napoleonic Wars reveal, the national character of any given vessel was not fixed but amorphous; a ship's identity changed depending on space and time. The multiple identities a ship possessed, from its origin to its destination, overlapped and complicated commerce to such a degree that courts were forced to rely on hearsay and conjecture in order to decipher the true identity of commercial transactions during wartime.

The Admiralty Court System under Scott

The British admiralty courts played a decisive role in shaping neutral commerce during the Napoleonic Wars. This section uses the first decade of Sir William Scott's tenure on the High Court of Admiralty (1798-1808) as a chronological framework for conceptualizing the evolution of admiralty law and the politicization of the courts during the Napoleonic Wars. The transformation of the courts under Scott provides the necessary context for understanding how neutral identity was constantly renegotiated during the war. While the British courts endeavored to put forward a claim of tradition and precedent in their rulings, a study of admiralty court

¹¹ Eric Schnakenbourg, "Chasing the Enemy under Neutral Cover: French Seizures of Danish Ships in Nantes during the Directory Period," *International Journal of Maritime History* 28, no. 1 (2016): 133–46; See Yokota for a study of American trade during the Early Republic was a process of "unbecoming" British, see, Yokota, *Unbecoming British: How Revolutionary America Became a Postcolonial Nation*; Schnakenbourg's observation about "rules" echoes the work of Thomas Truxes on trading with the enemy in the Seven Years' War, see, Truxes, *Defying Empire: Trading with the Enemy in Colonial New York*.

decisions and merchant experience before the courts reveals the malleability of national character during the war. In its rulings, the court tacitly acknowledged that outside forces constantly reshaped the identity of a commercial voyage. The decisions discussed below further illustrate how the court struggled to make sense of an increasingly complex commercial world where transactions were not limited to individuals of the same nation. As this section and the evidence examined later in the chapter reveals, the courts attempted to handle the complexities of trade by forcing merchant identity into set categories. In doing so, the court revealed the ability of merchants (and the state) to reform identity to fit the momentary needs of the market. In short, admiralty court records show that commercial identity during the Napoleonic Wars was constantly in flux as it was broken, lost, converted and concealed.

As Scott's modern biographer, Henry Bourguignon, has shown, the High Court of Admiralty was repeatedly forced to deal with the 'chameleon-like' merchant practices common in eighteenth-century commerce. Merchants often resided in foreign countries and took part in international joint-ventures. Nationality in the West India trade was particularly hard to pin down because, in the words of Scott's predecessor, Sir James Marriott, the islands were "full of renegadoes of all nations."¹² Especially during war, contact between foreign islands was constant and attempts to prevent correspondence and trade often stumbled in the face of real war-time demand. Governors might expel foreigners from the island, and blockades could cut off an individual port from the rest of the West Indies, but these measures simply obscured trade rather than preventing it. With neutral commerce, sweeping proclamations from colonial governors merely made the discovery of bona fide neutrals and belligerents all the more difficult. The

¹² Sir James Marriott and Sir George Hay, eds., *Decisions in the High Court of Admiralty: During the Time of Sir George Hay, and of Sir James Marriott, Late Judges of That Court* (R. Bickerstaff, 1801), 261; Henry J. Bourguignon, *Sir William Scott, Lord Stowell: Judge of the High Court of Admiralty, 1798-1828* (New York: Cambridge University Press, 2004), 123–24.

courts were far more effective when they recognized these complications as an opportunity for judges to condemn a voyage on multiple levels: the nationality of the owner, the origin of the property, the intention of the captain, or even the origin of the ship.

When Scott first took over for Sir James Marriott in 1798, the High Court of Admiralty was overwhelmed by the volume of cases on its docket. The number of untried cases was partly the fault of the unregulated and poorly organized system of vice-admiralty courts. These courts were often conducted by unqualified men who depended on prizes for their income, and as a result, colluded with privateers in the capture and condemnation of neutral vessels. The strain of the workload on the aged Marriott resulted in numerous delays for merchants waiting for their cases to be tried. The experience of William Constable, who waited every day for six months for his case to be heard, is just one example of the hundreds of cases that came before the High Court of Admiralty.¹³ The numerous delays proved expensive for neutrals, as valuable cargoes could be tied up in court for years on appeal. Recognizing the plight of American merchants, the American Minister to London, Rufus King, complained loudly to Foreign Secretary Lord Grenville in 1798 of these delays, observing that the ‘infirmities’ of Judge Marriott had virtually “incapacitate[d] him” and forced others to suffer under his “caprice, inferiority and incapacity.”¹⁴

It is unsurprising that American diplomats celebrated Scott’s appointment, as they believed he would bring precision and objectivity to a flawed court. American diplomats had already cultivated a close relationship with Scott during the negotiations over the Jay Treaty in 1795, in which Scott provided a guide to admiralty law for the American ministers. Following his meetings with John Jay, Scott often engaged in informal discussions with American

¹³ See Chapter 3.

¹⁴ Rufus King to Lord Grenville, 6 Sept. 1798, and Rufus King to Timothy Pickering, 16 Oct. 1798, in King, “The Life and Correspondence of Rufus King,” 1895, 409–15, 448–51.

diplomats concerning his views on the law and even sharing his ideas for the reform of the current system of vice-admiralty courts. Scott proved to be an invaluable resource for Americans looking to instruct their countrymen in the British view of legitimate commerce. In order to provide ready information on admiralty court precedents, Rufus King arranged for the republication of Scott's decisions in America, found in *Robinson's Reports of cases argued and determined in the High Court of Admiralty*.¹⁵ Before the publication of *Robinson's Reports*, the established views of the court could only be found in the occasional printed pamphlet and newspaper article. Inaccurate reports hindered the appeals process and made it more difficult for merchants to learn the official position of the court.

Increasingly, Scott's main responsibility was the maintenance of the British Empire. In this regard, he acted as an important reformer of the entire admiralty court system in 1801. The vice-admiralty courts were widely viewed as corrupt, especially by neutral traders and foreign diplomats: some were established illegally on conquered French islands, and in general the courts refused to follow the latest instructions sent by the Lords Commissioners of the Admiralty and the Board of Trade.¹⁶ Under the advice of Scott, Parliament vastly reduced the number of admiralty courts from nine to two in 1801. The government's view of the earlier courts was best expressed by William Scott in 1807 in reply to the petition for a new court at St. Lucia. Scott argued that the reforms put in place were meant to remedy the 'mal-administration' of the vice-admiralty courts which had resulted in a series of abuses including: "the disposition shown by

¹⁵ Rufus King to Timothy Pickering, 29 Aug. 1799, in King, "The Life and Correspondence of Rufus King," 1896, 88–90; For an example of Scott's advice to American diplomats, see, Sir William Scott to Rufus King, 21 May 1801, in King, 453–54; John D. III Gordan, "Publishing Robinson's Reports of Cases Argued and Determined in the High Court of Admiralty," *Law and History Review* 32 (2014): 525–74.

¹⁶ Duke of Portland to Governor George Beckwith, 4 Aug. 1798, CO 37/46, f.169-170; Minutes of the Board of Trade, 7 Aug. 1799, BT 5/11, f.179-180, TNA; Rufus King to Lord Hawkesbury, 1 April 1801, in King, "The Life and Correspondence of Rufus King," 1896, 417–19.

those courts to condemn without sufficient caution, all prizes brought before them for the purpose of drawing as much business as possible to the respective courts, and thereby increasing the fees on which the emoluments of the officers entirely depended.”¹⁷ The new system would instead focus on installing only qualified judges whose salaries would make them independent of the prize system. This was part of a wider program of tightening control over Britain’s imperial possessions in the nineteenth century, which also included closer monitoring of the discretionary power of governors to open their ports. New courts could only be formed through a petition to the Board of Trade, and while their number gradually increased again over the course of the war, the stricter requirements on the new courts firmly established the government’s authority over admiralty law.

Accompanying the reform of the vice-admiralty courts were Scott’s groundbreaking decisions on neutral commerce and the legal definition of blockades. Both of these issues reshaped transatlantic trade by creating a rigid system of rules for neutrals and belligerents to follow. Within the first two years of Scott’s appointment to the High Court of Admiralty, he had placed Great Britain in a position to dictate international law, setting a foundation for interpretations of the law which would last into the twentieth century. In addition, Scott’s rulings offered the British government an avenue for narrowing the parameters of acceptable commerce by reinterpreting the meaning of his decisions in later years.

In the case of *The Betsey* (1798), Scott condemned the paper blockade established in the West Indies to stop neutral commerce with the French islands. Paper blockades allowed the navy

¹⁷ Minutes of the Board of Trade, 18 Dec. 1807, BT 5/17, f.249-253, TNA. For a study of the reforms put forward by Scott, see, Michael Craton, “The Role of the Caribbean Vice Admiralty Courts in British Imperialism,” *Caribbean Studies* 11, no. 2 (July 1971): 5–20. Disputed courts were established on conquered French colonies despite the reforms to the Vice-Admiralty system. The Board of Trade charted a middle road between abolishing the court at St. Lucia and supporting any additional courts by permitting these courts ‘for the ordinary purposes of admiralty jurisdiction’ and reserving prize commissions to the islands of Jamaica, Barbados and Antigua.

to exert its authority over all enemy territory without actually dedicating the manpower necessary to enforce its claims. In *The Betsey*, Scott established three criteria required for a breach of blockade: the existence of an actual blockade, knowledge of the blockade, and a violation of the blockade by the captured ship. By forcing the Admiralty to maintain a blockade, rather than merely proclaiming a paper blockade and depending on privateers to loosely maintain a force, Scott undercut a key measure of the war. As the previous chapter discussed, paper blockades were incredibly controversial for merchants as they were generic in their enforcement and a violation of traditional maritime practices of ‘touching’ ports in search of a profitable market.¹⁸ Scott’s limitations on the implementation of blockades extended to the war on the continent as well as the West Indies. In 1798, Scott challenged the Admiralty’s claim of a blockade of Havre by pointing to the occasional relaxation of the blockade as proof of its illegitimacy. Scott restored several captured ships, stating that the court found that “If the ships stationed on the spot to keep up the blockade will not use their force for that purpose, it is impossible for a court of justice to say there was a blockade actually existing at that time, as to bind this vessel.”¹⁹ While the rules may have cut in favor of the neutrals, they also encouraged more rigorously maintained blockades of belligerent ports. All of this made smuggling more

¹⁸ *The Betsey* (1798) in Christopher Robinson, *Reports of Cases Argued and Determined in the High Court of Admiralty, 1798-[1808]*, vol. 1 (London: A. Strahan, 1806), 92–101; By 1802 Scott’s guidelines for blockades had been reprinted in Browne’s guide to admiralty law, Arthur Browne, *A Compendious View of the Civil Law, and of the Law of the Admiralty, Being the Substance of a Course of Lectures Read in the University of Dublin* (London: Printed for J. Butterworth, 1802), 316–17.

¹⁹ Scott in the same ruling condemned the cargo, arguing that the owners of the cargo only had knowledge of a ‘rigorous’ blockade and therefore they had no knowledge of the relaxation which their captain discovered at Havre. Since their intention was to ship despite the blockade, regardless of the actual circumstances, the cargo was condemned, see, *The Juffrow Maria Schroeder* (1798) in Robinson, *Reports of Cases Argued and Determined in the High Court of Admiralty, 1798-[1808]*, 1802, 3:147–61; The Havre blockade also illustrates the power of the British ministry to interfere in the admiralty court’s decisions, see, Rufus King to James Madison, 31 Oct. 1801, Rufus King, “The Life and Correspondence of Rufus King,” vol. 4 (New York: G. P. Putnam’s Sons, 1897), 6–7.

difficult by delimiting neutral defenses before the court to three possible criteria: insufficient force at the port, ignorance of the blockade, and accidental violation of the blockade.

The most pressing issue faced by the court at the turn of the century was the question of the ‘continuous voyage’ of neutral vessels between enemy colonies and the mother country; a trade that allowed France and Spain to subsist and maintain their empire despite Britain’s naval superiority. This trade was technically in violation of Britain’s Rule of 1756, which claimed that a trade illegal in peacetime could not become legal during a war. However, the Rule of 1756 had not been enforced with any kind of consistency since the Seven Years’ War.²⁰ After independence, American merchants enjoyed access to European colonies, especially in times of crisis. With the start of the war in 1793 this trade had rapidly expanded, despite momentary blockades and occasional state decrees protecting colonial monopolies. In the *Immanuel* (1799) Scott revived the Rule of 1756 with the doctrine of the continuous voyage, arguing that neutrals were barred from carrying on a trade between two enemy ports. If a neutral stopped briefly along the way, as in the case of the *Immanuel*, to retrieve or dispose of cargo, this action did not sufficiently ‘break’ the voyage, however circuitous. While the *Immanuel* supplied future courts with evidence to condemn most neutral shipping, Scott a year later offered neutrals a pathway to protecting their trade. The *Polly* (1800) reiterated the Rule of 1756 and the doctrine of the continuous voyage but it also reminded the captors that neutrals could import the produce of an

²⁰ There’s some disagreement about the actual origins of the Rule, with Chalres Elliott emphasizing 1793 while R.G. Marsden believed the Rule dated back to seventeenth-century Venice, see, Charles B Elliott, “The Doctrine of Continuous Voyages,” *American Journal of International Law* 1, no. 1 (1907): 61–104; R. G Marsden, “Early Prize Jurisdiction and Prize Law in England,” *The English Historical Review* 25, no. 98 (1910): 244. Perhaps to add to the legitimacy of the renewed Rule of 1756, Lord Liverpool (formerly Hawkesbury) the President of the Board of Trade republished his important 1758 work against neutral ships carrying enemy cargo, Charles Jenkinson 1st Earl of Liverpool, *A Discourse on the Conduct of the Government of Great-Britain: In Respect to Neutral Nations, during the Present War*. (London: Printed for T. Cadell, Jun. and W. Davies, 1801).

enemy colony for their own use. Scott acknowledged that this importation, if ‘bonâ fide’, may be re-exported to Europe, declaring somewhat vaguely:

“It is not my business to say what is universally the test of a bonâ fide importation: It is argued, that it would not be sufficient, that the duties should be paid, and that the cargo should be landed. If these criteria are not to be resorted to, I should be at a loss to know what should be the test; and I am strongly disposed to hold, that it would be sufficient, that the goods should be landed and the duties paid.”²¹

With the *Polly*, Scott established that import duties were the only available test of a sincere importation into a neutral country. The payment of duties showed the clear intent of the neutral carrier to ship goods for home consumption, but Scott also acknowledged that there would be few checks on what happened to the cargo after it was imported. Scott, then, provided justifications for captors and captives to defend their actions in court, and the effect of these rulings can be perceived in the language used to discuss maritime trade after the *Polly*.

The impact of the *Polly* on neutral commerce was immediate. Rufus King, armed with judgment in the case of the *Polly*, wrote to Lord Hawkesbury in March 1801 complaining of the condemnation of an American vessel in the Bahamas. In March, King requested that the British government issue strict orders to the vice-admiralty courts in order to protect the neutral trade between America and the Spanish colonies. A month later, Hawkesbury had forwarded to Rufus King a copy of a letter from the British government informing the Lords of the Admiralty of the recent ruling at the port of Nassau. The letter stated the Advocate-General’s opinion that the condemnation was “erroneous and founded in a misapprehension or misapplication of the Principles laid down in the decision of the High Court of Admiralty referred to, without

²¹ *The Immanuel* (1799), see, Christopher Robinson, *Reports of Cases Argued and Determined in the High Court of Admiralty, 1798-[1808]*, vol. 2 (London: A. Strahan, 1806), 186–206; *The Polly* (1800), see, Robinson, 2:361–72; For more on the importance of these two rulings, see, Bradford Perkins, “Sir William Scott and the Essex,” *The William and Mary Quarterly* 13, no. 2 (April 1956): 169–83.

attending to the limitations therein contained.”²² The instructions sent to the Lords of the Admiralty may have affirmed neutral rights in the broken voyage but it also revealed the government’s uneasiness about this trade. In the letter, the Advocate-General acknowledged the difficulty in determining what amounted to a direct trade, reiterating Scott, he repeated that the only test available to the court was the payment of duties.²³

After the *Polly*, the value of American re-exports to the continent increased from \$40 million in 1800 to \$60 million by 1805. The value of this trade directly related to the increased tonnage of the U.S. merchant marine, which had tripled by 1807. Minor port towns in America experienced a great boom during the height of the re-export trade, as population and wealth soared for merchants throughout the United States. In the years after the *Polly*, American newspapers were filled with advertisements for West Indian sugar. In New York, the firm of Edward Gould & Son notified potential customers of large importations of sugar on seven different occasions between 1800 and 1801. This trade extended to the British islands as well, where Americans reshipped British colonial produce to the continent, often underselling their British competitors. In April 1801 alone, the New York Custom-House recorded twenty-seven different shipments from Bermuda.²⁴

Colonial produce entering New York primarily came from Havana, St. Croix and the French islands. The sugar was then re-shipped to the continent, often to another neutral port such as Hamburg. In many cases, the British continued to serve as middlemen for American traders,

²² Rufus King to Lord Hawkesbury, 13 March 1801 and Lord Hawkesbury to Rufus King, 11 April 1801, King, “The Life and Correspondence of Rufus King,” 1897, 403–5, 427–29.

²³ King, 427–29.

²⁴ *Mercantile Advertiser*, 15 Aug. 1800; *Commercial Advertiser*, 2 Sept. 1800; *Daily Advertiser*, 27 Nov. 1800; *New-York Price-Current*, 13 Dec. 1800, 28 Feb. 1801, 25 April 1801; *New-York Daily Gazette*, 7 Jan. 1801. The Bermuda shipments consisted of colonial produce, reshipped from other British colonies, conquered French islands and neutral ports, see, *List of all ships and vessels that have entered inwards at the naval office in the port of Bermuda from the first day of July 1807 to the thirtieth day of September*, CO 37/62, f.115-17.

as British merchants offered to warehouse goods for re-export to Northern Europe. From Liverpool in 1804, speculators wrote to their American contacts with advice for providing the best products for the continent, suggesting that prices would continue to rise due to the war and the French abandonment of Saint-Domingue. One merchant eagerly noted that a ‘violent storm,’ which was rumored to have devastated the West Indies, would provide “another motive...for increasing prices.”²⁵

In 1803, the Blockade of the Elbe eliminated virtually all European shipping, leaving it to the Americans to supply the continent with sugar and coffee. The blockade increased the value and the risk of the Baltic trade, and officially cut Britain off from that part of Europe. American dominance in the Baltic is reflected in a letter from the American consul at Hamburg, Joseph Pitcairn, to Nicholas Low in 1804. Pitcairn advised Low of the great demand for colonial produce and American goods; he promised that higher prices would continue to ‘rule’ in the spring so long as the war continued.²⁶ Though blockades are typically studied as economic weapons, British and European merchants continued to see the battle between Britain and France as an opportunity to leverage their contacts with North America into new markets during the war.

²⁵ Liverpool Price Current, 26 June 1803, Box 30, Nicholas Low Papers; John Thomas to Nicholas Low, 14 Feb. 1804, Box 31; Van Staphorst & Co. to Nicholas Low, 8 Nov. 1804, Box 31, Nicholas Low Papers, LC.

²⁶ Joseph Pitcairn to Nicholas Low, 21 Jan. 1804, Box 31, Nicholas Low Papers, LC.

PRICE CURRENT, OF TAIT & CO.
LIVERPOOL, 14th August, 1801.

The Hundred Weight of 112 lbs.	The Hundred Weight of 112 lbs.	Per Cwt.
COFFEE, Rioe . . . 157 a 140	SUGAR, Havannah White. 72 a 76	COTTON, Bourbon . . . 2 10 - 26 10
Fine middling . . . 130 - 145	Yellow. 52 - 60	Dutch . . . 2 7 - 2 10
Good middling . . . 128 - 138	Brown. 42 - 48	St. Domingo. 2 0 - 2 2
Middling . . . 119 - 123	COCOA, West India . . . 84 - 90	Bahama . . . 2 0 - 2 2
Fine ordinary . . . 112 - 118	Caracas . . . 80 - 84	Cere. West India 2 0 - 2 4
Good ordinary . . . 103 - 110	GINGER, West India, White 68 - 75	Caracas . . . 2 0 - 2 1
Ordinary . . . 90 - 100	Black. 35 - 40	Caracas . . . 1 2 - 1 5
Triage . . . 72 - 80	LOGWOOD (Chip), Campeche 106 - 201	Caracas . . . 1 2 - 1 5
Clayed, Second sort 78 - 82	Honduras 7 - 18	Caracas . . . 1 2 - 1 5
Third do. 72 - 78	Jamaica 16 - 16 10	Caracas . . . 1 2 - 1 5
Petals . . . 62 - 54	FUSTIC . . . 10 - 11 10	Caracas . . . 1 2 - 1 5
Tercia . . . 58 - 60	NICARAGUA WOOD, Large 30 - 31	Caracas . . . 1 2 - 1 5
Commons . . . 48 - 53	Small 20 - 24	Caracas . . . 1 2 - 1 5
Mucovado Fine . . . 42 - 46	MAHOGANY, Hispanola 1 9 - 2 1 4d	Caracas . . . 1 2 - 1 5
Good . . . 67 - 73	Cuba 1 5 - 2 3	Caracas . . . 1 2 - 1 5
Middling . . . 50 - 65	Honduras 1 4 - 2 0	Caracas . . . 1 2 - 1 5
Brown . . . 50 - 58		Caracas . . . 1 2 - 1 5

Duties on such of the above Articles as are liable.

Geogr. . . 1s. 6d. per Cwt.	Nicaragua Wood. 11s 6d per Ton, and 9 per Cent on the value.	Pimento. . . 1s 6d. per 100lbs.
Lignum. . . 7s. 3d. per Ton.	Cotton of all sorts 12s 6d per 100lbs except Georgia Slave Ships, only 6s. 6d. and Sea Island, 1 per 100lbs.	Hides. . . 1s. 6d. per Hide
Indigo. . . 11s. 6d. per ditto.		Starch soap. . . 6d. 5c. 3d. per Ton.

AMERICAN PRODUCE.

The Pound	The Hundred Weight of 112 lbs.	The Thousand.
TOBACCO, Maryland 1000 7d 1/2	TURTLE . . . 110 - 120	Staves, White Oak 1/2c. 161 - 241
Brown . . . 5 - 6	TURPENTINE . . . 10 - 19	Barrel . . . 6 - 10
James River . . . 3 1/2 - 4 1/2	ROBIN . . . 14 - 19	Red Oak 1/2c. 5 - 7
Rappahannock. 3 - 6	ASHES, Potash, 1st. . . 55 - 57	Barrel 2 - 3
Potomack . . . 3 1/2 - 5	RICE . . . 25 - 29	LOGS, Oak . . . 2 7 - 2 8
Georgia . . . 3 - 5	BEES WAX . . . 220 - 230	Pitch Pine . . . 2 8 - 2 9
Carolina . . . 3 - 3	The Ton of 2240 lbs. . . 140 - 160	Pitch . . . 2 0 - 2 7
St. Anne's . . . 5 - 9	The Foot, 7 Inches thick. . . 64 - 64 1/2	Maple, Birch & Birch 2 10 - 2 7
Lign . . . 2 1/2 - 3	WHEAT . . . 13 - 15	The Foot, 7 Inches thick. . . 64 - 64 1/2
INDIGO, Carolina . . . 3 0 - 4 1/2	RYE . . . 5 0 - 6 1/2	The Foot, 1 Inch thick. . . 51 - 6
DLEA SKINS . . . 3 0 - 1 9	INDIAN CORN . . . 4 0 - 4 6	The Foot, 1 Inch thick. . . 51 - 6
TAR . . . 50 - 52	FLAXSEED, for crushing 8 0 - 13 0	The Foot, 1 Inch thick. . . 51 - 6
Superfine . . . 44 - 48	for sewing 11 0 - 13 0	The Foot, 1 Inch thick. . . 51 - 6

Import Duty on such of the above Articles as are subject to it.

In American ships. In British ships.	In American ships. In British ships.	In American ships. In British ships.
Alkali, Pot. 1s 5 1/2 - 1s 2 1/2 p. Cent.	Turpentine 2s 1/2 p. Cent.	Staves, from 4 1/2 to 15 1/2 p. 120 p. Cent.
Pot. 1s 5 1/2 - 1s 2 1/2 p. Cent.	Resin 2s 1/2 p. Cent.	Tinder in bags 1 p. Cent of 50 cwt. 1/2 p. Cent.
Indigo 10s - 10s. p. Cent.	Rice Free.	Dut Plant. 2s per do. do. do.
Dried Tobacco 2s 1/2 p. Cent.	Bees Wax. 4s 6d. 30s 6d. per do.	Fine Plant. from 5s to 25s 6d p. do. do.
Tar 15s 1/2 - 14s 6d. p. 12 1/2 Bbl.	Pig Iron. 6s 1/2 p. Ton Free.	Dut Boards, from 5s 6d to 10s 7d do. do.
Pitch 16s 1/2 - 15s 1/2 p. do.	Flaxseed. 2d. 2d. per Bushel	

N. B. The Articles marked * in addition to the Duties aforesaid, pay 8 per Cent. on the value, in both American and British Ships.

The following Duties continue till the 31st October 1801, and are to be calculated from the Average Price of Grains, paid in the third London Gazette after the day of Entry.

Wheat, weighing 48 lbs per Quarter, Guarantee 10s.	On Hops. per Quarter, Guarantee, 20s.
Barley 35s	Superfine American Flour per Barrel of 196 lbs. 70s.
Rye 40s	Flour. ditto 68s.
Oats 25s	Rice. ditto 11s 1/2
Peas 7s.	

(Duplicate)
Liverpool, 31 Jan 1804.

PRICES OF PRODUCE FROM AMERICA.

The following Articles may be Imported for Exportation in American or other Ships.

SUGAR, Musco, Brown . . . 58 1/2	Cut. 1/2	<i>Import of this sugar please advise me with a ready sale, it is not impovent that this price will improve a little in Spring</i>	
Middling . . . 55 1/2	Good . . . 52 1/2		
Fine . . . 50 1/2	Clayed, 1/2, and 1/3		
Terra . . . 47 1/2	Powers . . . 45 1/2		
Havannah, Brown . . . 48 1/2	Yellow . . . 46 1/2		
White . . . 45 1/2	Coke . . . 42 1/2		
COFFEE, Ordinary . . . 12 1/2	Middling . . . 11 1/2		<i>Coffee is scarce & commands a ready sale, it is not impovent that this price will improve a little in Spring</i>
Good . . . 13 1/2	Fine . . . 14 1/2		
Triage . . . 10 1/2	Cocoa, West India, Brown . . . 8 1/2		
Caracas . . . 7 1/2	Common . . . 6 1/2		<i>It is scarce, and much required</i>
GINGER, West India, White . . . 10	Black . . . 8 1/2	<i>It is scarce & much required</i>	
PIMENTO . . . 10			

The following Articles may be Imported in British Ships for Home Consumption, on payment of Duties as at Foot; or in American or British Ships, without Duty for Exportation.

COTTON, Bourbon . . . 7 1/2	3. Lb. 3. Lb.	<i>The quantity of the best of the above mentioned sugar is very large, and is in great demand. It is not impovent that this price will improve a little in Spring.</i>	
Cayenne . . . 7 1/2	St Domingo . . . 7 1/2		
Sourin . . . 7 1/2	Dromera . . . 7 1/2		
Porto Rico . . . 7 1/2	Cane W. India . . . 7 1/2		
Bahama . . . 7 1/2	St Domingo . . . 7 1/2		
Caracas . . . 7 1/2	Laguaira . . . 7 1/2		
MAHOGANY, Hispanola . . . 1 9 - 2 1 4d	Cuba . . . 1 5 - 2 3		<i>It is scarce & much required</i>
Honduras . . . 1 4 - 2 0	Logwood, Campeche . . . 106 - 201		
Jamaica . . . 16 - 16 10	FUSTIC . . . 10 - 11 10		<i>It is scarce & much required</i>
NICARAGUA WOOD, Small . . . 30 - 31	Large . . . 20 - 24		
HIDES, Buenos Ayres . . . 8 1/2	Common Spanish . . . 6 1/2	<i>It is scarce & much required</i>	
West India . . . 5 1/2	COCHINEAL . . . 2 1/2		
INDIGO, French . . . 11s 6d	Spanish . . . 10s	<i>It is scarce & much required</i>	
Duties. Cotton, 25s. per 100lbs. Mahogany, 2s. 4d. per Ton. Lignum, 6s. 6d. per Ton. Turpentine, 12s. per Ton. Nicaragua Wood, 10s. per Ton. Hides, 6d. each; and 12s. per Cent. on the Duty of each of these Articles, except Cotton. Indigo and Cochineal may be imported for Home Consumption in American or British Ships, on payment of the following Duties. Indigo, in American Ships, 13s. 6d. and in British Ships, 12s. 6d. per 100lbs. Cochineal, in American Ships, 11s. and in British Ships, 10s. per lb.			

2. Price list from the Liverpool firms of Tait & Co. for 12 August 1801 (left) and John Thomas Esquire (right) for 31 January 1804.

American domination of the carrying trade during the Napoleonic Wars resulted in a conceptual shift for the classification of commodities and their origin. Price lists sent to American merchants from their British contacts specifically detailed the rates for shipping foreign colonial produce through Britain. Traditionally, these price lists ignored domestic produce, as it was restricted to native ships, or at the very least these circulars provided some kind of distinction between goods coming from the West Indies and American domestic exports. By 1804, the American trade in West Indian products was so extensive that circulars sent to American houses no longer distinguished in any significant fashion between North American and Caribbean products. For all intents and purposes, coffee and sugar had been Americanized. Most price lists by the Napoleonic Wars provided a simple accounting of the rates for imports and exports for the stated port. Even merchants located in the port of Liverpool, a major hub for the

British West Indian trade, adapted their circulars to match current market trends. The examples provided above from the Liverpool firms of Tait & Co. (1801) and John Thomas Esquire (1804) illustrate this conceptual shift as merchants re-categorized ‘West Indian’ produce into ‘American exports’. This tacit acknowledgment of American dominance of the West Indian trade is striking given the heated rhetoric from the 1780s and 1790s in defense of the Navigation Acts.

Overcoming this rhetoric, the price lists showed that some British merchants were willing to adapt to new market realities.²⁷

While technically allowing room for the expansion of neutral commerce, the post-*Polly* period still saw numerous captures of American vessels accused of having conducted a continuous voyage, carried contraband or violated a blockade.²⁸ The *New York Daily Advertiser* warned its readers in December 1800 that, despite the lack of coverage, American ships were continually brought into the Jamaica Vice-Admiralty Court for condemnation, “without the least cause whatever.”²⁹ By 1804, the number of ships stopped and searched greatly increased, resulting in delays which could prove costly for the ship held captive. The American merchant Dudley Porter complained of his ship being held for two months at Dominica until it was finally given permission to leave. The two-month delay ruined the cargo which had been eaten up by worms.³⁰ This dependence on overseas trade may have helped to fund the development of the early republic in the United States, but it also made the threat of foreign sanctions and domestic

²⁷ Tait & Co Price Current, Lee-Cabot Papers, MHS; John Thomas to Nicholas Low, 31 Jan. 1804, Box 31, Nicholas Low, LC. This change in how commodities were categorized took place gradually over the course of the French Wars with neutral and free ports more willing to provide simplified lists over British and French price lists which took into account those countries’ colonial monopolies, for an example of the latter, see, Price Current at Liverpool, 17 Sept. 1792, reel 1, T141, NARA.

²⁸ In the first four years of the war, Britain had captured 528 American ships, see, Adams, “American Neutrality and Prosperity, 1793-1808: A Reconsideration,” 732.

²⁹ *Daily Advertiser*, 22 Dec. 1800.

³⁰ James Madison to Dudley Porter Jr. & Co, 9 July 1804, Founders Online, NARA.

embargoes even more dire. Porter's experience also made clear that American dependence on the definition of a neutral voyage in a single admiralty court decision did not necessarily give neutrals immunity from harassment while at sea.³¹

The renewal of the war in 1803 brought with it a coordinated assault on neutral shipping from the British ministry and admiralty courts, prompted by the concerns of the West Indian and shipping interests. The West Indian merchants and the shipping industry were responding to what François Crouzet has termed a "crisis for the imperial economy"; namely, the domination of transatlantic shipping by the American merchant marine and the relegation of Britain, despite its naval superiority, to a manufacturing depot.³² In 1804, the Board of Trade began a study of the annual exports of coffee and sugar from the British West Indies to the United States as well as the current capability of British North America to supply the West Indian colonies with provisions. The conclusion of that study, combined with a proposition from the West Indian merchants, resulted in new instructions sent to colonial governors stating that the ports of the West Indies should remain shut to the Americans, except in cases of "real and very great necessity."³³ Governors were barred from opening the ports to foreign ships in general and especially any ships carrying lumber and salted provisions, the products of British North America and Ireland. While the ports were still opened during the war, the justification for

³¹ Perkins, *Prologue to War*, 79; Silvia Marzagalli, "The Continental System: A View from the Sea," in *Revisiting Napoleon's Continental System*, ed. Katherine B. Aaslestad and Johan Joor (New York: Palgrave Macmillan, 2015), 89; Clifford L. Egan, *Neither Peace Nor War: Franco-American Relations, 1803-1812* (Baton Rouge, LA: Louisiana State University Press, 1983), 68; O'Rourke, "The Worldwide Economic Impact of the French Revolutionary and Napoleonic Wars, 1793-1815," 127.

³² François Crouzet, *Britain Ascendant* (Cambridge: Cambridge University Press, 1990), 332. At the end of the previous war, the West India Committee had already begun investigating, "this traffic with the most alarm," as the Committee discovered that British sugar was transported to Europe through American ports, see, Minutes of the West India Committee, 24 Sept. 1799, reel 2, SHL.

³³ Board of Trade Minutes, 14 July 1804, BT 5/14, f.180-182, TNA. Simeon Perkins in Liverpool, Nova Scotia complained that the Americans had dominated the carrying trade to such an extent that it was impossible to sell anything to the West Indies, see Simeon Perkins's diary entry for 25 June 1804, Simeon Perkins, *The Diary of Simeon Perkins, 1804-1812*, ed. Charles Bruce Fergusson, vol. v (Toronto: Champlain Society, 2013), 42.

opening the ports required a more thorough explanation of the state of the island after a disaster. The records of the Board of Trade after 1804 are filled with accounts of the condition of each island and petitions from concerned colonists claiming to be in danger of famine. While similar to the conduct of the Board in the 1780s, the response rate and rationalization of the system tightened imperial controls on the ports in the West Indies.³⁴

Unable to fully stop foreign trade with the colonies, the breakdown of the colonial monopoly nevertheless alarmed the British government. In response to the decline of British shipping during the war, Lord Sheffield embarked on another campaign to protect the Navigation Acts from American interlopers. In June 1804, Sheffield presented a petition of the ship-owners of the port of London to the House of Lords, complaining of the temporary suspension of the navigation laws during the war.³⁵ Sheffield's argument was furthered by his publication of another immense work on trade, *Strictures on the Necessity of Inviolably Maintaining the Navigation and Colonial System of Great Britain* (1804). Sheffield's *Strictures* set out to chart the steady decline of domestic shipping in favor of foreign tonnage, and how this decline affected the very safety of Great Britain. Repeating previous arguments made twenty years earlier about the constant need for seamen and the danger to the entire economy if the Navigation Acts were continually violated, the work even alleged that criticism of the navigation laws of Britain was goaded on by France. By connecting critics to the enemy, Sheffield aimed to silence

³⁴ The Minutes for the Board on 1 October 1805 show a compilation of the Board's responses to requests for opening the ports over the initial year of the new instructions. Responses affirmed the good conduct of governors upholding the rules or providing reasonable evidence of real danger, while also condemning governors who violated their instructions, for an example of the latter, see the Board's reply to President Campbell of Tobago's actions in opening the ports to American soap and candles, Board of Trade Minutes, 1 Oct. 1805, BT 5/15, f.147-155, TNA. The stricter rules also fell hard on colonists already affected by the war, see the Petition to Governor Nugent of Jamaica, 18 Dec. 1804, CO 137/114, TNA.

³⁵ *Bury and Norwich Post*, 6 June 1804; the Board of Trade was similarly swamped with petitions from concerned ship-owners, see, Minutes of the Board of Trade, 22 June 1804, BT 5/14, f.153-155, TNA.

any dissent before the debate even began.³⁶ Taken on its own, Sheffield's *Strictures* appear as an anachronism by an author who failed to recognize the economic realities of foreign trade in 1804. Yet in looking forward, it is clear that Sheffield predicted the coming change in British policy with the expansion of the economic war against France and neutral powers in the following years.

The reforms of the admiralty courts and the governance of the West Indies laid the groundwork for the *Essex* decision in the summer of 1805. Expanding on Scott's earlier *Immanuel* decision, the Lords Commissioners of the Admiralty, led by Sir William Grant, used the *Essex* to effectively end the loophole created by Scott in 1800. The *Essex* was an American vessel travelling between Spain and the West Indies, by way of Salem, when it was captured by a British ship and brought into Nassau, Bahamas. In a short decision amounting to a single sentence, the Lords of Appeal pronounced that the duties paid on the importation and exportation of the cargo provided 'insufficient proof' that the goods were meant for domestic consumption, and the vessel was condemned as a lawful prize. Just as Scott had done five years earlier, the Lords set an entirely new precedent with one innocuous case that called into question the entire basis of neutral shipping.³⁷ This decision was soon followed up by others which reaffirmed the Lords' new view of the continuous voyage. In the *William* (1806), Sir William Grant stated the view of the Court that "nobody has ever supposed that a mere deviation from the straightest and shortest course, in which the voyage could be performed, would change its denomination, and

³⁶ Sheffield's original pamphlet was fairly short, only about sixty pages, but like his *Observations*, subsequent editions were rapidly expanded, John Holroyd Lord Sheffield, *Strictures on the Necessity of Inviolably Maintaining the Navigation and Colonial System of Great Britain* (London: J. Debrett, 1804), 27.

³⁷ *The Essex* (1805) in HCA 45/48, f.242-249, TNA. A copy of the *Essex* decision can also be found in the diplomatic dispatches of James Monroe, see, James Monroe to James Madison, #35, 18 Oct. 1805, reel 9, M30, RG 59, NARA.

make it cease to be a direct one...”³⁸ Specifically citing the *Essex* decision, Grant claimed that the British courts had never held that the payment of duties was a universal test of a ‘bonâ fide importation’ of goods into neutral territory. Grant, in turn, disclaimed the tactics used by neutrals ‘touching’ at a port for the mere purpose of ‘colouring’ their voyage. In ignoring years of precedent, the Lords of Appeal used the *William* and the *Essex* to rewrite history to meet the government’s new policies in the war.

In light of the *Essex*, Scott had to resituate his future decisions to meet the ruling of the higher court. At first, Scott attempted to reconcile the *Essex* and the *Polly*. Scott clarified his earlier decisions by reiterating that the act of mere ‘touching’ at a port did not constitute an importation, but he nevertheless restored a ship under his earlier guidelines because it had attempted to break up its voyage. After the *William*, Scott was forced to fall in line and support the government’s new position, despite finding little legal basis for the Lords’ view of the continuous voyage.³⁹ Scott eventually came to terms with the *Essex*, at least officially, after reading a manuscript of James Stephen’s *War in Disguise; or, The Frauds of the Neutral Flags* (1805), which viciously attacked ‘pseudo-neutrals’ for protecting French trade from the might of the Royal Navy. *War in Disguise*, which went into three printings within six months, was widely seen as an official statement by the British government. This was an understandable view given that Stephen had close connections to Scott, and the Attorney-General, Spencer Perceval. Scholars have also connected Prime Minister William Pitt to the suggestion that Stephen publish the pamphlet anonymously in order to avoid any accusations that it was official government

³⁸ *The William* (1806) in Christopher Robinson, *Reports of Cases Argued and Determined in the High Court of Admiralty, 1798-[1808]*, vol. 5 (London: A. Strahan, 1806), 385–406.

³⁹ Bourguignon, *Sir William Scott, Lord Stowell: Judge of the High Court of Admiralty, 1798-1828*, 238.

policy.⁴⁰ For Scott, *War in Disguise* seems to have convinced him that patriotism and the war demanded that Britain target neutrals in order to hurt the enemy.

The *Essex* did more than nullify the importance of duties in neutralizing a voyage, it also shifted the burden of proof from the captors to the neutral carrier. Now, neutral ships were faced with the almost impossible task of proving their neutrality before a tribunal in order to avoid condemnation.⁴¹ In order to decide whether a neutral vessel was worthy of condemnation, the courts focused on the ‘intention’ of the trader, a vague standard that relied on all of the actions of the vessel after it had left port. The vagaries of ‘intention’ exposed neutral commerce, without the protection offered by the *Polly*, to rampant condemnation, based on a variety of factors including the origin of the ship, its destination, and the testimony of the crew. Intention could, of course, change en route so the original intent was not a sufficient safeguard to prevent the seizure of a neutral cargo.⁴²

The *Essex* decision was accompanied just a few months later by Britain’s victory at the Battle of Trafalgar, solidifying Britain’s dominance of the seas. The following two years witnessed Napoleon’s Berlin and Milan Decrees that established a self-blockade of Europe and barred the importation of British goods into the continent. Any neutral ship that came into contact with a British vessel was considered ‘denationalized’ under the Milan decree, essentially

⁴⁰ James Stephen, *War in Disguise, or, The Frauds of the Neutral Flags* (New York: re-printed by George Forman for I. Riley and Co., 1806), 140; Stephen C. Neff, “James Stephen’s *War in Disguise: The Story of a Book* Historical Jurisprudence,” *Irish Jurist* 38 (2003): 331–51; Perkins, *Prologue to War*, 77–78.

⁴¹ Perkins, “Sir William Scott and the *Essex*,” 180; Bourguignon, *Sir William Scott, Lord Stowell: Judge of the High Court of Admiralty, 1798-1828*, 238–39.

⁴² Within scholarship on international law at the turn of the century there was a largely unsettled debate over the importance of intention in the doctrine of the continuous voyage, see, John Westlake, *International Law*, 2 vols. (Cambridge: Cambridge University Press, 1907); Elliott, “The Doctrine of Continuous Voyages”; James W Gantenbein, “The Doctrine of Continuous Voyage, Particularly as Applied to Contraband and Blockade” (Columbia University, 1929); For a defense of “facts” over intention, see, Thomas Baty, “Continuous Voyage as Applied to Blockade and Contraband,” *Transactions of the Grotius Society* 20 (1934): 140–155; For a more recent view, see, Bourguignon, *Sir William Scott, Lord Stowell: Judge of the High Court of Admiralty, 1798-1828*, 143–44, 239.

criminalizing neutral commerce with the British.⁴³ Britain responded with the Orders in Council of November 1807, which proclaimed a blockade of all French ports and the ports of Napoleon's allies. Neutrals were forced to stop in Britain on their way to the continent and purchase a license or face condemnation. The Orders essentially redirected all commerce to the continent through Great Britain, forcing neutrals to participate in Britain's war effort and allowing the British economy to openly profit from neutral trade. To the United States, these Orders appeared to be a reestablishment of the Navigation Acts, relegating the United States back to colonial status.⁴⁴ While the Orders were officially defended as purely retaliatory measures against Napoleon's decrees, many openly questioned whether America was their true target. The London *Morning Chronicle* complained that the ministry concealed its true intentions of injuring America behind a 'mass of words' that would only lead to contradictory interpretations in the admiralty courts.⁴⁵ The *Morning Chronicle's* observation seemed to come to the forefront when Scott himself was obligated to justify the conduct of the new Orders in the case of the *Fox* (1811). With the *Fox*, Scott reiterated his view that the Orders appeared to violate international law but he argued that the British nation was coerced into the extreme measure of targeting neutral commerce because of the 'gross outrages' perpetuated by France.⁴⁶

In America, the *Essex* decision and the Orders in Council were greeted with alarm. Memorials were submitted to the U.S. Senate by the merchants of over half a dozen ports including Philadelphia, New York, and Boston, all complaining of these new restrictions on trade. The merchants of New York went so far as to challenge a system of regulation that relied

⁴³ *Spooner's Vermont Journal*, 22 Feb. 1808.

⁴⁴ Mahan, *Sea Power in Its Relations to the War of 1812*, 178; Heckscher, *The Continental System*, chaps. 3 & 4; Perkins, *Prologue to War*, 199–204; Neff, "James Stephen's War in Disguise," 346.

⁴⁵ *Morning Chronicle*, 19 Nov. 1807.

⁴⁶ *The Fox* (1809) in G. Minot, ed., *Reports of Cases Argued and Determined, 1798-1850*, vol. 4 (Boston: Little, Brown and Company, 1853), 311–27.

on condemning certain types of trade based on the intention of the merchant. The New York merchants argued that their business was based on circumstances, and it was impossible to predict intention. The merchants further claimed that it was against the principles of ‘reason, equity and law’ to condemn a business already suffering under so much risk because of the motives of the merchant. Opposing the Rule of 1756 and the unjust seizures of their ships, the merchants concluded by calling for “no innovations on the law of nations.”⁴⁷

The American government responded to the decrees of the belligerents with an embargo in 1807, cutting Europe off from the valuable neutral trade that had sustained belligerents and neutrals during the war. The effects of the embargo on either belligerent power was minimal compared to the ramifications in America. Some were infuriated by President Jefferson’s refusal to go to war in response to the continued issue of impressment and the Orders in Council. Others explicitly violated the embargo by dispatching their vessels before customs officials could officially close the port, and by maintaining a steady traffic across the Canadian border. Violations of the embargo due to the incompetence and corruption of customs officials undermined the reputation of the American government at the same time that European powers seemed to be strengthening controls over their own economies. While Britain’s West Indian colonies subsisted on provisions coming from Canada, the U.S. government and economy suffered from drastic price fluctuations, a monumental fall in customs revenue and an increasingly divided United States.⁴⁸

⁴⁷ *Memorial of the Merchants of the City of New-York*. (New York, 1806), 9; *Memorial of the Merchants and Traders of the City of Philadelphia* (Washington: A&G Way, 1806); United States Senate, *Memorials of Sundry Merchants, Relative to the Infringements of Our Neutral Trade* (Washington: Printed by RC Weightman, 1808).

⁴⁸ Perkins, *Prologue to War*, 160; Egan, *Neither Peace Nor War*, 89; Gautham Rao, *National Duties: Custom Houses and the Making of the American State* (Chicago: University of Chicago Press, 2016), chap. 5; For the development of British North America, see, J. C. A. Stagg, *Mr. Madison’s War: Politics, Diplomacy, and Warfare in the Early American Republic, 1783-1830* (Princeton, NJ: Princeton University Press, 1983), 39; Douglas Irwin

Admiralty Court Evidence and the Reshaping of Neutral Identity

In December 1805, the American ship *Baltic* was captured and carried into Bermuda by a British naval vessel. The ship's supercargo, a naturalized Frenchman, claimed the vessel was en route to Philadelphia from the Isle of Bourbon when it was seized. The supercargo defended the vessel and cargo as the property of Richard Gernon of Philadelphia, an American citizen. After the vessel was summarily condemned before the Vice-Admiralty Court of Bermuda, Gernon had his British contact, William Vaughan, file an appeal in London where the case was again condemned by the court in June 1809. The Lords of Appeal ruled in favor of the capture and were aided by the precedent established by the *Essex* four years earlier. The captors provided three reasons for the condemnation of the vessel: the property was the enemy's; the real destination was Bordeaux rather than Philadelphia; and the outward cargo was in 'concealed' contraband.

On the face of it, the story of the *Baltic* was a fairly straightforward one of neutrals trafficking in enemy goods during the Napoleonic Wars: capture meant condemnation in a hostile court. Yet the case of the *Baltic* tells us much about the nature of transatlantic commerce and merchant identity in this period. First, despite a lengthy war depicted by many in apocalyptic terms, this one case involved a British merchant, representing an American, who had hired a French supercargo to trade with an enemy colony. The overlapping nationalities of the several persons involved in the *Baltic*'s voyage testifies to the complexity of international commerce at a time of stringent commercial regulation. Courts were aware of multinational deals involving fellow countrymen, enemies and neutrals, but such deals only made classifying a cargo with a certain nationality even more difficult. Secondly, the *Baltic* is important because of the

argues that the embargo cost about 5 percent of America's GNP, Douglas A. Irwin, "The Welfare Cost of Autarky: Evidence from the Jeffersonian Trade Embargo, 1807-09," *Review of International Economics* 13, no. 4 (September 2005): 631-45.

arguments made by the captors in condemning the voyage. These arguments encompassed the three main types of evidence impacting a voyage's identity: the national character of the crew and owner, the origin and destination of the vessel, and the origin of the cargo onboard. While the totality of the evidence against the *Baltic* may have made for an easy condemnation, it also revealed the many factors involved in negotiating an identity on the high seas. In interpreting this evidence, the court made nationality even more amorphous by relying on motivation or 'intention' to act as their guide; interpreting evidence and condemning vessels based on where it could potentially lead a voyage rather than any tangible proof.⁴⁹

Given the increasingly restrictive policies of the British government with regard to neutral trade, the conduct of the admiralty courts may appear less important in retrospect. However, the contents of these decisions, and the weight of the evidence, offers insight into how the admiralty court understood identity and legitimate commerce in this period. A closer analysis of the different types of evidence that determined an admiralty court decision bears further examination. The cases studied below reveal the degree of nuance and complexity in admiralty court rulings. Looking more closely at admiralty court decisions also helps to explain the role that 'intention' played in those rulings. These cases show that the admiralty courts constantly adapted their understanding of the law to meet the commercial demands of Great Britain. The language used in the vice-admiralty courts also reflects the ability of the superior courts to force local institutions to uphold the latest precedents. It also shows how those superior court decisions could be repackaged by vice-admiralty courts to meet local demands and uphold condemnations. Finally, this section highlights the myriad of sources that affected the national character of a

⁴⁹ *Baltic* (1809), HCA 45/56, f.105-155, TNA. On the war in terms of the apocalypse, see, Horsman, *The Causes of The War of 1812*, 91–92; David Bell, *The First Total War* (New York: Houghton Mifflin Harcourt, 2014).

transatlantic voyage by studying the importance placed on a vessel's origin and destination, the identity of the crew, cargo and owner.

Before delving deeper into the evidence brought before the court, it is first necessary to establish what types of evidence the court relied on in making its rulings. The examination of witnesses was a standard part of any admiralty court case; sailors, captains, supercargoes and any passengers on board the ship were all questioned by the court. While varying slightly from case to case, witnesses were each given thirty-two questions encompassing the vessel's ownership, previous voyages, the national origin of the captain, the owner and the cargo, the destination of the ship, and any information on the passengers and papers on board. Their responses were then compared to the ship's papers, which included: bills of lading, affidavits of the owners, customs house clearances and any additional evidence submitted to the court. This systematic approach ostensibly uncovered secret information about the voyage that the captain may have hidden from the captors – a pursuit that became even more important once the court began to rely on intention to interpret the evidence. While fairly uniform in their approach, these examinations could produce startling discoveries in court, such as when a cook and mariner broke with the rest of their crew to announce that the American ship, *The Britannia*, had been previously captured by a British privateer in the West Indies, directly contradicting the testimony of their captain in open court.⁵⁰ In order to protect the legitimacy of a neutral voyage, the testimony of the crew had to remain consistent, or the entire endeavor would fall apart.

The identity of the crew, vessel and owner was often the focus of debates over the proper classification of neutrals in the admiralty courts. As shown in Chapter 3, the crews of merchant vessels were much more diverse than strictly allowed under the law, especially in wartime.

⁵⁰ *Britannia* (1805), HCA 45/18, f.409-433, TNA.

Occasionally, a too diverse crew could arouse the interest of the admiralty courts, provoking greater scrutiny of the ship's papers as in the case of the *Thomas*. The *Thomas* reportedly possessed a multinational crew of all countries 'except French', which seems to have contributed to the court's suspicions of the ship in general. Nathan Perl-Rosenthal has further noted earlier cases in 1746 and 1756 where the courts allowed privateers to seize ships based on the crew complement, but such occurrences were rare.⁵¹ Rather, the nationality of the crew infrequently determined the outcome of a prize case. In general, outside of the watchful gaze of the press gang, the identity of the crew of a ship, including its master, was largely determined by the national character of the ship and its owner. This approach to national belonging stood in stark contrast to the intense debates surrounding the impressment of foreign seamen on American ships. By situating nationality around the employer, the admiralty prize courts allowed for a much more malleable conception of identity for sailors, while also relegating the role of sailors in prize cases to the periphery in favor of the ship's owner.⁵² In fact, the testimony of sailors tended to only carry much weight in court when it contradicted that of the captain or the papers found on board the ship as in the case of *The Britannia*.⁵³ The admiralty court's reliance on merchant nationality, over the identity of the crew, further reflected an attempt to simplify and organize a complicated and confusing system of international trade and finance; a trade which overrode national borders and connected disparate individuals from throughout Europe and

⁵¹ For the *Thomas* (1805) see, HCA 45/50, f.97-131. For earlier examples, see the 1746 and 1756 cases discussed in Perl-Rosenthal, Perl-Rosenthal, *Citizen Sailors: Becoming American in the Age of Revolution*, chap. 1.

⁵² In contrast to my view expressed here, Perl-Rosenthal has seen continuity in the Admiralty Court's approach to identity in prize cases and impressment, Perl-Rosenthal, chap. 1 and 4.

⁵³ The view of sailors as potential spies was a common theme in merchant correspondence and featured prominently in the admiralty court records. It was standard form in the interrogatories featured in admiralty court cases to question the seamen on whether they knew of any hidden documents on board the ship, for an example of this see the interrogation of Roger Crilly who contradicted the testimony of his captain in *The Celia* (1804), HCA 45/51, f.59-73, TNA. The danger of crew testimony further highlights the tensions between merchants and sailors discussed in Chapter 3.

America. To determine the identity of a merchant, admiralty courts used residency as an adaptable means of handling merchant migrations while also enforcing British policies on neutral commerce.

Determining a ship's national identity based on the residence of its owner appears as a relatively simple endeavor. The testimony in court focused on the birth, current residence, and marital status of the owner. Merchants could further submit affidavits and corroborating documents in support of a claim on national identity. Yet matters became infinitely more complicated when dealing with transatlantic partnerships and voyages conducted in wartime. In a series of cases, Sir William Scott attempted to create a coherent doctrine of merchant identity based around intention and residence. Scott argued that birth only determined national character so long as the merchant continued to reside within his country of origin. If a neutral merchant, for example, relocated to a belligerent country, his trade was liable to condemnation as he had effectively transformed himself into an enemy subject. As in his other cases, Scott placed a heavy emphasis on intention, arguing that a merchant must show signs of intending to relocate from a belligerent country in order to maintain a neutral identity.⁵⁴ Government officials were not immune to this doctrine either. In the 1790s, Fulwar Skipwith, while serving as U.S. consul at Martinique, saw his property captured and condemned because Skipwith, it was argued, had become a French merchant through his trade in the French West Indies. Skipwith spent a decade attempting to prove that he was an American citizen, but he was unable to offset the nearly universal opinion that his trade had transformed his identity. As King's Advocate in 1795, Scott dealt personally with Skipwith's case, where he opposed the appeal, stating "I cannot recommend an appeal for I am of opinion that on any just & admitted principle of the law of

⁵⁴ See the *Dree Grebroders* (1802), Christopher Robinson, *Reports of Cases Argued and Determined in the High Court of Admiralty, 1798-[1808]*, vol. 4 (London: A. Strahan, 1804), 232–35.

nations, the property of Mr. Skipwith is liable to be considered and treated as the property of a French merchant.”⁵⁵ As judge of the High Court of Admiralty, Scott extended this view to include British officials trading in foreign countries, arguing in 1802 that the British consul at Embden should be considered German for the purposes of his trade on the continent.⁵⁶

If state officials were not protected from these identity politics, private merchants were even more exposed. The experience of George William Murray in two cases before the High Court of Admiralty and the Lords of Appeal show the complex thinking of the courts in regard to national origin. Murray was a naturalized American citizen, who, born in England, had relocated to New York in 1784. Murray admitted in his court testimony that he had lived in Holland, France, England and the United States in his commercial pursuits; though he had relocated his wife and family to New York and expressed to the court a deep-seated desire to live in America since childhood. Murray’s first case, the *Harmony* (1800), gave Scott an opportunity to discuss his views on residence at length. In the *Harmony*, Murray was represented as a partner of an American firm, residing in France. While the captors believed Murray’s birth in England was the simplest route to condemnation, as they depicted him as a British merchant trading with the enemy, Scott disagreed. He instead concluded that time was ‘the grand ingredient’ for determining residence and merchant identity. After a thorough examination of the ship’s papers and Murray’s letters to his brother and business partner, Scott believed that Murray showed no

⁵⁵ Copy of Scott’s opinion, 23 April 1795, in Box 9, Causten-Pickett Papers, LC.

⁵⁶ Skipwith believed his case was a sign of British tyranny, but this view of identity was so well-established at this point that he was reprimand by Samuel Bayard, the American agent handling his claim, who informed Skipwith: “What you term a British and arbitrary interpretation of the law of nations, is one which I understood the courts of the country have always held,” see, Samuel Bayard to Fulwar Skipwith, 20 Oct. 1797, Box 9, Causten-Pickett Papers, LC. Skipwith’s case in the 1790s challenges the idea that Scott created the concept of splitting merchant identity, rather than merely expanding on it. For this view, see, Perl-Rosenthal, *Citizen Sailors: Becoming American in the Age of Revolution*, chap. 4; Bourguignon, *Sir William Scott, Lord Stowell: Judge of the High Court of Admiralty, 1798-1828*, 122. For the latter case of the British consul, see, *The Herman* (1802) Robinson, *Reports of Cases Argued and Determined in the High Court of Admiralty, 1798-[1808]*, 1804, 4:228–32.

intention of leaving France and the cargo was condemned. While Scott attempted to use the length of residence as the guiding doctrine in this case, the text of the judgment of the *Harmony* reveals the court's discomfort with the question of residence in international trading partnerships:

“The active spirit of commerce now abroad in the world, still farther increases this difficulty [of determining residence] by increasing the variety of local situations, in which the same individual is to be found at no great distance of time, and by that sort of extended circulation, if I may so call it, by which the same transaction communicates with different countries; as in the present cases in which the same trading adventures have their origin (perhaps) in America, travel to France, from France to England, from England back to America again, without enabling us to assign accurately the exact legal effect of the local character of every particular portion of this divided transaction.”⁵⁷

Scott relied on time and intention for his ruling, deciding that Murray had ‘superadded’ a French character onto his American identity and English birth. Once added, it appears that Murray’s French character was very difficult to dispose of. Five years later, in the case of the *Active* (1805) before the Lords of Appeal, Murray attempted to defend a shipment made from Bordeaux to New Orleans in 1804. Having learned from his earlier experience in court, Murray claimed that he had returned to America in 1800 after the failure of his previous house of trade. Murray had only travelled to France in 1803 in order to complete some outstanding business, part of which required the shipment of the cargo on the *Active*. Murray concluded his long accounting of his life to the court with the statement that it was never his ‘intention’ to remain in France, actively adapting the language of his earlier condemnation into his defense. Yet Murray’s captors and the vice-admiralty courts had also learned from earlier precedents, and it was argued that the *Harmony* had already established Murray’s residence in France “as to make his property liable to

⁵⁷ The *Harmony* (1800), Robinson, *Reports of Cases Argued and Determined in the High Court of Admiralty, 1798-1808*, 1806, 2:322–42.

confiscation.”⁵⁸ Despite having left France, traveled through Europe, returned to America and ended his previous partnership, Murray was still French in the eyes of the court.⁵⁹ Murray’s case underscored the problems faced by the admiralty courts in determining identity, as well as the growing limitations of the state to regulate global commerce through the narrow category of national origin.

If the movements of merchants proved hard to classify, then deciphering a ship’s origin and destination was often even more convoluted. Decisions based on destination stressed the ability of identity to evolve in the middle of a voyage. In the post-*Essex* period, destination became even more important as each belligerent attempted to blockade the sea and the land, and the doctrine of the continuous voyage seemingly reigned supreme. Both the blockade and the continuous voyage put a neutral’s motives at the center of the court. Relying on this ambiguous form of evidence, admiralty court decisions attempted to systematize the use of intention by focusing on the direction, destination and value of the voyage. In doing so, the court attempted to make up for its uncertainty when dealing with ‘intention’ with strong language that claimed to uncover the ‘real’, ‘ostensible’ and ‘bonâ fide’ meaning of the voyage.

As Scott had established in 1798, the violation of a blockade required proof of intention, but this was particularly hard to prove when neutrals argued that a blockade did not even exist. When the Admiralty proclaimed a blockade of the coasts of Martinique and Guadeloupe at the start of the war in 1803, neutrals used Scott’s arguments to have the blockade countermanded. James Madison, in a letter to Edward Thornton, the British Minister to the United States, argued that the Martinique blockade lacked ‘sufficient force’ to cover the collective four hundred miles

⁵⁸ *The Active* (1805), HCA 45/49, f.473-510, TNA.

⁵⁹ *The Active* (1805), HCA 45/49, TNA. Murray apparently applied to James Madison, Secretary of State, for aid and his case was forwarded on to James Monroe, Minister to Great Britain, see, James Madison to James Monroe, 4 April 1805, Founders Online, NARA.

of coastline needed to legally blockade the two islands. In response, the British ministry officially limited the scope of the blockade to the seizure of contraband and the blockade of specific ports, but local vice-admiralty courts and privateers often ignored these orders in their pursuit of neutral vessels.⁶⁰

British privateers brought a series of neutral vessels in for adjudication for violating the ‘blockade’ of Martinique and Guadeloupe. Under interrogation, captains claimed to have heard news that the blockade was raised, despite the claims of the privateers. Samuel Evans, captain of the *Samuel*, reported that his ship had ‘found a good market’ at St. Pierre, Martinique, successfully passing through the blockade without any interference from British vessels. Other neutral ships captured by privateers echoed Evans’s testimony, reporting that their vessels had easily accessed the port of St. Pierre; other neutral vessels were witnessed in the port; there was no sign of any armed vessels in the area; and finally that their home government had not received any notification of the blockade before they embarked on their voyages.⁶¹ In making these arguments, American captains showed a sophisticated understanding of current admiralty court precedents, repeating Scott’s doctrines back to the court when under interrogation. Despite these claims, the papers of the Lords of Appeal show that several ships were condemned for violating the blockade, and dozens of others were undoubtedly captured but never received a hearing.⁶²

The treatment of these cases by the Lords of Appeal varied drastically. Samuel Evans’s ship,

⁶⁰ James Madison to Edward Thornton, 27 Oct. 1803, FO 5/38, TNA. Mahan, *Sea Power in Its Relations to the War of 1812*, 99; Davis and Engerman, *Naval Blockades in Peace and War an Economic History since 1750*, 73. Joslin D. Blodget and Enos Thompson Throop, eds., *American State Papers: Documents, Legislative and Executive, of the Congress of the United States*, vol. 1 (Washington, D.C.: Gales and Seaton, 1833), 265–66.

⁶¹ *Samuel* (1808), HCA 45/54, f.45-63. For a discussion of the problems faced by American merchants in violating blockades after Scott’s decision, see, James Madison to James Monroe and William Pinkney, 17 May 1806, James Monroe, Daniel Preston, and Marlena C. DeLong, *The Papers of James Monroe* (Westport, Conn: Greenwood Press, 2003), 477–86.

⁶² Hodijah Baylies to James Madison, 20 July 1805, Founders Online, NARA.

which entered Martinique on June 30, 1804, was restored on appeal, but the *Robert* which arrived on May 21, 1804, was condemned, “because the blockade of Martinique was violated.”⁶³ In all of these cases, the destination was not in dispute, but the meaning of the destination proved to be a debatable point.

The court cases rested on the question of knowledge of the blockade and whether the blockade was legally enforceable. In each case, the master and the crew consistently reported their ignorance of the blockade. One crew member even helpfully suggested to the court that perhaps his ship was actually seized because of the French property on board, rather than due to a blockade violation.⁶⁴ The captors in response, relied on the testimony of the local British commander, Samuel Hood, whose orders filled the accompanying appendices to the blockade cases. Yet Hood’s orders were broad and increasingly lacked definitive end dates and locations, opening the cases up for interpretation.⁶⁵ After the *Essex*, the courts tended to side with the local commander on the question of whether a blockade was in force, but the debate in the vice-admiralty courts is nevertheless significant because it points to the ability of captured neutrals to negotiate their cases through the language of the court. The testimony of the crew also calls attention to the relative effectiveness of the Royal Navy, which could not enforce its claim to be everywhere at once, often leaving ‘blockaded’ ports unguarded in pursuit of other goals.

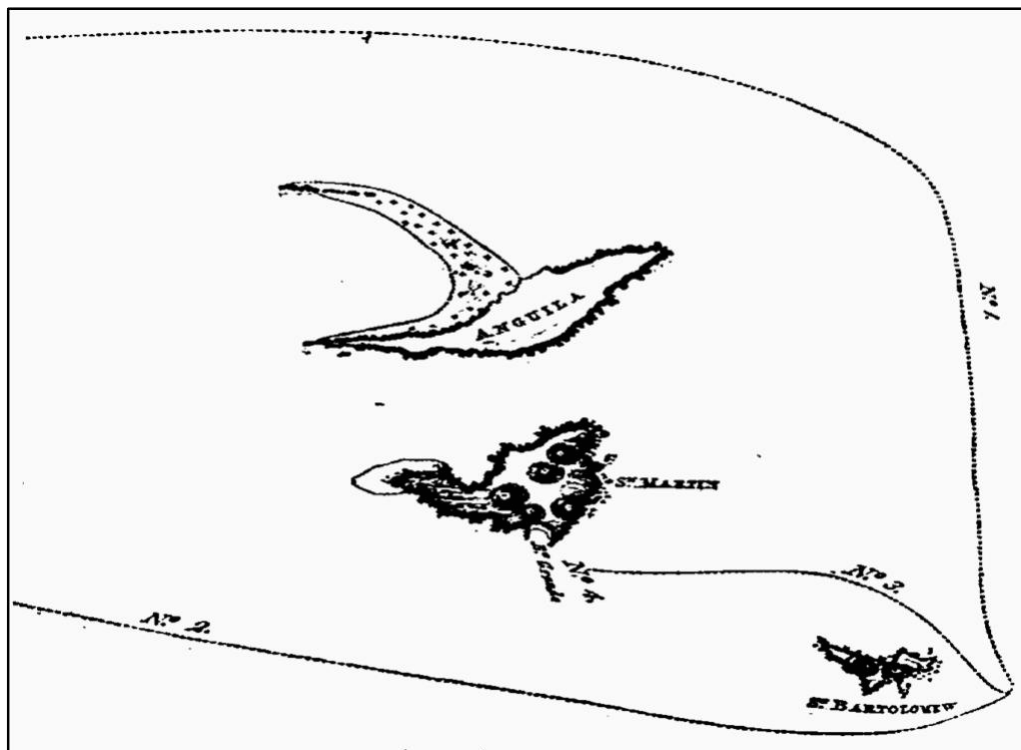
The conduct of a vessel after it left port could also potentially transform its identity, calling into question its intended destination. In 1806, the *Osiris* was captured on a voyage from

⁶³ *Samuel* (1808), HCA 45/54, f.45-63; *Robert* (1808), HCA 45/56, f.383-394; *Mentor* (1808), HCA 45/56, f.368-382; *Freedom* (1809), HCA 45/56, f.407-417, TNA.

⁶⁴ See the *Mentor* (1808), HCA 45/56, f. 368-382, TNA.

⁶⁵ A copy of Hood’s orders can be found in the records of the Lords of Appeal, HCA 45/56, f.358-367, TNA. Hood’s notifications of a blockade were also hindered by the delays in the postal service, British Consul-General for the Middle and Southern States, Phineas Bond, reported to Lord Hawkesbury that he received orders from Hood to inform the American government of a blockade of Martinique & Guadeloupe three months late, see, Bond to Hawkesbury, 14 April 1804, FO 5/45, TNA.

New York to St. Thomas by the HMS *Ethalion* and carried into Antigua. The master of the *Osiris*, John Morris, in his examination, stated confidently that St. Thomas was the destination of his ship. Morris was able to name the merchants he expected to meet on the island, and claimed to have known them for several years. Morris further claimed that he never deviated from his course, “when the weather would permit,” and denied any allegation that he had ‘sailed wide’. The testimony of the crew corroborated Morris’s claim that their destination was the Danish West Indies and the ship had not altered its course to an enemy port. In response, the crew of the *Ethalion*, in an affidavit, argued that the *Osiris* had deviated from its logical course. The captors based their claim on their ‘judgments as seamen’ which they believed persuasively showed that the path taken by the *Osiris* was ‘intricate and dangerous’ if the true destination was the Danish West Indies.⁶⁶



3. Map for the voyage of the *Osiris* (1806), provided by the crew of HMS *Ethalion*

⁶⁶ The *Osiris* (1807), HCA 45/55, f.474-488, TNA.

In defense of their claim, the captors compiled a map (see above) which outlined the two most logical courses for the captured ship (no. 1 & 2) as well as the actual voyage of the *Osiris* (no. 3) and the site of its eventual capture near the enemy island of St. Martin's (no. 4). The captors further argued that their ship was operating at the time under French colors, which they believed encouraged the captain of the *Osiris* to "bring to sooner than he otherwise would."⁶⁷ The captors concluded that it was the vessel's 'intention' to enter St. Martin's, and therefore condemnation was warranted on the grounds that the vessel was carrying contraband (naval stores) and sailing "under a false destination, to an enemy's port."⁶⁸ Vice-Admiralty Court Judge Edward Byam heard the case in August 1806, and accepting the map and the testimony of the *Ethalion*, Byam declared the ship and cargo to belong to the enemy.⁶⁹ Perhaps persuaded by the lack of any documentary evidence to the contrary, the Lords of Appeal heard the case, nearly three years later, and overturned the original verdict. The case of the *Osiris* showed how courts and captors exploited the direction of a vessel to prove the true intention of a merchant voyage. Direction could be ascertained from sailor's experience and it did not necessarily depend on any corroborating evidence. The captors' preconceptions of Morris's intentions, combined with their knowledge of admiralty court precedents and the local waters, helped them to formulate a persuasive case for the local court despite lacking any real evidence to prove their claims.

Finally, contraband had the potential to reshape a merchant voyage in the eyes of the court. The definition of contraband in the eighteenth century was largely unsettled as neutrals argued that contraband only covered war materials while belligerents viewed contraband as extending to naval stores and even provisions. Neutrals carrying contraband were accused of

⁶⁷ Map located in the case of the *Osiris* (1807), HCA 45/55, f.488, TNA.

⁶⁸ The *Osiris* (1807), HCA 45/55, f.478, TNA.

⁶⁹ Appendix to the *Osiris*, HCA 45/55, f.479-488, TNA.

providing ‘aid and comfort’ to the enemies of Great Britain, by allowing besieged ports to continue to thrive despite the efforts of the Royal Navy. While the idea of ‘free ships make free goods’ had largely fallen from favor, especially with the collapse of the last League of Armed Neutrality in 1801, Americans still maintained their right to carry provisions and enemy colonial produce to markets in the West Indies and Europe.⁷⁰ After the *Essex*, British courts were liable to view any goods coming from belligerent territories as the property of the enemy; there was in fact a ‘legal presumption’ of guilt when dealing with questions of contraband.⁷¹

When J.W. Irwin’s ship, the *Mary*, was captured and carried into Bermuda in January 1807, he learned that the basis of his seizure stemmed from the value of his cargo. The captain of the privateer explained that Irwin’s cargo would not pay for the expenses of the voyage if he intended to trade at Jamaica, concluding that his cargo was instead meant for Saint-Domingue. Corroborating this, a mate aboard the *Mary* confirmed the privateer’s suspicion that the ship was really destined for Saint-Domingue. The sailor provided the additional claim that the ship was in fact smuggling ammunition to the island. The captors proceeded to tear apart Irwin’s ship in search of further proof of Irwin’s true “intention to smuggle the cargo into that island.”⁷² Irwin was shocked by the seizure as his ship was in fact British, carrying on a trade between America and the West Indies. Believing in the safety of his identity, Irwin wrote to his business contact William Wallace (nephew of Nicholas Low and partner in the New York firm, Low & Wallace) predicting that the ship would not be condemned on “the ridiculous information of this scoundrel,” but he worried that the number of men on board and the arms on the ship would

⁷⁰ Paul Gilje argues that the Jay Treaty in 1796 was a turning point for America’s position on contraband, see, Gilje, *Free Trade and Sailors’ Rights in the War of 1812*, chap. 3.

⁷¹ This term is used in the case of the *Sophrona* (1807), HCA 45/52, f.299-309, TNA.

⁷² J.W. Irwin to William Wallace (Low & Wallace), 21 Jan. 1807; Irwin to Wallace, 11 April 1807, Box 37, Nicholas Low Papers, LC.

influence the court's decision.⁷³ Tentatively confident in the recovery of his ship, Irwin worried that the delay of a trial would ruin his cargo. When the vessel was eventually condemned in April, Irwin reported that the condemnation was based on two factors: the account of two mates (one examined drunk) who based their testimony on rumors from the other members of the crew, and a cargo that was inadmissible in Jamaica. In defense of his cargo, Irwin pointed to the proclamation of Eyre Coote, Governor of Jamaica, on November 27, 1806, which allowed for the importation of provisions into the island. Irwin complained that his counsel ignored this argument in favor of claiming that the court could not try a smuggler without proof of smuggling. In Irwin's view, the evidence hardly mattered as the judge came to court with his verdict already written down. Since Irwin's barrister failed to take any notes during the trial, Irwin was forced to scribble down the sentence for insurance purposes:

“...but taking all the circumstances into consideration such as her being a stout built vessel, well-armed and strongly manned and every way calculated for the St. Domingo trade and having a cargo on board which could not legally be imported into Jamaica he should consider her as bound to some part of St. Domingo and as such she must be condemned as being engaged in an illegal trade.”⁷⁴

In the case of the *Mary*, the Vice-Admiralty Court of Jamaica chose to ignore the proclamation of the island's governor in favor of their own suspicions based on what was discovered aboard the ship. The classification of the British ship's cargo as French property had ramifications beyond the courtroom because such a ruling could negatively affect the insurance policy on the

⁷³ Irwin to Wallace, 21 Jan. 1807.

⁷⁴ Irwin to Wallace, 11 April 1807. The arming of merchantmen was a contentious subject on both sides of the Atlantic. Many neutrals worried about the precedent, and the British Minister to America, Edward Thornton, warned James Madison that the arming of vessels would 'excite suspicions of their real intentions', see, Edward Thornton to James Madison, 10 July 1803, FO 5/38, TNA, f.220-223. This did not stop neutrals from innovative arguments in defense of carrying arms, the *Happy Couple* (1807) claimed to carry arms to Saint-Domingue as a favor to Great Britain, since Saint-Domingue had rebelled against the French in 1804, see, *Happy Couple* (1807), HCA 45/53, f.196-222, TNA.

voyage. Low & Wallace in New York learned that the North American Insurance Company, who underwrote the policy, was prepared to withhold payment unless proof could be provided that the cargo could be classified under the terms of the policy: ‘Goods per British Brig Mary’.⁷⁵ If the British Brig Mary was in fact French, the insurer was no longer liable to cover the claim. As the case of the *Mary* shows, even beyond the courthouse, the reclassification of commodities could have a real impact on merchant business.

When a cargo’s identity was not easily fixed, the court could split the national character of a ship into multiple parts, reserving the right to condemn each part on its own merit. This approach allowed the court to circumvent instructions sent by the Admiralty or even proclamations of the local governor. The courts also maintained that if one part of the cargo was enemy property, it could implicate the rest of the voyage in a scheme to fraudulently ship belligerent goods under a neutral flag. This approach also helped to distinguish the different parties involved in an individual merchant venture, further expanding on the layers of evidence available to the court.

The division of the cargo based on ownership alone could quickly become extremely complicated. In October 1805, the *Adeline* was captured in a voyage from Guadeloupe to New York, its cargo on board, primarily sugar, was jointly owned by three New York firms: Nathaniel and George Griswold, J. Macardier and Bertrand Dupoy. Further confusing the identity of the property involved in this case, Bartlet Sheppard, the captain of the *Adeline*, worked for a separate company, a Connecticut firm which owned the vessel engaged by the charter-party. Because of

⁷⁵ Joseph S. Lewis & Co. to Low & Wallace, 6 June 1807 and 16 June 1807, Box 38, Nicholas Low Papers, LC. The times could be particularly hard on merchants attempting to insure their property amidst numerous neutral captures, in March 1807, Joseph Lewis reported to Low & Wallace that only one in seven insurance offices would cover a vessel heading to the Bahamas, see Joseph S. Lewis & Co. to Low & Wallace, 23 March 1807, Box 38. Yet, these difficulties did not stop the insurance companies from waiving the ‘illicit trade’ clauses found in their policies, see, Joseph S. Lewis & Co. to Low & Wallace, 2 Feb. 1807.

his temporary relationship with the merchants chartering the *Adeline*, Sheppard's testimony was vague and confused, often forgetting the names of individuals involved and even the amount of cargo on board. When pressed, Sheppard was forced to refer the court to the ship's papers on numerous occasions.⁷⁶ To simplify the case, the Vice-Admiralty Court at Nova Scotia split the cargo into thirds: condemning Bertrand Dupoy's share, requesting further proof for J. Macardier and restoring the ship and the remaining cargo to the Griswold brothers. The case of the *Adeline* shows the dangers of international commerce within a court system seeking to label individual transactions with a particular identity. When captured by the British vessel, Captain Sheppard was told that his ship had been stopped "on account of the vessel's being chartered, and having more cargo on board than she carried out."⁷⁷ When the case came before the Lords of Appeal, the Lords decided in favor of the American merchants but ordered further proof to be made within nine months for the property owned by Bertrand Dupoy. Dupoy's inability to convince the courts in Nova Scotia and London of the authenticity of his property seemed to stem from his role in the charter party. The *Adeline's* captain was able to tell the court more about the Griswold brothers, who were connected to the owners of the ship, than he was about Dupoy himself. Sheppard's testimony on Dupoy rested only on his residence in New York as a merchant. Unable to give any further information on the nature of Dupoy's business, Sheppard again simply referred to the ship's papers and professed his ignorance. Other court records reveal that the entire shipment was Dupoy's idea, based around his connections to Deville & Rezeville in Guadeloupe. Initially, Dupoy attempted to rectify the court's doubts by submitting several documents testifying to the various stages of the transaction and his own citizenship as an

⁷⁶ Appendix to *Adeline* (1807), HCA 45/52, f.146-151. The charter-party which engaged the *Adeline* was a relatively simple affair compared to the case of the *Wells* (1807), whose cargo was split into six different categories, four of which were condemned, see, *Wells* (1807), HCA 45/52, f.93-108, TNA.

⁷⁷ *Adeline* (1807), HCA 45/52, f.148.

American, but it is unclear whether he ever won over the court as there does not seem to be any record of further proof being provided.⁷⁸

By focusing on the evidence used in admiralty court cases we can trace the effectiveness of Sir William Scott's doctrines and his reforms implemented in the vice-admiralty courts. While the vice-admiralty courts continued to chafe against the latest Orders in Council and instructions sent by the Admiralty, the records nevertheless reveal that the local courts were in an increasingly dependent position. Tighter controls on the court led to judges who more closely followed the language and tenor of the superior courts in their rulings. Echoing Scott, these courts used 'intention' as their guide in scrutinizing evidence and determining the innocence of a captured neutral ship. The *Essex* though showed that the local courts did not answer to Scott, but rather to the Lords Commissioners of the Admiralty, whose political agenda manipulated the language of Scott's decisions to safeguard the economic welfare of the British Empire. In doing so, the courts continuously adapted their rulings to meet the complex strategies pursued by neutrals in safeguarding their trade with the enemy.

Conclusion

In the years between the *Essex* and the Embargo, neutral merchants attempted to work within the admiralty court system to defend their rights. Mobilizing the decisions made by Scott in 1798 and 1800, neutral merchants effectively defended their commerce from external attack. By examining the records of the admiralty courts in detail, this chapter shows how captains, vice-admiralty court judges, and privateers participated in the debate over neutral commerce and the development of international law. In 1805, the growth of the British state and the reinvigoration

⁷⁸ In fact, most of the documents submitted to the court involved Dupoy in some way, *Adeline* (1807), HCA 45/52, f.150.

of the continuous voyage allowed for courts to once again redefine and condemn neutral commerce based on its destination, ownership and property. By situating the interpretation of evidence solely around hidden intentions, all evidence could be second-guessed and construed into making neutral voyages appear sinister in the eyes of the court.

The measures taken by Britain, America and France from 1806-1809 laid the foundation for an increasingly restrictive commercial system in the Atlantic World. If the years following the *Essex* saw the gradual deconstruction of neutral identity, then the last six years of the war would see a rapid expansion of British commercial identity to include anyone willing to pay for a British license. As the next chapter reveals, after 1809 the British government implemented the licensing of foreign ships to rapidly expand the umbrella of acceptable commerce to include licensed neutrals. This system served to effectively engulf all transatlantic shipping within the British commercial empire. The opening up of British merchant identity only came after the admiralty courts had established the limits of legitimate commerce, classifying most neutral activity as belligerent. The British institutionalization of the licensing system, and the encouragement of neutral smuggling to the continent and the West Indies, allowed for a final shift in Anglo-American identity. While some Americans were classified by the British state as ‘pseudo-neutrals’, or belligerents in disguise, the licensing system allowed for other Americans to reenter the British Empire for a fee.

Chapter 5: Licensed American Traders, 1809-1815

By 1807 neutral commerce appeared to be at a standstill. In Europe, France's Continental System tightly controlled all foreign access to France, its territories and that of its allies. Meanwhile, the British blockade of the Continent, under the Orders in Council, similarly limited trade with Europe, preventing shipments to any port adhering to the Continental System. The situation was little better in the West Indies. The *Essex* decision had ended the 'broken voyage' and neutrals were now presumed guilty until proven innocent. Both France and Great Britain separately targeted neutral shipping with great zeal, seizing any neutral vessel which had come into contact with the enemy. Believing that neutral trade was a potential powder keg, Thomas Jefferson instituted an embargo to prevent any American vessels from antagonizing the warring parties into declaring war. American ships would remain home rather than become embroiled in a foreign war.

Despite the best efforts of the French, British and American governments, commerce persisted in the years of the war after 1807. Often, merchants simply subverted their own country's economic restrictions and worked closely with foreign business contacts to facilitate the movement of goods. Essentially, this meant that every merchant operating in the Atlantic World became a smuggler in order to maintain their business during the years of blockade and embargo. States were complicit in this endeavor. The commercial system established in 1807 was the highest expression of mercantilist doctrine: all unlicensed foreign commerce was declared illegitimate. States now claimed sweeping control over their borders and their subjects' contact with foreign entities. These restrictive economic systems were not simply passive walls blocking out the outside world. Instead, each state greatly expanded its regulation of commerce by establishing licensing systems. Now, any merchant attempting to trade past a blockade was

forced to pay a fee and act as an official agent of the state. A license provided protection from seizure by privateers and the navy, but this official sanction also transformed a merchant's identity. From the perspective of the licenser, purchasing a license was a public statement of allegiance to the new commercial order. For other governments, license holders were simply smugglers operating under a veneer of legitimacy. Licensing, in effect, blurred commercial identity, making a single merchant at once: a foreign agent, a licensed smuggler, a loyal subject and a traitor.

This chapter will examine the consequences of the licensed system for both international commerce and popular conceptions of national identity. To do this, the chapter will focus on the British licensing of foreign commerce at the end of the Napoleonic Wars. While France and America also licensed certain trades in these years, the British system was by far the largest and most sophisticated system in use. The chapter will begin by examining the divisive public debate which licensing provoked. Licenses brought to the public mind questions about the nature of allegiance, sovereignty, and commercial freedom. Few of these questions were easily answered, and this debate set much of the groundwork for dividing the United States on the eve of the War of 1812. The chapter will then focus on how licensing actually worked by examining two case studies of the licensed trade: the American provisioning of the British army in Spain and Portugal and the licensing of neutral commerce in the West Indies. Americans who helped provision the British army, especially after 1812, were viewed as traitors by their fellow countrymen, but the trade persisted and proved to be one of the most profitable transatlantic trades during the war. The trade with Spain and Portugal reveals the commercial and political consequences for merchants trading with the enemy under the license system. Finally, the trade to neutral islands such as the Swedish island of St. Bartholomew's represented the limitations

and opportunities created by Great Britain's licensed system for the Greater Caribbean. By forcing merchants trading with neutral ports to operate under British licenses, the British overrode the commercial sovereignty of other states. All commerce in the West Indies now fell under the umbrella of the British empire's license system. The Royal Navy's unchallenged control of the seas meant that neutral merchants required the tacit approval of the British government to trade with the United States, Europe or the West Indies. On the other hand, the British reliance on the island revealed the limitations of the new system. Much like St. Eustatius during the American Revolution, St. Bartholomew's served a pivotal role in moving goods and information through the British empire. In relation to British licensing, St. Bartholomew's was emblematic of the larger flaws which had developed in the system as a whole. By 1809 the empire was over-extended and had become largely unstable. The conquered Caribbean islands created a hinterland where migrants, goods and ideas could slip past imperial barriers. During the War of 1812, the holes created in Britain's blockade at St. Bartholomew's in the West Indies, New London and New Haven on the eastern coast of the United States, and Passamaquoddy Bay on the Canadian border continued to reveal how individuals contested the borders of Britain's new licensed empire.¹

For almost a decade the licensing system transformed international commerce. Great Britain and its dominions acted as the entrepôt for the world. All trade and even correspondence required the empire's approval. The licensing system had the potential to greatly expand the British empire. In this sense, licensing was a mercantilist milestone in the final years of the

¹ For more on the over-extended nature of the British empire and the opportunities created by the new frontier, see, Candlin, *The Last Caribbean Frontier, 1795-1815*, 166; For the role of small islands in creating a trans-imperial network, see, Han Jordaan and Victor Wilson, "The Eighteenth-Century Danish, Dutch, and Swedish Free Ports in the Northeastern Caribbean," in *Dutch Atlantic Connections, 1680-1800*, ed. Gert Oostindie and J. V. Roitman (Boston: Brill, 2014), 276.

Navigation Act. More importantly, the system offered an alternative view of mercantilism. Rather than a restrictive system catering to the few who monopolized foreign trade, licensing liberalized membership in the empire by granting access to any merchant willing to pay a fee.

The occasional licensing of vessels to trade with the enemy was a generally accepted practice in early modern European warfare. For the French Revolutionary Wars, the British government initially began licensing vessels for overseas trade in 1797 as a means of facilitating their free port traffic with the Spanish West Indies.² But it was not until 1806 that licensing took on a new importance as a response to Napoleon's Continental System. In the following years, the number of licenses issued by the British government increased exponentially as a way around Napoleon's blockade. The government invested heavily in licensing with over 18,000 licenses issued to merchants by 1810.³ Licensed trades were further encouraged by insurance companies which insisted on licenses for policy-holders to guarantee that insured vessels obtained protection from the Royal Navy while at sea. Despite political opponents who claimed foreign licensing was an assault on national sovereignty, merchants recognized the appeal of purchasing a license and safeguarding their shipments from capture. The cooperation of private organizations and individuals with the state effectively placed most of the maritime trade in the world under the stewardship of the British government and the Board of Trade.⁴

Historian's treatment of the licensing system has been rather uniform over the last seventy years. There are few book-length treatments of licensing. Instead, licensing is generally

² Armytage, *The Free Port System in the British West Indies: A Study in Commercial Policy, 1766-1822*, 101. By 1808 this early system was discovered to be rife with corruption with British licenses used to protect clandestine trades with the French islands, see, *ibid*, 106.

³ Heckscher, *The Continental System*, 205.

⁴ Aaslestad, "Introduction," 6. Initially, the license system was tightly controlled and licensed ships were forced to travel in convoy for their own protection (and policing), see, James M. Witt, "Smuggling and Blockade-Running during the Anglo-Dutch War from 1807 to 1814," in *Revisiting Napoleon's Continental System*, ed. Katherine B. Aaslestad and Johan Joor (New York: Palgrave Macmillan, 2015), 158.

featured as a minor episode in the greater story of economic warfare between Britain and France, or licensing is depicted as just another example of the internal division of the United States during the War of 1812. While neither approach is inaccurate, both are limited in scope. The majority of scholars have simply acknowledged what amounts to a startling fact about the British empire under the licensed trade: commercial membership in the empire potentially included everyone (outside of France) in the Atlantic World.

Scholarship on the impact of the licensed trade revolves around two main themes: how licensing reshaped everyday commerce and how licensing served as a weapon of economic warfare. These two interwoven ideas were first brought forward by Eli Heckscher in his groundbreaking study of the Continental System. In Heckscher's view, the licensing system was the ultimate expression of mercantilism as it placed all foreign trade in the hands of the British government. Licensing furthered the state's mercantilist goals by placing a major emphasis on exports. Further, license holders trading with Great Britain were required to export a sum of equal value in order to guarantee a favorable balance of trade for the mother country.⁵ While the French licensing system was an essential part of the 'new order of things', Heckscher believed that British licensing was always strictly meant to be a response to the Continental System. In making this distinction between British and French commercial philosophies, Heckscher seems to have underestimated the extent to which licensing upended all trade during the war.

The claim that the licensing system was simply Britain's most effective economic weapon in the last years of the war has continued to preoccupy scholars. Yet, as a weapon, it

⁵ Heckscher, *The Continental System*, 205–6, 209. Before Heckscher, Alfred Mahan was the first to argue that Britain's commercial policies were an attempt to impose 'colonial dependence' onto the United States. Mahan's argument belongs to the 'revenge theory' of U.S.-British history which argues that the first decades after independence were defined by the British government's desire to avenge their losses from the war, see, Mahan, *Sea Power in Its Relations to the War of 1812*, 103; Ritcheson, *Aftermath of Revolution: British Policy toward the United States, 1783-1795*, ix–x.

remains unclear who the license system was actually meant to be directed against. Many have argued that neutrals, rather than France, were the true target. Henry Bourguignon's study of the career of Sir William Scott concluded that the ministry quickly moved beyond France to create a 'discriminatory' system intended to enrich British businesses at the expense of neutral trade. In contrast, others have argued that the license system was meant to absorb neutral trade rather than destroy it. According to Stephen Neff, the license system was used to conscript neutrals into working for the British government as "instruments of Britain's economic warfare program."⁶ Brian Arthur has recently combined these two earlier views in his study of Britain's system of economic warfare against the United States in the War of 1812. Arthur views licensing in tandem with the system of blockades as an effective tool in restricting trade and making the American economy heavily dependent on British licenses.⁷

Others have moved away from economic warfare to consider how licensing restructured everyday trade for merchants operating in the Atlantic World. Placing the impressment controversy on its head, Michael J. Crawford has emphasized how merchants and military officers blurred the lines between English and American identity, turning travel on the high seas into a 'tragic comedy' of mistaken identity.⁸ Faye Kert's study of privateering during the War of 1812 illustrates the appeal of licensing for merchants. Kert argues that licenses were imminently profitable for merchants because few vessels carrying licenses were ever captured and three-

⁶ Stephen C. Neff, "Britain and the Neutrals in the French Revolutionary Wars: The Debate Over Reprisals and Third Parties," *COLLeGIUM: Studies Across Disciplines in the Humanities and Social Sciences* 10 (2011): 235–36, 242.

⁷ Bourguignon, *Sir William Scott, Lord Stowell: Judge of the High Court of Admiralty, 1798-1828*, 216; Brian Arthur, *How Britain Won the War of 1812: The Royal Navy's Blockades of the United States, 1812-1815* (Rochester, NY: Boydell & Brewer, 2011), 171.

⁸ Michael J. Crawford, "The Navy's Campaign against the Licensed Trade in the War of 1812," *The American Neptune* 46, no. 3 (1986): 167–68; More recently, Crawford's argument has been expanded on by Joshua Smith who describes the identity games required by the license trade as a "ticklish business", see, Joshua M. Smith, *Borderland Smuggling: Patriots, Loyalists, and Illicit Trade in the Northeast, 1783-1820* (Gainesville: University Press of Florida, 2006), 89–90.

quarters of those seized were eventually released.⁹ Given that transatlantic merchants lacked few alternatives by 1812, the temptation to license vessels under the British government was a powerful one.

While most studies have acknowledged the similarities between the licensing policies of Great Britain during the Napoleonic Wars and the old colonial system of pre-Revolutionary America, none have really considered this idea in-depth. Nor has the scholarship on the licensing system considered the full implications of licensing's effect on identity and belonging in the Age of Revolution. If admission to the empire required nothing more than the payment of a licensing fee, then anyone trading in the Atlantic World could potentially claim the protections of a British subject. This was recognized by many engaged in the licensed debate at the time. In an editorial featured in the Massachusetts *Republican Spy*, the danger licensing posed to national allegiance was spelled out to the reader: "In getting and submitting to this license, we surrender our independence to king George, &c renounce the name and title of freemen."¹⁰ The mundane purchase of a shipping license was in fact a transformative moment for the vessel and its owner.

Licensing not only transformed individual merchants, it also reshaped all foreign commerce by drastically altering the flow of traffic and manipulating the importance of markets. Licensing forcefully opened up the closed Continental System to trade with the outside world. As Silvia Marzagalli has recently explained, the Continental System only occasionally brought maritime trade to a standstill, instead, it "diverted maritime trade routes more than it stopped trade entirely."¹¹ The ports of Hamburg, Malta, Heligoland, Gothenburg and Gibraltar gained unparalleled importance as the British exploited these ports as holes in Napoleon's system. To

⁹ Faye M. Kert, *Privateering: Patriots and Profits in the War of 1812* (Baltimore: Johns Hopkins University Press, 2015), 63.

¹⁰ *Republican Spy*, 21 Sept. 1808.

¹¹ Marzagalli, "The Continental System: A View from the Sea," 86.

trade with Europe, a merchant was forced to either smuggle goods past French customs officers or take the more dangerous route of circumventing the Royal Navy's blockade. At Heligoland, the most important port in Northern Europe during the Continental System, merchants brought goods to the small island for re-export to the Continent. Over 200 British merchants relocated to the island, establishing 140 warehouses to support their booming trade.¹² An Order in Council of May 30, 1809, confined the Heligoland trade to British ships and British license-holders. By limiting this smuggling trade to those who purchased a license, the ministry ensured the popularity of their new licensing scheme. Demand for licenses was so great that the government invested the British governor of Heligoland with the power to issue licenses - a power strictly confined to the crown as it authorized trade with the enemy.¹³

For the British empire, the license system largely replaced the occasional proclamations issued by colonial governors to allow foreigners past Britain's Navigation Act. During the War of 1812 the Board of Trade opened Bermuda to a licensed trade with the United States in neutral vessels. Bermuda would act as an entrepôt to the rest of the British West Indies, funneling American flour to where it was most needed, often directly supplying the Royal Navy which was currently fighting American privateers in the Caribbean. Further licenses were granted to protect vessels conveying American flour from Bermuda to Barbados, and for shipping coffee and sugar from Bermuda to the United States.¹⁴ By designating one port of entry and controlling the trade

¹² Margrit Schulte Beerbühl, "Trading Networks across the Blockades: Nathan Mayer Rothschild and His Commodity Trade during the Early Years of the Blockades (1803-1808)," in *Revisiting Napoleon's Continental System*, ed. Katherine B. Aaslestad and Johan Joor (New York: Palgrave Macmillan, 2015), 145.

¹³ For Sir William Scott's elaboration on this principle, see The Hope and Others, in Edward Stanley Roscoe, ed., *Reports of Prize Cases Determined in the High Court of Admiralty: Before the Lords Commissioners of Appeals in Prize Causes, and Before the Judicial Committee of the Privy Council, from 1745-1859*, vol. 2 (London: Stevens and Sons, 1905), 153. Board of Trade, 26 Dec. 1809, BT 5/19, TNA; *London Gazette*, 30 May 1809.

¹⁴ Technically, the Board merely confirmed a practice already instituted by Vice-Admiral Sawyer and others who began issuing licenses at the start of the war, see Minutes of the Board of Trade, 21 Aug. 1812, BT 5/21. For the

with licenses, the British could closely monitor access to their colonial possessions and avoid the mercantilist headaches associated with previous American trades. The actions of the Board of Trade were the culmination of the stricter regulations issued to colonial authorities over the previous decade.¹⁵ Rather than sporadic exceptions to the rule, which might weaken the effectiveness of Britain's mercantile policies, licensing allowed for a more coherent approach to commercial regulation.¹⁶ All foreign vessels were now suspect, and only license holders were allowed to navigate the seas 'freely'.

In 1809, the admiralty court case of the *Goede Hoop* provided the government an opportunity to explain the license system to the rest of the commercial world. In his ruling for the case, Sir William Scott explained that licenses were traditionally given only as special exceptions to the general prohibition against trading with the enemy. However, Napoleon's Continental System had changed the general practice of war. Napoleon was accused of targeting commerce in general and removing the neutral ports that Great Britain relied on in wartime.¹⁷ Rather than documents of 'special and rare indulgence', licenses would now be granted "with great liberality to all merchants of good character," in order to support Britain's overseas commerce. As there were few neutrals left in Europe, Scott understood that the license trade required that British merchants partner with the enemy. Scott further claimed that such transactions required absolute secrecy in order to sidestep Napoleonic customs officials. Finally, Scott used the *Goede Hoop* to

later licenses see, Board of Trade, 29 Sept. 1812 and 6 Oct. 1812, BT 5/21; For the expansion of these policies, see, Board of Trade, 6 Oct. 1812, BT 5/21.

¹⁵ As previous chapters have shown, this was a major goal of the British since American Independence. For more on the regulations issued to the colonies, see Chapter 4.

¹⁶ When petitioners from other colonies attempted to move beyond Bermuda in their trade with the United States, they were rebuffed by the Board, see, Memorial of Andrew Wright, in Margaret Ells, ed., *A Calendar of Official Correspondence and Legislative Papers, Nova Scotia, 1802-15* (Halifax, N.S: Board of Trustees of the Public Archives of Nova Scotia, 1936), 319.

¹⁷ Scott's ruling was effectively the same logic he had used to confirm the *Essex* decision, see, Perkins, "Sir William Scott and the *Essex*," 181. Neff notes that there never was any resolution in court to the questions licensing provoked, see, Neff, "Britain and the Neutrals in the French Revolutionary Wars," 247.

bolster the power of the British ministry; he argued that the crown had sole authority in issuing licenses, and that the court did not have the power to reinterpret licenses beyond the text of the document.¹⁸ With this case, Scott established that Britain's overseas trade for the length of the war would entail a full-scale smuggling operation, conducted under a veil of secrecy, and legitimized by the government through the issuing of licenses to enemy ships.

Some historians have noted that the willingness of the government to adapt to changing situations, and continue to reform the inner-workings of the empire, is evidence of the strength of mercantilism at this late date.¹⁹ Yet the demands of the licensing system forced the British government to legalize illegal trades which violated traditional commercial principles. When the British Consul at Boston, Andrew Allen, illegally issued his own licenses to American merchants in 1812, Sir William Scott admitted that Allen's actions violated the "friendly and peaceable nature of an ambassador," by encouraging Americans to trade with the British in a time of war. However, the Orders in Council of October 13 and 26, 1812, retroactively legalized Allen's actions and secured a valuable trade for the British armies battling Napoleon in Spain.²⁰ Laws were rewritten to support the new system and justified as a necessary war measure. The adaptability of the commercial system actually weakened the laws which undergirded the Navigation Act.

¹⁸ Roscoe, *Reports of Prize Cases Determined in the High Court of Admiralty*, 2:73; J. R. Hill, *The Prizes of War: The Naval Prize System in the Napoleonic Wars, 1793-1815* (Stroud, Gloucestershire: Royal Naval Museum Publications, 1998), 50. By placing sole authority to control the license system in the hands of the government, Scott had authorized a new source of revenue outside the control of Parliament. Many in Parliament opposed the licensing system because of the unregulated power it gave to the government, see, Heckscher, *The Continental System*, 207.

¹⁹ W. R. Copp, "Nova Scotian Trade During the War of 1812," *Canadian Historical Review* 18 (1937): 153; Craton, "The Role of the Caribbean Vice Admiralty Courts in British Imperialism," 16; Heckscher, *The Continental System*, 207.

²⁰ See the *Case of the Hope & Others*, 19 February 1813, in Roscoe, *Reports of Prize Cases Determined in the High Court of Admiralty*, 2:153; W. F. Galpin, "The American Grain Trade to the Spanish Peninsula, 1810-1814," *The American Historical Review* 28, no. 1 (October 1922): 31.

Licensing also had unforeseen consequences by establishing a market for British identity. Licenses, both counterfeit and legitimate, were sold throughout Europe, Britain and America. The purchaser of a British license was allowed to enter the British empire and trade with Great Britain and even the enemy. While the system aimed to control the totality of international shipping, it was never fully consistent. There were several types of licenses offered to enterprising merchants. Licenses issued by the Board of Trade were known as ‘Sidmouth’s’ and ‘Prince Regents’. These licenses, technically, were the only documents that could legally permit a British subject or ally to trade with Britain’s enemies. However, the Board of Trade failed to anticipate the demand for licenses and numerous other governmental authorities began issuing new licenses to any merchant looking to temporarily work for the British government. As noted above, the British governor at Heligoland issued his own licenses, but these were at least authorized by the Board of Trade. When the War of 1812 began there was a flood of new licenses issued by admirals, ambassadors and consuls looking to secure supplies from America despite the war. The first among these was the British Minister to America, Augustus Foster, who began issuing licenses in early 1812. Foster was soon followed by Vice-Admiral Sawyer, commander-in-chief of the North American Station, who issued his own licenses when war broke out with the United States in 1812. Sawyer was concerned about maintaining the flow of grain to Britain’s military forces on the Spanish Peninsula so he took it upon himself to issue licenses. In doing so, Sawyer drafted British Consul Andrew Allen to help distribute licenses. Allen himself began issuing his own licenses by reinterpreting a letter of instruction sent to him by Sawyer.²¹

²¹ Galpin, “The American Grain Trade to the Spanish Peninsula, 1810-1814,” 29–31.

To further complicate the world of licensed trade, the French government began providing their own licenses to compete with the profits brought in by the British. Napoleon's licensing system was never as effective as its British counterpart, suffering from bureaucratic inconsistencies and extreme micromanagement. The French government even attempted to control commerce by designating 'good cities' in America (New York, Boston, Baltimore and Charleston) that the French would trade with and even 'good cargoes' by banning all West Indian produce.²² Added to this, French licenses were used as a means of extortion for captured American vessels held in French ports. Rather than dealing with complicated questions of blockade and neutral rights, the French government now seized cargoes based on a much simpler premise: whether the ship possessed a French or British license. For the French, a system of strict licensing provided a means of capturing unauthorized vessels without further justification. Yet this was also the system's greatest weakness. In America, French licenses hurt the standing of the French government by providing further ammunition for British diplomats. The British used French licenses to justify their own licensing system as well as proof that Napoleon had failed in his promise to repeal the Berlin and Milan decrees.

By 1814 the British licensed trade with the enemy had ended. As Napoleon lost control over the annexed territories after the disastrous 1812 campaign, the Continental System collapsed and licensing went with it. Meanwhile, the whole of the American coast was under a strict blockade by the Royal Navy, which resulted in an end to new licenses issued to American merchants. A variety of factors contributed to the end of the license system. Peace in Europe limited the demand for American foodstuffs. Also, the opening of the Baltic provided an

²² It was assumed that all West Indian commerce was British in origin given that Great Britain had assumed control over all French colonial possessions. *Alexandria Gazette*, 27 July 1811. For the British view on French licensing, see, *London Courier*, 10 Sept. 1810. The British mobilized a fleet of vessels sailing under 'false French licenses' to move into the Baltic and undermine Napoleon's entire continental system, see, *Suffolk Gazette*, 27 Oct. 1810.

alternative source of lumber and provisions for British forces. Finally, the British government decided that it was no longer politically profitable to encourage divisions in America by licensing merchants to trade with their nation's enemy. Though the height of the licensing system only lasted seven years, in that time the British arguably managed to do more to undermine their navigation system than all of the unregulated American commerce since the end of the War of Independence.

Debating the License System

From the start licensing during the Napoleonic Wars was controversial. Opposition to licensing brought together disparate groups in both the United States and Great Britain who feared the potential consequences of merchants purchasing a new identity. American opponents of the licensing system viewed it as a threat to national sovereignty. They openly questioned the loyalty of anyone who would betray their country for profit. Ship-owners throughout Britain worried over the potential economic losses for their industry if the government protected foreign shipping from seizure. Essentially, the British ship-owners believed that the empire had overreached and that the Navigation Act would suffer for it.

In Britain, opposition to the licensing system came swift and early. Lord Sheffield's vigorous defense of the Navigation Act in 1804 proved to be an early warning against the future license trade. Sheffield warned that for the mere price of £10 foreign entrepreneurs could bring about a 'suspension' of the Navigation Laws. Speaking of licenses and governor's proclamations in the same instance, Sheffield claimed that loosening the effectiveness of the Navigation Act

would ultimately open the door to smugglers and the enemy.²³ For many, Sheffield's warnings were prophetic. Joseph Phillimore argued in an 1811 pamphlet that Britain was now completely dependent on foreign ships for its trade with Europe. Phillimore took the unique approach of defending at the same time the rights of neutrals and the importance of maintaining the Navigation Act. Phillimore abhorred the immorality of investing in a trade based entirely on deception.²⁴ In two separate pamphlets, Joseph Marryat similarly warned that licensing was too unregulated. Licenses effectively broke down the legal distinction between British and foreign ship-owners and created too many exceptions to Britain's vital Navigation Act.²⁵ In sum, all of these pamphleteers believed that the British government was guilty of violating its own commercial laws. Further, they accepted the notion that Britain's prosperity was inextricably tied to its adherence to the Navigation Act. Finally, they believed that tradition – rather than innovation – would save Britain from Napoleon.

The pamphleteers were joined by members of the British shipping interest who reasonably saw foreign license holders as a threat to their industry. In 1810 the Merchants and Ship-Owners of Hull sent a petition to the Board of Trade requesting the immediate end to licensing. When the Board failed to act, the Hull Merchants continued to meet and discuss the dangers that licensing posed. In 1812 the Hull Merchants convened a meeting at the local guildhall to consider further opposition to the license system. At that meeting, the ship-owners

²³ Sheffield, *Strictures on the Necessity of Inviolably Maintaining the Navigation and Colonial System of Great Britain*, 56–58.

²⁴ Joseph Phillimore, *Reflections on the Nature and Extent of the License Trade* (E. Budd, 1812); Heckscher, *The Continental System*, 206.

²⁵ Joseph Marryat, *Hints to Both Parties, or, Observations on the Proceedings in Parliament upon the Petitions against the Orders in Council: And on the Conduct of His Majesty's Ministers in Granting Licenses to Import the Staple Commodities of the Enemy*. (London: Printed for J.M. Richardson, 1808), 24–25; Joseph Marryat, *Concessions to America the Bane of Britain: Or, The Cause of the Present Distressed Situation of the British Colonial and Shipping Interests Explained, and the Proper Remedy Suggested* (London: W. J. & J. Richardson, 1807), 45–51.

complained that licensed ships were draining bullion from the country. Worse still, these ships were carrying saltpeter straight to the guns of the enemy. The assembly voted to submit a new petition, this time to Parliament, seeking redress.²⁶

In Parliament, MP Brougham agreed with the ship-owners' sentiments. Brougham noted the numerous bankruptcies that had occurred since the Orders in Council, he then argued that the license trade had greatly diminished British tonnage while at the same time offering employment for enemy sailors. Brougham also revealed that the system was managed so poorly that a clerical error had resulted in increasing the worth of a license to £15,000.²⁷ Brougham's points were keenly felt by many in government, but nevertheless licensing continued unabated until 1814. As Sir William Scott had explained in the *Goede Hoop*, licensing was an exceptional response to the economic situation brought on by Napoleon's commercial system. As a weapon of economic warfare, licensing could not be simply abandoned until the war was won.

If the British government was unwilling to stop the license trade, some in America believed that they could convince potential customers to boycott licenses. Given the United States' tumultuous relationship with Great Britain by 1809, it is unsurprising that opposition on the other side of the Atlantic was much more virulent. In America, the debate over the licensing system centered around questions of national sovereignty and personal loyalty. The tone for this debate was set by President James Madison in March 1809. Just a few days into his first term,

²⁶ For the initial petition see, Minutes of the Board of Trade, 17 April 1810, BT 5/20 and 25 Feb. 1812, BT 5/21; *Hull Advertiser and Exchange Gazette*, 15 Feb. 1812. The petitioners at Hull were joined by other petitioners from Sunderland, South Shields, Scarborough, and Aberdeen. All argued that the license system undermined the main principles of the British commercial system Heckscher, *The Continental System*, 209.

²⁷ *Perthshire Courier*, 12 March 1812. Since the licensing system began, there were many in Parliament who were opposed to it. Lord Auckland argued that licensing was unlawful and even Castlereagh admitted that the system could only be justified as a war measure, see, Neff, "Britain and the Neutrals in the French Revolutionary Wars," 243.

Madison described licensing as a ‘tribute’ to a system of ‘usurpation and monopoly’.²⁸ If licensing was a weapon, Madison believed that it was pointed directly at America rather than France. As such, the harsh language employed by Madison and his political allies only became more severe when America went to war with Great Britain in 1812.

The general theme of the opposition in America was that licensing was a re-imposition of the old colonial system. Newspaper editorials called Britain the ‘tyrant of the ocean’, and accused its officials of running a ‘piratical government’.²⁹ There was a general fear that British influence was infecting American political culture. Since the start of the French Revolution, national politics had adopted an internationalized discourse, wherein political opponents were decried as secretly ‘French’ or ‘British’. The license system heightened the rhetoric as some Americans were now actively working for the interests of the British government.³⁰ The sale of licenses provided fodder for conspiracy theories which claimed that America was suffering from a subversive British influence. Responding to the Orders in Council, the *Washington National Intelligencer* in 1808 complained that the British had overtaken American culture: “Everything now-a-days is to be British. Our coats are to be British. Our laws are British. Our busiest politicians are British. The law of nations is to be British. The very beverage which an American sips at his morning’s repast or evenings’ recreation, is also to be British.”³¹ Now, the paper warned, the British were threatening the freedom of the seas by requiring licenses for all shipments to the empire. Once war broke out between the two nations the British influence over

²⁸ James Madison to William Pinkney, 8 March 1808, Founders Online, NARA. In February 1813, Madison expanded on this, describing the British system in a message to Congress as “resting upon a mass of forgery and perjury,” 24 Feb. 1813, *Annals of the Congress of the United States: Twelfth Congress - Second Session* (Gales and Seaton, 1853), 105.

²⁹ *City Gazette*, 16 April 1808; *The Monitor*, 24 December 1808; *Mount Hope Eagle*, 10 Oct. 1807.

³⁰ Bradburn, *The Citizenship Revolution: Politics and the Creation of the American Union, 1774-1804*, 118–20.

³¹ *National Intelligencer*, 12 September 1808

American daily life only became more sinister. The news that American merchants were smuggling provisions to the British army in Canada and that licensed American traders were shipping goods to British forces in the West Indies and Europe, led one newspaper to proclaim: “down down with the tories the Anglo-American tories!”³²

As in Britain, there were also several petitions sent to the U.S. government in opposition to British licensing. The ‘Citizens of the first Congressional District of the State of Pennsylvania’ submitted an address to Madison in 1810 supporting armed resistance and swearing, “That the commerce of the United States ever has and ever shall under Providence be conducted without a British License and without the protection of the British Navy.”³³ Similar sentiments were repeated by the citizens of Richmond, Watertown, and even at a meeting of Massachusetts Republicans.³⁴ The general consensus was that a British license was a ‘tribute’ to a foreign nation at a time when neutral rights were ‘trampled upon’. Petitioners called on Congress to act by prohibiting the license trade, and punishing license-holders. Some even concluded that the only solution to the license problem was an embargo or war.

From the very beginning, Republicans in Congress were deeply opposed to the license trade. Republicans believed that licensing would solidify the Orders in Council and allow Great Britain to claim sole dominion over transatlantic commerce. In March 1809, Congress considered the extreme measure of stripping American license-holders of their citizenship. However, Congress’s willingness to act did not necessarily guarantee results. Many in Congress were concerned about whether they possessed the legal authority to disenfranchise citizens but they nevertheless saw the debate as a form of protest against foreign encroachment. By pushing

³² *Columbian*, 16 April 1814.

³³ Address of the Citizens of Pennsylvania to James Madison, 17 Feb. 1810, Founders Online, NARA.

³⁴ Inhabitants of Richmond, Manchester and Vicinity to James Madison, 30 May 1812; *Republican Watchtower*, 28 Feb. 1809; *City Gazette*, 10 Nov. 1808.

for a disenfranchisement bill, Congress was also offering a tacit acknowledgment of Napoleon's claim in the Berlin and Milan Decrees that inappropriate contact with the British had the potential to 'denationalize' a vessel.³⁵ The bill quickly passed the House of Representatives, but it stalled in the Senate and debate over licensing continued. Other punitive bills similarly stumbled over the question of whether to oppose all licenses on principle or simply licenses forced on American commerce by the British.³⁶

When the war with Britain began, matters only became worse. There was a steady movement for the first year of the war to once again punish any American who obtained a British license. License takers were viewed as traitors who had thrown their lot in with the enemy. In the lead up to the war, the editor of the *American Advocate* proclaimed that license holders were "Englishmen, and ought to be so treated on every occasion."³⁷ Prompted by Madison's charge to Congress to stop a "corrupt and perfidious intercourse with the enemy," legislation was finally passed by the Thirteenth Congress to ban the use of enemy licenses in 1812.³⁸ Rather than disenfranchisement, Americans found in possession of a license would be found guilty of a misdemeanor and forfeit twice the value of the licensed cargo. These measures were only partially effective at stopping the license trade, and Congress was forced to rely on a new embargo to stop the tide of British goods flooding into America.³⁹

³⁵ During the debate, some members actually suggested that the bill was superfluous since "no man would be sill enough to take a license from the British government," *Annals of the Congress of the United States: Twelfth Congress - Second Session*, 1555. Also, see, *Enquirer*, 7 March 1809; *New-York Gazette*, 7 March 1809

³⁶ Representative Pickering in Congress suggested in 1813 that a bill to prohibit licenses replace 'Great Britain' with 'all nations', see,

³⁷ *American Advocate*, 30 Jan. 1810.

³⁸ James Madison, Annual Message to Congress, 4 Nov. 1812, Founders Online, NARA.

³⁹ *Niles Weekly Register*, 3 Oct. 1812; Donald R. Hickey, "American Trade Restrictions during the War of 1812," *The Journal of American History* 68, no. 3 (1981): 538; *Annals of the Congress of the United States: Thirteenth Congress - First Session* (Gales and Seaton, 1853), 55–56. See Madison's message to Congress, 9 Dec. 1813, Founders Online, NARA.

For merchants' ships at sea, the debate over licensing had an immediate effect. American privateers swarmed into the Atlantic searching for prizes during the war. While their principal targets were valuable British convoys, the privateers held particular scorn for American license-holders. Readers of *Niles Weekly Register*, a Baltimore paper, were able to track the progress of these privateers each week as more American vessels were brought in for possession of a British license. The publisher, Hezekiah Niles, labeled these vessels 'semi-American' and eagerly documented each capture for his readers along the following lines: "Ship St. Lawrence, from England, with a British license full of most valuable British goods, worth from 3 to 400,000 dolls. captured by an Eastern privateer and sent into Portsmouth, NH where she was condemned. The vessel and property is affected to have been American."⁴⁰ From Niles's perspective, these vessels had lost their American identity by adopting a British license. To further prove that license-holders were 'traitors', Niles recounted how American privateers would pretend to be British sea captains in order to lure a captured vessel into revealing its true identity. One captain not only showed his license but told the American privateer that he had supplied specific British naval ships with provisions, admitting "that he had no doubt if he fell in with an American privateer he should be hung."⁴¹ Niles undoubtedly agreed with the ship's captain, as he made it his mission to convince his readers that license holders were traitors who worked for the British military against their own country. For proof of their complicity, Niles printed the entire text of a license issued to an American merchant:

"By Herbert Sawyer, esq. Vice-admiral of the Blue, and commander in chief of his majesty's ships and vessels of war employed, in the river St. Lawrence, along the coast of Nova-Scotia, in the islands of Anticoste, Madelaine, St. John, and cape Breton, and the bay of Fundy, and at and about the islands of Bermuda or

⁴⁰ *Niles Weekly Register*, 6 Nov. 1813. The language Niles employed to describe vessels captured with a license, is a clear indication of his views. They were 'affected to have been American'.

⁴¹ *Niles Weekly Register*, 1 Aug. 1812 and 29 Jan. 1814; also see *Farmers Repository*, 31 July 1812.

Somers-Islands, &c &c Whereas, Mr. Andrew Allen, his majesty's consul at Boston has recommended to me Mr. Robert Elwell, a merchant of that place AND WELL INCLINED TOWARDS THE BRITISH INTEREST, who is desirous of sending provisions to Spain and Portugal, for the use of the allied armies in the Peninsula; and whereas I think it fit and necessary that encouragement and protection should be afforded him in so doing."⁴²

For Niles, the implication was clear: license-holders worked for the 'British interest'. He warned his readers to be wary as the seacoasts of America were now infested with traitors.

Licensing split many American merchants from their fellow countrymen. This was mainly due to a general underlying uncertainty regarding whether the licensed trade with the enemy was genuinely treasonous. Despite the rhetoric of pamphleteers and newspaper editors, the American government desperately needed the customs revenue provided from foreign trade. Further, Congress failed to act on the licensing trade for the first year of the war – an indication that even American officials were uncomfortable condemning all licensed trades outright.⁴³ The British picked up on the opportunity offered by this internal division and began favoring the New England states during the war in order to encourage further discord. A report provided to Secretary of State Earl Bathurst stated confidently that "Great Britain has many friends in the United States...Those friends principally inhabit the Northern and Eastern states."⁴⁴ This advice was clearly taken to heart, as the British held off on blockading New England until the end of 1814. Up until this time, licenses were still issued to 'the Eastern states exclusively' as a measure meant to divide the nation commercially as well as militarily.⁴⁵

⁴² *Niles Weekly Register*, 13 March 1813.

⁴³ Crawford, "The Navy's Campaign against the Licensed Trade in the War of 1812," 171.

⁴⁴ David Deane Roche to Earl Bathurst, 14 Jan. 1813, CO 42/152, TNA

⁴⁵ *Niles Weekly Register*, 27 Feb. 1813; Arthur, *How Britain Won the War of 1812*, 162. Madison made note of this to Congress, attacking "the general tendency of these demoralizing and disorganizing contrivances," see, Madison's message to Congress, 24 Feb. 1813, Founders Online, NARA. The British government even ordered Admiral Warren to try to seek a separate peace with New England, if possible, Wade Glendon Dudley, "Without Some Risk: A Reassessment of the British Blockade of the United States, 1812-1815" (The University of Alabama, 1999), 199.

What is most striking about the debate over licensing in the Atlantic World is that licensing came at a time of increased suspicion of a state's own subjects. Since the outbreak of the French Revolution, political discourse was largely defined by the detection of foreign influence. The Continental System itself was based on the idea that contact with an enemy infected a neutral, turning neutral ships into belligerents.⁴⁶ In the licensing years, these ideas continued to spread, despite the increase in the number of foreign traders within the British empire. Official reports from British North America indicated that a secret cabal of French spies and American 'emissaries' were working to stir up rebellion among the Native American tribes. And such suspicions also persisted in the West Indies where the Governor of Bermuda complained on several occasions to the British ministry that his opposition in the House of Assembly was primarily American in principle and education.⁴⁷ Meanwhile, American newspapers continued to lament the failure of the American criminal code to punish 'traitors and spies' in their midst.

There were those on both sides of the Atlantic who defended the license system as a reasonable solution to wartime circumstances. Officially, the British ministry claimed that the license system was not intended to force all neutral traffic through the empire. Instead, Lord Castlereagh informed the British Minister to America Augustus Foster that the official position of the government was that the license system was meant as a favor to neutral business during the blockade of the Continent. Castlereagh even authorized Foster to offer the Americans an end to the license system if they agreed to "the principle of rigorous blockade against the French

⁴⁶ See Chapter 4.

⁴⁷ *Niles Weekly Register*, 15 May 1813; *Morning Advertiser*, 1 June 1808; John Hodgson to Lord Castlereagh, 9 Feb. 1809 and 10 Aug. 1809, CO 37/65, TNA.

dominions to the exclusion of our own trade equally with that of neutral nations.”⁴⁸ The government may have offered to exchange one weapon for another, but their proposal would never have been accepted by the American government. Such an agreement would have ended all American trade with the Continent until Napoleon repealed the Berlin and Milan Decrees, effectively forcing America to side with Great Britain during the war.

Even in America, some publicly defended British licenses as a necessary medicine to fight off “the invincible Herald of Lucifer (the French emperor)...”⁴⁹ Further, it was acknowledged that licensing had already become a universal practice during the war so opposition was pointless. As an American newspaper explained, there was little Americans could do about licensing: “the practice prevails in Europe in the most powerful nations. Numerous French vessels carry on trade under English licenses, and almost innumerable English vessels prosecute a very beneficial commerce with French licenses; and thus submit to circumstances.”⁵⁰ When Congress considered further penalties for Americans taking licenses, it was pointed out that licensing was simply a product of the war, and that Britain had every right to seize ships trading with the enemy. If the whole commercial world accepted licensing, then America only hurt itself by refusing to participate.⁵¹

The debate over licensing, then, highlighted both the dangers and opportunities that licenses offered. Licenses made trade more versatile and malleable, transforming neutral cargoes

⁴⁸ Augustus Foster to Lord Castlereagh, 10 April 1812, FO 5/83, TNA. This seems to have been recognized at the time, as the *Morning Chronicle* notes, an American bill to end licensing in 1813 would result in an embargo, see, *Morning Chronicle*, 7 April 1813.

⁴⁹ *Federal Republican*, 3 Oct. 1808

⁵⁰ Hill, *Napoleon's Troublesome Americans Franco-American Relations, 1804-1815*, 55–57, 87. For the British position, see, Augustus Foster to Marquis Wellesley, 17 Jan. 1812, FO 5/84, TNA. *Spirit of 'Seventy-Six*, 10 Aug. 1810; Along with the British and the French, the American government also offered coasting licenses during the embargo, see, Rao, *National Duties*, 144.

⁵¹ *Commercial Advertiser*, 13 Nov. 1812.

into protected British property on the high seas. After commercial restrictions in Europe all but ended the profitability of transatlantic commerce, licenses offered a means of survival for American merchants during the Non-Intercourse Act of 1809 and the war. As the British government had sole control over the trade, there were more opportunities for American business under the licensing system. Through licensing, Americans traded with Nova Scotia and New Brunswick, the British West Indian islands, Spain and Portugal, and the markets of Europe through the ports of Malta and Heligoland. Yet all of this trade provoked troubling questions about whether an American merchant could remain American while in possession of a British license. Many in the press denied this dual identity, but the trade nevertheless flourished as no one seemed at all certain what it actually meant to be a licensed American trader.

Wartime Commerce and Licensed American Traitors

In order to better understand the role of licensing in transforming transatlantic commerce, this section looks at the licensed trade of Thomas Handasyd Perkins to Spain and Portugal during the Peninsular War and the War of 1812. Finally, the section then turns to the experience of American and neutral merchants who invested in licensed shipping to the neutral island of St. Bartholomew's. Perkins and his fellow merchants were forced to navigate the complicated and controversial licensing system that had turned the commercial world on its head. For years, neutral merchants exploited loopholes and inconsistencies in the law in order to carry on their trade with the British empire. Licensing changed everything by strictly defining all legal commerce rather than merely focusing on what constituted an illegal trade. Now that all unlicensed trades were illegal, merchants were forced to purchase licenses in order to protect their businesses. The licensing system offered merchants like Perkins the chance to earn a fortune in a closed economic system, but its complete dependence on the goodwill of the British

government was a severe burden for ships trading with the enemy. When new blockades were announced or licensed markets were glutted with provisions, commerce was at a standstill. Licensing may have opened up the empire to foreign trade, but it also forcefully eliminated the freedom of the seas.

The firm of J & T.H. Perkins was well-placed to take advantage of the licensed trade. Thomas Handasyd Perkins, who was a member of Boston's elite merchant class, founded the firm in 1792 with his brother to take advantage of the Haitian Revolution and to pursue a profitable trade with China. Along with establishing businesses in new markets, the firm maintained important contacts in Asia, the West Indies, and Latin America throughout the Napoleonic Wars.⁵² The firm's diverse business interests may have contributed to its survival during the embargo and the war, but access to so many markets required the firm to base much of its business around smuggling past foreign and U.S. customs officials. Perkins's commercial correspondence is full of references to 'Spanyardize' American ships, English manufactures transformed into French products, and a heavy trade in false origination papers, passports, and flags. Given the firm's history and business practices, the adoption of British licenses was a natural evolutionary step in the pursuit of new markets for Perkins's goods.⁵³

Since 1809 Spain and Portugal were the most important consumers of American grain exports. The Iberian Peninsula was always an important trading partner for American grain (with 125,000 barrels shipped in 1805) but Britain's invasion of the Peninsula in 1808 and the

⁵² Holloran, Peter C., "Perkins, Thomas Handasyd," American National Biography Online, February 2000, <https://doi.org/10.1093/anb/9780198606697.article.1001302>.

⁵³ For just a sampling of the firm's business, see, J. & T.H. Perkins to W.F. Magee, 28 Jan. 1805; J. & T.H. Perkins to James Gorham, 11 Oct. and 22 Nov. 1804; J. & T.H. Perkins to Samuel Williams, 17 Feb. 1805 and 18 March 1805, reel 6, Thomas Handasyd Perkins Papers, MHS. The firm also participated in outright smuggling, instructing ship's captains to 'drift' into colonial ports closed to foreign traffic or to feign distress in order to gain access to closed markets, see, J. & T.H. Perkins to Capt. William Ingersoll, 20 July 1804; J. & T.H. Perkins to Capt. Harvey, 22 Nov. 1804, *ibid*.

devastating war that followed created heightened demand for provisions to feed the army as well as the local populace.⁵⁴ After an initial decline during Jefferson's embargo, American shipments strongly recovered by 1809. By 1811 over 2,000 American ships carried 835,000 barrels of grain into Iberian ports. A number which just increased the following year to 938,000 barrels. Despite the British occupation, Spain and Portugal were viewed by the American government as neutrals rather than British allies. Making Spain and Portugal neutral allowed American merchants to continue selling to the Peninsula during the Non-Intercourse Act and even during the War of 1812. Iberian neutrality, however, was complicated by the fact that the entire American grain trade was licensed by the British government and directed towards supporting the British army fighting Napoleon.⁵⁵

For American merchants, the day to day provisioning of Spain and Portugal was in many ways very similar to previous disasters Americans had profited from. Merchants received news from European contacts about the state of the market, often searching their letters for keywords such as 'scarcity' or 'famine' and 'high prices' to determine the profitability of the trade. As T.H. Perkins proudly stated to Richard S. Hackley in Cadiz, "From the scarcity of flour in the Mediterranean and the state of the crops in Spain & Portugal, we feel persuaded a saving price will be found for our shipments."⁵⁶ Commercial news was structured to provide such valuable information to merchants. When the *New York Evening Post* reported on the latest military events in Spain the paper analyzed the activity of the army and the actions of the government,

⁵⁴ After the Order in Council of 31 July 1812, all U.S. shipping required a license in order to avoid capture, see, *London Gazette*, 4 Aug. 1812. Though the success of the British army largely depended on American grain, Wellington was not happy with this dependent relationship once Great Britain and America went to war, see, G. E. Watson, "The United States and the Peninsular War, 1808-1812," *The Historical Journal* 19, no. 4 (December 1976): 869-71.

⁵⁵ Pitkin, Timothy, *A Statistical View of the Commerce of the United States of America* (New Haven: Durrie & Peck, 1835), 119-20.

⁵⁶ James & T.H. Perkins to Richard S. Hackley, 13 April 1811, reel 12, Thomas Handasyd Perkins Papers, MHS.

then an economic conclusion was provided for the reader: “Rice is in brisk demand, as it is generally understood that Spain will be in great want of provisions, and a considerable advance has taken place.”⁵⁷ The demands from Spanish and Portuguese markets created a convenient hole in the Royal Navy’s blockade of the Continent, but enterprising merchants quickly learned that official British licenses would be required by all merchants looking to exploit this latest opportunity.

The majority of the trade to the Peninsula went through commissioned merchants appointed by the British government to negotiate contracts with flour merchants in America. The most prominent of these commissioned merchants was F.T. Sampayo, a Portuguese subject, who served as a British agent for supplying the army, and William Wood the former Consul at Baltimore. Overwhelmed by the demands from the Peninsula, Sampayo and Wood worked closely with American merchants to consign shipments to Spain and Portugal. Sampayo and Wood’s business faced a hurdle: to facilitate the traffic in American provisions, licenses were necessary, but the only legal authority which could grant new licenses was the Board of Trade. When America declared war on Great Britain, it was no longer clear whether new licenses would be issued. In order to expedite the shipment of grain, Vice-Admiral Sawyer in August 1812 acted on his own authority and granted 180 licenses to any vessel willing to carry provisions. The majority of these licenses were sent to Sampayo and Wood for distribution to American merchants willing to send supplies to the Peninsula.⁵⁸

Since 1811 Perkins had partnered with the Boston-London firm of Higginson & Co. to carry on a trade with the Peninsula. Recognizing the value of this business, Perkins even

⁵⁷ *New York Evening Post*, 22 Aug. 1808.

⁵⁸ Technically this trade was illegal until retroactively authorized by the Board, see, Minutes of the Board of Trade, 21 Aug. 1812, BT 5/21, TNA.

maintained a constant agent at Cadiz to protect his interests and provide him with the latest news about the state of the market. Perkins was very aware that his business depended on the active military presence of the British army. The army was the determining factor in predicting the swings of the market, as Perkins explained in a letter to his agent Richard Hackley in June 1811: “Were we confident that GB would still continue her armies in Portugal & her fleet in the ports of Cadiz & Lisbon; we should not hesitate to make large contracts for flour & wheat deliverable in October.”⁵⁹ A month later, Perkins wrote to Hackley again, this time he observed with satisfaction that recent battles between the two clashing armies had devastated the Iberian countryside. Perkins believed the labor shortage and crop damage from the war would diminish Spain’s agricultural output, creating scarcity and heightening demand. Perkins concluded his letter by promising to continue shipping provisions to the Peninsula into the winter.⁶⁰

America’s war with Britain in 1812 was accompanied by new commercial concerns. Perkins worried that the war with Great Britain might interrupt his steady trade with the Peninsula. He firmly believed, though, that the “cruisers of GB would not interrupt supplies intended for the suffering inhabitants of Spain & Portugal.”⁶¹ Despite his concerns about the heightened potential of capture, Perkins continued to invest heavily in the trade to the Peninsula, sending 8,000 barrels of flour in September 1812 alone.⁶² To protect his shipments, Perkins needed to acquire new licenses, as any British licenses issued before the start of the war were

⁵⁹ For a discussion of this partnership, see, T.H. Perkins to Bulkley, Alcock & Oxenford, 13 April 1811; T.H. Perkins to Richard S. Hackley, 1 June 1811, reel 12, Thomas Handasyd Perkins Papers, MHS.

⁶⁰ J. & T.H. Perkins to Hackley, 6 July 1811, reel 12, Thomas Handasyd Perkins Papers, MHS.

⁶¹ J. & T.H. Perkins to Richard S. Hackley, 9 Sept. 1812, reel 12, Thomas Handasyd Perkins Papers, MHS. Perkins’s letters are full of allusions to the ‘suffering inhabitants’ or ‘miserable population’. Despite his claims that the war was an ‘unprofitable contest’ he clearly depended on dire economic conditions to turn a profit, see, J. & T.H. Perkins to Samuel Williams, 29 Nov. 1812, reel 12, Thomas Handasyd Perkins Papers, MHS.

⁶² J. & T.H. Perkins to Samuel Williams, 29 Nov. 1812, reel 12, Thomas Handasyd Perkins Papers, MHS.

now invalid.⁶³ After his vessels were captured, the importance of having adequate documentation became paramount. But the licensing of ships was never a perfect safeguard against capture and condemnation. By the end of 1812 Perkins had received news that several of his vessels were captured. Each ship carried a British license at the time of capture, and their stories show the dual dangers of licensed shipments during the war. The *Ariadne* was captured and tried in the United States for trading with the enemy. The *Miser* and the *Topaz* were captured at Gibraltar for failing to immediately produce a license when stopped. These cases all illustrate the inherent dangers merchants faced in investing in a trade consumed by mutual suspicion and complicated questions about allegiance and legitimate commerce.

On October 15, 1812, Perkins's ship the *Ariadne*, was captured while en route to Cadiz by the U.S. Brig *Argus* commanded by Arthur Sinclair. The *Argus* approached the *Ariadne* under British colors and convinced the master to reveal his license. Though the ship was captured and tried for possessing a British license, this did not stop the prize crew put on board the *Ariadne* from using Perkins's license on the voyage home in order to escape British cruisers. Henry Denison, the leader of the prize crew, informed the Secretary of the Navy that the captured ship escaped two British cruisers "by making use of the license and a little finesse."⁶⁴ The multiple identities exploited in the taking of the *Ariadne* shows the fluidity and malleability of national identity under the licensed trade – even the U.S. Navy became temporarily British to protect their prize and crew.

⁶³ For a discussion of this issue, see, the debate in the House of Commons on 27 May 1813, in *Public Ledger*, 28 May 1813.

⁶⁴ Denison even commented that the British cruisers were so convinced of their identity that they placed American prisoners on board the ship for assistance, see, Henry Denison to Secretary of the Navy Hamilton, 11 Nov. 1812, in William S. Dudley, ed., *The Naval War of 1812: A Documentary History.*, vol. 1 (Government Printing Office, 1985), 566. The story of the *Ariadne* was covered by the newspapers at the time of her capture, see, *Statesman*, 14 Nov. 1812.

At trial, the case of the *Ariadne* also provides an excellent illustration of the potential dangers Americans faced in their own country while attempting to maintain their overseas businesses during the war. When the war began, Perkins was concerned about the risks posed by British cruisers. Just a few short months later, his ship was now held captive by his own navy. Along with Perkins, other elite Boston firms had placed cargoes on board the ship, including: Thomas C. Amory and Company, Nathaniel Goddard, Samuel G. Perkins and Company, Samuel May, Thomas Parsons and William Parsons. The trial largely focused on the national character of the *Ariadne* and its intended customers. The voyage was justified by the Boston merchants in court as a purely neutral transaction, despite the British license. It was pointed out that since very few of the ‘enemy’ remained in Cadiz after the recent siege, the ship’s provisions were really meant for the distraught populace rather than the British army. In summation, the claimants for the *Ariadne* argued that a shipment of flour to a neutral port was “as innocent as a voyage from Baltimore to Boston.”⁶⁵ For the district court, the arguments pursued by Perkins and the other merchants behind the *Ariadne* were convincing and the ship was restored. The captors, however, were not so easily defeated. The case was then appealed to the circuit court, the original ruling was overturned and the ship was condemned. In 1817, the case of the *Ariadne* reached the Supreme Court for a final decision. The Supreme Court upheld the circuit court’s decision, basing their ruling on the principle that: “A voyage prosecuted in furtherance of the enemy’s interests is undoubtedly illegal...”⁶⁶ Without contrary evidence, the court presumed that any vessel in possession of a British license was acting in the interests of the enemy. The court’s

⁶⁵ *Reports of Cases Argued and Decided in the Supreme Court of the United States*. (Lawyers’ Co-operative Publishing Company, 1882), 145.

⁶⁶ The court also made clear that it was their opinion that Cadiz would have fallen without the supplies provided to the British army, therefore the shipment was made for the support of the enemy, see, *Reports of Cases Argued and Decided in the Supreme Court of the United States*, 144–45.

ruling also indicates that licenses remained controversial in America long after the end of hostilities between Great Britain and America.

The courts' assumptions about British licenses and the complicity of American merchants did not stop the grain shipments to Peninsula or the general popularity of the licensed trade. In fact, after paying bond for the vessel while it was under appeal, the *Ariadne* left Philadelphia and continued on its voyage to Cadiz, finally arriving in February 1813. The conflicting opinions in court regarding the fate of the *Ariadne* represents a larger division in American society about the propriety of using British licenses during the war. In 1818, a petition made to Congress continued to push for relief from the Supreme Court's decision on the *Ariadne*. The petitioners argued that Congress at the time of the capture of the vessel had declined to act against the license trade, which indicated that the government itself was unsure about the illegality of licensed voyages.⁶⁷ The petitioners could have also pointed to ambiguous statements made by American officials regarding the license trade. While voicing opposition to licensing in public, several members of Congress allegedly invested in licensed trades according to contemporary newspaper reports. Even Thomas Jefferson, who was undoubtedly the most prominent opponent of Great Britain in America, believed that the grain trade with Spain and Portugal was important to American commerce. Jefferson stated his views on the license trade to Madison in April 1812: "For I am favorable to the opinion which has been urged by others, sometimes acted on, and now partly so by France and Great Britain, that commerce under certain restrictions and licenses may

⁶⁷ Petition of Nathaniel Goddard and Others, in *Reports from the Court of Claims Submitted to the House of Representatives* (C. Wendell, printer, 1858), 6–7. The Senate appeared sympathetic to the idea that owner of a license was unaware of the illegality of the voyage, but the House of Representatives opposed reversing such an important doctrine during the Mexican War. Clearly, even after the war, the issue of foreign licensing still divided the United States. As late as 1854, petitioners were still pushing Congress for relief, their petition was made into a bill, but it was not acted on by Congress.

be indulged between enemies, mutually advantageous to the individuals.”⁶⁸ War with Britain a few months later did not temper Jefferson’s views on licensing. In fact, Jefferson and others believed that by supplying the British army in Spain it would encourage the war with Napoleon and keep Great Britain distracted. In 1813 Jefferson followed up on his convictions, investing in a licensed shipment of 450 barrels of flour to Spain; the shipment was stopped only due to the appearance of a British blockade off of the coast of Virginia.⁶⁹

While American privateers remained a concern for the length of the war, Perkins also suffered at the hands of the Royal Navy. Perkins’s other ships captured that winter, the *Miser* and the *Topaz*, were taken to the Vice-Admiralty Court at Gibraltar for trial. Both ships had left with the *Ariadne* as part of a major shipment of flour to Lisbon and Cadiz. For the *Miser*, bad luck seemed to have doomed the voyage from ever turning a profit. The captain learned after coming into contact with a British cruiser that the ship’s license was destroyed by rats during the Atlantic crossing. Lacking any defense in court, Perkins hurriedly forwarded on duplicates of all of the ship’s original documents hoping that the *Miser* would be released before the papers even reached Gibraltar. Desperate to control the situation, Perkins wrote in December 1812 to Richard Hackley at Cadiz with instructions for every eventuality:

“If under embarrassment when this gets to hand, send this paper to Gibraltar. If condemned in the vice Admiralty forward it to England to S. Williams to be used in the appeal. If the ship is cleared it will be well that she has this document on her home passage as it will secure her against interruption.”⁷⁰

⁶⁸ *Federal Republican*, 3 Oct. 1808; *Public Advertiser*, 14 Jan. 1813; *Repertory*, 17 Feb. 1814; Thomas Jefferson to James Madison, 17 April 1812, Founders Online, NARA.

⁶⁹ Thomas Jefferson to Samuel J. Harrison, 7 March 1813; Jefferson to Patrick Gibson, 7 March 1813, Founders Online, NARA.

⁷⁰ J. & T.H. Perkins to Richard Hackley, 18 Dec. 1812, reel 12, Thomas Handasyd Perkins Papers, MHS.

Some British privateers refused to even honor the licenses, they waited offshore for vessels to unload their shipments at Lisbon and capture the American ships returning home with a cargo full of gold and silver. Corruption was always a problem in the license trade. An English naval officer made a sizable business out of issuing licenses to American merchants and then ransoming vessels once they arrived in Lisbon.⁷¹

While the *Miser* waited on the mail, the *Topaz* was released on December 10, 1812, after a month's delay while the court awaited instructions from the British government. However, the damage the ship experienced while held in port delayed its shipment to Cadiz even further. Worse still, while the supercargo awaited the court's decision in Gibraltar he was forced to watch as other American vessels arrived in port. The supercargo witnessed a visible display of the importance of arriving first at a market, as ships unloaded their cargoes and guaranteed profits for their owners. By December, news had arrived that the markets at Cadiz were overflowing with flour with approximately twenty-five American vessels already in port. John Bromfield in Cadiz reported home that only an American embargo would save the voyage by artificially increasing the price of flour.⁷² By February 1813 the entire venture seems to have been a wash. Perkins openly lamented his financial woes, stating that of the six shipments he had sent to Cadiz that year, "not one should have arrived without accident..."⁷³ Added to this, Congress had taken up the issue of licenses again and Admiral Warren's blockade of the southern ports of the United

⁷¹ William Armstrong Fairburn, *Merchant Sail*, vol. 2 (Center Lovell, ME: Fairburn Marine Educational Foundation, Inc., 1945), 838; John Philips Cranwell and William Bowers Crane, *Men of Marque: A History of Private Armed Vessels Out of Baltimore During the War of 1812* (New York: W.W. Norton, 1940), 33.

⁷² John Bromfield to Bryant & Sturgis, 28 Nov. 1812 and 21 Dec. 1812, Box 1, Hooper-Sturgis Collection, MHS. Bromfield reported in February that he advertised the *Topaz* in Cadiz but there were no ready buyers, and he found little demand for the flour, Bromfield to Bryant & Sturgis, 2 Feb. 1813, Box 1, Hooper-Sturgis Collection, MHS.

⁷³ J. & T.H. Perkins to Samuel Williams, 23 Feb. 1813, reel 12, Thomas Handasyd Perkins Papers, MHS. Perkins largely blamed his agent in Cadiz, Richard Hackley, for the failure of much of his business that winter, stating that he would make sure, "that no property of our own or friends or acquaintances shall ever again get into his hands." See, J. & T.H. Perkins to Samuel Storrow, 18 Dec. 1812, reel 12.

States cut off a major source of American flour. Perkins worried that if the latest rumor of a French withdrawal from Spain was true, then the “Spaniards & Portuguese would be left to cultivate their fields in quiet...”⁷⁴ Without the constant burden of two invading armies, the Peninsula would no longer need to rely on imports from America.

Most of Perkins’s troubles in the winter of 1812 may be explained by the conditions faced by the British army in Spain. There appears to have been a direct correlation between the Duke of Wellington’s progress against the French army and the relative legality of a licensed grain shipment from America. Wellington, who always despised relying on American grain to feed his army, moved as quickly as possible to avoid any further dependence on a country currently at war with Great Britain.⁷⁵ Unknown to investors on either side of the Atlantic, the licensed trade was quickly coming to an end. In fact, many were investing more in the Peninsula. Despite the numerous problems he faced in 1812, the following year Perkins promised to persevere, pushing for further shipments, and inquiring whether Samuel Williams in London could obtain more licenses for the Peninsula.

Perkins’s profits were always susceptible to a sudden change in the trade winds. By funneling American grain into a single market, the British fueled their armies but they also ensured an eventual market glut. By the summer of 1813 prices for grain had dropped by two dollars a barrel, and the British were already considering alternative sources for grain from Egypt, Brazil and the Baltic. As a result, the tonnage of American vessels fell by almost 75 percent between 1813 and 1814. Profitable grain shipments were further hindered by the Royal

⁷⁴ Ibid.

⁷⁵ This idea of a fluid legality when it comes to licenses and their treatment by British authorities has been examined by Brian Arthur, see, Arthur, *How Britain Won the War of 1812*, 96. For more on Wellington and alternative avenues for supplying the army, see, Watson, “The United States and the Peninsular War, 1808-1812,” 871–73; Galpin, “The American Grain Trade to the Spanish Peninsula, 1810-1814,” 43.

Navy's growing blockade which had divided America into friendly and unfriendly zones. The blockade severely disrupted local markets resulting in widespread uncertainty and price hikes. For example, Brian Arthur has found that, due to the blockade, a barrel of flour cost six dollars in Baltimore and almost twelve dollars in Boston. Similarly, Bostonians paid over double the cost of sugar compared to prices in New Orleans. As it became more difficult to move goods through America, markets became so isolated that they were entirely disconnected from the rest of the country.⁷⁶

The proceeds for Perkins's shipments to Spain and Portugal were remitted to Henry Higginson and Samuel Williams of London, further emphasizing the interdependence of Anglo-American trade. Just as in the previous years, London creditors continued to provide essential services for transatlantic commerce. Merchants depended on London bankers for credit and for news from Europe, but the license system and the war also made these connections more tenuous. Communication between America and Great Britain was closely watched by the U.S. government, which feared what Americans might reveal to their British contacts. When New York merchant Jonathan Ogden wrote to his partner and brother Robert Ogden in London, he informed Robert that any letters sent direct from London "will go to Washington to be there opened & it is frequently weeks before they get to my hands."⁷⁷ To counteract this, merchants developed tactics to circumvent the watchful gaze of authorities. When T.H. Perkins wished to contact Samuel Williams in London, he would write to Williams by way of H.T. Sampayo in Lisbon (the brother to F.T. Sampayo). Perkins instructed Sampayo to forward on his letters from Lisbon to his contacts in London. Perkins assured Williams that Sampayo could be trusted and

⁷⁶ Arthur, *How Britain Won the War of 1812*, chaps. 6 & 7; Kert, *Privateering*, 85.

⁷⁷ Jonathan Ogden to Robert Ogden, 25 April 1813, Jonathan Ogden Letter Book vol. 3, NYHS.

that Williams should transmit his responses to Lisbon or Cadiz to be then forwarded on to Boston.⁷⁸ Other methods of maintaining communication relied on more local enemy ports such as Halifax, where the firm of Forsyth, Black & Co. assisted several American firms by forwarding letters to Europe and the West Indies. Canadian businesses acted as a conduit for American merchants looking to correspond with contacts in the British empire. Perkins himself maintained a constant correspondence with British-held Martinique and Guadeloupe, Plymouth, Liverpool and London by way of Halifax.⁷⁹ Finally, the neutral Swedish island of St. Bartholomew's acted as a further intermediary for Americans looking to ship goods past American and British cruisers as well as a neutral way station for secretly directing letters to the British empire.

Purchasing licenses for neutral ports allowed Americans to maintain contact with their correspondents in Great Britain during the war. Yet this system of communication had its pitfalls. As Perkins experienced in 1812, timing was everything in the provisioning trade. When merchants were forced to rely on intermediaries to transmit important commercial information their communications were often delayed or even lost. In order to ensure delivery, duplicates of letters were sent through multiple channels with the hope that at least one would arrive at its intended destination. When Jonathan Ogden wished to communicate with the Liverpool firm of Hobsons & Bolton he directed one letter to be sent on a Portuguese vessel and another copy to be sent to St. Bartholomew's. From St. Bartholomew's, the letter was carried to Bermuda before

⁷⁸ J. & T.H. Perkins to Samuel Williams, 24 Aug. 1813, reel 12, Thomas Handasyd Perkins Papers, MHS. Several other merchants also relied on Sampayo to cover their correspondence with other locations. For an example of this see, Jonathan Ogden to Latimer & Hollingsworth, 13 Aug. 1813, Jonathan Ogden Letter Book vol. 3, NYHS.

⁷⁹ For examples of these letters, see, Perkins to Forsyth, Black & Co. [Halifax], 8 May 1813; J. & T.H. Perkins to Augustin Gallet [Martinique], 8 May 1813; J. & T.H. Perkins to Cesar Du Buc de St Olympe [Guadeloupe], 8 May 1813; J. & T.H. Perkins to John Hawker [Plymouth], 28 June 1813; J. & T.H. Perkins to Carter & Storr [Liverpool], 28 June 1813; J. & T.H. Perkins to Samuel Williams [London], 10 July and 3 Aug. 1813. Even British officials who remained in America depended on this private firm as a conduit for relaying information back to London, see, Consul Andrew Allen to Lord Castlereagh, 24 Jan. 1813 and Allen to Sister, 12 Feb. 1813, FO 5/95, TNA.

eventually being delivered to Liverpool.⁸⁰ However, the process of duplication was always time-sensitive and could potentially lead to costly errors or omissions further endangering the potential profits from these adventures.

St. Bartholomew's was not only a hub for correspondence between America and the British empire. Similar to the role played by St. Eustatius during the American Revolution, the island also acted as an important center for West Indian commerce during the War of 1812.⁸¹ After the Fourth Anglo-Dutch War, St. Eustatius was largely deserted by its population of cosmopolitan merchants in favor of the Danish island of St. Thomas and the Swedish island of St. Bartholomew's. When it became too dangerous to leave an American port with a British license, ships would travel under a Swedish or Danish flag. Once St. Thomas was captured by the British in 1807, enterprising merchants were only left with one option. Hundreds of ships flocked to St. Bartholomew's in the following years. Some American merchants even became Swedish subjects in order to neutralize their businesses. The trade in Swedish bottoms during the war appears very similar to previous neutral trades, with the exception that much of this traffic was now licensed by the British government.⁸² Licensing neutral commerce forced many to question the limits of legitimate neutrality.

⁸⁰ Jonathan Ogden to Hobsons & Bolton, 22 May 1813, Jonathan Ogden Letter Book Vol. 3, NYHS. For an example of an error in duplication see, Jonathan Ogden to H.T. Sampayo, 5 July 1813, *ibid.* For more on timing and the provisioning trade, see above.

⁸¹ After the occupation of St. Eustatius in 1781, the island lost its privileged status as the major free port for the Greater Caribbean. Along with the Danish island of St. Thomas, the new Swedish colony of St. Bartholomew's opened its doors to foreign trade in 1784. Most of the free ports were dominated by foreign merchants who were only nominally Swedish or Danish burghers. The Englishmen, Americans and Frenchmen who traded on the islands used their multi-nationality to gain access to closed European empires, see, Jordaan and Wilson, "The Eighteenth-Century Danish, Dutch, and Swedish Free Ports in the Northeastern Caribbean."

⁸² According to Kert, neutral Swedish ships even participated in British convoys, see, Faye M. Kert, *Prize and Prejudice: Privateering and Naval Prize in Atlantic Canada in the War of 1812* (Liverpool: Liverpool University Press, 1997), 146; For the role of St. Bartholomew's in the region's economy, the development of free trade and the process of naturalization, see, Wilson, *Commerce in Disguise: War and Trade in the Caribbean Free Port of*

Since Jefferson's 1807 embargo, American interest in neutral papers had increased as a means of circumventing American commercial restrictions rather than offering any kind of protection from belligerent vessels. When the British began blockading the American coast in 1813, merchants once again invested heavily in neutral shipping. Newspapers advertised vessels that 'sails remarkably fast' or guaranteed vessels 'built in Sweden' rather than simply naturalized with the appropriate documents. Others sold vessels which seemed capable of adopting whatever identity would meet the needs of the buyer, claiming ships "well calculated for the Swedish or Spanish trade."⁸³ For a time, these advertisements offered merchants hope of continuing their trade with the British empire, despite the embargo, blockade and legislation banning British licenses.

Initially, the British intended to rely on neutral shipping to Bermuda rather than a neutral island to supply the West Indies. With the Order in Council of October 26, 1812, Great Britain had transformed Bermuda into the main port for foreign trade with the British West Indies. The Order authorized the importation of British sugar and coffee into the island for re-export to the United States. The Order further permitted the granting of licenses to any neutral ship to carry provisions from the United States to Bermuda. These goods were then redistributed throughout the West Indies. Finally, the Order allowed for the entry of American vessels under license into Bermuda, provided those ships originated from the 'ports of the Eastern States exclusively.'⁸⁴ Even as an expedient wartime measure, the Order drastically undermined the exclusivity of

Gustavia, 1793-1815; Ale Pålsson, "Our side of the water: political culture in the Swedish colony of St Barthélemy 1800-1825" (Stockholm University, 2016).

⁸³ For an example of just some of these advertisements see, *Mercantile Advertiser*, 5 Oct. 1809; Poulson's *American Daily Advertiser*, 31 July 1810; *New-York Gazette*, 22 Sept. 1813; *Commercial Advertiser*, 11 April 1814. Neutral vessels were even mixed and matched, such as a Spanish schooner advertised for St. Bartholomew's, *Niles Weekly Register*, 13 Sept. 1813. For the vessel with multiple identities, see, *New-York Gazette*, 24 March 1813.

⁸⁴ Minutes of the Board of Trade, 16 Oct. 1812, BT 5/21; Madison's Message to Congress, 24 Feb. 1813, Founders Online, NARA.

Britain's colonial possessions. By opening the West Indies to foreign traffic, the government punctured a Bermuda-sized hole into the Navigation Act. Further, in adapting the West Indies to the licensed trade, Britain had confessed that the West Indies continued to rely on American supplies for their very survival.

The plan to make Bermuda into the center of the West Indies was challenged from the very beginning. British merchants argued that Bermuda was too remote and that it would unnecessarily increase the cost of transshipment as well as add to the length of an individual voyage. The many inconveniences surrounding the Bermuda trade came to the forefront in 1813 when hurricanes devastated the British West Indies. Once again, the Board of Trade was forced to consider how to reconcile the problem of immediate need with the mercantile philosophy of the Navigation Act. Neutral shipping direct to Bermuda was clearly not working, and a new strategy was needed in order to feed the colonists and the military forces stationed in the British West Indies. The Board's short-term solution was to return to the spirit of the old system of proclamations by giving colonial governors the power to grant licenses.⁸⁵ Within the space of a year, the hole in the Navigation Act had already expanded to undermine the entire commercial system.

Desperate for relief, the government increasingly relied on neutral ports for supplies. St. Bartholomew's transformation into the neutral entry-point into the British empire came about haphazardly. As early as November 1812, Admiral Warren was reporting to Whitehall that St. Bartholomew's had already become the main 'entrepot' for supplying the West Indies. Warren had received applications for licenses to St. Bartholomew's for American and neutral vessels and was unsure of how to proceed. In the application for a license, Consul Andrew Allen stated to

⁸⁵ Minutes of the West India Committee, 20 Oct. 1813, reel 3, Senate House Library; Minutes of the Board of Trade, 21 October 1813, BT 5/23, TNA.

Warren that just as St. Eustatius and St. Thomas were used in previous wars as ‘mediums of communication’, now St. Bartholomew’s could serve the same purpose for the British. Allen noted that while it was illegal for an American ship to directly trade with the enemy by taking a British license for a British port, St. Bartholomew’s could serve as a viable alternative. Allen’s proposal even spelled out the form of the license for Warren in order to avoid any violation of U.S. law.⁸⁶ Neutral commerce, which had so long worked against the interests of the empire, now worked for it. The *American Prizes Act* of February 1, 1813, modified previous Orders in Council to allow belligerents to sell their ships to neutrals. The details of the Act were then forwarded on to the Governor of St. Bartholomew’s. This was, in effect, “the tacit approval from Whitehall of American trade under the Swedish flag.”⁸⁷ Recognizing the significance of this new policy, colonial governors began explicitly licensing British vessels to stop at St. Bartholomew’s before proceeding to a U.S. port.

The wholesale takeover of the neutral trade was a great victory for the empire, but to the military, it was a further sign of weakness. Though Admiral Warren depended on these provisions to support his winter base in the West Indies, he nevertheless believed that the license system was too unwieldy. In Warren’s view, the blockade of the American coast proved ineffective so long as American merchants could pass British forces freely under neutral cover. Further, Warren questioned the effectiveness of a blockade while the enemy government continued to collect customs revenue.⁸⁸

The trade between St. Bartholomew’s and the British West Indies focused on the transshipment of goods through the island. As the stated port of destination, St. Bartholomew’s

⁸⁶ Sir John B. Warren to Lords Commissioners of the Admiralty, 11 Nov. 1812 and enclosures, in Dudley, *The Naval War of 1812*, 1985, 1:567.

⁸⁷ Wilson, *Commerce in Disguise: War and Trade in the Caribbean Free Port of Gustavia, 1793-1815*, 224–28.

⁸⁸ Arthur, *How Britain Won the War of 1812*, 73.

neutralized a voyage and protected the shipper from capture, namely from the American privateers swarming into the Caribbean. The journey of the *Flora*, for example, highlights how this new trade played out amid war, blockades and a sea of privateers. In February 1813, the *Flora*, owned by Samuel Blagge of Boston, traveled from St. Bartholomew's for New York with a cargo of sugar, molasses and hides consigned to Blagge's contact in New York, Robert Dickey. Having learned that the customs officer for the port of New York was targeting vessels with colonial produce from St. Bartholomew's, the *Flora* changed course for Connecticut and the ports of New Haven and New London. These two ports had grown over the course of the war to become the principal smuggling sites for the Atlantic coast of the United States. After six months, their reputation was already so notorious that they were known by U.S. officials as the 'St. Bartholomew's of America'.⁸⁹ After landing the *Flora's* cargo, the goods were shipped overland to New York. Arrangements were made for the *Flora* to pick up a return cargo for St. Bartholomew's by travelling in ballast to New York. The *Flora* left New York carrying important letters from American merchants to their neutral contacts in St. Bartholomew's. The correspondents warned that much of the American coast was now blockaded, but that the ports north of New York were safe for neutral shipping. The story of the *Flora* shows how commercial restrictions had the potential to shift international trade to new markets. In Europe, the ports of Heligoland and Malta had gained new importance as avenues for subverting the Continental System. Similarly, St. Bartholomew's, New Haven and New London became major hubs for the

⁸⁹ *Flora*, 19 Feb. 1814, HCA 45/66, TNA; The redirection of trade routes to new ports in order to avoid commercial regulation was a common facet of eighteenth-century commerce. For the effect of British commercial regulation on trade routes in India, see, M.R. Fernando, "Continuity and Change in Maritime Trade in the Straits of Melaka in the Seventeenth and Eighteenth Centuries," in *Trade, Circulation, and Flow in the Indian Ocean World* (Houndsmills, Basingstoke, Hampshire: Palgrave Macmillan, 2015), 124; Master Commandant Lewis reported to the Secretary of the Navy that the port was the "rendesvous of Sweads, Spanyard & Portuguese (alias Englishmen)", see, Jacob Lewis to Secretary of Navy Jones, 9 Aug. 1813, in William S. Dudley, ed., *The Naval War of 1812: A Documentary History.*, vol. 2 (Government Printing Office, 1992), 206.

redistribution of colonial produce and grain. This idea was crystallized by Blagge's New York partner who noted that even though most ports were blockaded by the Royal Navy and the war was set to continue, "Our markets for West India produce is again looking up."⁹⁰

Like all neutral trades, the trade with St. Bartholomew's relied on the active use of multiple identities in order to outmaneuver privateers and customs officials. The case of the *Albion alias Anna Catharina*, taken by a British privateer in November 1813, shows how this multifaceted trade worked. The ship's multiple names give an early indication of how complicated identity could become in the St. Bartholomew's trade. The *Albion* was owned by an American, Richard Foster Breed, who ran a merchant firm in Liverpool, England. In order to protect itself from capture by American privateers, the *Albion* traveled with Swedish documents and under a Swedish name, *Anna Catharina*. The ship's papers reveal that the supercargo, David Austin of Boston, was instructed to first stop in St. Bartholomew's for information on the West Indian markets. Though the ship and cargo were claimed as British property, Breed instructed Austin to consider trying the markets in the Spanish and French West Indies. Given its multiple identities and destinations, the captors believed that there was every reason to suspect that the *Albion* was in fact American property. In the initial years after the *Essex* decision, the court probably would have agreed. However, the captors were unable to convince the Admiralty Court of Appeals which refused to condemn the vessel as a lawful prize.⁹¹ In the eyes of the court, the use of a license, the avoidance of American privateers, the British owner, and the trade with St. Bartholomew's trumped the possibility of American collusion.

⁹⁰ Abraham S. Hallet to Joseph Foulk, 3 April 1813, in *Flora*, 19 Feb. 1814, HCA 45/66, TNA.

⁹¹ *Albion alias Anna Catharina*, 27 April 1815, HCA 45/68, TNA, f.98.

Many vessels leaving America for St. Bartholomew's never actually made it to the Caribbean, instead these vessels leveraged their Swedish papers to travel to Halifax. In December 1812, 20,000 barrels of flour arrived in Halifax from Boston under neutral colors.⁹² Isaac Clason reported on the trade in Halifax to James Madison, stating, "The enemy are regularly fed by Swedes or by pretended Swedes, with forged papers from Halifax."⁹³ To avoid suspicious authorities, merchants were forced to become increasingly creative in their schemes to ship goods under neutral colors to the British empire. Neutral vessels landed their cargoes in Nova Scotia at night or even met with the blockading squadron off the coast of the United States. In one case, a ship under Swedish colors was stopped by a suspicious customs officer and searched thoroughly for any incriminating documents. The ship was officially destined for the neutral port of Fayal, but the customs officer discovered a British license hidden in a jug which indicated that the ship was really heading to Halifax.⁹⁴

Since the embargo of 1807, the local economies in British North America had greatly benefited from the disappearance of American shipping. Goods smuggled from America were transhipped by vessels from New Brunswick and Nova Scotia to the West Indies. During the embargo of 1807, these ports handled more shipping than the entire U.S. merchant fleet.⁹⁵ British

⁹² *Niles Weekly Register*, 12 Dec. 1812. *Niles* reported that in a single day 17,000 barrels of flour arrived in Halifax from the United States under Swedish flags, all meant to 'feed the enemy', *Niles Weekly Register*, 20 Nov. 1813.

⁹³ Isaac Clason to James Madison, 17 Dec. 1813, Founders Online, NARA.

⁹⁴ The customs officer also discovered false addresses assigned to the correspondence found on the ship. Merchants located in 'Fayal' were known to actually reside in Halifax, *National Advocate*, 27 Feb. 1813. Also, see, *Niles Weekly Register*, 6 March 1813. Hickey, "American Trade Restrictions during the War of 1812," 530; Copp, "Nova Scotian Trade During the War of 1812," 144.

⁹⁵ Gerald Sandford Graham, *Sea Power and British North America, 1783-1820: A Study in British Colonial Policy* (New York: Greenwood Press, 1968), 201; Smith, *Borderland Smuggling: Patriots, Loyalists, and Illicit Trade in the Northeast, 1783-1820*, 59. It was because of the relationships formed during the embargo that it was predicted that Americans would be more inclined to smuggle than to actually fight, see, Elkanah Morton to Deputy Provincial Secretary, 6 July 1812, in Eells, *A Calendar of Official Correspondence and Legislative Papers, Nova Scotia, 1802-15*, 260; Copp, "Nova Scotian Trade During the War of 1812," 145; H. N. Muller, "A Traitorous and Diabolical

North America's new commercial role only became more important during the war. While many merchants engaged in outright smuggling along the border of British North America, the transshipment of U.S. goods was a far more important trade for both sides. By October 13, 1812, an Order in Council opened the ports of Halifax, St. John and St. Andrew's to a licensed trade with the United States. Since U.S. ships could not legally depart for an enemy port, merchants arranged for the capture of their own vessels in order to fool authorities in the U.S. that the shipments were not intended for the enemy.⁹⁶

A neutral ship could only provide so much protection from American privateers or the Royal Navy. Several contemporary newspapers followed the capture of vessels accused of violating their neutrality. In January 1814, *Niles Weekly Register* reported on the capture of the Swedish schooner *Neutrality* from St. Bartholomew's. Despite its neutral flag and neutral origin, the *Neutrality* was captured by an American privateer "on suspicion of coming from Halifax."⁹⁷ While there were many reports that British traders were covering their trades with neutral papers, particular scorn was reserved for those former American vessels that were now under Swedish colors and British licenses. American vessels would leave the United States and clear customs for St. Bartholomew's but these vessels rarely unloaded any cargo on the island. According to Nathaniel Strong, the American agent in St. Bartholomew's, "not more than half of the vessels and sail from the United States...ever were in the island, they proceed direct to the islands of the

Traffic: The Commerce of the Champlain-Richelieu Corridor During the War of 1812," *Vermont History* 44, no. 2 (Spring 1976): 90.

⁹⁶ For an example of this trade, see the Vaughan family correspondence. The Vaughan's, placed in Maine, Jamaica and London conducted a lucrative triangular trade during the war, see, Petty Vaughan to Alexander Peterkin, 7 Oct. 1812, Vaughan Family Box 22; Petty Vaughan to Clapp & Agry, 28 Aug. 1813, Box 4, Vaughan Family Papers, MHS.

⁹⁷ *Niles Weekly Register*, 29 Jan. 1814. In March 1814 *Niles* reported on the capture of another Swedish ship because its property was 'unquestionably British', see, *Niles Weekly Register*, 26 March 1814.

enemy and return from them under forged clearances.”⁹⁸ Like the American trade to St. Eustatius in the 1780s, St. Bartholomew’s was merely a way station into the British empire.

Along with destination, there was also a question of the actual identity of the owners of the vessels engaged in this trade. Privateers, the U.S. Navy, American spies in the British West Indies, and even the British Admiralty Courts all admitted that neutral ships were often secretly owned by British or American merchants.⁹⁹ American privateers enjoyed great success bringing in vessels carrying Swedish papers and British licenses. In March 1814, the *Niles Weekly Register* claimed that American privateers had captured nearly forty vessels worth an estimated two million dollars in the space of a month. Many of these prizes were neutrals traveling between neutral ports and listed in the *Register* as ‘supposed British’ or ‘called a Spaniard, but with a British license’.¹⁰⁰ The following months carried more lists of captured neutral ships. These captures were justified as it was generally believed that there was a direct link between neutral license holders and the continued strength of the British military. When a British Vice-Admiralty Court zealously condemned several vessels sailing under the Swedish flag, the *Niles Weekly Register* applauded the enemy court’s move against perceived traitors.

British privateers were also deeply uncomfortable with the new status-quo. As shown above, privateers continued to use post-*Essex* justifications for bringing in ships: enemy crews,

⁹⁸ Nathaniel W. Strong to James Monroe, 14 Sept. 1813, M72, RG 59, NARA.

⁹⁹ Stephen Decatur to William Jones, 18 June 1813, in Dudley, *The Naval War of 1812*, 1992, 2:138. For Madison’s spy in Barbados, Ely Magruder, see, Ely Magruder to James Madison, 13 March 1813, Founders Online. Crawford has conducted an extensive analysis of the U.S. Navy’s views on the complicated license trade, see, Crawford, “The Navy’s Campaign against the Licensed Trade in the War of 1812.” While there was a tacit expectation that vessels traveling to St. Bartholomew’s would arrive in the British West Indies, the courts clung to the text of the license, and condemned an American vessel that deviated from its course and traveled direct to the British West Indies in violation of its license, see, *Sally Ann*, in James Stewart, ed., *Reports of Cases Argued and Determined in the Court of Vice-Admiralty at Halifax, in Nova Scotia: From the Commencement of the War in 1803 to the End of the Year 1813, in the Time of Alexander Croke, Judge of That Court* (J. Butterworth, 1814), 367. The case of the *Gustavus Vasa* involved a vessel described in court as a ‘Yankee Swede’, see, *Gustavus Vasa*, 1 Dec. 1814, HCA 45/68, TNA.

¹⁰⁰ See, for example, *Niles Weekly Register*, 15 Jan. 1814, 29 Jan. 1814, 26 March 1814, 30 April 1814, 28 May 1814, 30 July 1814 and 10 Sept. 1814.

suspicious documents and problematic destinations. While their methods had not changed, the higher court's treatment of the St. Bartholomew's trade seemed to completely disregard enemy ownership of neutral vessels. When a British privateer brought the *Robert* of St. Bartholomew's into Antigua, he declared that the ship had sailed from a blockaded port and there were further reasons "to infer that the property belonged to the enemy."¹⁰¹ The *Robert* sailed from St. Bartholomew's in 1813 with colonial produce, landed goods at New Haven, and departed for Barbados with a cargo of flour. The *Robert* intended to trade with both sides of a war, profiting at each end of the voyage. In earlier years, this was grounds for condemnation. Further, the owners of the *Robert*, Elbers and Krafft of St. Bartholomew's, had several other vessels captured by British privateers – a fact that was generally interpreted as evidence of guilt. However, on each occasion, Elbers and Krafft prevailed in the Admiralty Court of Appeals.¹⁰² In effect, the St. Bartholomew's trade with the British West Indies was more vital than any potential revenue from prizes taken by British privateers.

In 1813, Perkins's firm struggled to make the transition to the neutral trade in Swedish bottoms after the devastating losses which had occurred the previous year in Spain. Perkins wrote dejectedly to an associate in Martinique that 'business was dull' and with the blockade of all of the ports south of New York, supplies could only come in neutral bottoms.¹⁰³ Perkins's poor experience with the license system helps to explain why he testified at the trial of Andrew Allen to verify Allen's signature on the British licenses granted to several Boston merchants.¹⁰⁴ It would take until December 1814 before Perkins felt confident enough to recommend his

¹⁰¹ *Robert*, 27 April 1815, HCA 45/68.

¹⁰² See, *Flora*, 19 Feb. 1814, HCA 45/66; *Ann*, 2 March 1815, HCA 45/67; *Robert*, 27 April 1815, HCA 45/68.

¹⁰³ Perkins to L. Banois, 8 May 1813, reel 12, Thomas Handasyd Perkins Papers, MHS.

¹⁰⁴ Allen was tried in absentia for granting licenses after the declaration of war, see, *Niles Weekly Register*, 4 Sept. 1813.

contacts ship any more goods for America. On December 31, 1814, Perkins could no longer resist engaging in the neutral trade. He wrote to a contact in St. Bartholomew's that the uncertainty of the war had depressed the market, but the latest news hinted that the war would continue for a number of years, if true, "the price of sugar & coffee must be very high & will probably induce us to take the hazards of shipments to y[ou]r place in which case we shall have the pleasure to address you."¹⁰⁵ Five days later, Perkins sent a similar letter to another resident of St. Bartholomew's soliciting a potential business opportunity. Perkins informed his contacts on the neutral Swedish island that they should respond to his letters via Forsyth, Black & Co. of Halifax or Samuel Williams in London. Like his business in Spain, Perkins's latest scheme was ill-timed as the war had already ended before his letters even arrived at their intended destination. Nevertheless, the letters themselves are important. Even when business dried up and the Royal Navy's blockade covered the entire American coast, Perkins still actively maintained his contacts in the empire. In writing these letters Perkins continued a tradition of American merchants since independence of relying on British contacts to relay information, protect his interests, conceal his business and advocate for him with the authorities. The information, however discouraging, that Perkins collected from his British contacts was the most important commodity in his possession.

Conclusion

The license trade was the culmination of decades of reforms of the navigation system of the British empire. By 1807, with nearly complete control over the seas, the British claimed sole authority to regulate international trade in the Atlantic. In this sense, licensing fulfilled the

¹⁰⁵ T.H. Perkins to Delbey, 31 Dec. 1814, reel 12, Thomas Handasyd Perkins Papers, MHS.

ambitions of the Navigation Acts by banning all foreign traffic not permitted by the British government. Licensing decisively tipped the balance of trade in Britain's favor. As the sole purveyor of colonial goods, Britain had become the world's marketplace. The power of this monopoly to reshape the market is clear. As the license trade reveals, foreign consumers and merchants actively broke their own society's laws to gain access to products only the empire sold. Despite popular misgivings, many were more than happy to form a partnership with the 'tyrant of the ocean'.

While licensing was a testament to the adaptability of mercantilist policy to meet a crisis, the system also greatly weakened the effectiveness of the Navigation Act. Even though only licensed British traders were able to move freely through the Atlantic, it was now incredibly easy to become a British trader. The text of the license stipulated that everyone 'not French' could obtain a license. After paying a fee, these licensed traders carried British products to foreign countries or, worse still, they returned home with a cargo of specie drained straight from British coffers. The government attempted to rectify the deficiencies in licensing by constantly adjusting the system and ending licensed trades as soon as a market was sustainable. But the damage was already done.¹⁰⁶ For the short term, the empire depended heavily on foreign shipping to move goods and information until the war ended. Looking forward into the nineteenth century, it is clear that licensing greatly contributed to the downward spiral of Britain's closed navigation system.

Licensing also further complicated British identity. The empire had struggled with distinguishing British subjects from Americans since the end of the American Revolution. By the

¹⁰⁶ By 1818 the Board of Trade was making preparations to admit American vessels under the free port acts which had opened a trade with the Spanish West Indies. Armitage, *The Free Port System in the British West Indies: A Study in Commercial Policy, 1766-1822*, 132-33.

1805 *Essex* decision, the British finally had a response to Americanness: Americans were enemies, little better than the French in the eyes of the courts. Within three years, many Americans were suddenly transformed into licensed British traders working to actively support the empire's war effort. Even with the outbreak of war in the summer of 1812, there seemed to be a strong belief within the British government that the commercial interest in America was aligned with Britain. It was believed that this interest would never support the war and by purchasing a license, these merchants had already taken a side. Instead of supporting the war, through various channels, American merchants actively supported their nation's enemy by sending supplies to Canada, the West Indies and Europe. The War of 1812 may have helped many in America distance themselves from their legacy as a colony of the British empire, but the war also emphasized the continued interdependence of American and British trade.

Conclusion

This dissertation has focused on continuity in the Age of Revolution. After spilling a lot of blood and gold to win independence, American merchants smuggled, falsified, and negotiated their way back into the British Empire. Despite the supposed rupture caused by their colonial revolution against the mother country, American merchants saw no contradiction in their newly won identity and their place within the empire. Likewise, a period that began with the British government viewing disloyal members of the empire as ‘bayonet subjects’ ended with licensed American traders, whose loyalty to the crown began and ended with the wartime commercial privileges the license purchased. In the end, belonging within the British Empire could not be broken down into simple binaries of loyal subject and foreigner. One could in fact appear disloyal or even independent and still belong. The innumerable configurations of foreigners who participated in the empire challenges the traditional trajectory of modern citizenship outlined by most historians.

Continuity is also evident in the two Anglo-American wars which bookend this study. During the revolution, American merchants joined British, French, and Spanish merchants as Dutch burghers on the neutral island of St. Eustatius. Similarly, British and American merchants relocated to the Swedish island of St. Bartholomew’s, and after paying a naturalization fee, the merchants turned the island into a conduit for trade traveling between the West Indies and the United States during the embargo and War of 1812. For both St. Eustatius and St. Bartholomew’s, peace brought economic disaster as merchants relocated to more traditional ports. Those who remained attempted to take advantage of the opening of South American

markets and portrayed the island as a free port for supplying privateers, but St. Bartholomew's had little to offer in peacetime amidst an expanding sea of free ports.¹

At the end of both wars, the association between the two countries remained so entangled that no one was quite sure if America retained access to the West Indies, despite the confident pronouncements of popular pamphleteers to the 'Alien States of America'.² At the end of the War of 1812, Petty Vaughan, a merchant in London, informed his brother William in Maine: "I cannot yet learn whether the late treaty admits American vessels to the WI, let me know if you can."³ Even when Petty learned that all shipments to the British West Indies were once again confined to British ships, this did not necessarily clear up the confusion. Americans simply purchased shares in British vessels and indirect shipments of American supplies continued to flow into the empire via Bermuda.⁴

In the state's own pursuit of continuity, the period from 1783 to 1815 was also defined by experimentation in the empire. Forced to confront former British subjects, who no longer owed allegiance to the crown, the British government proved equally adaptable. The Board of Trade pressured governors to avoid opening the ports to American merchants at all costs, making every breach of the Navigation Act an uncomfortable balance between famine and loyalty. Privateers

¹ Wilson, *Commerce in Disguise: War and Trade in the Caribbean Free Port of Gustavia, 1793-1815*, 235, 250–56; Pålsson, "Our side of the water"; Ragatz argues that the liberalization of trade between America and the West Indies by 1830 came with few advantages due to the economic downturn experienced by the West Indians from emancipation, and increased competition from the East Indies, Brazil and Cuba, see, Ragatz, *The Fall of the Planter Class in the British Caribbean, 1763-1833*, 381–83.

² For the general confusion regarding American access to the British islands, see Chapters 1 and 2. The words of Nathaniel & Francis Thayer of Boston to their London contact in January 1784 are instructive: "something conclusive should be done to give us a plain idea & certain knowledge whether we are, or not, to trade with the West India islands with our flag," see, Nathaniel & Francis Thayer to James Sutton & Co., 15 Jan. 1784, Nathaniel & Francis Thayer Letter book, MHS. For the reference to the 'Alien States of America' see Chapter 1 and Stevenson, *An Address to Brian Edwards*.

³ Petty Vaughan to William Vaughan, 10 Aug. 1815, Box 4, Vaughan Family Papers, MHS.

⁴ For the restrictions on American shipping, see Petty Vaughan to William O. Vaughan, 23 Dec. 1815; The Vaughan's invested in British vessels to Jamaica to carry lumber, see, Gideon Snow to William O. Vaughan, 20 May 1815 and 6 June 1815, Box 4, Vaughan Family Papers, MHS.

deconstructed Americanness on the high seas by using suspicious conduct to unmask secret identities. The direction of a ship at sea became a marker of identity, as the crew of the *Osiris* discovered when their ship was seized based on the route they had chosen and the allegedly superior maritime judgment of the British privateer. Meanwhile, the British admiralty courts determined nationality by relying on temporary residence and intention rather than merely birth. In fact, admiralty court cases revealed a much more nuanced understanding of international commerce than is traditionally assumed. The courts were forced to negotiate through complicated international partnerships with often overlapping identities and businesses seemingly at once working for and against the British war effort.⁵ Even with the arrival of peace with the Treaty of Ghent, national identity remained malleable for both the state and individuals willing to cross borders.

Though scholars have identified the latter-half of the eighteenth-century as a particularly extreme tropical storm cycle, those living in the Greater Caribbean in the nineteenth century experienced drastic temperature fluctuations, earthquakes, and hurricanes all of which created new opportunities for disaster relief. The 1831 hurricane which struck the British West Indies threatened St. Vincent and Barbados with starvation. However, while the destruction remained a constant facet of Caribbean life, the official response had changed. The massive windfalls experienced by American merchants in the 1780s were largely diminished by increased government aid and the liberalization of foreign trade with European colonies. The continued danger of slave revolt or colonial revolution added greater urgency for governments to provide support for endangered colonies in order to guarantee their loyalty and stave off rebellion.⁶

⁵ See, for instance, the cases of the *Baltic* and *Osiris* in Chapter 4.

⁶ For the environmental disasters of the eighteenth and nineteenth centuries, see, Schwartz, *Sea of Storms: A History of Hurricanes in the Greater Caribbean from Columbus to Katrina*, 132–44; Preeya Mohan and Eric Strobl, “The

The conclusion of the war destabilized the Caribbean, leading American and British ship-owners to compete in a trade war for the right to provision the British colonies and access Spanish American markets. The independence movements in Latin America served as a capstone to a nearly fifty-year effort on the part of the British to openly trade with the Spanish Empire. Britain's free ports in the Caribbean, which encouraged smuggling efforts into rival imperial systems, now faced unwanted competition by enterprising American merchants once the war had ended.⁷ Tensions between the two countries remained so high that when James Buckley of New York wrote to his British contacts in March 1815 with news of peace, he warned that peace might be short lived: "The success that the Americans have most with at sea seems to have inspired them with the idea that the day is not far distant when they shall be able to humble the pride of the British navy."⁸ While competition was primarily about access to restricted markets, the ultimate goal was never the absolute collapse of all commercial barriers, but the pursuit of exclusive privileges.

The march toward free trade in the nineteenth century was not smooth or even universally supported by the mercantile community. Rather, merchants continued to take advantage of the licit and illicit opportunities created by the state's regulation of the economy. Scholars used to assume that British faith in mercantilism had waned by 1783, but increasingly peace in 1815 is seen as the marker for a change in economic philosophy.⁹ However, the years after the war saw a

Economic Impact of Hurricanes in History: Evidence from Sugar Exports in the Caribbean from 1700 to 1960," *Weather, Climate & Society* 5, no. 1 (January 2013): 5–13.

⁷ For a recounting of the free port system and the rivalry between Great Britain and the United States in the Spanish Empire, see, Dorothy Burne Goebel, "British Trade to the Spanish Colonies, 1796-1823," *The American Historical Review* 43, no. 2 (January 1938): 288–320; Armytage, *The Free Port System in the British West Indies: A Study in Commercial Policy, 1766-1822*.

⁸ James Buckley to Abel Buckley, 8 March 1815, James Buckley Letter book, NYHS.

⁹ For an overview of the 1783 view, see the discussion by Kenneth Morgan. Morgan instead sees the British state "oscillating" between free trade and mercantilism in these years. Morgan, "Mercantilism and the British Empire, 1783-1815"; For a recent view which downplays the strength of mercantilism after the war, see, P. Sharp, "'1846

doubling down on traditional commercial policies within the empire. Facing the reinvigoration of the Corn Laws and the Navigation Act, the United States invested in its own mercantilist policies.¹⁰ Much like the empire's support of neutral traffic under the licensing system, the British only willingly supported free trade once Great Britain dominated international commerce. Support for liberal economic policies occurred in fits and starts. The Corn Laws were continuously modified between 1828 and repeal in 1846 while the Navigation Acts remained casually enforced until 1849. The repeal of both of these regulations, essential cornerstones of early modern political economy, carried more political than economic weight by mid-century.¹¹ If mercantilist policies were a 'jumble of devices' designed to meet particular interests, the transition to free trade did not occur as a wholesale adoption of a new philosophy. Rather, free trade, like mercantilism, came out of composite interests pushing against the privileges of the competition.¹²

Adopting free trade not only entailed a change in British commercial policy, but also a complete redefinition of British identity. During the eighteenth century, the British based conceptions of loyalty and belonging around the Navigation Act. These beliefs were made even more evident in the years after American independence. In the words of Lord Sheffield, the Navigation Act was "the guardian of the prosperity of Britain," by guaranteeing protection for

and All That': The Rise and Fall of British Wheat Protection in the Nineteenth Century," *Agricultural History Review* 58, no. 1 (2010): 76–94.

¹⁰ William Appleman Williams, "The Age of Mercantilism: An Interpretation of the American Political Economy, 1763 to 1828," *The William and Mary Quarterly* 15, no. 4 (1958): 419–37; Cohen, "'To Catch the Public Taste': Interpreting American Consumers in the Era of Atlantic Free Trade, 1783-1854."

¹¹ For the importance of repeal as a rallying-cry for the Liberal Party, see, Jonathan Parry, *The Politics of Patriotism: English Liberalism, National Identity and Europe, 1830-1886* (New York: Cambridge University Press, 2006), 62.

¹² Martin Daunton, "Afterword: Mercantilism and the Caribbean Atlantic World Economy," in *The Caribbean and the Atlantic World Economy: Circuits of Trade, Money and Knowledge, 1650-1914*, ed. Adrian Leonard and David Pretel (New York: Palgrave Macmillan, 2015).

Britain's shipping and a nursery of seamen for the empire.¹³ The Navigation Act was also the moral compass of the empire as it distinguished Britons from the avaricious character of other commercial peoples. Gradually, free trade supplanted adherence to the Navigation Act as the standard for Britishness in the nineteenth century. For Victorians, free trade was the marker which distinguished the British from Continental protectionism.¹⁴ Finally, just as protectionist policies benefitted from the growth of the state in the eighteenth-century, the philosophical turn towards free trade encouraged this trend. With free trade came the establishment of national customs enforcement agencies and further constraints on the easy movement of men and material across borders and nationalities.

For Americans, the process of 'unbecoming British', to use a phrase coined by Kariann Yokota, was long drawn out.¹⁵ As this study has shown, it would be inaccurate to chart a linear trajectory for the development of American cultural identity. After playing with the ambiguities of political independence in their commercial pursuits for almost a decade, Americans used their nationality as a neutral shield during the Napoleonic Wars. However, if American nationality discourse increasingly became associated with republicanism, free trade, and sailor's rights at the beginning of the nineteenth century, it nevertheless failed to check the overwhelming popularity of the licensing system (with all of its British associations) among the commercial classes in the

¹³ Sheffield, *Observations on the Commerce of the American States*, 1–2, 86.

¹⁴ Even when it became a major aspect of British national identity, free trade was often a factional issue, associated more with the Liberal Party, see, Parry, *The Politics of Patriotism: English Liberalism, National Identity and Europe, 1830-1886*; O'Brien and Pigman see this distinction between the British and the Continent even more distinct with the rise of what the authors term "neo-mercantilism", see, Patrick K. O'Brien and Geoffrey Allen Pigman, "Free Trade, British Hegemony and the International Economic Order in the Nineteenth Century," *Review of International Studies* 18, no. 2 (April 1992): 89–113.

¹⁵ According to Yokota, this was because political change simply outpaced cultural change, see, Yokota, *Unbecoming British: How Revolutionary America Became a Postcolonial Nation*.

United States.¹⁶ Instead, the check on American commercial entanglement with Great Britain came as a result of market forces after the war. The repeated depredations on American commerce, despite licensing, thoroughly disenchanted many transatlantic merchants. Merchants like T.H. Perkins and Nicholas Low increasingly turned toward manufacturing, finance, and land speculation as the provisioning trade dried up. This is reflected in the personal correspondence of Perkins who complained at the end of 1815: “The harvest of American Commerce has been reaped, and a scanty crop will be gathered in future.”¹⁷ The decline of early modern merchant practices did not end the close commercial relationship between the two countries. Just as in the first decade after independence, Americans in the nineteenth century continued to consume vast quantities of British manufactures. Yet by this late period American consumers expected goods to reflect their own cultural tastes rather than to serve as an emulation of British elites.¹⁸

Scholars contend that the Atlantic World effectively ended by the middle of the nineteenth century. After all, the Atlantic World was a distinctively early modern moment, a period of transition and experimentation. In the Caribbean and South America, the ten years after the Napoleonic Wars continued to perpetuate the main characteristics of that world. The destruction of the Spanish Empire renewed transimperial cooperation as new frontiers were formed and individuals freely crossed imperial borders.¹⁹ The revolt of the Latin American colonies against Spanish imperial control also provided a commercial opportunity and crisis as

¹⁶ On the power of this message in Republican and Federalist ideologies, see, Gilje, *Free Trade and Sailors' Rights in the War of 1812*.

¹⁷ According to T.H. Perkins, the high duties and glutted market in America had resulted in a gloomy market prediction, James & T.H. Perkins to W.F. Paine, 8 Dec. 1816, reel 6, James & T.H. Perkins, Thomas Handasyd Perkins Papers, MHS.

¹⁸ On American taste, see, Cohen, “‘To Catch the Public Taste’: Interpreting American Consumers in the Era of Atlantic Free Trade, 1783-1854”; For a discussion of American emulation in consumer culture, see, Yokota, *Unbecoming British: How Revolutionary America Became a Postcolonial Nation*.

¹⁹ Bassi, *An Aqueous Territory: Sailor Geographies and New Granada's Transimperial Greater Caribbean World*, 52; D'Maris Coffman and Adrian Leonard, “The Atlantic World: Definition, Theory, and Boundaries,” in *The Atlantic World*, ed. William O'Reilly, D'Maris Coffman, and Adrian Leonard (London: Routledge, 2015).

armed bands of men joined multinational ships and waged war on the high seas. In 1818 the *Boston Daily Advertiser* carried a vivid description of one pirate crew: “The crew of the pirate appeared to consist almost entirely of Irishmen, Englishmen, and Americans; and all those who came on board of us (the boarding officer in particular) seemed to be most determined robbers.”²⁰ While many at the time, and since, saw such crews as a throwback to an earlier age of piracy, it seems more accurate to view these multinational crews through the lens of continuity. Even after the 1815, mariners on the periphery could still contest the growing rationalization of citizenship and national identity under the law by taking advantage of the opportunities and confusion brought on by war.²¹

The period from 1783 to 1815 was a moment of enormous commercial opportunity. The instability of the British Empire brought on by American independence, environmental disaster, and transatlantic revolution allowed foreign merchants to push against the periphery and access technically forbidden markets. For American merchants operating outside of empire, the persistence of transatlantic networks of information, from official and commercial sources, offered a steady supply of news and rumor for navigating around the latest mercantile restrictions, or tactics for self-fashioning voyages to fool customs authorities. The loopholes created by the empire’s inconsistent governance allowed merchants to exploit the system’s weaknesses in order to turn a profit.

The experience of the merchants outlined in this study challenges the traditional narratives of this period as one of revolutionary rupture and the birth of modern concepts of

²⁰ *Boston Daily Advertiser*, 8 Sept. 1818.

²¹ For more on the legal definition of citizenship for sailors, see, Raffety, *The Republic Afloat: Law, Honor, and Citizenship in Maritime America*; For the British case, one can discern the definition of mariner identity through the exemptions granted to Parliament, see, Brunsman, *The Evil Necessity: British Naval Impressment in the Eighteenth-Century Atlantic World*; For a standard view of nineteenth-century piracy, see, Peter Earle, *The Pirate Wars* (New York: St. Martin’s Griffin, 2013), chap. 11.

citizenship and loyalty to the state. Those engaged in overseas trade resisted nationalizing movements by undermining imperial borders and upending the relationship between center and periphery. While cosmopolitan practices pushed against nationalization, merchants were not merely passive witnesses to the era, rather they seized advantage of the opportunities created by revolution and war. For merchants, the Age of Revolution was the last early modern moment. The Age of Revolution, however, was also an age of experimentation for the empire. While initially this experimentation was meant to maintain the continuity of the First British Empire, something new was created in its stead. Early modern traditions of ineffectual regulations and malleable national identity soon gave way to the modern forces of nationalism and civic responsibility to the state. In this new modern world, it was less possible and far less profitable to purchase Dutch citizenship, a Swedish bottom, or a British license.

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