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### **A Different Kind of Maritime Predation**

#### **South American Privateering from Baltimore, 1816-1820**

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**David Head**

**State University of New York, Buffalo**

In Buenos Aires on February 22, 1818, a group of American merchants, diplomats, and sea captains gathered for a celebration of George Washington's birthday. Coming at the height of the South American republic's revolution against Spain, the celebrants offered toasts highlighting the common cause of the United States and South America in the pursuit of independence. As Norfolk's *American Beacon* reported, Captain John Dieter hailed "the Patriots of North and South America," while Job Wheeden, a ship's surgeon, raised a glass to "the heroes who have fought, bled, and died in their country's cause." These Americans, however, were more than well-wishers. Many of those gathered on the occasion—including Dieter and Wheeden, as well as the event's organizers—were involved in privateering. By fitting out vessels and accepting commissions from a revolutionary government to attack Spanish shipping, these Americans became participants in the revolutions. However, serving the South American republics in this manner was illegal, as U.S. law prohibited any American from owning, commanding, or sailing aboard a foreign privateer that intended to attack a nation at peace with the United States. In the contest between Spain and its colonies, U.S. policy dictated neutrality.<sup>1</sup>[1]

Historians have done much to uncover the organizational, operational, and legal dimensions of privateering as it evolved from the seventeenth through nineteenth centuries. As a result, we have a good understanding of how the privateers of various

Euro-American countries worked, what laws governed their conduct, and how they contributed to their countries' wars at sea.<sup>2</sup>[2]

Proceeding in a national context, these works have done much to uncover the activities of British, French, Dutch, Spanish, and American privateers during the wars in which those nations were belligerents. However, what happened when citizens of a neutral country fit out vessels to take part in other nations' wars—what I will call “foreign privateering”—is less well examined.<sup>3</sup>[3]

This is not because it did not happen, if laws and treaties are any indication. Early modern European powers prohibited their subjects from joining the wars of others as early as 1517 when France outlawed the practice, and treaties between France and Holland and between Holland and England in the seventeenth century established similar restrictions. For its part, the United States concluded treaties with Sweden , Prussia , Britain , Spain , and France that included articles pledging to prevent foreign privateering.<sup>4</sup>[4]

South American privateering from the United States is an excellent place to study the phenomenon, for our understanding of how this business worked, who engaged in it, and they did so needs refinement. Existing works explain the popularity of South American privateering in the U.S. as a function of the chaotic situation the South American revolutions created in the Caribbean . They argue that South American countries, needing to supplement their small naval forces, turned to the sailors and merchants of North America who sat idle with the end of the War of 1812. These governments issued commissions to men wanting to cruise for Spanish plunder created a nineteenth century version of the licensed pirates of a previous century when Captain Morgan sailed with his buccaneers.<sup>5</sup>[5]

Without a doubt, the Caribbean in the first three decades of the nineteenth century was chaotic. It overflowed with marine predators: French privateers from Guadeloupe and New Orleans , Haitian picaroons, Cuban pirates, and Spanish privateers from Puerto Rico —all in addition to South American cruisers. With all these men bent on capturing cargoes at sea it is understandable that differences in geography, motives, structure, and timing have been elided.

This paper seeks to understand South American privateering as it operated from one of its most important North American locations: Baltimore, Maryland.<sup>6</sup>[6] It examines how privateers were financed, how they worked around U.S. neutrality laws, how American officials attempted to stop them, and, finally, why they did it. In doing so, this paper also aims to begin a discussion about privateering by neutrals in the wars of other nations. Foreign privateering—at least when undertaken by Americans from Baltimore in the service of South America—was similar to national privateering in its structure and motivations, overlapped with piracy in its legal status, and yet remained distinct from either. It was a different kind of maritime predation.

#### **FINANCING:**

Preparing a privateer for sea was complex, time-consuming, and, above all, expensive. A fine, fully-equipped vessel with new sails and spars, a full complement of cannon, small arms, swords, and stink pots, and dozens of men who liked to eat and drink in between actions all made owning a privateer a capital intensive venture. In his study of War of 1812 privateering from Baltimore, Jerome Garitee estimates that the typical privateer in that conflict cost \$40,000 when fully equipped, armed, and provisioned. Given that the *Fourth of July* and the *New Republicana*, the only South American ventures for which figures are available, were capitalized at \$38,500 and \$35,000 respectively, Garitee's figure seems reasonable benchmark.<sup>7</sup>[7]

Few Baltimoreans, then, had the resources for privateering. In 1810, Garitee estimates, there were some 3,500 people among Baltimore's 46,000 inhabitants with assets of at least \$4,000 and only some 400 people with assets of \$15,000 or more. Privateering, therefore, was not for those lacking riskable resources: laborers, sailors, mechanics, small farmers, or any of the thousands of others who made up the ranks of the working poor.<sup>8</sup>[8]

Raising capital was only part of the privateer's challenge, however. Getting a South American privateering venture onto the water from Baltimore required the services of a network of commercial men on two continents. *Armadores* secured commissions from revolutionary governments, posted bond to guarantee the privateersmen's good behavior, and distributed prize money won from vessels sent into port for condemnation.

Investors put up the required funds. And various middlemen connected the two by distributing commissions in the north, protecting their interests as agents, and occasionally providing financial services such as redeeming their notes, holding prize shares, and, on one occasion, providing insurance. Naturally, everybody involved took a cut of the prize money; one did not need to invest in a vessel to gain by privateering.<sup>9</sup>[9]

Figure 1 lists those men who stood to benefit financially from Baltimore's South American privateering business. It most likely underestimates the full scope of participation, since the illegal nature of the enterprise inhibits discovering their identities. The federal district attorney and the Spanish consul, along with his Portuguese, British, and French counterparts, managed to unearth the names of twenty-four Baltimoreans who owned a share in one or more privateers. However, they missed investors and agents such as Henry Didier and John N. D'Arcy, they vastly underestimated the involvement of investor Thomas Sheppard, and, since they could not touch merchants living abroad, they spent little time pursuing investors and *armadores* such as Buenos Aires residents David De Forest, William P. Ford, and Juan Pedro Aguirre.

Furthermore, investors and their associates were discreet. With jail time and fines potentially awaiting anyone who owned a privateer, investors were understandably reluctant to make their involvement public. But even amongst themselves they could be tight-lipped. For example, David De Forest, an American by birth but long resident in Buenos Aires, openly supported the revolutions and came to the United States in 1817 to lobby the government to recognize the independence of his adopted homeland. Yet even he was reserved when writing to his privateering associates. De Forest rarely spoke of owners or investors and seldom employed such phrases as "my" vessel, "your" vessel, or "his" vessel. Rather, De Forest spoke of agents—agents for the owners, agents for the officers and crew, agents for other merchants—thereby separating himself and his correspondents from potential trouble. American neutrality laws spoke of punishing anyone "knowingly concerned" in owning, fitting out, or arming a vessel "with the intent" that it would commit hostilities against a nation at peace with the United States. If they only acted as agents, doing favors for fellow men of business, then it might seem they did not know what was going and they certainly did not intend to violate American neutrality.<sup>10</sup>[10]

From available sources, it appears that Baltimore investors were very much from the mainstream of city's merchant community. They were respected businessmen, serving in positions of trust as directors, presidents, and managers of banks and insurance companies. They were pillars of the community, serving in positions of responsibility as leaders of fire companies, charities, and civil defense. David Burke, for example, invested in a privateering venture but also pursued trade as proprietor of the David Burke and Sons merchant house, operated a wharf and warehousing business, and acted as director of the Franklin Bank of Baltimore . Burke oversaw poor relief for his ward, promoted the construction of a poor house, and served as president of the Deptford Fire Company. In the 1820s, Burke turned to his roots and managed the local Hibernian society while serving on the admissions committee of the Hibernian Free School for Children of Irish Immigrants. Similarly, Nicholas Stansbury's investment in the *Irresistable* was only one of many activities. A ship chandler, grocer, merchant, and ship owner, Stansbury also acted as director of the Marine Bank of Baltimore (in which some of the *Irresistable*'s captured specie was deposited). Stansbury had served in the Maryland militia during the war of 1812, directed the Columbian Fire Company, and stood as candidate for presidential elector. Running lotteries for charity seems to have been one of his specialties as he managed one lottery for a new Masonic hall and another raising funds for "a House of Industry for the honest and deserving poor." 11[11]

Investors were also an economically mixed group. Despite all possessing greater than average wealth, there were important gradations between them. Some were great merchants, the true mercantile elite. Dr. Lyde Goodwin, Dr. William T. Graham, and Thomas Sheppard all operated extensive merchant houses and commanded substantial resources. Graham had moved up from ship's surgeon to marry into the elite banking family of Alexander Brown and Sons. A merchant and ship owner on his own account, Graham speculated in government securities and served as president of the Farmers and Merchants Bank and director of the Universal Insurance Company. Another doctor, Lyde Goodwin, was born into the prestigious Ridgely family and in his youth served as a supercargo on voyages to Calcutta . By the 1810s he owned ships and traded extensively, sometimes on his own and sometimes as partner of the prosperous Hollins-McBlair merchant house. Thomas Sheppard, flour miller, merchant, and ship owner, also held

substantial assets. All three men had made significant investments in privateers during the war with Britain and came out ahead. Sheppard and Goodwin, for example, made some \$200,000 profit on their ventures.<sup>12</sup>[12]

Perhaps the wealthiest of all South American privateering investors was also one of the most active: John Gooding, who owned a share of at least three vessels. During the War of 1812, Gooding had partnered with Thomas Hutchins to invest in eleven privateers, from which they made some \$521,000. Combined with proceeds from his Caribbean and South American trade, privateering success allowed Gooding to maintain a large home in the city, a 300 acre farm in the country, and the Timonium Estate, a hotel in the Maryland countryside featuring an ice house, mineral springs, stables, jockey club, and race track.<sup>13</sup>[13]

Alongside these wealthy investors were men of more modest means. John Craig, John Barron, Jr., and John Lowell, for example, each owned part of the *Paz/Patriota*. Craig and Barron operated a wharf as partners, while Craig also owned scows, chartered vessels, and sold groceries. Barron sold rope. Each dabbled in trade. Lovell, meanwhile, was simply a biscuit baker. Sea captains, too, became investors. James Barnes, James Chaytor, Obadiah Chase, Clement Cathell, John D. Danels, and Thomas Taylor all owned a piece of the vessels they commanded. Joseph Almeida, moreover, appears to have owned at least a part of two vessels at the same time: the *Wilson* and the *Almeida*. Though necessary to raise the required capital, these smaller scale investors were distinct from their wealthier associates.<sup>14</sup>[14]

The men who invested in the privateer *Fourth of July* provide a glimpse at who made up a single privateering concern. Joseph Karrick, elected business manager of the group, had built a thriving merchant business with dealings throughout Europe and the Caribbean . He also served as director of the Patapsco Insurance Company, maintained a nice home, and a counting house. Joseph Snyder, elected Karrick's assistant, was a sea captain turned grocer, chandler, and merchant. Originally from Lancaster County , Pennsylvania , Snyder had been drawn down from the Philadelphia countryside to the thriving port of Baltimore . Enough successful voyages had allowed him to move up in the world once leaving the sea. Joseph W. Patterson also took out a share. One of the younger children of wealthy merchant William Patterson, he traded through his father's

elite mercantile house. John Sands, at whose home the group “met regularly to manage the affairs of the concern” as he later testified, was a merchant-tailor and dry goods seller by profession, though he recently sold his tailor shop before investing in privateering, and a member of the Ancient and Honorable Mechanical Society, a well-known Baltimore civic improvement society.<sup>15</sup>[15]

These merchant investors were joined by two public officials. Matthew Murray served as sheriff of Baltimore County when he became involved in privateering. Little can be learned of him aside from his official duties. Elected in 1815 he served for at least another year. John S. Skinner, by contrast, was a prominent figure in Baltimore . Born into a wealthy family, Skinner was educated as a lawyer but possessed sufficient resources to devote himself to politics, public service, and his passion for agriculture. Skinner traded agricultural intelligence with Thomas Jefferson and James Madison, published newspapers such as the *American Farmer*, the *American Turf Register and Sporting Magazine*, and *The Plough, the Loom and the Anvil*, and contributed to such riveting tomes as *Every Man His Own Cattle Doctor* and *Essay on Ass and Mule*. As Agent for the Exchange of Prisoners in 1814 Skinner was accompanied by Francis Scott Key on a visit to the British naval commander to negotiate the release of POWs. The British detained them while they attacked Ft. McHenry , and Skinner and Key both witnessed the rockets’ red glare and the flag that was still there which Key turned into the Star-Spangled Banner. Skinner’s relationship with Madison secured him the office of Baltimore postmaster, which he held from 1816 to 1839.<sup>16</sup>[16]

Rounding out the group’s ranks were Thomas Taylor, a sea captain originally from Wilmington , Delaware who had moved to Buenos Aires and become involved in the republic’s navy. He brought the vessel’s commission from South American and planned to command. John G. Johnston, another sea captain with previous experience as a South American privateer, joined him as the owner of a full share. B.K. Harrison, a merchant, owned a share, while James Holmes and James Williams of Annapolis each owned half a share, though nothing can be found of their occupation.<sup>17</sup>[17]

Baltimore investors were complemented by the *armadores*, agents, and investors in South America . For Buenos Aires privateers, supporters included foreigners residing in the city such as Americans David De Forest, William P. Ford, John Higginbotham,

and, of course, Thomas Taylor; British merchants Adam Guy and George MacFarlane; and the German-born John C. Zimmerman, who had also lived in New York City and Baltimore before coming to Buenos Aires as a supercargo. South Americans such as Patricio Lynch, the son of an Irish family of merchants living in South America , and the Aguirre brothers, Manuel and Juan Pedro, also played an important role. Manuel traveled to the United States as an agent of the revolutionary government in 1817 and purchased vessels for the navy while sounding out the U.S. government's position on recognizing South American independence. Meanwhile, Juan Pedro Aguirre had come to the United States in 1811 to buy arms for the Buenos Aires government and held several government positions in the 1810s prior to falling out of favor and being exiled in 1820. He returned a year later and eventually became not only the president of the national legislature but also a rancher and, according to one scholar, "the most prominent Buenos Aires banker." With his connections to the government and ties to merchants, he acted as *armadore* more often than anyone else.<sup>18</sup>[18]

Privateers representing the Oriental Republic (today's Uruguay ) also took advantage of political and mercantile connections in Buenos Aires because, with Monte Video falling to the Royalists in January 1817, they had no seaport. As a result, privateers either received support clandestinely from Oriental agents along the Rio de la Plata or came into their neighbor's port across the river. Thomas Lloyd Halsey, the United States consul to the United Provinces, controlled the distribution of commissions. Assisted by John R. Mifflin, an American merchant in Buenos Aires , and Adam Pond, a sea captain and agent, Halsey took a cut of the prize money for providing the service. Neither the Buenos Aires government nor the U.S. government approved, however, and Halsey was dismissed when his dealings came to light.<sup>19</sup>[19]

Rivalries developed between some South American investors. De Forest and Halsey, for example, had little affection for each other as De Forest coveted Halsey's position as U.S. consul (a job he had been angling for since at least 1805), while Halsey blamed De Forest for poisoning his relationship with the revolutionary leaders and getting him in trouble with the State Department back home. Though De Forest once invited him to a social function and promised to "bury our animosities," the consul refused. The snubbed host called him "a most contemptible coxcomb," ridiculed his

character (“I know you to be a bankrupt as to property; and believe you to be nearly so as to reputation”), and heaped abuse on his standing in the community (“Thos. Wilson not only despises but abhors you”).<sup>20</sup>[20]

More often, though, South American investors formed a close-knit group, at least at the beginning. Those associated with De Forest were especially cohesive. Ford, Higginbotham, and Juan Pedro Aguirre all had ongoing business relationships with each other and with De Forest that went beyond their privateering interests. Moreover, De Forest paid special attention to Patricio Lynch, making him a partner in 1815 and finding employment for his four brothers—Benito, Manuel, and Felix became clerks in their counting house while De Forest helped set up Estanislao as a merchant in Chile. As he prepared to leave Buenos Aires for the U.S. , De Forest turned his affairs over to Patricio’s new partnership with Zimmerman. He felt warmly towards his young protégés, once writing that he felt bound to them “as a Father is to a child.”<sup>21</sup>[21]

#### **GETTING TO SEA:**

Once organized and financed, the challenge of operating a South American privateer was complicated by the legal threat posed by revealing too much of its true purpose. Prosecution awaited anyone owning, equipping, fitting out, or arming a foreign warship or shipping men to serve aboard one. Would-be privateers, then, needed to be careful.

Their chief obstacle was the customs house. All vessels departing for foreign ports needed to file clearance papers attesting to the ship’s owners, master, destination, cargo, size and nationality of crew (the law required two-thirds be American), and any arms they carried. To report to the custom’s officer one morning with a one-hundred-man crew, a dozen cannon glistening in the sun, and the blue and white of Buenos Ayres flying overhead would arouse suspicion. Thus, privateers usually cleared as American merchantmen bound on a voyage to some Caribbean or European port, manned by a small crew appropriate to such a venture. On at least two occasions, privateers cleared for a sealing voyage to the northwest coast of America , which may have helped explain a larger crew and more provisions than would be needed for a short hop to Cuba . The privateer captain rarely signed the clearance papers himself, however; usually the first

lieutenant would present himself as master and sail the vessel from port. Privateers, then, left Baltimore with little of the manpower or equipment they would eventually need.<sup>22</sup>[22]

It was a four-day sail down the bay to the ocean, however, and with plenty of coves, inlets, streams, and rivers to put into, privateer captains had many opportunities to bring their ships up to full strength. After clearing Baltimore and dropping below Ft. McHenry, privateers stopped at a prearranged spot in the Chesapeake to meet up with a pilot boat or small schooner bringing additional men and arms. Often the men shipped at Baltimore before the vessel cleared without them but additional hands could also be found in Norfolk, and some privateers brought along shipping agents to dispatch into town for more men.

To rendezvous with supply boats required planning and execution. Captain Stafford's *Patriota*, for example, left Baltimore in early 1817 with twenty men and dropped anchor at New Point Comfort, not far from the Chesapeake's capes. A boat, a sloop, and the schooner *Jane* all brought more men from Baltimore, and a pilot boat sent to Norfolk returned with an additional twenty-three. These vessels also brought muskets, pistols, sabers, powder, ammunition, shot, and fourteen carronades: six nine-pounders, six eighteen-pounders, and two enormous thirty-two-pounders. Altogether, a vessel that left port on a merchant voyage put to sea with 112 men and fourteen guns<sup>23</sup>[23]

The *Republicana's* trip down the Bay was even more complicated. Led by Obadiah Chase and Robert M. Goodwin, the *Republicana* left Baltimore in company with the *Athenian*. As a foreign warship, the *Republicana* was allowed to enter Baltimore to refit, repair, or resupply so long as she left with the same complement of men and arms she entered with. The owners of the *Republicana*, however, wanted to replace the vessel with the faster-sailing *Athenian*. The two cleared port separately, the *Republicana* as a privateer under Chase and the *Athenian* as a merchant vessel bound for St. Bart's with Goodwin as passenger, John Smith as master, and thirteen men as her crew (a crew extraordinarily well supplied with food and water, one sailor observed). Next, the *Athenian* headed for New Point Comfort while the *Republicana* stopped off Annapolis to meet the schooner of James Hooper, a Baltimore innkeeper and shipping agent who had signed up the privateer's crew. This vessel brought a shipment of powder, ball,

ammunition, grape shot, rammers, sponges, worms, ladles, and stinkpots. The *Republicana* then met the *Athenian*, transferred the men and arms, and the two vessels sailed in company for St. Bart's.<sup>24</sup>[24]

Other vessels attempted to finesse the neutrality laws by clearing Baltimore for a voyage to a foreign port and actually going there before discharging the crew, dismantling the ship, and selling her to a foreign owner. David De Forest claimed that the schooner *Swift* left Baltimore and completed a voyage to Port au Prince, at which point her master, James Barnes, purchased the vessel for De Forest, a Buenos Ayres citizen, and fitted her out as a privateer. John Danels combined approaches. First lieutenant James Cox cleared his vessel for Tenerife, took on men and arms heading out of the Chesapeake, and sailed directly to the Rio de la Plata, where the crew was discharged, the vessel laid up, and nominally sold to the government of the Oriental Republic. Danels then rearmed, resupplied, and reshipped his men for their cruise.<sup>25</sup>[25]

#### **OPPOSITION:**

Foreign privateering may have been illegal but as these examples suggest, American authorities were not especially adept at stopping them. Still, privateers hardly operated unopposed. New laws, more aggressive enforcement, criminal indictments, and civil law suits all took their toll. By 1820, South American privateering was on the decline and nearly forced out of Baltimore.

When South American privateers began operating from the city in 1816, existing neutrality legislation gave authorities little power to stop them. Small naval vessels occasionally patrolled the Chesapeake, and if the customs collector received word that privateers were smuggling prize goods ashore, then he would send the revenue cutter out to stop them. However, to really control the problem, authorities needed to stop privateers as they were fitting out and before they captured any Spanish or Portuguese vessels. It was much easier said than done. By clearing as a merchant, supplying in the Bay, and changing their purpose once at sea, privateers followed the letter of the law closely enough to prevent interference from authorities. There may have been suspicions, but under the 1794 and 1797 laws, suspicions alone were not legally sufficient to seize anything or arrest anyone. As Secretary of State James Monroe complained, the law was

essentially reactive; it worked after the fact “upon the general footing of punishing the offence merely where, if there be full evidence of the actual perpetration of the crime, the party is handed over, after trial, to the penalty denounced.” As a result, Monroe concluded, it was “extremely difficult, under existing circumstances, to prevent or punish this infraction of the law.”<sup>26</sup>[26]

In 1817, however, Congress directed customs officials to act preemptively with a new neutrality law. It required customs officers to collect a bond from any armed vessel owned in whole or in part by Americans before it cleared port to ensure the vessel would not violate U.S. neutrality. Likewise, any vessel arriving in port that appeared “manifestly built for warlike purposes”—that is, if its cargo were principally arms, if it carried a suspicious number of men, or if any other circumstances made it appear “probable” that hostilities were intended—then customs officers were to detain the vessel until bond was given to ensure good conduct. In either case, the bond was to be double the value of the vessel, cargo, and arms. For a \$35,000 privateer, that was a hefty sum.<sup>27</sup>[27]

Congress revisited the legislation a year later. Some imprecision in the law’s language had been identified, and some sentiment emerged that the proscribed punishments were too harsh. Plus, having three separate neutrality laws in effect was found unwieldy. The 1818 neutrality act thus repealed and replaced all previous neutrality legislation, articulated its provisions more clearly, and reduced punishments across the board (for example, owning an illegal privateer now carried a \$10,000 fine and three years in jail rather than a \$10,000 fine and ten years behind bars). However, the requirement that all foreign armed vessels post bond remained in force.<sup>28</sup>[28]

In 1820, Congress acted once more to curtail South American privateering. It passed a law that allowed foreign warships to enter only a select list of U.S. ports. Which prominent U.S. port was not on the list? Baltimore . It was not mistake. As John Quincy Adams explained, the law was aimed at one end: “to suppress the Baltimore pirates.” By empowering customs agents to pursue privateering more aggressively, by making fitting out in the U.S. more expensive, and by removing any legitimate reason for their vessels to be anywhere near Baltimore, Congress had established the legal powers necessary to combat South American privateering.<sup>29</sup>[29]

The new powers had their effect. For example, Baltimore customs collector James McCulloch instructed his officers to “examine, visit, and report to this office all and every privateer or ship of war under foreign colors.” Officers thus went out into the Bay in search of vessels to inspect and seize rather than waiting for them at the docks. McCulloch told privateers to quit hovering in the Chesapeake , informing them that they either had to come into port and post bond or leave U.S. waters. On one occasion, he had a privateer escorted to sea to make sure that no more men or arms came aboard on the way. What’s more, McCulloch wrote an armourer in town warning him not to repair any gun carriages, lest he be charged with aiding an illegal privateer. Frequently abused by the Spanish consul and condescended to by John Quincy Adams (he “is a very honest man,” Adams wrote, but also “an enthusiast for the South Americans, and easily duped by knaves, because he thinks all other men as honest as himself”), McCulloch appears to have enjoyed his new powers. It allowed him to answer his critics and silence, as he put it, their “occasional ravings on the subject of South American cruisers.”<sup>30</sup>[30]

It was a good thing McCulloch could be more aggressive after 1817 because Federal District Attorney Elias Glenn’s conviction rate was not getting any better. Between 1817 and 1820, Glenn prosecuted fourteen owners, twelve captains and officers, and four shipping agents for their role in illegal privateering. Charges included neutrality violations, piracy, both neutrality violations and piracy, or, on two occasions, slave smuggling. Ordinarily, Glenn did not pursue common sailors; he left them alone in exchange for testimony against their leaders. Common sailors only stood trial when they had risen on their officers (and sometimes killed them) before running away with their ship and cruising against neutral vessels, including American ones.<sup>31</sup>[31]

Records are incomplete, but it seems that not a single owner, captain, officer, or shipping agent ever spent a single night in jail or lost a penny in fines. The circuit court’s minute book does not record a verdict for each man, but no notice of their conviction can be found in the newspapers, either. Given the notoriety of the charges and the high profile of some defendants, a guilty verdict would have been newsworthy.<sup>32</sup>[32]

Common sailors were not as lucky. Between 1816 and 1820, at least 129 men who commandeered a vessel and attacked neutrals were arrested in Massachusetts , Virginia , Maryland , North Carolina , South Carolina , and Georgia . Records of verdicts

in these cases are also incomplete, but it appears that thirty-one were found guilty of piracy. From April to June 1820 seven of them were executed—in Boston , Baltimore , Charleston , and Savannah . Eventually, the rest were either respited or pardoned and their sentences commuted to time served. These seven men were the only ones of Baltimore 's South American privateers to suffer real criminal penalties.<sup>33</sup>[33]

Prosecutions, then, hardly discouraged privateering. In fact, arresting wayward sailors as the U.S. did actually pleased privateer captains and investors. “It will afford the gov<sup>t</sup>. of South America much satisfaction,” David De Forest informed Secretary of State Adams, “to learn that the U.S. will prosecute those mutineers; and punish such as are found guilty of crime, according to the law.” De Forest wanted sailors who ran away with his prizes brought to justice.<sup>34</sup>[34]

The civil courts were different, however. Any joy privateers may have felt about staying out of prison must have been short lived as the courts ordered their prizes restored to the original Spanish or Portuguese owners and pronounced their vessels forfeit to the U.S. Of the thirty-three Maryland civil cases for which a decision can be found, the district court ordered a vessel or cargo restored to its former owner eighteen times, and it ordered privateering vessels forfeited to the United States three times. Thus, privateers won twelve cases. However, fifteen cases were appealed to either the Maryland Circuit Court or all the way to the Supreme Court. Outcomes at the Circuit Court level can only be found for eight cases, but the picture did not look good for the privateers. The court affirmed two of their victories, but it reversed another and affirmed an order of restoration in five other cases. Before the Supreme Court, it got worse. Of the seven cases for which a decision can be found, the Court ordered property restored to its former owners all seven times, including one instance in which a privateer victory was overturned. Thus, of those twelve Maryland District Court victories only eight remained intact.<sup>35</sup>[35]

The numbers in other jurisdictions told a similar story. Privateers fared better in the New York District Court: four of the five cases for which a decision can be found went their way (and, apparently, none were appealed). But they did much worse in Virginia : six losses out of seven cases with two appeals: one ending with a restoration affirmed and one resulting in a condemnation reversed (bringing their record up to two

wins and five losses). And they fared worst of all in Massachusetts : all six cases went against them with the one appeal resulting in an affirmation of the lower court's ruling. In the end, then, privateers lost their property most of the time.<sup>36</sup>[36]

As a result, civil suits did more to disrupt privateering than did criminal charges. Giving back their captured goods and losing their (very expensive) vessels made privateering much too costly to sustain. The civil courts had made sailing for the independence of South America a bad investment.

Even De Forest, who was as committed to the revolution as anyone, began feeling financial pressures. "You do not appear to know," he wrote to Lynch and Zimmerman, "how much anxiety I have had on acc<sup>t</sup>. of my fears of suits brought by Spanish claimants, although I have openly pretended to the contrary." In 1817, De Forest donated his estate overlooking the Rio de la Plata to found the St. Carlos School for boys, freed his slaves, and liquidated much of his South American business so he could retire to a new home he was building in New Haven , Connecticut . By 1820, the house was finished, but De Forest was far from content. "I am now an old man with an expensive family, as well as expensive habits: and much less means than when I left Buenos Ayres," he wrote to his South American associates. "If down I could never rise again." To get by, he said, he must "use the needful economy."<sup>37</sup>[37]

Mounting losses could not have come at a worse time for Baltimore investors. The Panic of 1819, caused in no small part by a scandal at the Maryland branch of the Second Bank of the United States , devastated the city's merchant community. During one week in May two of the largest firms, Smith and Buchannan and Hollins and McBlair, both stopped payment on their accounts, and by July over one-hundred merchants had failed, including privateer investors and agents John D'Arcy, Henry Didier, John Gooding, Lyde Goodwin, Joseph Karrick, Thomas Sheppard, and Nicholas Stansbury. To cope, Gooding eventually resorted to renting out his home in town (a "large three story Dwelling House" with stables) and at length the chancery court ordered his country house and farmland sold to satisfy creditors. Meanwhile, Karrick put his house on the market. His advertisement promised it contained "every comfort and convenience that a family could desire." He meant, of course, every comfort and convenience his family could desire, before he lost all their money.<sup>38</sup>[38]

Because their financial interests were tied together so tightly, the problems of Baltimore investors spread throughout the network of South American merchants that made privateering possible. D'Arcy and Didier got into arguments with Juan Pedro Aguirre, John Higginbotham, and William P. Ford, whom they not only called a scoundrel, but "as great a scoundrel as Higginbotham." Gooding importuned De Forest for payments from the capture of the *Sereno*, even though they had already settled accounts from their privateering business. "He calls all [his] unsettled & troublesome business, my business; and he has written me several insolent letters," De Forest complained. De Forest grew to fear Gooding's influence. "Gooding & co. are all bankrupts and he shows a strong disposition to involve me in the same ruin," he later wrote.<sup>39</sup>[39]

Normally, De Forest could have sued Gooding and allowed the courts to sort out who owed whom what. However, they were engaged in an illegal business, and the courts could provide no relief. Gooding could only write insolent letters while De Forest gossiped about him to other merchants. This was not much of a solution. In the end, De Forest wound up owing \$54,000 to the Spanish owners of the *Sereno*, most of which, he said, was really Gooding's responsibility. Privateering investors had no means to settle the conflicts that inevitably arose in any business. Operating outside the law had its costs.<sup>40</sup>[40]

### **MOTIVES:**

South American privateering was complicated, expensive, and dangerous, as it possessed at least the potential to land participants in jail. Why, then, did they do it? Historians who have examined privateering from the U.S. during the South American revolutions have tended to stress the financial motives of participants. As Peter Earle has written, "these captains and their backers had little interest in politics and were strictly mercenary in their motivation."<sup>41</sup>[41]

Without a doubt, a pecuniary interest played an important role in inspiring sailors to cruise under a foreign flag. After all, privateering was always a business, and in post-War of 1812 Baltimore, the readjustment to peace disrupted the shipping industry. Sailors were out of work; ship owners were left to search for new opportunities. Still, my

research has found a real mixture of motives. For common sailors the lure of prize money and adventure, the call to serve the cause of independence, the burden of debt, and the stupor of drunkenness all led to signing aboard a South American privateer.

Independence —both personal and political—moved some men to sign up for a privateering cruise. As one young man wrote to his brother before departing on the privateer *Buenos Ayres*, “I have made up my mind as to my future Life, the first step into which is to leave this place. This would have been my aim long since had not poverty prevented me.”<sup>42</sup>[42] Another impetuous youth, Stephen Lusk, sailed aboard the privateer *Republicana* in search, he said, of a “South American adventure.” At first, he planned to enter the Buenos Aires army to fight alongside General San Martin but then decided the sea suited him better.<sup>43</sup>[43]

Other common sailors aboard South American privateers would not have been so happy to be there. Running into debt to a sailor town innkeeper was a classic way a seafaring man could find himself at sea against his inclination, and South American privateers were no different. For example, of the fourteen men deposed in the prosecution of innkeeper William Bush, six were in debt upon signing the shipping articles. Another sailor, named Edward Foley, was not in debt in January 1820, when his innkeeper informed him that no more merchant vessels would be going out that winter. He really did not want a privateer, he said, but it was his only choice to avoid months of running up debts in port. Faced with the inevitable, Foley did the only thing a man in his situation could do: he was drunk and signed aboard anyway.<sup>44</sup>[44]

The source of contention behind mutinies and other disturbances aboard ship help illustrate the crews’ mixed motives. Some men plainly did not want to be at sea in search of Spanish prizes. The crew of the *Patriota* became upset upon learning that Captain William Joseph Stafford intended a privateering cruise instead of the merchant voyage they had signed up for. Robert Richards felt “betrayed,” as he later said, and estimated that at least two-thirds of the crew felt likewise. Matthew Page Godfrey later complained of being entrapped. As a result, he said, “much commotion was produced on board.” After forty days at sea, that commotion erupted into full-scale mutiny. A standoff followed in which the captain alternated between threatening to blow up the ship himself and promising his men that he would still “make all their fortunes,” as he said. After

eighteen hours, Stafford had won over enough men that the holdouts had no choice but to submit.<sup>45</sup>[45]

Captain John Chase aggravated his men not by changing their purpose from merchant voyage to a privateering cruise but by changing which revolutionary republic they represented. Originally shipping men for a Buenos Aires privateer, once at sea Chase announced he had a commission from the Oriental Republic, a territory across the Rio de la Plata led by Jose Artigas. (This is today's Uruguay.) The change upset some of the men, who "declared that they were for the Liberty & Independence of Buenos Ayres," and "being shipped for Buenos Ayres they would not declare for Artigas."<sup>46</sup>[46]

Other crews found fault with a commander who did not make their fortunes fast enough. The men of the *Carone*, frustrated by a lack of prizes, turned on their captain, William Saunders, declaring him "no Privateersman," a leader who was, they said, "too *mild* and *honest*." The ship's people elected David Ewing captain and deposited Saunders on a passing merchant vessel. They began taking prizes within a few days.<sup>47</sup>[47]

Privateers needed large crews—sometimes as many as 100 men or more—to intimidate enemies into surrendering, to fight if an enemy did not surrender, and to man prizes sent back into port once captured. With so many men aboard a single vessel, the variety of motivations should not be surprising. Still, that some men "declared that they were for the Liberty & Independence of Buenos Ayres" suggests that an ideological commitment to South American independence was part of what brought them to privateering.

Captains provide even stronger evidence of an ideological motivation. Captain Thomas Taylor, for example, wore a uniform, and, according to one sailor, he had his crew take "the oath for the Independence of South America" before setting sail. Captain John Danels named one of his sons Bolivar. And later in life John Chase reflected warmly on his South American service. He wrote: "I shall ever rank among the proudest reminiscences of my life, that I have been able to do the state of Buenos Ayres 'some service.'"<sup>48</sup>[48]

Of course, for some, plain old plunder was good enough. And even with sympathy for South American independence came a need to attend to their finances. Still, ideology mattered.

James Chaytor, for example, commanded the privateer *Independencia del Sud*—the Independence of the South. And he took the independence of the south seriously. Chaytor faithfully served Buenos Aires by capturing Spanish vessels and turning them over to the government, by following the rules of warfare closely enough to never suffer indictment for piracy or neutrality violations, and by volunteering to clean up the shadier side of privateering by suppressing illegal commissions. Chaytor also came to sign himself by the Spanish version of his name—“Diego Chaytor” or simply “DC.” He did so even when writing to his wife. As Chaytor once wrote, “My whole soul is devoted to the cause, and every honorable means must be used for its success.”<sup>49</sup>[49]

Of course, that did not stop Chaytor from complaining about his financial setbacks. “My ambition to promote the cause of La Plata has completely ruined me,” he wrote to an associate in 1819. “I have, since I joined the glorious cause of South America, armed four vessels in its defence [;] I have sacrificed my fortune to its greatness—had I millions it should be employed in its cause.” But Chaytor did not have millions, and his prize money had been held up by the cash-strapped government of Buenos Aires.<sup>50</sup>[50] Plagued by debt, Chaytor left Buenos Aires and lent his services to Colombia. Chaytor eventually received an appointment as the head of the nation’s Marine Department—just in time for Simon Bolivar, whom Chaytor admired, to cut back the navy’s funding. Though he thought about pursuing employment in the Mexican navy, Chaytor returned to Baltimore in 1827 to reflect on what he once called his “years of ~~service~~ toil in the noble cause of South American emancipation.”<sup>51</sup>[51]

## **CONCLUSION:**

South American privateering from Baltimore was more than what a narrative of sailors taking advantage of political chaos to steal Spanish property would suggest. Their business was highly organized and it attracted the mainstream of the city’s merchant community. Although they certainly hoped to make money, their motivations were complex, mixed, and sometimes contradictory. And though they broke the law, it still shaped how they conducted themselves.

These men, therefore, faced many of the same issues as men involved with national privateers. Moreover, they were tried for piracy. Still, they do not fit easily in

either category. Understanding their role in the South American revolutions—and the role other neutrals may have played in foreign wars—will help shed light on how nations related to one another when their citizens went to sea.



The Editors  
International Journal of Naval History  
[editors@ijnhonline.org](mailto:editors@ijnhonline.org)

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#### NOTES

1<sup>[1]</sup>. *The American Beacon* ( Norfolk , VA ), Oct. 5, 18 18.

2<sup>[2]</sup>. For an overview of these works see C.R. Pennell, “Brought to Book: Reading about Pirates” in *Bandits at Sea: A Pirates Reader* ed. C.R. Pennell (New York: New York University Press, 2001), 3-25 and David J. Starkey’s introduction to *Pirates and Privateers: New Perspectives on the War on Trade in the Eighteenth and Nineteenth Centuries* ed. David J. Starkey, E.S. van Eyck van Heslinga, and J.A. de Moor (Exeter, UK: University of Exeter Press, 1997), 1-9. For major recent statements, see the chapters by Robert C. Ritchie, David Starkey, Faye Kert, Patrick Crowhurst, Corrie Reinders Folmer, and Jan van Zijverden in the former volume and the chapters by Anne Perotin-Dumon and Starkey in the latter. See also Jerome Garitee, *The Republic’s Private Navy: The American Privateering Business as Practiced by Baltimore During the War of 1812* (Middleton, CT: Wesleyan University Press, 1977); Patrick Crowhurst, *The French War on Trade: Privateering, 1793-1815* (Brookfield, VT: Scolar Press, 1989); David J. Starkey, *British Privateering Enterprise in Eighteenth Century* (Exeter, England: University of Exeter Press, 1990); and Carl Swanson, *Predators and Prizes: American Privateering and Imperial Warfare, 1739-1748* (Columbia, SC: University of South Carolina Press, 1991).

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3<sup>[3]</sup>. Citizen Genet's activities promoting privateering from the U.S. in the 1790s is an exception. See Melvin H. Jackson, "The Consular Privateers; an Account of French Privateering in American Waters, April to August, 1793," *American Neptune* 22 (1963), 81-98 and William R. Casto, *Foreign Affairs and the Constitution in the Age of Fighting Sail* (Columbia, SC : University of South Carolina Press, 2006).

4<sup>[4]</sup>. For the early European treaties see Carl J. Kulsrud, *Maritime Neutrality to 1780* (Hein Online, 1936), 40-41. The American treaties with Sweden (1782), Prussia (1785), Britain (1794), Spain (1795), and France (1800) are available from Yale Law School's online Avalon Project: <http://www.yale.edu/lawweb/avalon/avalon.htm>.

5<sup>[5]</sup>. For this interpretation see Charles Griffin, "Privateering from Baltimore during the Spanish American Wars of Independence," *Maryland Historical Magazine*, 35 (1940), 1-25; Jerome Garitee, *The Republic's Private Navy*, 210-237; David Starkey, "Pirates and Markets," in *Bandits at Sea*, 107-124; Peter Earle, *The Pirate Wars* (New York: Thomas Dunne Books, 2003), 214; and Rafe Blaufarb, "The Western Question: The Geopolitics of Latin American Independence," *American Historical Review* 112 (June 2007): 742-763

6<sup>[6]</sup>. Between 1816 and 1820, more than forty privateers operated out of the port; Baltimore sea captains commanded at least twenty-six; and some two dozen merchants took out a share in one or more such ventures. These figures have gleaned from many sources, including the following: Notes of the Grand Jury, Nov. 1818, Depositions Regarding Baltimore Privateers in South American Waters, 1818-1819, Records on Privateers and Pirates, 1813-1835, General Records of the Department of State, Record Group 59, National Archives at College Park, MD (hereafter College Park Depositions); Thomas Lloyd Halsey Letters in the Jonathan D. Meredith

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Papers (Library of Congress, Washington, DC); *National Standard* (Middlebury, VT), Oct. 21, 18 18; *American Beacon* (Norfolk, VA), July 20, 18 19; Lewis Winkler Bealer, "The Privateers of Buenos Aires, 1815-1821: Their Activities in the Hispanic American Wars of Independence" (Ph.D. diss., University of California, Berkley, 1935); Benjamin Keen, *David Curtis De Forest and the Revolution of Buenos Aires* (New Haven, CT: Yale University Press, 1947); Agustin Beraza, *Los Cosarios de Artigas* (Montevideo: Imprenta Nacional, 1949), appendix; Anjel Justiniano Carranza, *Campañas Navales de la Republica Argentina* (1915-1916; 2nd ed. 1962, 4 vols., Buenos Aires: Departamento de Estudios Historicos Navales), 2: 180-229.

7<sup>[7]</sup>. Garitee, *Republic's Private Navy*, 111-112; New York *Daily Advertiser*, Aug. 27, 18 19; deposition of John Sands, Jan. 8, 18 19, College Park Depositions; deposition of Robert M. Goodwin, n.d., *Joaquim Jose Vasques v. Robert M. Goodwin*, Admiralty Case Files, United States District Court for the Southern District of New York (New York), Records of District Courts of the United States, Record Group 21, National Archives Microfilm Publication M919, reel 24, (Hereafter NYDC, Adm.).

8<sup>[8]</sup>. Garitee, *Republic's Private Navy*, 66.

9<sup>[9]</sup>. Robert Oliver provided insurance for James Chaytor's *Independencia del Sud*. Given the illegality of this type of venture, insurers would have been dubious about writing policies on privateers. Oliver, Journal, Dec. 1816, Robert Oliver Papers, ( Maryland Historical Society, Baltimore , MD ). *Armadore* (literally: "shipbuilder") is the Spanish name for the person who played the role of agent and go-between with the government issuing a commission, similar to the ship's husband in U.S. privateering or the *armateur* in British and French practice. See Garitee, *Republic's Private Navy*, 103;

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Starkey, *British Privateering Enterprise*, 67; and Crowhurst, *French War of Trade*, 84.

10<sup>[10]</sup>. See, for example, De Forest to Thomas Tenant, Jan. 7, 18 19, to Jesse Putnam, Sept. 5, 18 18, to John Gooding, Mar. 25, 18 19, and to John D'Arcy and Henry Didier, July 28, 18 19, De Forest Family Papers, (Yale University Library Manuscripts and Archives, New Haven , CT ). All four neutrality laws (1794, 1797, 1817, and 1818) employed the same language. They can be found in the *United States Statutes at Large* series available on the Library of Congress's A Century of Lawmaking for a New Nation collection: <http://memory.loc.gov/ammem/amlaw/lawhome.html>. See Act of June 5, 17 94, ch. 50, 1, 381-384; Act of June 14, 17 97, ch. 1, 1, 520; Act of March 3, 18 17, ch. 58, 3, 370-371; Act of April 20, 18 18, ch. 88, 3, 447-450.

11<sup>[11]</sup>. Burke: Baltimore *Price Current*, July 19, 18 17; Baltimore *Patriot*, Apr. 17, 18 16, Apr. 24, 18 18, Nov. 4, 18 18, Feb. 10, 18 19, Apr. 20, 18 19, Oct. 26, 18 19, May 1, 18 20, Mar. 21, 18 22, Apr. 1, 18 24. Stansbury: Baltimore *Patriot*, Feb. 25, 18 17; Washington (D.C.) *Gazette*, Jan. 28, 18 19; Garitee, *Republic's Private Navy*, 268

12<sup>[12]</sup>. Garitee, *Republic's Private Navy*, 42-43, 202, 207, 263-268.

13<sup>[13]</sup>. Garitee, *Republic's Private Navy*, 263, 266; Baltimore *Price Current*, May 25, 18 16, Aug. 15, 18 18; Baltimore *Patriot*, Oct. 12, 18 16, Nov. 25, 18 16, Mar. 29, 18 21, Sept. 16, 18 23, Jan. 9, 18 34; *Franklin Gazette* (Philadelphia), Mar. 10, 18 18; Garitee, *Republic's Private Navy*, 263, 266.

14<sup>[14]</sup>. Craig: Baltimore *Price Current*, Apr. 18, 18 12, Aug. 9, 18 17, Baltimore *Patriot*, June 21, 18 15, Nov. 28, 18 15, Dec. 16, 18 15, Apr. 12, 18 16, Nov. 25, 18 16, June 5, 18 18; Garitee, *Republic's Private Navy*, 260. Barron: Baltimore

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*Patriot*, Nov. 25, 18 16, Sept. 26, 18 17, Nov. 15, 18 22.

Lovell: Garitee, *Republic's Private Navy*, 258.

15<sup>[15]</sup>. John Sands revealed the details of the group's organization in his State Department deposition, Jan. 8, 18 19, College Park Depositions and a newspaper article defending his involvement, *New York Daily Advertiser*, Aug. 27, 18 19. Karrick: *Baltimore Patriot* Dec. 16, 18 13, Sept. 2, 18 14, Sept. 16, 18 15, Feb. 26, 18 16, Nov. 18, 18 16; *Baltimore Price Current*, Mar. 28, 18 12, Apr. 18, 18 12, Apr. 25, 18 12, Aug. 11, 18 12, Nov. 7, 18 12, Aug. 26, 18 16, Sept. 2, 18 15, May 4, 18 16. Snyder: *Baltimore Price Current*, July 21, 18 10; *Baltimore Patriot*, June 16, 18 16, Oct. 1, 18 17, June 29, 18 18, Feb. 10, 18 19, July 5, 18 19, Feb. 14, 18 23, June 30, 18 23; Garitee, *Republic's Private Navy*, 33-35; Dielman-Hayward Genealogical File, Maryland Historical Society. Patterson: Garitee, *Republic's Private Navy*, 200, 262. Sands: *Federal Republican and Commercial Gazette* (Baltimore), Feb. 10, 18 10; *Baltimore Patriot*, Mar. 16, 18 13, Nov. 30, 18 13; *Baltimore Price Current*, Feb. 5, 18 14; George W. McCreary, *The Ancient and Honorable Mechanical Company of Baltimore* (Baltimore: Kohn and Pollock, 1901), 137.

16<sup>[16]</sup>. Murray: *Baltimore Patriot*, Jan. 16, 18 16, Jan. 24, 18 16, Mar. 14, 18 16, May 7, 18 16, May 24, 18 16, Dec. 21, 18 18, Aug. 3, 18 19. Skinner: Harold A. Bierck, Jr., "Spoils, Soils, and Skinner," *Maryland History Magazine* 49 (1954) 21-40, 143-155.

17<sup>[17]</sup>. Taylor: affidavit of Taylor, Sep. 3, 18 18, *Thomas Stoughton on behalf of Juan Juando and Others v. Thomas Taylor*, NYDC, Adm.; *The American Watchman* (Wilmington, DE), Sep. 26, 18 18. Johnston: *Baltimore Price Current*, Sept. 2, 18 15; *U.S. v. Perthshire alias Arismendi alias Snap Dragon alias Mendozina*, transcript of proceedings in the District Court, Appellate Case Files, United States Circuit Court for Maryland (Baltimore), Records of Circuit Courts of the United

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States, Record Group 21, National Archives and Records Administration—Mid-Atlantic Region (Philadelphia). The District Court case file for this suit no longer exists, leaving the transcript copied and sent up to the Circuit Court on appeal as the only record. B.K. Harrison: deposition of Matthew Murray, Oct. 21, 18 18, *Joaquim Jose Vasques v. Sundry Bales of Cotton, a Quantity of Sugar, Hides, and Sides of Leather*, NYDC, Adm. This Murray was an inn keeper, not the sheriff and fellow investor.

18<sup>[18]</sup>. Information on all these men can be found in Keen, *David Curtis De Forest*, 106-107 and Carranza, *Campañas Navales*, 180-229, as well as numerous letters in the De Forest Papers. Additional works exist for the following individuals: Zimmerman: Craig Evan Klafter, “United States Involvement in the Falkland Islands Crisis of 1831-1833,” *Journal of the Early Republic*, 4:4 (Winter 1984), 400; Karl Wilhelm Korner, “Johann Christian Zimmerman,” *Tradition: Zeitschrift für firmengeschichte und unternehmerbiographie*, 6 (Jan./Feb. 1970), 282-295. Lynch: Thomas Murray, *The Story of the Irish in Argentina* (NY: P.J. Kennedy and Sons, 1919), 25-26; Gonzalo Cane, “Lynch, Estanislao J.A.,” *Dictionary of Irish Latin American Biography*, Society for Irish Latin American Studies, [http://irishargentine.org/dilab\\_lyncheja.htm](http://irishargentine.org/dilab_lyncheja.htm). Accessed Aug. 8, 2007 . Aguirre brothers: Samuel Flagg Bemis, *Early Diplomatic Missions from Buenos Aires to the United States, 1811-1824* (Worcester, MA: American Antiquarian Society, 1940), 9-12 for Juan Pedro and 48-52 for Manuel. For the quote on Juan Pedro, see Samuel Amaral, *The Rise of Capitalism on the Pampas: The Estancias of Buenos Aires , 1785-1870* (Cambridge: Cambridge University Press, 1998), 183n.

19<sup>[19]</sup>. For the secret river meetings, see deposition of Charles Staples and Joseph Atkinson, Sep. 15, 18 18, College Park Depositions. For Halsey’s efforts securing commissions see his letters to William H. Winder, Sept. 30, 18 21, to Henry

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Didier, Sep. 30, 18 21, and to John Guyer, Oct. 1, 18 21 in the Halsey Letters in the Jonathan Meredith Papers (Library of Congress, Washington , DC ) as well as *U.S. v. Bass*. For Halsey's dismissal see Keen, *David Curtis De Forest*, 124 and Joseph Byrne Lockety, *Pan-Americanism: Its Beginnings* (New York: MacMillan, 1920), 180. Halsey got into more trouble by promising the government of Buenos Aires a \$2 million loan from Americans to be backed by the U.S. government, without its approval. See Bemis, *Early Diplomatic Missions*, 43n.

20<sup>[20]</sup>. De Forest to Halsey, Feb. 13, 18 16 and Feb. 15, 18 16, De Forest Papers.

21<sup>[21]</sup>. De Forest to William P. Ford, May 15, 18 19; Keen, *David Curtis De Forest* , 98. De Forest carried on a regular correspondence with these men, which can be found in his papers. Also, Estanislao's partner, Henry Hill, regularly wrote the same group, making clear the interlocking relationship between them. See Hill to De Forest, Sept. 18, 18 17 and Oct. 11, 18 17; to Lynch, Zimmerman, and Co. Oct. 11, 18 17 and Oct. 18, 18 17; and to Ford, Aug. 5, 18 17, Henry Hill Papers ( Yale University Library Manuscripts and Archives, New Haven , CT ).

22<sup>[22]</sup>. Fitting out, arming, clearing a vessel, and shipping a crew were key issues in many cases. For examples, see libel of Joaquim Jose Vasques, Feb. 5, 18 19, *Vasques v. Sociedad Feliz*; depositions of Robert W. Richards, June 15, 18 17, and Matthew Page Godfrey, Sept. 5, 18 17, *Joaquim Jose. Zamorano v. Sundry Goods, Wares, and Merchandise*, libel of Joao Jose and Manuel Laurence, May 15, 18 19, *Joao Jose, Manuel Laurence and Others v. Clement Cathell, Robert M. Goodwin, and Others for the Illegal Taking of the Portuguese Ship Don Pedro Alcantara and her Cargo*; deposition of Joseph Smith, n.d., *Joaquim Jose Vasques v. The Cargo of the Brig Fanny, Clement Cathell and Nathaniel Babson*; all from Admiralty Case Files, United States District Court for

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Maryland (Baltimore), Records of District Courts of the United States, Record Group 21, National Archives and Records Administration—Mid-Atlantic Region (Philadelphia), (hereafter MDDC, Adm.).

23<sup>[23]</sup>. Depositions of Richards and Godfrey, *Zamorano v. Sundry Goods*.

24<sup>[24]</sup>. Deposition of Joshua Chambers, Mar. 22, 18 20, *Jose, Laurence and Others v. Clement Cathell*; deposition of Joseph Smith, *Vasques v. The Cargo of the Brig Fanny*.

25<sup>[25]</sup>. Petition of David De Forest, Jan. 21, 18 17, *U.S. v. Schooner Swift alias Mangore*; depositions of Samuel Beaver, Nov. 27, 18 19 and Laurence Maddeson, Nov. 29, 18 19, *U.S. v. Irresistable*; opinion and decree of Theodorick Bland, Jan. 3, 18 20, *John B. Bernabeau v. The Brig Nerayda*, MDDC, Adm.; deposition of Andrew Lindborn, Apr. 20, 18 19, College Park Depositions; Fred Hopkins, “For Flag and Profit: The Life of Commodore John Daniel Danels of Baltimore ,” *Maryland Historical Magazine*, 80 (1985), 394.

26<sup>[26]</sup> James Monroe to John Forsyth, Jan. 6, 18 17 and Jan. 10, 18 17, *Documents Accompanying a Bill*, 3-5; *Papers Relating to the Foreign Relations of the United States*, part II (Washington: Government Printing Office, 1872), James McCulloch to Bisco Dorsey, June 25, 18 16, 453 and to Monroe, July 23, 18 16, 454-455. As part of the negotiations with Great Britain over the *Alabama* claims in 1872, the U.S. submitted documentation of its own actions as a neutral power restraining foreign warships during previous wars, including the South American revolutions, which are included in the *FRUS* collection.

27<sup>[27]</sup>. Act of March 3, 18 17, ch. 58, 3 *United States Statutes at Large*, 370-371.

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28<sup>[28]</sup>. *Annals of Congress*, 15th Cong., 1st sess., pages ; Act of April 20, 18 18, ch. 88, 3 *United States Statutes at Large*, 447-450.

29<sup>[29]</sup>. Act of May 15, 18 20, ch. 110, 3 *United States Statutes at Large*, 597-598; John Quincy Adams, Jan. 21 and 22, 1820, *Memoirs*, IV, 509-510; Maury Davidson Baker, “The United States and Piracy during the Spanish-American Wars of Independence ” (Ph.D. diss., Duke University, 1946), 127-128.

30<sup>[30]</sup>. *FRUS*, James McCulloch to William Lowry, Nov. 15, 18 19, 498; Alexander Beard, Oct. 29, 18 18 and June 27, 18 19, 485 and 473; Lt. Marshall, Mar. 26, 18 19 and Apr. 22, 18 19, 491-492; John Webster, Dec. 3, 18 19, 499-500; William Jackson, Dec. 3, 18 19, 499; and William Crawford, May 14, 18 19, 495; John Quincy Adams, *Memoirs*, Mar. 29, 18 19, IV, 318. Incidentally, this was not the same James McCulloch as in the landmark Supreme Court case *McCulloch v. Maryland* .

31<sup>[31]</sup>. Privateering indictments dominated the Maryland Circuit Court’s docket from May 1817 through November 1820; sometimes the court dealt with nothing else. See case files for these years in Criminal Case Files, United States Circuit Court for Maryland (Baltimore), Records of Circuit Courts of the United States, Record Group 21, National Archives and Records Administration—Mid-Atlantic Region (Philadelphia), (hereafter MDCC, Crim.). Glenn prosecuted two more men (Joseph Woodward and Joseph Zane) whose role cannot be determined.

32<sup>[32]</sup>. Minute Book of the Maryland Circuit Court, *Minutes of the U.S. Circuit Court for the District of Maryland, 1790-1911*, National Archives Microfilm Publication M931, reel 1. Karrick’s conviction, though later set aside, was noticed in the papers. See Alexandria (VA) *Gazette and Daily Advertiser*,

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Dec. 18, 18 18 and Easton (MD) *Gazette and Eastern Shore Intelligencer*, Dec. 21, 18 18.

33<sup>[33]</sup>. In addition to the Circuit Court Criminal case files and the Minute Book of the Circuit Court cited above, these figures have been compiled from numerous sources, including reports from federal law reporters such as *U.S. v. Hutchings* 26 F.Cas 440; *U.S. v. Brush, the General Rondeau* 24 F.Case 1281; *U.S. v. Chapels* 25 F.Cas. 399; *U.S. v. Palmer* 16 U.S. 610; *U.S. v. Furlong, alias Hobson* 18 U.S. 184 (also known as *U.S. v. Pirates*); pamphlets such as *The Trial of William Holmes, Thomas Warrington, and Edward Rosewain, on an Indictment for Murder on the High Seas before the Circuit Court of the United States* (Boston: Joseph Spear, 1820); *Particulars of the Piracies: Committed by the Commanders and Crew of the Buenos Ayrean ship Louisa and those of the sloops Mary, of Mobile and Lawrence, of Charleston: wherein is accurately described the murder of Capt. Sunley, and four of the crew of the British brig Ann, collated from the statements given by the Bucaniers* (Charleston, SC: A.E. Miller, 1820); *Extracts from the Life of Captain John F. Ferguson, who was Executed in the City of Baltimore, on the Thirteenth Day of April, 1820* (Baltimore: Schaeffer & Maund, 1820); and newspapers including *New York Columbian*, Aug. 4, 18 19; *City Gazette* (Charleston, SC), Mar. 30, 18 20; *Independent Chronicle* (Boston), Apr. 19, 18 20; *New York Daily Advertiser*, June 5, 18 20; *Alexandria (VA) Gazette*, June 6, 18 20; *Poulson's American Daily Advertiser*, June 23, 18 20; *Boston Intelligencer and Evening Gazette*, June 24, 18 20.

34<sup>[34]</sup>. David De Forest to John Quincy Adams, Jan. 8, 18 19, De Forest Papers.

35<sup>[35]</sup>. Thirty-eight suits were initiated in the Maryland District Court against privateers. I have counted as one suit instances

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in which the court joined the libels of multiple parties contesting the same property early on in the proceedings and which produced one case file that can now be found at the National Archives (see *The Sereno* and *The Perthshire* alias *Arismendi* alias *Snap Dragon* alias *Mendozina*). On the other hand, I have counted separately those libels which initially produced separate case files but were joined later on (for example, *Joaquim Zamorano v. Sundry Goods, Wares, and Merchandise*, *Joaquim Zamorano v. 117 Boxes of Sugar*, and *Joaquim Zamorano v. John La Borde and 500 Boxes of Sugar* all involved cargo from the *Santa Maria* and were bundled together as the cases were appealed). This method reflects how cases actually happened without changing the overall results. In four instances, no outcome could be found. In two cases, proceedings were discontinued, once because the Maryland court ceded jurisdiction to the federal court in Savannah, GA and once because the libel was defective. I have counted this instance as a victory for the privateers because it left the contested vessel in their hands. Finally, I have not included the case of *U.S. v. Eight Cases of Dry Goods, Four Pieces of Cloth, Four Pieces of Silk, Four Pieces of Silk Handkerchiefs* in the sample since it was a libel for a customs violation in which the French consul appeared as claimant; thus, no privateers were contesting the property. Maryland outcomes determined from the Minute Book of the U.S. District Court for Maryland, 1813-1820 and 1820-1823 and the Docket Book of the Maryland Federal District Court, Admiralty Division, 1814-1822, MDDC, Adm. For appeals, see *The Gran Para* 20 U.S. 471; *The Santa Maria* 20 U.S. 490; *The Arrogante Barcelones* 20 U.S. 496; *La Nereyda* 21 U.S. 108; *The Monte Allegre* 22 U.S. 616; and *The Fanny* 22 U.S. 658.

36<sup>[36]</sup>. In New York, eight libels were filed against Baltimore privateers, but in three instances no outcome can be found. As before, I have counted as a victory for privateers one case that was discontinued since they held onto the disputed property.

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Outcomes determined from the Minute Book of the U.S. District Court for the Southern District of New York, National Archives Microfilm Publication M886, *Minutes and Rolls of Attorneys of the U.S. District Court for the Southern District of New York, 1789-1841*, roll 5. For Virginia, see the Minute Book of the U.S. District Court for the Eastern District of Virginia, 1811-1819 and 1819-1850, National Archives Microfilm Publication M1300, *Admiralty Case Files of the U.S. District Court for the Eastern District of Virginia, 1801-1861*, roll 1. Appeals can be found in *The Wilson v. The United States* 30 F. Cas. 239 and *The Santissima Trinidad* 20 U.S. 23. For Massachusetts, decrees are included in the case files, while the *Divina Pastora* case was appealed to the Supreme Court: 17 U.S. 52.

37<sup>[37]</sup>. De Forest to Lynch, Zimmerman and Co. July 2, 18 20 and Nov. 9, 18 20, and to William Crawford, Aug. 1, 18 20, De Forest Papers; Keen, *David Curtis De Forest*, 126-128, 158.

38<sup>[38]</sup>. Baltimore *Patriot*, June 18, 18 19, Mar. 29, 18 21, and Sept. 16, 18 23. For the impact of the Panic on Baltimore, see Gary Browne, *Baltimore in the Nation, 1789-1861* (Chapel Hill, University of North Carolina Press, 1980), 70-82 and Garitee, *Republic's Private Navy*, 231-237.

39<sup>[39]</sup>. De Forest to D'Arcy and Didier, Aug. 7, 18 20, to John Higginbotham, Oct. 17, 18 19, and to Lynch, Zimmerman and Co., May 11, 18 21. See also De Forest to John Gooding, Apr. 5 and Apr. 11, 18 19.

40<sup>[40]</sup>. De Forest to William Winder, Dec. 23, 18 23.

41<sup>[41]</sup>. Peter Earle, *The Pirate Wars* (New York: Thomas Dunne Books, 2003), 214. See also the works by Charles Griffin, Jerome Garitee, and David Starkey cited above.

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42<sup>[42]</sup>. Jonathan H. Falconar to Abraham H. Falconar, Sept. 27, 18 16 and Mar. 23, 18 19, Abraham H. Falconar Papers, 1815-1852, (Maryland Historical Society, Baltimore, MD).

43<sup>[43]</sup>. Stephen Lusk to Nicholas Ridgely, June 24, 18 18, Ridgely Papers, 1664-1882, Maryland Historical Society,

44<sup>[44]</sup>. Depositions of William Thompson, Prince P. Gifford, Edward Foley, John Keyser, Samuel Jones, William Laborda, Jan. 12, 18 20, *U.S. v. William Bush*, MDCC, Crim.; William Lendham, n.d., College Park Depositions.

45<sup>[45]</sup>. Depositions of Robert W. Richards, June 15, 18 17, and Matthew Page Godfrey, Sept. 5, 18 17, *Joaquim Jose. Zamorano v. Sundry Goods, Wares, and Merchandise*, MDCC, Adm. See also the deposition of Timothy Ragan, Oct. 10, 18 17, in the same case.

46<sup>[46]</sup>. Depositions of Joseph Delacour, n.d., William Irving and Samuel B. Goodrich, Sept. 19, 18 18, John Heviart, Oct. 20, 18 18, John M. Gass, Oct. 18, 18 18, College Park Depositions; libel of John M. Gass, Oct. 26, 18 18, deposition of Abraham Brown, Mar. 5, 18 19, *John M. Gass v. William Foster et al.*, MDCC, Adm.

47<sup>[47]</sup>. Deposition of Francis Navarre, Feb. 24, 18 19, *U.S. v. Eight Cases of Dry Goods, Four Pieces of Cloth, Four Pieces of Silk, and Four Papers of Silk Handkerchiefs*, MDCC, Adm.

48<sup>[48]</sup>. William Thornton, Jan. 5, 18 17, *Thomas Stoughton on behalf of Juan Juando and Others v. Thomas Taylor*, NYDC, Adm.; Dielman-Hayward Genealogical File, Maryland Historical Society; [John Chase], *To the Public* (Baltimore, 1832), 18.

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49<sup>[49]</sup>. James Chaytor to Madam James [Sarah] Chaytor, June 10, 18 18, and to Adam Guy, Nov. 30, 18 19, James Chaytor Papers, Maryland Historical Society.

50<sup>[50]</sup>. Chaytor to Guy, Nov. 30, 18 19, Chaytor Papers.

51<sup>[51]</sup>. Chaytor to [W.G.D. Worthington], Dec. 14, 18 26, Chaytor Papers. Chaytor went back and crossed out his original expression.