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Navy. 1745-1812**

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**DESERTION, IDENTITY AND THE EXPERIENCE OF AUTHORITY IN
THE NORTH AMERICAN SQUADRON OF THE ROYAL NAVY,
1745-1812**

MARTIN HUBLEY

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ABSTRACT

No detailed study of the causes of desertion, the scale of the problem, or its effects on naval operations and interplay with society and identity formation in both the imperial peripheries of North America and in the British Isles, has previously been undertaken. Using underutilised sources such as ship muster and pay books, this dissertation utilises the phenomenon of naval desertion in North America as a lens to reconstruct the experiences of the common Royal Navy seaman from the establishment of the North American station, through the Age of the American Revolution, until the War of 1812. The study posits that the perception and practice of discipline in the naval service began to change dramatically as early as 1775, if not before, and that the primary impetus behind such calls for change was the problem of desertion and its attendant consequences. The unrest created by the republican ideals of the American Revolution and emerging concepts of American identity, often incompatible with super-imposed “Britishness” and multiple identities, led to new proposals for ubiquitous, centrally controlled and monitored systems of discipline across the fleet.

The experience of authority of the average sailor aboard ship was similar to what he would have experienced on shore in the face-to-face parishes of Hanoverian England. Ships, and sometimes naval stations, perceived themselves as floating communities that possessed values and networks of kinship, profession, and status as their counterparts ashore. The dissertation reinforces the concept that the eighteenth-century naval justice system was more formal than has often been perceived. It had many commonalities with the common law system ashore, and was riddled at all levels with discretionary authority, which at times could become arbitrary in nature. Individuals held multiple roles in overlapping “grids of power”, which were based upon hierarchical power structures of status, rank, ethnicity, race, religion and language. The key characteristic of a Royal Navy seaman in this era was his cultural mobility, based upon multiple, concentric and shifting identities and loyalties, and strong connections to larger Atlantic, and imperial, maritime communities. Finally, the thesis seeks to personalise the experiences of average seamen and marines on the vessels of the North American squadron, whose lives remain largely effaced from history.

ACKNOWLEDGEMENTS

At the outset of this project, the author had little firsthand knowledge of the scale, scope or detail of the surviving eighteenth century administrative records painstakingly maintained by the clerks of the ships of the Royal Navy and the various administrative institutions in London. He optimistically proposed a research project involving the records related to some forty-eight warships that had served in North America between 1745 and 1815. He ignored the astonished reaction (“That’s a lot of ships!”) after briefly outlining this plan to one Professor Roger Knight (who was somewhat dazed no doubt by the complete ignorance of his interlocutor). He also ignored the friendly advice of Professor Andrew Lambert offered over tea at Kew, who recommended partially forsaking a social science quantitative approach in favour of following leads presented by existing qualitative sources. The author plunged ahead regardless.

An industrial-scale acquisition of thousands of digital images of these ships’ records was undertaken. Such an effort was made possible only by the enlightened policies of TNA and the Caird Library at the National Maritime Museum in Greenwich. More than five years later, with barely a dozen ships’ records (containing the service details of approximately ten thousand seamen and marines) fully analysed and transcribed into a database and even those in some ways incomplete, the author can rest.

Without financial support to conduct research in the United Kingdom and elsewhere this project would not have been feasible. In addition to funds provided by the University of Ottawa, the author is very grateful to have received funding from several external sources. These included a Social Sciences and Humanities Research Council of Canada Doctoral Fellowship; a Caird Short-term Research Fellowship at the National Maritime Museum in London; a Marie L. and William R. Hartland Memorial Research Fellowship at the John Carter Brown Library in Providence, Rhode Island; and a Nova Scotia Museum Marine History Research Grant.

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research facilities available in Ottawa. Julian Gwyn, my thesis co-director, shared his knowledge and enthusiasm for the subject at its initial stages and provided many of the sparks and insights that shaped the initial research programme. He also passed along a copious amount of his own research material related to the Royal Navy and Nova Scotia, accumulated over a lifetime of scholarship. W.A.B. Douglas likewise shared vast quantities of his own research notes, encouragement and advice, and I only wish I had made more and better use of their time.

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PREFACE

THE CHANGING NATURE OF DISCIPLINE IN THE EIGHTEENTH-CENTURY ROYAL NAVY

Many historians have strenuously debated the changing nature of discipline in the Georgian Royal Navy. In the eighteenth-century or “old” navy, discipline generally meant only “the readiness of officers and men to fight and work the ship,” or what today would be referred to as training, efficiency, level of competence or professionalism. Most historians agree that by the time of the Spithead mutiny in 1797, this concept had evolved and been transformed. It now included the enforcement of naval law on all ranks to improve efficiency and prevent disorder, “the working of an institution above and independent of the characters of particular men, and the maintenance of a standard of conduct in daily life”.¹

In an impressive social study of a large sample of frigate commanders during the Napoleonic Wars, it is argued that paternal attitudes towards the use of power had become more evident as early as the 1790s. To Tom Wareham, “the post captain as father-figure rather than deity” had evolved in part from evangelical revival and the increasing prevalence of aristocratic officers in the ranks of the service. These more humanitarian views of *noblesse oblige* had been forced upon the upper levels of British society by the effects of the French Revolution and the 1797 mutinies, and became prevalent in the various manuals on seamanship that were becoming common as the profession of naval officer became more formalised.²

¹ Lord Charles Bereford, cited in D. Hannay, *Naval Courts Martial*, (Cambridge: Cambridge University Press, 1914), 39. To what degree the institutional enforcement of naval law independent of the character of officers was present in the early Georgian period remains a matter of some debate. Hannay and Rodger tend to argue that it was often absent, while Byrn and Eder generally believe it was more evident than not. Authors such as Dening, echoing the disciplinary plans that Admiral Richard Kempenfelt proposed to the Admiralty in 1779, represents perhaps the extreme of the latter definition, seeing elements of the “total institution” and control of seamen to prevent disorder as being prevalent at all levels of life aboard ship. See J.K. Laughton, *Letters and Papers of Charles, Lord Barham, Admiral of the Red Squadron 1758-1813*, vol. 1, 38 and 39, (London: Navy Records Society, 1907-11), 209-313.

² T. Wareham, *The Star Captains: Frigate Command in the Napoleonic Wars*, (Annapolis, Md: Naval Institute Press, 2001), 210-1. See also N.A.M. Rodger, “Shipboard Life in the Georgian Navy, 1750-1800: The Decline of the Old Order?” in *The North Sea: Twelve Essays on the Social History of Maritime Labour*, ed. Lewis R. Fischer, et al., (Stavanger: Stavanger Maritime Museum, 1992): 29-39, who sees a solidarity, or intimacy, between officers and men breaking down by the 1790s and the time of the French Revolution.

As authors such as the anthropologist Greg Denning have illustrated,³ such a new concept of discipline was making its appearance in the navy by 1779, if not even earlier. In the 1770s, Richard Kempenfelt wrote to the Admiralty Board proposing stricter systems of discipline following several mutinies in the fleet, as men were refusing to sail for America:

Without discipline is well planned and strictly supported, a military corps or a ship's crew are no better than a disorderly mob; it is a well-formed discipline that gives force, preserves order, obedience, and cleanliness, and causes alertness and despatch in the execution of business. We want in the navy such a discipline which should be general; and all commanders, &c., required to put it strictly in practice. It has been for want of this that such a spirit of insolence and licentiousness has so daringly showed itself of late on so many occasions. That alarming mutiny the summer before last, on board of the *Prince*, in a large fleet, and under the immediate authority of an admiral whose flag was flying on board, was a degree of audacity never heard of before in the annals of our navy. Then the refusal of weighing anchor in the *Defiance*, the *Valiant* and the *Cumberland*. This undisciplined, audacious spirit showed itself on several occasions in the *Victory* when we first went on board her; however, that is now pretty well suppressed. All these disorders arise from a defect in discipline.⁴

Kempenfelt proposed a complete reform of disciplinary measures in the fleet, and their central control and regulation, and was one of the first to suggest the widespread use of the divisional system on board ship to maintain order and efficiency. Such systems would be reinforced by religion, which he perceived as key to maintaining “Sobriety, cleanliness, order and regularity.” Kempenfelt believed such uniform systems would prevent desertion and eliminate idleness. Viewing the latter as “the root of evil”, he thought it could be avoided by keeping men active in training when not on operations, and by having captains and officers become familiar with the “character and behaviour of each individual; he would find out the turbulent and seditious, and keep a strict hand over such.”⁵

It is one of the principal contentions of this work that this move towards the institutional, impersonal, creation of order and the undermining of social bonds between officers and men occurred earlier than the 1790s, and was connected to debates on

³ See his section on Admiral Richard Kempenfelt's views on the need for naval discipline in G. Denning, *Mr. Bligh's Bad Language: Passion, Power and Theatre on the Bounty*, (Cambridge: Cambridge University Press, 1992), 143-5. Denning also uses the plans of Jonas Hanway and the Marine Society as another example of such a “perfect” naval disciplinary system. Denning, *Mr. Bligh's Bad Language*, 133-40. Andrew Snape Hamond, in New York in 1779, was also highly critical of the disciplinary “Rules of the Old School of the Navy” – see Chapter 3.

⁴ Kempenfelt to Middleton, 28 Dec [1779?] in Laughton, *Letters and Papers of Lord Barham*, 304-6.

⁵ Kempenfelt to Middleton, 28 Dec [1779?], in *Ibid.*, 307-8.

Enlightenment and utilitarian reform and thought, and the political and ideological effects of the American Revolution. The shift was also linked to the development of the “total institution” and penal reform in the 1770s and 1780s. Naval proponents of disciplinary reform shared many commonalities in language with penal reformers such as John Howard and others. Such thought was perhaps more common in the navy at that time, and earlier, than some other historians have noted.

These attitudes and language also had a long and varied religious origin. Howard's views on parental authority were very similar to views of naval commanders regarding their seamen and marines:

Regarding children as creatures possessed of strong passions and desires without reason and experience to controul them, he thought that Nature seemed, as it were, to mark them out as the subjects of absolute authority, and that the first and fundamental principle to be inculcated upon them was implicit and unlimited obedience. This cannot be effected by any process of reasoning before reasoning has its commencement; and therefore must be the result of coercion...The coercion he practiced was calm and gentle, but at the same time steady and resolute.⁶

Similarly, Jeremy Bentham viewed criminals as “‘forward children, persons of unsound mind,’ who lacked the self-discipline to control their passions according to the dictates of reason. They were not incorrigible monsters, merely defective creatures whose infantile desires drove them to ignore the long-term cost of short-term gratifications. Crime therefore was no sin but improper calculation.”⁷ Michael Ignatieff believes such views as Howard's were formulated by “the ascetic traditions of Nonconformity ...the weakened remnants of the Puritan revolution of the previous century.” These included Quakers, Calvinist predestinarians, Unitarians and other “rational dissenters” who “subscribed to a highly rationalist creed emphasizing the intelligibility and regularity of divine behaviour.”⁸

The same paternalistic views can be seen among some of the senior officers of the North American station, but even earlier. In the 1760s, at least one aristocratic station commander, Lord Alexander Colville, saw discipline and seamen in North America in this light. Colville perceived his men as “...forward children not knowing how to judge for

⁶ M. Ignatieff, *Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850*, (London: Penguin, 1978), 48-9.

⁷ Ibid., 66-7.

⁸ Ibid., 48-9.

themselves; but on account of their great use to the Nation, are to be cherished as the first born of a fond Parent...”⁹ Colville realised that despite the extent of the problem of desertion on the station, he could not severely punish every seaman who ran away. Yet his paternal patrician attitudes did not stop Colville from hanging some of his men as examples when need be, in order to create a sense of terror to prevent desertion, as we shall see in Chapter 3 and Chapter 7, and he gained a reputation as a strict and harsh disciplinarian. Such religious-derived language had likely long been common in the navy, as it was in the everyday language used to buttress stability and the social order in communities ashore.

Such views can be traced to a much earlier period of English society than that examined by Wareham or Dening, and the period when John Howard’s thinking was prominent. They were widely disseminated in the intellectual thought of the seventeenth-century English philosopher John Locke and his work on education. Ignatieff has shown that Locke had viewed duty as “...an obligation learned through the rewards and punishments that a child received at the hands of authority.” These differences were glossed over in the 1740s by associationist theory, which placed duty and self-interest of conscience at the same level. This allowed two distinct reform views to emerge, one via “routinization of the body” and the other via “direct appeals to conscience”.¹⁰

Locke's ideas emerge in his *Thoughts on Education* where he had argued that “...tutors should make sparing use of the rod, lest children lose the shame of being beaten. ‘Shame of doing Amiss and deserving Punishment,’ he said, ‘is the only true Restraint belonging to Vertue. The smart of the rod, if shame accompanies it not, soon ceases, and is forgotten, and will quickly by use, lose its terror.’” Ignatieff demonstrates that when this master-pupil relationship was applied more broadly throughout society, it “...implied that a social order ruled by terror could never be as stable as one bound together by voluntary obligation to the law.” Some religious sermons of the 1750s noted how “‘...fear of the Magistrates’ power’ was but a ‘weak and loose principle of obedience.’ It would cease ‘whenever men can rebel with safety and advantage.’” Rulers used conscience to make their peoples ashamed to disobey, and punishment, therefore, had to maintain its moral legitimacy. “The key problem for social

⁹ The National Archives of the United Kingdom, (hereafter TNA:PRO), ADM 1/482, Alexander Colville to Philip Stephens, 12 Nov 1765.

¹⁰ Ignatieff, *Just Measure of Pain*, 71-2.

order, therefore, was to represent the suffering of punishment in such a way that those who endured it and those who watched its infliction conserved their moral respect for those who inflicted it.” The paradox, as identified by Ignatieff, was that the most painful punishments, which created the most guilt, were those with the highest standards of justice and morality supporting them.¹¹

This brief history of the development of penal thought in English society, expanded upon in Chapter 1, makes it difficult to use the later expression of such paternal views as consistent evidence of a more humanitarian, “professional” attitude towards discipline and authority evolving in the service such as Wareham advocates. Such notions do provide for a much more complex portrayal of the experience of authority aboard ship at this time. Yet one should be careful not to assume that these “perfect” or “total” institutions of naval discipline were in any way broadly implemented across the fleet until the nineteenth century. While there were no doubt early examples of them present in the North American squadron and elsewhere in the eighteenth century, it was likely only with the implementation of the 1806 *Articles of War and Regulations and Instructions*, and later institutional reforms to centralise, control, and regularise discipline in the navy that they became much more prevalent.

Outline and structure

The themes touched upon above will be expanded upon in the chapters which follow. Chapter 1 arms the reader with the background of the voluminous historiographies related to this dissertation, the methodological frames of reference for the study, and a general understanding of the primary and secondary sources which underpin them, examining the nature of order and discipline in the navy at this time in more depth. Chapter 2 discusses the question of identities in the North American squadron, their overlapping interrelations with the hierarchies of authority aboard ship, and their importance in the maritime and naval contexts in this period in a qualitative fashion, laying the ground work for the quantitative analyses of identity in the later chapters.

Chapter 3 is set against the period 1763 to 1783 and the backdrop of the Age of the American Revolution. Using case studies of two station commanders, Alexander Colville and

¹¹ Ibid.

Samuel Graves, the views of senior officers and commanders on the station with regard to desertion, identity and authority aboard ship will be examined. A qualitative assessment assesses the causes of the problem, its scale and effect on operations of individual ships and the squadron as a whole, as well as the efforts made to prevent it and their relative success or failure.

Chapter 4 is the “twin” of its predecessor, providing a quantitative analysis of the primary sources for ships and vessels of the 1765 and 1775-6 sample years. It will demonstrate that although there was no clear direct correlation between summary punishment and desertion, the frequency and severity of such punishments, for all crimes, played a large role in fostering perceptions of fairness and legitimacy of authority on board ship. Similar analyses of per ship and overall desertion rates will indicate the higher frequency of that crime compared to other naval stations, while comparative analyses will show the importance of sickness, disability, death, and promotion or demotion to the manning problems of the North American command, and the maintenance of a stable authority system on board ship.

The fifth and sixth chapters follow a similar twinned pattern, but are focused on the turn of the nineteenth century and the growing fears of war between Great Britain and the United States to 1812. Chapter 5 looks at this period’s effects on the North American squadron in terms of desertion, identity, and the experience of authority aboard ship in qualitative fashion from the point of view of senior officers, through the lens of case studies based upon the experiences of George Cranfield Berkeley and John Borlase Warren. Its partner, Chapter 6, undertakes a similar quantitative analysis for the ships and vessels of the 1806-7 sample year.

Chapter 7 studies courts martial for desertion from 1755 to 1812 on all naval stations, with an emphasis on North America. It illustrates how capital punishment for that crime was often harsher there than on other foreign stations, even when mitigated via the discretion of the court, the station commander, or the King. An examination of these records will reveal that straggling was often treated and punished in the same manner as desertion on the North American station. It also highlights the importance of precedent in the naval legal system and the transition from custom to more formal legal procedures. Chapter 8 centres on case studies of courts martial held in North America for the crimes of mutiny and disobedience, in a similar fashion, highlighting how the worst cases of mutiny were often brought on by attempts at mass

desertion by the men of the lower deck, and the influence of identities, authority and discipline upon such events.

Chapter 9 provides an overview and summary of the main conclusions from the various sections above, highlighting similarities and differences between each time period which would not have been evident if each had been studied on their own, and better placing the role of desertion, identity, and the experience of authority in the Royal Navy in their broader historiographical contexts. Based upon the arguments and evidence presented, and with the experience of the ships and vessels of the North American squadron squarely in the van, it identifies plausible “turning points” in the history of authority and discipline in the naval service in the eighteenth century. Linkages for future exploration in varied fields that would otherwise remain hidden from view if the work was to be situated in a single national or other historiography will also be discussed and contextualised. Such a comprehensive approach provides a better understanding of the operational effect of desertion in North America, highlights how identities could be formed and transformed by naval operations on the periphery of empire, and imparts insights into the effect of these transformations on North American and British societies - the legacies of which remain today.

Lastly, the grammar and style of all primary source quotations have not been altered from the original, with the exception that ship names are italicised. The first time the name of a warship appears, its number of guns, where known, appears in parenthesis following it, for example, *Rose* (24). If a vessel was armed with guns and swivels, it appears in the form *Canceaux* (6.8).

CHAPTER 1

“OTHERWISE HE WILL IN ALL PROBABILITY RUN AWAY THE MOMENT HE IS ON SHORE”:¹ INTRODUCTION

During the Seven Year's War, one scholar estimated that there were over 40,000 cases of desertion from the Royal Navy.² In the years before 1776, a rough estimate has some twenty to thirty thousand Royal Navy seamen deserting in North American waters, an immense number when one considers that Boston, the largest city in the American colonies in 1750, was inhabited by only fifteen thousand souls.³ During the American War itself, there was perhaps one case of desertion for every three men recruited into the naval service.⁴ If between 230,000 and 235,000 men were raised for the fleet between 1774 and 1782, this would mean that over 78,000 cases of desertion occurred in the navy in that period. An abstract prepared in 1783 for the Prime Minister, William Petty, Earl of Shelburne by Robert Gregson, an official at the Navy Board in London, states that 79,007 men ran from naval vessels between August 1775 and February 1783, 14,845 of them in North America.⁵ Similarly, desertion was a major problem during the French wars. Lord Nelson himself believed that 42,000 men ran from the navy between 1793 and 1802. Admiral Philip Patton estimated that in the two-year period between May 1803 and June 1805 alone, some 12,302 men deserted the navy, which had a complement of 109,000 seamen and marines in 1805.⁶ No in-depth study on

¹ National Maritime Museum (hereafter NMM), Sandwich Papers, SAN/V/117, Sandwich to [Stephens?], Hinchinbrook, 8 Sept 1780. Lord Sandwich, First Lord of the Admiralty, was referring to a seaman from the *Thetis* whose discharge from that ship was requested as a favour by Lord Clive (Member of Parliament for Ludlow and Lord Lieutenant of Shropshire). Sandwich instructed a servant guard the man on his passage from the Downs to Clive's residence to prevent his desertion.

² N.A.M. Rodger, *The Wooden World: An Anatomy of the Georgian Navy*, (Glasgow: Fontana, 1986), 203.

³ J. Gwyn, "The Royal Navy in North America, 1712-1776," in *The British Navy and the Use of Naval Power in the Eighteenth Century*, ed. Jeremy Black and Philip Woodfine, (Atlantic Highlands, NJ: Humanities Press International, Inc., 1989), 51 and P.J. Marshall, ed., *The Oxford History of the British Empire: The Eighteenth Century*, 5 vols., vol. 2, (Oxford: Oxford University Press, 1998), 284.

⁴ N.A.M. Rodger, *The Command of the Ocean: A Naval History of Britain 1649-1815*, (London: Allen Lane, 2004), 398-9.

⁵ Cited in R.G. Usher, "The Civil Administration of the British Navy during the American Revolution" (Ph.D., University of Michigan, 1942), 170-2. Of these 79,007 men, 47,028 left their ships on naval stations in home waters, 15,191 in the West Indies, and 2,303 in the East Indies and the Mediterranean.

⁶ M. Lewis, *A Social History of the Navy 1793-1815*, (London: George Allen and Unwin Ltd., 1960), 134 and B. Lavery, *Nelson's Navy: The Ships, Men and Organisation 1793-1815*, (Annapolis, Md: Naval Institute Press, 1989), 143-4. Lavery believes Nelson's figure of 42,000 is likely an underestimate.

desertion in North America, its effects on naval operations, or on identity in colonial and British society for the period between 1745 and 1812 has been undertaken by scholars toiling in the fields of British maritime, naval, imperial or Atlantic history.

From a theoretical perspective, it can be argued that the ships of the Royal Navy represented an interface or bridge between the “periphery” and “core” or “metropole” of empire throughout this period of imperial upheaval and wars with France, Spain and the new United States. Over this bi-directional bridge passed not only pressed and deserting sailors, but with them in their sea-chests, their ideas, perceptions and political thought.⁷ An examination of the movement of seamen across this bridge will determine not only the operational scale of the problem of desertion in North America and its effects on the Royal Navy, but also how the experience of authority on board ship and the particular social mobility granted to seamen by their chosen profession and experience in the navy influenced concepts of “American” and “Briton” locally and in the British metropolitan and imperial contexts.⁸

Who were these deserters, why did so many run from their ships and where did they go? Were they pressed “Americans”, or sailors from Britain and Ireland? Were certain ethnicities, such as the Irish or Scottish, more likely to desert? If so, why were they more prone to do so? Did they flee harsh discipline, leave for more pay on merchant vessels and privateers, or for employment on shore and eventual settlement in America? Or did they return to Britain to escape isolation, harsh climates, and often inhospitable working conditions? Did deserters and pressed men rebel against a “super-imposed” British nationality, perhaps by having their own trans-national identity associated with their occupation as seamen?⁹ Or was their central identity when at sea tied to the experience of authority onboard ship itself, as a community analogous to a parish or locality ashore?

⁷ For a broader examination of other such “bridges” in the British Atlantic and American colonial contexts, with a focus on constitutional matters, see J.P. Greene, *Peripheries and Centres: Constitutional Development in the Extended Politics of the British Empire and the United States, 1607-1788*, (Athens, Ga.: 1987).

⁸ For a study on the earliest example of such mobility on the life of a seaman, see the case of Edward Barlow in P. Fumerton, *Unsettled: The Culture of Mobility and the Working Poor in Early Modern England*, (Chicago: University of Chicago Press, 2006). Paul Gilje, Daniel Vickers and others have commented on the peculiar cultural mobility offered to seamen of both merchant and naval vessels in general and in North America in particular: P. Gilje, *Liberty on the Waterfront: American Maritime Culture in the Age of Revolution*, (Philadelphia: University of Pennsylvania Press, 2004); D. Vickers and V. Walsh, *Young Men and the Sea: Yankee Seafarers in the Age of Sail*, (New Haven: Yale University Press, 2005).

⁹ The development of the superimposition of a British identity is the main theme of L. Colley, *Britons: Forging the Nation 1707-1837*, (London: Yale University Press, 1992), discussed in more detail below and in Chapter 2.

The core of this study is comprised of detailed quantitative and qualitative analyses of a large sample of the records from the hundreds of Royal Navy vessels stationed in North America between 1745 and 1812.¹⁰ Admiralty records such as sea officers' logs and journals, and ship muster and pay books were collated for a statistically-representative sample of different rates which spent a significant period of time in American waters. Databases analysing this material were created focusing on ships from sample years comprising 1765, 1776 and 1807. These years allow comparisons between alternating periods of war and peace, and an examination of the effects of desertion before, during and after the American Revolution, the mutinies at Spithead and the Nore in 1797, and the Irish uprising of 1798, to aid in determining ideological and transatlantic identity-driven nature of desertion.

Historiography

The breadth of this study, in both chronology and themes, intersects with a wide range of historiographies – national and colonial, Atlantic and imperial,¹¹ naval and maritime,¹² legal and criminal, ideas and identities, as well as power and resistance. Each of these historical fields has a discrete and extensive literature, compiled over many decades of academic labour by numerous scholars. Therefore, only the most pertinent works are noted below as a means of introduction. More specific studies relevant to particular periods and themes are discussed in the appropriate sections of the dissertation.

¹⁰ See the introduction of Chapter 4 for an overview of the methodology and sampling methods used.

¹¹ For the subtle and not-so-subtle distinctions between British, British imperial, and British Atlantic world historiographies see: C.A. Bayly, *Imperial Meridian: The British Empire and the World 1780-1830*, (London: Longman, 1989); J.G.A. Pocock, "The New British History in Atlantic perspective: an antipodean commentary," *American Historical Review* 104, no. 2 (April 1999); D. Armitage, *Greater Britain, 1516-1776: Essays in Atlantic History*, (Aldershot: Ashgate Variorum, 2004); B. Bailyn, *Atlantic History: Concepts and Contours*, (Cambridge, Mass.: Harvard University Press, 2005) and P.J. Marshall, *The Making and Unmaking of Empires: Britain, India and America c.1750 - 1783*, (Oxford: Oxford University Press, 2005). Bailyn and Morgan argue that Atlantic history is a means of expanding the horizons of early American colonial historians, a "new form of British imperial history" which, following Fieldhouse, focuses on the two-way processes of an imperial system comprising a core and multiple peripheries rather than solely on political processes in the metropole. B. Bailyn and P.D. Morgan, eds., *Strangers within the Realm: Cultural Margins of the First British Empire*, (Chapel Hill, NC: University of North Carolina Press, 1991), 8-9.

¹² For a tour de force of the requirements for and scope of such a field of study see: J.B. Hattendorf, *The Oxford encyclopedia of maritime history*, 4 vols., (Oxford ; New York: Oxford University Press, 2007) and idem., ed., *Ubi Sumus? The State of Naval and Maritime History*, (Newport, RI: Naval War College Press, 1994).

The experience of authority and desertion in the Georgian Royal Navy has often been underexplored and assumed, and therefore sometimes misunderstood or misrepresented, by those relatively few authors who have examined it beyond the cliché of ‘rum, sodomy and the lash.’ Too often, it has been monopolised or oversimplified by those on either extreme of historiographical, political, or ideological debates. It is only in the past twenty years that our understanding of these subjects has been revisited, revised, and clarified. Recent historians have sailed away from the line of battle and strategy, grand or otherwise, to use the “new” techniques and methodologies of social history, postmodernism, and interdisciplinary approaches to explore such subjects. By probing the changing and evolving experience of authority in the Royal Navy in North America and its interrelationship with concepts of identity this work seeks to shed new light upon life at sea in the early modern British imperial world, and provide a broader understanding of this complex and many-faceted topic.

To do so, we must begin with a brief examination of the historiography of society ashore in early modern England and its interconnections to other historiographies, particularly theories about the rise of the centralising early modern state. Older works in the latter field which discuss early modern England or Britain generally fall into two main categories: the Whig version of the rise of the state, and works formulated around various forms of binary power inequality. Newer theories on power, resistance, and the experience of authority have built upon these older foundations. They are necessary to understand the problem of desertion and the maintenance of social order and stability aboard ship more generally.

The Whig version of history was essentially one of state formation as high politics and the structures of government, something separate and external to social history. Whig history often ignored or downplayed social and cultural factors, and the importance of the varied sources of power found elsewhere in society.¹³ The importance of the latter began to appear when historians, sociologists and others began to focus on various binary theories of social inequality and the distribution of economic and political power in England, and how this may have changed from the sixteenth through to the nineteenth centuries. Social historians such as

¹³ See H. Butterfield, *The Whig Interpretation of History*, (London: G. Bell, 1931) and subsequent works. For the role of the king see I.R. Christie, "George III and the Historians - Thirty Years On," *History* 71 (1986):205-21.

Peter Laslett, E.P. Thompson and others developed new theories and approaches as a means of discovering what Laslett famously referred to as “the world we have lost”.¹⁴

This gradual evolution and the expansion of the political to include social and cultural factors is central to understanding the nature of the experience of authority aboard ship, and hence in comprehending the problem of desertion from the navy. Unlike some recent revisionist interpretations, life aboard ship in the early modern maritime world was rarely one of complete acceptance of velvet-gloved authority in a collegial “Wooden World” filled with patriotic Britons. Nor was it always one of complete coercion, or of resistance to tyrannical oppression by disloyal elements excluded from social and political power based on race, status, or ethnicity.¹⁵ Both ships afloat and parishes ashore constituted face-to-face worlds of compromise, negotiation, and constant renegotiation, where violence was commonplace. Legal systems ashore and afloat in the empire were based on English law, local customs and precedent. Local context, combined with the agency and discretion of individuals at all levels of overlapping hierarchies, was crucial in determining what the experience of that system would embody. Some individuals were simultaneously both providers and receptors of authority. Those in positions of power could make use of their authority and legal discretion in both a positive and negative manner. Some were as likely to resist authority or renegotiate it as to accept it outright.¹⁶ Experience of authority in the navy involved the permeable boundaries of law and traditional custom, and the common interests of different groups of skilled maritime trades-people, and relatively unskilled (in naval terms at least) landsmen and marines, within a hierarchical power model. Within that model, changing and evolving notions of civility,¹⁷

¹⁴ E.P. Thompson, *The Making of the English Working Class*, (London: Penguin, 1963); P. Laslett, *The world we have lost*, (London: Methuen, 1965).

¹⁵ The model detailed below, when transferred afloat, is also able to encompass elements of both of the works generally seen as representing the endpoints of the current historiographical spectrum on this subject: Rodger, *Wooden World*, and M. Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates and the Anglo-American Maritime World, 1700-1750*, (Cambridge: Cambridge University Press, 1987).

¹⁶ K. Wrightson, “The Politics of the Parish in Early Modern England,” in *The Experience of Authority in Early Modern England*, ed. Paul Griffiths, et al., (New York: St. Martin's Press, 1996), 10-46. For the role of legal systems, and a general analysis of how indigenous and local custom and law was adopted into that of colonial and imperial legal regimes, see L. Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, (Cambridge: Cambridge University Press, 2002). For a case study specific to North America see J. Bannister, *The Rule of the Admirals: Law, Custom and Naval Government in Newfoundland, 1699-1832*, (Toronto: University of Toronto Press, 2003).

¹⁷ A. Bryson, *From Courtesy to Civility: Changing Codes of Conduct in Early Modern England*, (Oxford: Clarendon Press, 1998); P. Burke et al., eds., *Civil Histories: Essays Presented to Sir Keith Thomas*, (Oxford:

custom and community identities,¹⁸ and legitimacy of authority were central and overlapping.¹⁹ Desertion in North American waters, along with examinations of mutiny, disobedience, and punishments, are used throughout this dissertation as micro-studies, to explain, analyse, and validate this model of imposed and negotiated authority in its broader maritime and imperial contexts.

As ashore, in the often-polarised social world of eighteenth-century England, what was central to maintaining the social system aboard ship was the legitimacy, perceived and accepted, of authority. This meant ensuring that “the People” who made up the vast majority of the working ship’s complement did not become alienated from those in positions of power on board of it – some of whom were promoted from within their own ranks. When seamen and marines began to believe that the authority of those governing their lives, or their perception of that authority, was no longer legitimate or just, various forms of alienation, resistance or re-negotiation could occur on the lower deck, and even among petty, warrant and commissioned officers. Such alienation could take many forms, ranging from passive to active resistance. It could have varying and differential levels of strength depending upon local context and contingency. It could include attempts to renegotiate authority within the boundaries and processes of the perceived legitimacy of the overall social systems in play.²⁰ It could embody what the noted sociologist J.C. Scott terms the public and hidden transcripts of

Oxford University Press, 2000); and M.J. Braddick, “Civility and Authority,” in *The British Atlantic World, 1500-1800*, ed. David Armitage and Michael J. Braddick, (New York: Palgrave Macmillan, 2002):93-112.

¹⁸ D. Hay, “War, dearth and theft in the eighteenth century: the records of the English courts,” *Past and Present*, no. 95 (1982):117-60, D. Hay et al., eds., *Albion’s Fatal Tree: Crime and Society in Eighteenth Century England*, (New York: Pantheon Books, 1975); D. Garrioch, *Neighbourhood and community in Paris, 1740-1790*, (Cambridge: Cambridge University Press, 1986); J.R. Farr, *Hands of Honor: Artisans and Their World in Dijon, 1550-1650*, (Ithaca N.Y.: Cornell University Press, 1988), idem., *Artisans in Europe, 1300-1914*, (Cambridge: Cambridge University Press, 2000).

¹⁹ See: J.P. Greene, “Negotiated Authorities: The Problem of Governance in the Extended Politics of the Early Modern Atlantic World,” in *Negotiated Authorities: Essays in Colonial, Political and Constitutional History*, ed. Jack P. Greene, (Charlottesville, VA: University of Virginia Press, 1994); P. Griffiths et al., eds., *The Experience of Authority in Early Modern England*, (New York: St. Martin’s Press, 1996); K. Wrightson, “Class,” in *The British Atlantic World, 1500-1800*, ed. David Armitage and Michael J. Braddick, (New York: Palgrave Macmillan, 2002:133-53); S. Hindle, *The State and Social Change in Early Modern England, c. 1550-1640*, (Basingstoke: Macmillan, 2000); M.J. Braddick and J. Walter, eds., *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland*, (Cambridge: Cambridge University Press, 2001); and A. Wood, *The Politics of Social Conflict: The Peak Country, 1520-1770*, (Cambridge: Cambridge University Press, 1999). The model used here borrows heavily from these scholars.

²⁰ For the concepts of legitimacy and alienation in political theory, see: W. Connolly, ed., *Legitimacy and the State*, (New York: New York University Press, 1984) and Q. Skinner and B. Strath, eds., *States & Citizens: History, Theory, Prospects*, (Cambridge: Cambridge University Press, 2003).

discourse between rulers and ruled, with subordinate groups creating hidden discourses critiquing those in power. Scott argues that both public and hidden transcripts must be examined to understand power relations between the dominant and the weak, and specifically resistance to power and authority, rather than simply taking the public transcript at face value.²¹

Yet concepts of legitimacy seem to be neglected by Scott. Michael Braddick, John Walter and others contend that consent of the governed was central to the legitimacy of power relationships in English society at this time. They stress that all parties throughout the social order could use the language of legitimacy, as a yardstick for measuring acceptable conduct among the lower orders, and as a way to hold ruling groups accountable. Public transcripts of power, therefore, do not always imply a system of hegemony, but can also constrain rulers and empower the ruled.²²

The ultimate, and most dangerous, expressions of such alienation and resistance in the navy were desertion and mutiny. The latter usually took its common eighteenth-century form as a strike or collective protest. Nevertheless, violent takeovers of a ship, usually to aid in mass desertion of all or part of its complement, also occurred and may have been more common than has been portrayed in the existing literature. The focus here on experience of authority also results in an overlap to some extent with the extensive literature on legal, criminal, and punitive historiographies of early modern England and more broadly.²³ Older works on this theme in the naval context tend to take as their starting place a revision of John Masfield's

²¹ J.C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts*, (New Haven: Yale University Press, 1990), xii-xiii, 1-16.

²² M.J. Braddick and J. Walter, "Grids of power: order, hierarchy and subordination in early modern society," in *Negotiating Power*, ed. Braddick and Walter, 9-10.

²³ Legal historiography is crucial due to the debates over the purposes of early modern law in English society. For a full summary see J. Innes and J. Styles, "The Crime Wave: Recent Writing on Crime and Criminal Justice in Eighteenth-century England," *Journal of British Studies* XXV (1986). for an overview, J. Brewer and J. Styles, eds., *An ungovernable people: the English and their Law in the seventeenth and eighteenth centuries*, (New Brunswick, NJ: Rutgers University Press, 1980), while L. Radzinowicz, *A History of English Criminal Law and Its Administration since 1750*, 4 vols., (1948-68) remains the seminal study. Besides the works of Hay noted above, J.H. Langbein, "Albion's Fatal Flaws," *Past and Present*, no. 98 (Feb 1983):96-120; and J.M. Beattie, *Crime and the Courts in England, 1660-1800*, (Princeton, NJ: Princeton University Press, 1986) are also key. Hay sees the law as supporting the rule of a small, élite upper class oppressing the masses of the lower class for their own interests. Brewer and others see a more diverse and complex hierarchy of status including an emerging "middling sort", and a more contingent legal system riddled with discretionary powers. All levels of society could appeal to the law to both reinforce and limit the authority of those in positions of power. Warrant and petty officers aboard ship played a similar role to the middling sort.

view of harsh discipline in the Royal Navy, and of David Hannay's widely cited study of naval courts-martial in the eighteenth and early nineteenth centuries. Both of these works, along with those of Stanley Bonnett, who built upon them, contain kernels of truth but contributed to broadly-held misconceptions on the nature of life and discipline in the Georgian navy.²⁴

Revisionists of the 1960s social historians, and later works relying on them, agreed that there had been an overall softening of naval discipline throughout the course of the eighteenth century. Yet, they disagreed over the causes. Reasons put forth included the spread of enlightenment values, the professionalisation of officers, and the argument that discipline became less harsh, and severe punishments used with more restraint, by the time of the American War in an attempt to offset critical shortages of sailors. They generally agreed that the nature of discipline evolved and its severity increased in the last years of the century, following the mutinies at Spithead and the Nore in 1797, and continued to worsen throughout the early nineteenth. The overall view remained that the naval legal system was largely informal and relatively unstructured, as officers with little or no legal background or experience presided at courts-martial using a 'haphazard' legal code with little or no connection to that used in courts ashore.²⁵

N.A.M. Rodger and others, by contrast, saw a great evolutionary change in naval discipline and social order in the navy between 1750 and the early nineteenth century. Rodger identified a growing proportion of landsmen and ordinary seamen aboard ship, while at the same time the proportion of experienced able-bodied seamen and petty officers shrank in numbers. He believed that the supposed solidarity and intimacy between officers and men, which he saw as predominant in the 1750s, was breaking down by the 1790s, largely a result of the effects of the French Revolution. These included growing class-consciousness and

²⁴ J. Masfield, *Sea Life in Nelson's Time*, (London: Methuen & Co., 1905). Subsequent authors such as Hannay generally follow Masfield's views of a harsh, tyrannical system of discipline in the navy. Those such as Bonnett and Neale add Marxist approaches to their arguments, which still resonate strongly in later studies by some maritime labour historians and postmodern scholars: Hannay, *Naval Courts Martial*; S. Claver, *Under the Lash: A History of Corporal Punishment in the British Armed Forces*, (London: Torchstream Books, 1954); S. Bonnett, *The Price of Admiralty: An Indictment of the Royal Navy 1805-1966*, (London: Robert Hale, 1968); J. Neale, *The Cutlass and the Lash: Mutiny and Discipline in Nelson's Navy*, (London: Pluto Press, 1985).

²⁵ S.R. Frey, "Courts and Cats: British Military Justice in the Eighteenth Century," *Military Affairs* 43, no. 1 (February 1979):5-11; A.N. Gilbert, "Crime as Disorder: Criminality and the Symbolic Universe of the 18th Century British Naval Officer," in *Changing Interpretations and New Sources in Naval History: Papers from the Third United States Naval Academy History Symposium*, ed. Robert William Love Jr., (New York: Garland, 1980):110-22; idem., "The Changing Face of British Military Justice, 1757-1783," *Military Affairs* 49, no. 2 (April 1985):80-4.

tensions between officers and men, while the severity of formal and informal punishment grew to often-brutal levels. Skilled seamen, generally supposed to have been almost immune to punishments in the navy of Anson's time, now found themselves subject to more and more indiscriminate flogging, and other brutality.²⁶

Only recently has the emotional and psychological impact of witnessing punishment, whether on land or on board ship, made any headway in the currents of mainstream naval historiography, and is often missing in the accounts of those scholars who seek to minimize the importance of punishment aboard ship to daily naval operations in the early modern period.²⁷ The importance of this factor will be shown throughout the following chapters.

Newer studies focused on specific naval stations or chronological periods have advanced somewhat contrary views. Duncan Crewe, perhaps the first scholar to make extensive use of naval muster and pay books in any systematic and significant fashion in his 1978 doctoral thesis, demonstrates the debilitating effects of desertion and disease on the Royal Navy vessels on the Leeward Islands and Jamaica stations in the conflicts of 1739-48. Yet Crewe failed to study the effects of discipline on manning the squadrons and their operations.²⁸ John Byrn, writing on discipline on the Leeward Islands station during the French wars, and Markus Eder, on crime and punishment in the navy during the Seven Years' War, both contend that the naval legal system was much more formal and organized than

²⁶ Rodger, *Wooden World*, 218-29 and idem., "Shipboard Life," . Tom Wareham, a student of Rodger's, and Nick Slope have pursued similar themes in their work: Wareham, *Star Captains*, and N. Slope, "Manning, Training and Development in Nelson's Navy: A social history of three Amazon class frigates utilising database technology (1795-1811)" (Ph.D., Thames Valley University, 2008). Wareham's research focuses on an emerging professional and humanitarian class of officers in the Napoleonic period.

²⁷ Scholars who criticise Masefield for his depiction of an always brutal experience of authority in the sea service, focused on the rarity of courts martial and some forms of punishment, have perhaps missed other elements of his work which were path-breaking. In some ways he was the first modern scholar to draw attention to the use of terror, theatre, and the emotional effects on seamen of witnessing even a single such punishment, through his graphic use of the first-hand accounts of seamen and officers descriptions of their often horrific consequences. This was particularly the case for hangings, floggings at the gangway and floggings round the fleet, punishments which had high public profiles during debates over naval reform later in the nineteenth century - Masefield, *Sea Life*, 157-69. Postmodern works touching on these themes include those of P. Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century*, (Cambridge: Cambridge University Press, 1992); V.A.C. Gatrell, *The hanging tree: execution and the English people, 1770-1868*, (Oxford: Oxford University Press, 1994); and I. Land, "Customs of the Sea: Flogging, Empire and the 'True British Seaman', 1770 to 1870," *Interventions: International Journal of Postcolonial Studies* 3, no. 2 (2001):169-85. Linebaugh also contains a commentary on the large maritime community of sailors in London and its interaction with the legal system.

²⁸ D. Crewe, *Yellow Jack and the Worm: British Naval Administration in the West Indies, 1739-1748*, (Liverpool: Liverpool University Press, 1993).

portrayed by Rodger and others. They both aver that the naval legal process had many points of similarity and contact²⁹ with the English common law system ashore.³⁰

Such points of contact included the use of discretion at almost every level of the naval legal system. In general, officers relied not on any formal legal training per se, but on their experience (as both recipients and providers of authority) within the naval legal system, and the experiences of their colleagues and superiors, to aid them in exercising their discretion. The experiential and discretionary nature of that system, and its commonalities with common law ashore was first explored in depth by Byrn. This thesis confirms and builds upon the foundations of his and Eder's studies, demonstrating that discretion, both positive and negative, was a cornerstone of the maritime legal system, as it was on land.³¹

Another important ideological and institutional development in the latter half of the eighteenth century, and its effect on the sea service, which is somewhat lacking from both Byrn and Eder, was the Enlightenment's effect socially and institutionally.³² Enlightenment thought percolated through several fields of central concern to the navy, many of which have been examined in detail elsewhere, such as shipbuilding, dockyard industrialisation, medicine, and other matters.³³ Yet the disciplinary aspects of this social and cultural change, often cited as leading to a more humanitarian sea service with a more professional, humanitarian, and hence "enlightened" officer corps, are often conspicuous by their absence in studies examining the severity or mildness of the naval legal system. The Enlightenment also had some rather harsh effects on discipline, punishment, and authority (which were sanitised), and it often qualified or nullified the emergence of humanitarian sentiment. Perhaps the question that needs to be asked is whether the navy itself was a source of such Enlightenment thought, or was it simply embracing broader intellectual trends ashore? And were any new disciplinary

²⁹ After G.R. Elton, "Tudor government : the points of contact, 3 : the court," *Transactions of the Royal Historical Society*, 5th ser. 26 (1976):211-28.

³⁰ J.D. Byrn, *Crime and Punishment in the Royal Navy: Discipline on the Leeward Islands Station, 1784-1812*, (Aldershot: Scolar Press, 1989) and M. Eder, *Crime and Punishment in the Royal Navy of the Seven Years War, 1755-1763*, (Aldershot: Ashgate, 2004). Byrn takes particular issue with Hannay and the 'primitive nature' of courts martial as a 'gathering of tribal elders' which was accepted uncritically by historians.

³¹ For discretion and its many uses in the legal system ashore see P. King, *Crime, Justice and Discretion in England 1740-1820*, (Oxford: Oxford University Press, 2000).

³² R. Porter, *The Creation of the Modern World: The Untold Story of the British Enlightenment*, (W.W. Norton & Company: New York, 2000).

³³ N.A.M. Rodger, "Navies and the Enlightenment," in *Science and the French and British Navies 1700-1850*, ed. Pieter van der Merwe, (Greenwich: National Maritime Museum, 2003):5-23.

trends which may have developed at this time really less severe than earlier punitive measures?³⁴

Although the broader effects of the Enlightenment on naval and military affairs have, as Rodger argues, perhaps been of less importance than some historians believe, this may not have been the case with regard to disciplinary trends and the evolution of the concept of the “total institution”, or the related development and scope of a centralising “surveillance state”. The methods and procedures of the Admiralty and Navy Boards and their officials played a part in both of these developments. Sociologist Christopher Dandeker maintains that the Royal Navy gradually changed its own methods and procedures for maintaining discipline and social order aboard ship in response to the growing centralising demands of the state.³⁵ In some important ways, the customs, practices, and ideologies of the sea service itself, along with developments in European militaries on shore, may have been a precursor to the thought behind the movement towards the total institution.

The Enlightenment was often defined by the scientific and rational search for “system” in all human affairs. One aspect of the gradual search for “system” in social order was the development of the concept of the “total institution”, first envisaged for penal purposes by Jeremy Bentham in his designs for the Panopticon, and appearing in England by the 1770s. As a means of surveillance and control over personal associations based on materialist psychology, the total institution was seen as a scientific means of altering and improving the moral behaviour of men by disciplining their bodies through routine and repetition, and their minds through moral re-education.³⁶

Michel Foucault envisages two main processes at work in the gradual evolution of the total institution which led to the abolition of public punishments ashore. These were a decline

³⁴ Two important contributions in this regard, approaching these questions from opposite sides of the debate, are Denning, *Mr. Bligh's Bad Language*, and Wareham, *Star Captains*. Whereas Denning generally envisages a harsh, hegemonic disciplinary regime on the ships of the Royal Navy in the Pacific Ocean in the latter half of the eighteenth century, Wareham makes the case for the most successful frigate commanders in the Napoleonic wars being those who had adopted more professional, humanitarian, and Enlightened attitudes towards their men.

³⁵ See C. Dandeker, *Surveillance, power, and modernity : bureaucracy and discipline from 1700 to the present day*, (New York: St. Martin's Press, 1990), particularly Chapter 3, which uses administrative reforms in the early nineteenth century Royal Navy as a case study on the use of knowledge to create power, and the emergence of a surveillance state in England.

³⁶ Ignatieff, *Just Measure of Pain*, 67-8; M. Foucault, *Discipline & Punish: The Birth of the Prison*, (New York: Random House, 1979); H. Gerstenberger, "Men Apart: The Concept of "Total Institution" and the Analysis of Seafaring," *International Journal of Maritime History* VIII, no. 1 (1996):173-82.

in the “theatrical” elements of ritualised punishment, and the movement of punishment out of the public sphere. Rituals of punishment now were seen as degrading, as corporal punishments were viewed as more severe than the original crime itself. Thus, they too needed to be eliminated or effaced – removed from the public view and imagination. There are several flaws in Foucault’s thesis, the most important being neglecting the agency of individuals, both that of those punished and viewing punishments and crimes, and that of those ordering and inflicting punishments, and advocating reform.³⁷ It is clear in the Royal Navy that commanders-in-chief and captains, while working within formal guidelines and regulations, had vast latitude to decide how things should be done, and hence possessed the potential for both discretionary humanitarianism and arbitrary abuse. Similarly, there were different forms of agency available on the lower decks as well in terms of negotiating changing notions of power, authority and discipline.

A more nuanced and contextualised view of penal reform in early modern English society is provided by Ignatieff. He argues that reformers wanted to implement a more utilitarian rules-based system of governmental authority to oversee punishment, as they believed the moral effect of punishments among the lower orders was waning. The latter believed that those inflicting punishment were being allowed unlimited discretion in doing so, and thus the process was being abused and the existing rules governing it left unenforced, so it had to be better centralised by the state. Reform “...promised, above all, to restore the legitimacy of a legal system that they feared was jeopardized by the excessive severities and gratuitous abuses of the Bloody Code.”³⁸

There were obvious naval connections with the utilitarian and penal reorganization movements. Kempenfelt’s proposals for a new system of discipline discussed above are only the most obvious. Jeremy Bentham’s brother Samuel was Inspector General of Naval Works in 1796 and responsible for many utilitarian reforms in the dockyards and elsewhere.³⁹ James Lind was well-connected to the navy, notably in his search for a cure for scurvy and improving health aboard ships. As naval officers themselves could not be Nonconformists or Catholics due to the requirements of the Test Acts, it would have been difficult for many of them to be

³⁷ For a detailed critique of Foucault’s approach see R. Evans, *Rituals of Retribution: Capital Punishment in Germany 1600-1987*, (London: Penguin, 1996), i-xv, 1-24, 880-91.

³⁸ Ignatieff, *Just Measure of Pain*, 79.

³⁹ R. Morriss, *Naval Power and British Culture 1760-1850*, (Aldershot: Ashgate, 2004).

central to a nonconformist reform movement. Yet there seems to have been much commonality of language between naval officers and the reformers. Perhaps the navy, with its own concepts of discipline and the idea of the ship as a holistic, organic unit, and viewing common seamen as misguided children in need of strict fatherly attention from their captains and admirals, may have been the source of some of the penal reformers' conceptions. A ship within the navy essentially was a "total institution" - as defined by contemporary thought.⁴⁰ The naval "total institution" had also evolved through necessity much earlier than that of penal reform. While it went on to develop a similar focus on surveillance of men onboard ship to maintain social order, unlike the penal system it maintained its public theatre and rituals of severe corporal punishment late into the nineteenth century.

Growing surveillance aboard ship was again a reflection of developments in society ashore. Edward Higgs believes that many sociological studies on the centralising early modern state and state formation in England underestimate or ignore the level of information gathering undertaken at the local parish level, as a means of maintaining discipline, social order, and governance:

...the processes which made up the state were decentralised down to parish level, and the authority of the central state was a resource that local elites could call upon to protect their own interests, which seemed increasingly threatened by social and economic change. The term 'state' refers, therefore to a broad constellation of groups - local elites, royal administrators, judges and members of the military - who undertook to carry out the policies of the Crown in Parliament.⁴¹

Within such a decentralised eighteenth-century English state, information gathering and surveillance varied in intensity and scope by locality. It could be draconian or less threatening. It was carried out long before the developments of the eighteenth and early nineteenth centuries, the basis of which led Foucault to formulate his concept of "governmentality". It

⁴⁰ A theme also pursued by Denning in his examination of the use of space and lack of privacy aboard ship - Denning, *Mr. Bligh's Bad Language*. In this regard, Samuel Johnson's oft-quoted remark from March 1759 that "'No man will be a sailor who has contrivance enough to get himself into a jail; for being in a ship is being in a jail, with the chance of being drowned'", originally cited in a letter from Dr. Tobias Smollett to John Wilkes, perhaps has been repeated out of context, both in terms of evolving concepts of discipline and penal reform, and the actual incident which spawned them. The comments were made with regard to Johnson's negro servant, Francis Barber, who had left his master. Johnson believed Barber had been pressed into the Royal Navy, but actually had volunteered. J. Boswell, *The life of Samuel Johnson, LL.D. comprehending an account of his studies and numerous works...* 2 vols., vol. 1, (London: Henry Baldwin, for Charles Dilly, 1791), 189.

⁴¹ E. Higgs, *The Information State in England : The Central Collection of Information on Citizens since 1500*, (New York: Palgrave Macmillan, 2004), 62.

was focused at the parish and local community level, and the information that was gathered at that level was used for social control purposes in an effort to tie individuals to those communities. Such measures were also common aboard the often far-flung local communities of the ships and vessels of the Royal Navy.

In the naval service, musters, pay books, description books, court of enquiry reports, , court martial minutes, and other naval records were used to tie seamen and marines to their respective ships. In like fashion, the recording of information concerning offences, punishments and runaways in logs and musters could be used to establish the character of individual men, in the case of both repeat offences or if they were used as a witness prior to summary punishment, in front of a court of enquiry, or at a court martial.⁴² Higgs concludes that central information gathering at this time focused primarily upon the needs of warfare and foreign policy, centred on taxation, manpower requirements, loyalty, and order within the realm.⁴³ At sea and in battle, order was paramount for the safety and survival of all aboard, and the use of such records expanded from the late eighteenth and early nineteenth century.⁴⁴

Following in the wake of Lemisch and Rediker, some recent social studies of the navy have built upon their foundations and those of Scott and others on power, domination, resistance, and the agency of seamen and marines “from below”.⁴⁵ Scott, with his conception of hidden and public transcripts, expands upon the work of Michael Mann, Anthony Giddens,

⁴²For courts of enquiry and courts martial procedures and differences, see Appendix 1.

⁴³ Ibid., 62-3.

⁴⁴ For the most recent discussion of this subject, see T. Malcomson, "Creating Order and 'Disorder' in the British Navy: The North American and West Indies Station 1812-1815" (Ph.D., York University, 2007), 40-77.

⁴⁵ J.C. Scott, *Weapons of the weak : everyday forms of peasant resistance*, (New Haven ; London: Yale University Press, 1985), Scott, *Domination*, ; J. Neale, "Forecastle and Quarterdeck: Protest, Discipline and Mutiny in the Royal Navy, 1793-1814" (Ph.D., University of Warwick, 1990); Denning, *Mr. Bligh's Bad Language*.

Neale's study is primarily focused on the mutinies on the *Culloden* in 1794 and the *Defiance* in 1795, resistance on the lower deck, and changing concepts of discipline between 1793 and 1814, based primarily on courts martial transcripts. Denning's work, in addition to being an extensively researched re-examination of the causes of the *Bounty* mutiny, also discusses evolving concepts of discipline and authority in the navy. He analyses the musters and logs of fifteen British warships that went to the Pacific in the latter half of the eighteenth century. Both are influenced strongly by Foucault, Scott, Rediker and other scholars of power and resistance. While they bring new evidence to light and contribute useful new insights, they also suffer from some of the same flaws present in those works with their focus on an assumed non-negotiable hegemony of power, binary opposition, and conflict.

Malcomson's approach of analyzing the efforts by Admiralty and sea officers to create order, and the lower decks attempts, deliberate or otherwise, to create disorder, followed by the service's responses to disorder probably comes closest to incorporating elements of the “grids of power” approach to English social history. Yet it follows too closely in Scott's footsteps and lacks some of the social and cultural complexities outlined in the aforementioned social histories.

Max Weber and other sociologists on the sources of power in society writ large. Mann's sociological approach to the analysis of power relations in society over time categorises the types of power, how and when they emerged, and how they were used.⁴⁶ In some important ways, Scott's concept parallels that of E.P. Thompson's "field of force", used to describe power relations in early modern English society and the culture of patricians and plebians. The "field", made up of the aristocracy and gentry, comprised one pole, while "the crowd" comprised the other. The antagonistic interests of both poles held in place an emerging professional and mercantile class between the two, who moved closer to one or the other pole depending upon their own interests, in a subtly changing and evolving but always present tension.⁴⁷

The most recent of such works examining the navy, by Thomas Malcomson, comprises an examination of the ships of the North American station during the War of 1812. It postulates a "Wooden World" wherein naval officers and a centralising Admiralty were obsessed with creating order by any means possible, the public transcript. Meanwhile, the men of the lower decks were focused equally on resisting such efforts by creating disorder, in the form of mutiny, desertion, and other active and passive means, often initially by one or more hidden transcripts. Thus, it assumes an inherent and always present tension between ruler and ruled. Those on the lower decks also undertook the forms of resistance outlined by Malcomson as a means of protecting their own expectations of what they were entitled to in the sea service, and the traditional customs of that service.⁴⁸ Such customs, in parallel with what was happening more broadly in English society throughout the course of the long eighteenth century, were gradually being restricted or eliminated by the legislative and judicial activities

⁴⁶ M. Mann, *The sources of social power: Volume I, A history of power from the beginning to A.D. 1760*, 4 vols., (Cambridge: Cambridge University Press, 1986), idem., *The sources of social power: Volume II, The rise of classes and nation-states, 1760-1914*, 4 vols., (Cambridge: Cambridge University Press, 1993), especially Vol. I, chapters 1 and 14, and Vol. 2, chapters 1 to 5. Mann sees the state not as formed via various power relations, intertwined with other societal forces, which became institutionalised over time. The state in this view is only one of four overlapping networks of power, comprising ideological, economic, military, and political processes.

⁴⁷ Concepts which were first discussed in E.P. Thompson, "Patrician Society, Plebeian Culture," *Journal of Social History* 7 (Summer 1974):383. His ideas subsequently were revised and updated, as the first two chapters of idem., *Customs in Common: Studies in Traditional Popular Culture*, (New York: The New Press, 1993), 1-96. For an excellent summary of the historiography pertaining to the eighteenth-century crowd, see: N. Rogers, *Crowds, Culture and Politics in Georgian Britain*, (Oxford: Oxford University Press, 1998).

⁴⁸ Malcomson, "Creating Order and 'Disorder'".

of a growing and expanding central government with some characteristics of a surveillance state.⁴⁹

The approach used here does not entirely reject this tradition of “class struggle without class” approach, but modifies it by incorporating it within a broader, deeper, and more complex social structure on the nature of English society in the eighteenth century, using Braddick and Walter’s more nuanced theoretical framework of “grids of power”. It builds upon the latter by placing the institutions, officers, and men of the Royal Navy, and their social relationships, in a more contextualised background. Recent historians of early modern England now see social order as being culturally constructed, imagined, and experienced. There was not just one hierarchy of power that constrained social order in an oppositional, dichotomous or binary, fashion, but multiple hierarchies. These included hierarchies of class or status, gender, age, religion, race, ethnicity, local and other identities and patriotisms, and others. All of these hierarchies were “...justified with reference to a variety of languages which were all, to some degree, unstable and contested.” Older binary models which focused on the inequalities of wealth and formal economic or political power, or the dichotomies between “deference and confrontation”, “class struggle”, or “radical political culture” in the histories of riot and the crowd and elsewhere, generally missed or disregarded the influence of the “middling sort”. They also failed to detect these other overlapping power hierarchies and the multiple sources of non-formal power and resistance in English society more generally - many of which are based in discourses of language, ritual, theatre, or terror. Analyses which use Scott’s hidden and public transcripts, despite its ideological flaws, are a crucial tool for revealing the nature of these other hierarchies, both on land and at sea.⁵⁰

Society in early modern England was very different from the Asian peasant societies studied by Scott (where consequences of resistance were almost always swift and brutal). English society was more complex and subtle due to the presence of these multiple hierarchies of power, and the differences in status in these hierarchies were much more fine-grained. This can also be seen in the eighteenth-century Royal Navy. Gradations between types of commissioned officers, such as naval and marine lieutenants, between the non-commissioned

⁴⁹ E.P. Thompson, *Whigs and Hunters, The Origin of the Black Act*, (London: Allen Lane, 1975).

⁵⁰ Braddick and Walter, “Grids of power,” 1-8.

warrant and petty officers, and between different types of seamen themselves, and the ability to move both up and down these hierarchies of status and power, depending upon context and role, were key. The multiple roles, formal and informal, played by an individual within and across these hierarchies, allowed them to acquire different levels of authority or subordination depending on who they were dealing with. Power was expressed in face-to-face social relations using these roles, or to use a more modern popular analogy, when wearing one of several “hats.”⁵¹

Thus, the absence of seditious and other serious acts of resistance such as violent mutiny or rebellion, or of criminal proceedings, does not necessarily mean that subordinate responses to acts of power were not occurring, for there were many ways within this complex system to express resistance. The act of running from a ship to desert was only one of these. Even laughter or song rather than silence and deference could represent a serious threat to authority, and social inversion, such as the mock courts martial held below decks, or even failure to conduct public minor acts of deference to authority figures such as touching one’s cap or forehead, were also serious. Such actions need not have been collective, but could also have been individual in nature. Collective actions such as mass desertions, strikes, mutinies or riots were just more serious expressions of the same relationships of power in the social order. The severity of reaction to even minor individual actions aboard ship aids in offering “...an index to their impact.” This can be done by examining what crimes a captain would order summary punishments for, and how serious those punishments were; or by the close reading of court martial proceedings on seamen charged with desertion, mutiny, disobedience, mutinous or insolent language, striking an officer, or other offences, for the hidden transcript which could be behind such events.⁵²

Commissioned officers aboard ship were powerful when facing their own seamen while on their own quarterdeck, but the situation was reversed when they were in front of their captain or more senior fellow officers. This was also the case when dealing with senior warrant officers such as a master or gunner, or a specialised professional such as the carpenter, sail maker or surgeon. These men were usually far more knowledgeable and proficient in their own fields than the officer and, in many ways, were the representation of the “middling sort” afloat.

⁵¹ Ibid., 11-3.

⁵² Ibid., 29-30.

Commissioned officers were less powerful when aboard another ship than on their own, and even less so in the face of the station commander, the local governor on a foreign station, or members of his council and other colonial officials. Such encounters, dependent upon the personalities involved and the immediate context, often led to disputes over royal authority, particularly during the American revolutionary period.

In the same manner, the station commander was powerful on his own station, but less so with neighbouring station commanders, local colonial authorities, or when dealing with the Admiralty or Navy Board, the local Vice Admiralty court, or wealthy merchants and lobby groups with influence locally or in the British Isles. Public arguments between naval officers or naval officers and officials ashore had the same effect as such disputes between officials on land who were the civic face of the community, such as justices of the peace – officers were the public face of the locality (i.e. the ship), and such disputes had numerous effects. These included undermining honour and public reputation, and robbing officers of their dignity and “natural” authority.⁵³ There were multiple and different levels of obedience, allegiance, and identities within these hierarchies. Combined with the common eighteenth-century naval phenomena of followers of officers and patronage, “...many people found themselves looking in two directions - to those above and to those below them.”⁵⁴

The studies specific to social order in the Royal Navy discussed above have provided a deeper analysis of discipline and authority afloat. Nevertheless, many predate, or have neglected, the advances in scholarly knowledge concerning early modern English society in both the British Isles and the Atlantic world more broadly. This has particularly been the case with regard to the effect of hierarchies of ethnicities, identities, and patriotisms on life aboard ship. Numerous other themes remain to be explored and expanded upon, some acknowledged by the authors themselves.⁵⁵ For example, recent work has indicated that advancement in the navy, in the form of promotion through the ranks of the lower decks, (which brought with it increased pay and larger shares of prize money) was often crucial in maintaining cooperative crews and the authority of the officers.⁵⁶ Similarly, as we shall see, demotions or punishments of warrant and petty officers and other seamen to “serve before the mast” as lower “quality”

⁵³ *Ibid.*, 28.

⁵⁴ *Ibid.*, 11.

⁵⁵ For studies focused on race and gender in the maritime, Atlantic and imperial contexts see Chapter 2.

⁵⁶ Slope, “Manning, Training and Development”.

ratings could equally damage authority figures and their legitimacy aboard a vessel, and alienate large proportions of their complements.

Attitudes of individual sea officers were also crucial, and recent studies have shown that not all were tyrants or disciplinary extremists, or velvet-gloved humanitarians – many were in some important ways a mix of both. Some of the more successful commanders harboured public or private sympathetic sentiments towards their seamen and marines. These could be fostered by religious belief, enlightenment ideals, face-to-face relations and shared experiences with their men, or simple humanitarianism.⁵⁷ Such officers acted on these feelings and beliefs where possible, but equally often they could not. The exercise of these personal, not institutional, attitudes could be circumscribed by other conditions. These could include some combination of the individual's multiple positions and roles in the overlapping grids of power and the authority hierarchy aboard ship, and the requirement for the overall safety of a vessel and its complement. The latter was paramount given the inherent dangers of both seafaring itself and naval operations. Safety in turn depended upon the requirement to maintain good order and discipline, which at times required strict obedience to command, and harsh punishments for failure to comply. This was often particularly the case among ship's complements with larger than normal proportions of untrained seamen. Other officers harboured racist, biased, prejudiced, or condescending views of their men based on race, ethnicity, status, or a combination of these or other factors. Such views could be used to more easily justify harsher discipline.

Sickness, death, and disability in the naval service⁵⁸ - often products of local conditions of climate, victualling and logistical matters⁵⁹ - could also affect the perceived legitimacy of

⁵⁷ See, for example, T. Wareham, *Frigate Commander*, (Barnsley: Pen & Sword Maritime, 2004) and B. Vale, *A Frigate of King George: Life and Duty on a British Man-of-War 1807-1829*, (London: 2001). Wareham's second monograph is based on the private papers of Admiral Sir Graham Moore who spent several commissions in North America, with important discussions on social order, discipline and authority aboard ship.

⁵⁸ C. Lloyd et al., *Medicine and the Navy 1200-1900*, 4 vols., (Edinburgh: E. and S. Livingstone, 1957-63); K. Carpenter, *History of Scurvy and Vitamin C*, (Cambridge: Cambridge University Press, 1986); P.K. Crimmin, "The Sick and Hurt Board and the Health of Seamen, c.1700-1806," *Journal for Maritime Research* (1999):10; C. Buchet, *L'homme, la santé et la mer*, (Paris: 1997); E.M. Charters, "Disease, war, and the imperial state : the health of the British armed forces during the Seven Years War, 1756-63" (D. Phil., Oxford University, 2006).

⁵⁹ For example: J. Watt et al., *Starving Sailors: The Influence of Nutrition upon Naval and Maritime History*, (Bristol: John Wright & Sons, 1981); J. MacDonald, *Feeding Nelson's Navy: The True Story of Food at Sea in the Georgian Era*, (London: Chatham Publishing, 2004); C. Buchet, "The Royal Navy and the Caribbean, 1689-1763," *Mariner's Mirror*, no. 80 (1994):30-44, idem., *Marine, économie et société: Un exemple d'interaction: l'avitaillement de la Royal Navy durant la guerre de sept ans*, (Paris: Editions Champion, 1999); D.

authority aboard ship, particularly on lengthy deployments on foreign stations far from home waters. Such subjects have been somewhat overlooked by existing studies on authority and discipline in the service, and until recently more generally. They also require more detailed study and some attention will be paid to these matters in this thesis.

Thus, while the Scott model and studies based on it have merit, they do not fully explain all aspects of social interaction aboard ship at this time.⁶⁰ This was a face-to-face, hierarchical, often brutal, early modern society. Power often was negotiated and renegotiated within a finely graded status system. This system eventually borrowed its notions of class from the emerging science of the natural world as a means of reinforcing what was seen as a divine order of things, a worldview that remained more or less in place until the 1790s, but was also challenged by the events of the 1770s in the American colonies and Ireland.⁶¹

Alongside the historiographies of naval discipline, authority, power, and resistance, that pertaining to “Britishness” and British identity is equally central to discussions in the following chapters, and can be seen as another “grid” in the Braddick and Walter power structure. Linda Colley and many others have made the case that as the century progressed, a “superimposed” British identity became more apparent and perhaps predominant over national identities of the English, Scottish, Welsh and even the Irish, as well as over stronger locality and community-based identities.⁶² Colley envisages four key factors that “forged” a sense of

Syrett, *Shipping and the American War, 1775-1783: A Study of British Transport Organisation*, (London: Athlone Press, 1970).

⁶⁰ For views on revising the Scott model of authority and resistance to more fully conform with the evidence available for this period see A. Wood, "Fear, Hatred and the Hidden Injuries of Class in Early Modern England," *Journal of Social History* (2006):803-26; idem., "Subordination, Solidarity and the Limits of Popular Agency in a Yorkshire Valley c.1596-1615," *Past & Present*, no. 193 (2006):41-72.

⁶¹ The classic view on eighteenth century English society is that of Thompson cited above. Other overviews of English society at this time and differing ideological viewpoints include: R. Porter, *English Society in the Eighteenth Century*, (Harmondsworth: Penguin, 1982); L. Stone, "Interpersonal Violence in English Society, 1300-1980," *Past and Present*, no. 101 (1983):22-33; D. Levine and K. Wrightson, *The Making of an Industrial Society: Whickham 1560-1765*, (Oxford: Clarendon Press, 1991); D. Hay and N. Rogers, *Eighteenth-Century English Society*, (Oxford: Oxford University Press, 1997); P. Langford, *A Polite and Commercial People: England 1727-1783*, ed. J.M. Roberts, (Oxford: Clarendon Press, 1998); K. Wrightson, *Earthly Necessities: Economic Lives in Early Modern Britain* (New Haven: Yale University Press, 2000); and F. O'Gorman, *The Long Eighteenth Century: British Political and Social History 1688-1832*, (London: Arnold, 2002).

⁶² Colley's central works on this subject include: L. Colley, "Whose nation? Class and national consciousness in Britain 1750-1830," *Past & Present* 113 (1986):97-117, Colley, *Britons*, L. Colley, "The reach of the state, the appeal of the nation : mass arming and political culture in the Napoleonic wars," in *An imperial state at war : Britain from 1689 to 1815* ed. Lawrence Stone, (London: Routledge, 1993):165-84, idem., "Britishness and otherness : an argument," in *Nations and nationalisms : France, Britain, Ireland and the eighteenth-century context*, ed. Michael O'Dea and Kevin Whelan, (Oxford: Voltaire Foundation, 1995):61-77. Important examples

Britishness following union with Scotland in 1707. These were religion, in the form of British Protestantism and Catholic enemies; profit and cultural exchange from imperial commerce and peripheries, and near-constant warfare. She and others now argue that Britain's eighteenth-century wars were crucial to the development of a multi-dimensional British identity. The evidence presented in these pages will show that this was not always the case.

In his recent works on war and society in mid-eighteenth-century Britain, Stephen Conway contributes to these debates, positing that ships' complements "...acted as ethnic melting pots and can be regarded as truly British institutions." Before 1763, he believes that "...a unifying sense of Britishness made only slow and fitful progress towards capturing hearts and minds" and it was less evident then "...persistence of localism and the continuing appeal of older national loyalties." Conway finds Colley's argument on the importance of wars against Catholic France and Spain in creating a sense of British identity more persuasive when applied to the American War and the French and Napoleonic wars.⁶³

Yet, the Royal Navy may not have been as successful at building a sense of being British as oft portrayed, particularly in the waters along the North American coastline. When alienation of seamen occurred, categories of identity could shift or blur among men who no longer believed that the system of authority was treating them fairly – particularly among men who may have had multiple identities. Such men may already have shared a transnational identity as seamen, or had national, regional, or local identities, which may not have been entirely or always compatible with a "super-imposed" British one on the boundaries of empire. The most important identity for many of these men may have been their community of origin,

of the historiographical debates on "Britishness" include M.G.H. Pittock, *Inventing and Resisting Britain: Cultural Identities in Britain and Ireland, 1685-1789*, (London: 1997), Langford, *Polite and Commercial*, R. Connors and J.R.D. Falconer, "Cornering the Cheshire cat : reflections on the "new British history" and studies in early modern British identities," *Canadian Journal of History* 36:1 (2001):85-108, and O'Gorman, *Long Eighteenth Century*, 96-101, 387. Alternative views on its importance in the military, naval, and imperial contexts include J.E. Cookson, *The British Armed Nation 1793-1815*, (Oxford: Oxford University Press, 1997); L. James, *Warrior Race: A History of the British at War*, (London: Abacus, 2002); C. Wilkinson, *The British Navy and the State in the Eighteenth Century*, (Woodbridge: Boydell Press, 2004); Marshall, *Making and Unmaking*, and A. Lambert, *Nelson: Britannia's God of War*, (London: Faber and Faber, 2004). Lambert makes the case for a form of Britishness that took full shape between the Battles of the Nile (1798) and Trafalgar (1805), and which was founded on a naval "religion" of imperial defence and trade against continental tyranny, with a pantheon of naval heroes and Nelson as its God.

⁶³ S. Conway, *War, State and Society in Mid-Eighteenth-Century Britain and Ireland*, (Oxford: Oxford University Press, 2006), 216 and idem., *The British Isles and the War of American Independence*, (Oxford: Oxford University Press, 2000), 166-8, 86-8.

or a communal one based upon the ship in which they were serving - or even the division, watch or mess that they belonged to on board that ship.⁶⁴

The experience of authority on the North American naval station, with stricter exemplary discipline in American waters to counter desertion, the use of impressment, the temptations of a new life in a familiar yet less hierarchical North American society, and better pay ashore or afloat on merchant vessels and privateers, all worked to vitiate such superimposition. Before and after 1775 the “pull” factor of America and evolving American concepts of liberty and republicanism worked to vitiate any sense of “Britishness” on the lower decks of the Royal Navy, particularly for ships in the waters along the North American coast. While some seamen may have acquired a sense of a British imperial or national identity or loyalty due to their naval service, others might have contested such concepts - even among those serving in the same ship and under the same officers.⁶⁵ All of these factors combined to result in a heightened sense of localism and increased desertion, with many seamen viewing themselves as “captives in uniform” – captives of their social status, their ethnicity or race,

⁶⁴ In addition to the works of Vickers, Gilje and Rediker cited above, for differing views on the nature of the transnational identity of seamen in this period see J. Lemisch, *Jack Tar vs. John Bull : The Role of New York's Merchant Seamen in Precipitating the Revolution*, (New York: Garland Pub, 1997) and P. Linebaugh and M. Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners and the Hidden History of the Revolutionary Atlantic*, (Boston: Beacon Press, 2000).

Rediker and Linebaugh, following to some extent in Lemisch's wake, generally envisage a harsh early modern maritime working world where proto-proletariat sailors are exploited by capitalist merchant masters and sea-captains. Vickers, while not ruling out mistreatment of seamen, better places the seagoing working environment in context by showing its legal and disciplinary relationships to master-servant and contract law ashore, as well as the opportunities for advancement onboard ship and in maritime trades.

Gilje uses a more qualitative and cultural approach to argue that seamen were neither a proto-proletariat nor would-be patriots directly responsible for the American Revolution as per the Lemisch view, but were acting out of interests of their own, primarily survival in an early modern maritime world which was beset by warfare and labour problems. Although mobilised only sporadically for political purposes, seamen were precursors to the modern maritime labour movement and social reforms focused on individual rights, and often rejected the traditional pre-revolutionary hierarchy of power. Gilje, *Liberty on the Waterfront*, 6-7

⁶⁵ Including English seamen. The classic argument here is that of the Colley rebuttal piece ‘Which Britons?’ in E.P. Thompson, *Making History: Writings on History and Culture*, (New York: The New Press, 1994), 319-29. This critique of Colley argues that *Britons* was essentially a top-down, Whig view of British identity based on selective sources. Thompson proposes that there may have been 'boundaries of national consensus' within which popular radicalism also occurred among the lower orders, as well as activities such as patriotic volunteering. The British peoples were sometimes highly loyalist and sometimes less so, and the notion of one British nation need not contradict arguments about 'Two Nations' of class. T. Jenks, *Naval Engagements : Patriotism, Cultural Politics, and the Royal Navy, 1793-1815*, (Oxford: Oxford University Press, 2006) examines these themes in the naval setting.

their geographical location, and the conditions of their employment. Little research has been done in this context and this study will be a contribution towards filling this void.⁶⁶

As will be seen here, such an effect may have been even more pronounced during the Age of the American Revolution, again after the mutinies of 1797, in the tense years leading up to the War of 1812, and in the course of that conflict as well. Desertion may have been particularly common among Irish seamen in the service, peaking both before and after significant events such as the height of the Irish volunteer movement which began in 1778 and resulted in the legislative concessions of 1782, and the 1798 uprising.

Such men may have literally voted with their feet. They could run to another ship with officers who were known to provide more equitable, fair or humane treatment for their crew. They could run from the navy entirely - to merchant vessels with higher wages, privateers with a better chance of prize money, or to a new life ashore in America as a maritime tradesperson or general labourer. Desertion for them could be a means of 'everyday escape' from impressment as Denver Brunsman argues, or entirely accidental, unintended, and largely unpunished, as posited by N.A.M. Rodger's "straggling and rambling" thesis.⁶⁷

In addition to its effects on identity, the demands of eighteenth-century warfare on Great Britain essentially led to a "Revolution in Military Affairs". This was the development of the fiscal-military state, with massive increases to the armed forces funded by expanding financial markets reaping the rewards of empire, new technologies involving more sophisticated revenue gathering and extraction, and a growth in the administrative powers of an expanding central government. The extraordinary expansion of the navy at this time created immense stresses which resulted in overstraining the system of manning based on impressment and also fostered the problem of desertion.⁶⁸

⁶⁶ L. Colley, *Captives: Britain, Empire and the World 1600-1850*, (London: Pimlico, 2002)

⁶⁷ See D.A. Brunsman, "Everyday Escapes: The Art of Evading the British Press Gang," in *International Seminar on the History of the Atlantic World, 1500-1800* (Harvard University: Harvard University Press, 2003) and N.A.M. Rodger, "Stragglers and Deserters from the Royal Navy During the Seven Years War," *Bulletin of the Institute for Historical Research* 57, no. 135 (May 1984): 56-79. The latter is the basis of the section on desertion in Rodger, *Wooden World*.

⁶⁸ On the fiscal-military state, see: J. Brewer, *The Sinews of Power: War, Money and the English State 1688-1783*, (Cambridge, Mass.: Harvard University Press, 1988). For revisions and critiques of his thesis, and in particular the interplay with identity and the navy, see L. Stone, ed., *An Imperial State at War: Britain from 1689 to 1815*, (London: Routledge, 1994) and D. Cannadine, *Empire, the Sea and Global History: Britain's Maritime World, c. 1763 - c. 1840*, (New York: Palgrave Macmillan, 2007), particularly: S. Conway, "Empire, Europe and British Naval Power," in *Empire, the Sea and Global History*, ed. David Cannadine, 22-40; P.J. Marshall,

While maritime and naval historians have long discussed desertion itself, it has usually formed a smaller part of discussions in general histories of naval administration or social studies of the naval service.⁶⁹ It seems to have received somewhat more attention in studies of the British army in North America.⁷⁰ Other naval and maritime studies which examine North America touch only briefly on naval administration or impressment in analyses of pre-revolutionary ideology,⁷¹ trade enforcement,⁷² naval and imperial strategy,⁷³ and personalities and performance of those senior officers and captains on the station, or at the Admiralty and Navy Board with responsibilities regarding it.⁷⁴ Attention to desertion in the

"Empire and British Identity: The Maritime Dimension," in *Empire, the Sea and Global History*, ed. David Cannadine, 41-71. For its effect on the centralising administrative powers of the Admiralty and Navy Boards in the eighteenth century, see Wilkinson, *The British Navy*, and Morriss, *Naval Power*. More recent works on similar themes include J. Flavell and S. Conway, eds., *Britain and America Go to War: The Impact of War and Warfare in Anglo-America, 1754-1815*, (Gainesville, FL: University Press of Florida, 2004); Marshall, *Making and Unmaking*, and Conway, *War, State and Society*.

⁶⁹ The seminal work on naval administration for an earlier period which discusses these problems in some depth is D.A. Baugh, *British Naval Administration in the Age of Walpole*, (Princeton, NJ: Princeton University Press, 1965). Other central studies include D. Baugh, ed., *Naval Administration 1715-1750*, (London: Navy Records Society, 1977), idem., "The Eighteenth-Century Navy as a National Institution, 1690-1815," in *The Oxford Illustrated History of the Royal Navy*, ed. J.R. Hill, (Oxford: Oxford University Press, 1995); Lewis, *Social History*; P. Kemp, *The British sailor: a social history of the lower deck*, (London: Dent, 1970); C. Lloyd, *The British seaman 1200-1860: a social survey*, (London: Collins, 1968).

⁷⁰ Including: S.R. Frey, *The British Soldier in America: A Social History of Military Life in the Revolutionary Period*, (Austin: University of Texas Press, 1981); C.M. Whitfield, *Tommy Atkins: The British Soldier in Canada, 1759-1870*, (Ottawa: Parks Canada, 1981); P. Burroughs, "Tackling Army Desertion in British North America," *Canadian Historical Review* 61 (1980):28-68; and S. Brumwell, *Redcoats: The British Soldier and War in the Americas*, (Cambridge: Cambridge University Press, 2001).

⁷¹ In addition to the works of Gilje, Lemisch and Rediker previously cited see D.M. Clark, "The Impressment of Seamen in the American Colonies," in *Essays in Colonial History Presented to Charles Mclean Andrews by his Students*, (New York: Books for Libraries Press Inc., 1966); G.B. Nash, *The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution*, (Cambridge, Mass.: 1979); and P.A. Gilje, *The Road to Mobocracy: Popular Disorder in New York City, 1763-1834*, (Chapel Hill, N.C.: University of North Carolina Press, 1987).

⁷² N.R. Stout, "Manning the Royal Navy in America, 1763-1775," *The American Neptune* (July 1963):175-85.

⁷³ Among many others, G.S. Graham, *Sea Power and British North America 1783-1820: A Study in British Colonial Policy*, (New York: Greenwood Press, 1968), idem., *The Royal Navy in the War of American Independence*, (1976); W.A.B. Douglas, "Halifax as an Element of Seapower 1749-1766" (M.A., Dalhousie University, 1962); J.B. Hattendorf, *England in the War of the Spanish Succession: a study of the English view and conduct of grand strategy, 1702-1712*, (New York: Garland Pub., 1987); D. Syrett, *The Royal Navy in American Waters, 1775-1783*, (Aldershot: Scolar Press, 1989); W.R. Miles, "The Royal Navy and Northeastern North America, 1689-1713" (M.A., Saint Mary's University, 2000); Gwyn, "The Royal Navy", J. Gwyn, *Frigates and Foremasts: The North American Squadron in Nova Scotia Waters, 1745-1815*, (Vancouver: UBC Press, 2003).

⁷⁴ Such studies with a North American focus or substantive content include, among others, W.H. Moomaw, "The Naval Career of Captain Hamond, 1775-1779" (Ph.D., University of Virginia, 1955); W.B. Willcox, "Arbuthnot, Gambier and Graves: 'Old Women' of the Navy," in *George Washington's Opponents: British Generals and Admirals in the American Revolution*, ed. George A. Billias, (New York: William Morrow, 1969):260-90; J. Gwyn, *An Admiral for America: Sir Peter Warren, Vice-Admiral of the Red, 1703-1752*, (Gainesville, FL:

Georgian era grew with the appearance of Rodger's seminal work *The Wooden World* on the social life of the navy during the Seven Years' War.⁷⁵ It had also been discussed in naval administration case studies for various locales and periods,⁷⁶ the field of maritime labour studies,⁷⁷ and to some extent in recent general maritime and naval histories.⁷⁸

University Press of Florida, 2004); D.A. Yerxa, "Vice-Admiral Graves and the North American Squadron, 1774-1776," *Mariner's Mirror* 62 (November 1976):371-84; A.J. Pack, *The Man Who Burned the White House: Admiral Sir George Cockburn, 1772-1853*, (Annapolis: Naval Institute Press, 1987); N.A.M. Rodger, *The Insatiable Earl: A Life of John Montagu, 4th Earl of Sandwich*, (New York: Norton, 1994); R. Morriss, *Cockburn and the British Navy in Transition: Admiral Sir George Cockburn, 1772-1853*, (Exeter: University of Exeter Press, 1997); D. Syrett, "'This penurious old reptile': Rear-Admiral James Gambier and the American War," *Historical Research* 74, no. 183 (February 2001):63-76; idem., *Admiral Lord Howe: A Biography*, (Annapolis: Naval Institute Press, 2006) and S.J. Kindred, "Jane Austen's Naval Brother Charles on the North American Station 1805-1811," *Journal of the Royal Nova Scotia Historical Society* 10 (2007):25-46. Other recent biographical studies which touch on issues of command, discipline, social order and naval administration discussed herein include P. Le Fevre and R. Harding, eds., *Precursors of Nelson: British Admirals of the Eighteenth Century*, (London: Stackpole Books, 2000), idem., eds., *Contemporaries of Nelson: British Admirals of the Napoleonic Wars*, (London: Chatham Publishing, 2004). The best scholarly contributions to the recent Nelson literature beside Lambert cited above include J. Sugden, *Nelson: A Dream of Glory, 1758-1797*, (New York: Henry Holt and Company, 2004); R.J.B. Knight, *The Pursuit of Victory: The Life and Achievement of Horatio Nelson*, (London: Allen Lane, 2005) and D. Cannadine, ed., *Admiral Lord Nelson: Context and Legacy*, (London: Palgrave Macmillan, 2005).

⁷⁵ Rodger, *Wooden World*.

⁷⁶Other studies specific to or containing sections of major importance on the North American station include: Usher, "Civil Administration" ; R.A. Evans, "The Army and Navy at Halifax in Peacetime, 1783-1793" (M.A., Dalhousie University, 1970); S.F. Gradish, *The Manning of the British Navy During the Seven Years' War*, (London: Royal Historical Society, 1980); J.A. Tilley, *The British Navy and the American Revolution*, (Columbia, SC: University of South Carolina Press, 1987); A.G. Jamieson, "Tyranny of the Lash? Punishment in the Royal Navy during the American War, 1776-1783" *The Northern Mariner* IX, no. 1 (January 1999): 53-66; Eder, *Crime and Punishment*; J. Gwyn, "Shipbuilding for the Royal Navy in Colonial New England," *American Neptune* 48, no. 1 (1988):22-30; idem, "The Royal Navy "; idem, *Frigates*; idem, *Ashore and Afloat : The British Navy and the Halifax Naval Yard before 1820*, (Ottawa: University of Ottawa Press, 2004) and C.T. Long, "Green Water Revolution: The War for American Independence on the Waters of the Southern Chesapeake Theater" (Ph. D., George Washington University, 2005). Usher's work, although dated and constrained in its use of sources due to its completion during wartime, is important and seems underutilised. At its core, it is primarily an examination of the Shelburne papers, which argues that defects in the civil administration of the navy were not a primary cause of its poor operational performance in the War of American Independence, a case later taken up by other historians such as D.A. Baugh, "Britain's 'Blue Water' Policy," *International History Review* 10 (1988), N.A.M. Rodger, "Sea-Power and Empire, 1688-1793," in *The Eighteenth Century*, ed. P.J. Marshall, (Oxford: Oxford University Press, 1998), D. Syrett, "Home Waters or America? The Dilemma of British Naval Strategy in 1778," *Mariner's Mirror* 77 (1991): 365-78 and most recently Wilkinson, *The British Navy*. This was due more to the navy's employment of a strategy of dispersment of forces.

⁷⁷ L.R. Fischer, "A Dereliction of Duty: The Problem of Desertion on Nineteenth Century Sailing Vessels," in *Working Men Who Got Wet*, (St. John's, Nfld.: 1980): 51-70; D.J. Starkey, "War and the Market for Seafarers in Britain, 1736-1792," in *Shipping and Trade, 1750-1950: Essays in International Maritime Economic History*, ed. Lewis R. Fisher and Henge W. Nordvik, (Pontefract: Lofthouse, 1990): 25-42; L.R. Fischer, ed., *The Market for Seamen in the Age of Sail*, (St. John's, Nfld.: International Maritime Economic History Association, 1994); P.C. van Royen et al., eds., *"Those Emblems of Hell"? European Sailors and the Maritime Labour Market, 1570-1870*, (St. John's, Nfld.: International Maritime Economic History Association, 1997); J. Ojala and J. Pehkonen, "Not Only for Money: An Analysis of Seamen's Desertion in Nineteenth-Century Finland," *International Journal of Maritime History* XVIII, no. 1 (2006): 25-33.

By using new evidence to extend temporally, geographically, and thematically these otherwise thorough and cogent studies, this dissertation explores previously uncharted waters. These monographs provide useful methodological models yet do not consider identity, or examine North America and desertion in great detail, if at all. The chapters which follow will synthesise and build upon research of more recent maritime and labour historians who have raised intriguing arguments concerning the shared social world of merchant seamen in the early eighteenth century, yet who have not fully considered how that world interacted with, influenced, and was influenced by, that of the Royal Navy.⁷⁹ The thesis will also provide additional insights to those exploring maritime communities “in the round”.⁸⁰

New research on impressment in the Atlantic world provides insights on its scope and transatlantic influence on the formation of British and American identities, and emerging concepts of citizenship based upon natural law, but neglects the similar influences of desertion.⁸¹ Such works often presume that desertion was the major cause of manning difficulties in North America, without any comparative analysis of muster or weekly accounts data on desertion and sickness. Perhaps desertion could also be seen as a means of emigration and free (if not paid) passage to facilitate movement between the peripheries and metropolitan Britain, a subject which remains underexplored. The preferred destination for such unofficial emigration in the Atlantic world would be the American colonies, and later the United States.⁸²

⁷⁸ For example, among many: Rodger, *Command of the Ocean*, and Hattendorf, *The Oxford Encyclopedia of Maritime History*.

⁷⁹ M. Rediker, "The Common Seaman in the Histories of Capitalism and the Working Class," *International Journal of Maritime History* 1, no. 2 (1989): 342-3; idem., *Villains of All Nations: Atlantic Pirates in the Golden Age*, (Boston: Beacon Press, 2004).

⁸⁰ Vickers and Walsh, *Young Men and the Sea*; Gilje, *Liberty on the Waterfront*.

⁸¹ D.A. Brunsman, "The Evil Necessity: British Naval Impressment in the Eighteenth-century Atlantic World" (Ph.D., Princeton University, 2004). For the relationship between impressment and nationalism and citizenship in Britain, see N. Rogers, *The Press Gang: Naval Impressment and its opponents in Georgian Britain*, (London: Continuum, 2007), and in Nova Scotia, K. Mercer, "North Atlantic Press Gangs: Impressment and Naval-Civilian Relations in Nova Scotia and Newfoundland, 1749-1815" (Ph.D., Dalhousie University, 2008).

⁸² The current literature on emigration rarely mentions this possibility, and does not examine it in detail. See, for example: K.A. Miller, *Emigrants and Exiles: Ireland and the Irish Exodus to North America*, (Oxford: 1985); B. Bailyn, *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution*, (New York: 1986), Bailyn and Morgan, eds., *Strangers within the Realm*, 14-5. Some scholars note the potential of desertion as a method of emigration – see W. Klooster and A. Padula, *The Atlantic World: Essays on Slavery, Migration, and Imagination*, (Upper Saddle River, NJ: Pearson Prentice Hall, 2005), 16.

Notes on language and definitions

Before beginning a detailed discussion of the subject, it is necessary to define other salient concepts of language and geography used throughout this work. It is also necessary to define some of the common terms in use, and provide some information regarding the life of the average seaman on board ship, so a brief description of the terminology surrounding naval seamen in the Royal Navy will follow these definitions.

Some readers will no doubt fall into a state somewhere between curious and enraged in wondering why the author refers to the Royal Navy throughout, and not the British Navy, as seems to have become common in recent historiography. Given the singular focus of this study, involving only one of the several royal navies, and the debates surrounding Britishness and British identity, it was felt that the use of the term Royal Navy was more appropriate. While its ownership is not questioned, given the large proportions of men born in foreign parts, America, and the West Indies serving on the lower decks of the vessels of the navy, and the question of whether some Irish, Scottish or other seamen from the metropole even viewed themselves as British, the suitability of the usage of the term for a social study involving identities held by the multi-ethnic and multi-national composition of its complement may be questionable.⁸³

In like fashion, the terms “America” and “American”, concepts which changed over time or, in the latter case did not even appear until the latter half of the period examined herein, also need to be clarified.⁸⁴ America in the early to mid-eighteenth century generally was used by those in the English-speaking Atlantic world to refer to both the mainland North American colonies and the various plantations on the island communities of the West Indies, and the two could easily be confused. For example, when William Cornwallis was engaged in correspondence with Lord Sandwich, the first lord of the Admiralty, in 1773 concerning his desire to gain employment on a foreign naval station, Sandwich wrote to him that “I imagine by the American station you mean North America, if I am wrong in that particular you will be so good as to set me right.”⁸⁵ To avoid such confusion here, unless specified otherwise its use

⁸³ Despite the fact that the *Oxford English Dictionary* (*OED*) contains a 1699 reference to the “British Fleet” – before the 1707 Union of Scotland and England which created Great Britain.

⁸⁴ The *OED* defines an “American” as “Originally, a native or inhabitant of America, esp. the British colonies in North America, of European descent.” Interestingly, its entry for “America” is in draft only and is incomplete.

⁸⁵ NMM COR/57, Sir William Cornwallis Papers, Sandwich to Cornwallis, 26 Oct 1773.

herein refers only to the mainland colonies, while the West Indies or West Indian seamen will be referenced as such or based upon the island from which they originated, if known. After 1783 the term United States will be preferred. Similarly, "North America" in the context of this dissertation refers to America as defined above (or later the United States), plus the separate colonies of British North America (Upper and Lower Canada and the banks of the St. Lawrence River), Nova Scotia (which included at various times parts of New Brunswick , Prince Edward Island, and the island of Cape Breton), and Newfoundland, each of which will generally be referred to by their contemporary nomenclature.

The Admiralty Board generally divided its forces outside of home waters⁸⁶ in three ways. First were single ships assigned to a port or a very specific area around a port ("station ships"). Second were those ships assigned to a foreign "command" in one or more squadrons under one of a commander-in-chief usually of the rank of vice-admiral, a post-captain acting as a commodore, or temporarily another senior officer of post-captain rank. Finally, there were those ships, usually cruisers (i.e. sloops and frigates as opposed to the larger ships of the line), escorting convoys or undertaking other miscellaneous duties such as delivering despatches. Formal foreign "commands", which had a permanent basis with headquarters at one or more ports (and usually, but not always, contained a careening yard for repairing, refitting, and cleaning vessels) were often referred to as "stations", both by contemporaries and naval historians, and it is in this sense that one talks of the North American station - although in times of war it often comprised several squadrons, under several admirals or commodores reporting to the overall station commander – or disputing his authority to command them.⁸⁷

The North American station itself evolved from a series of station ships which were usually assigned to the major ports of the American colonies, and before 1745 no such formal command existed beyond these individual station ships, or squadrons from home waters

⁸⁶ "Home waters" here being the term used to refer to the various formal commands in and around the British Isles, including such stations as the Channel, the major dockyards at Portsmouth, Plymouth, Chatham and the Nore, the North Sea, the Ireland station, etc., and it is in that sense that it is used in this work.

⁸⁷ For a history of the development of these commands see Baugh, *British Naval Administration*, 341-72. As with the North American station, the boundaries and responsibilities of other foreign commands changed and were sometimes merged. For a complete list of the commanders of the North American station and the official boundaries at the time each of them received their commissions, see W.A.B. Douglas, *Flag Officers and Senior Naval Officers Responsible for the Halifax Station, 1755-1959*, (Ottawa: Office of the Naval Historian, Naval Headquarters, 1959), and on the early history of station ships in North America see I.R. Mather, "Role of the Royal Navy in the English Atlantic Empire, 1660-1720", (D.Phil., Oxford University, 1995).

temporarily sent to North America to undertake specific assignments. It was only with the attack on the French fortress of Louisbourg on the island of Cape Breton in 1745 that a squadron led by Rear Admiral Sir Peter Warren spent the entire year in North American waters. Together with the other station ships along the North American coast, from the Gulf of St. Lawrence to Florida, Warren's squadron was designated a formal command by the Admiralty, as what is referred to herein as the North American station, or squadron. This dissertation is focused on the "Blue Water" operations of the North American squadron. It does not consider naval administration or operations of the North American command on the Great Lakes, which were generally delegated to a separate commodore in command of a squadron based in Kingston, Ontario, but supported by the ships and station facilities established at Halifax from 1749. The waters of the Grand Banks fisheries and part of the Gulf of St. Lawrence around Newfoundland were the responsibility of a separate command based at St. John's.⁸⁸

It is often impossible to disentangle the operations, administration, and ship movements of the North American, Newfoundland, Leeward Islands and Jamaica stations. For example, the North American squadron seems to have regularly sent vessels to Newfoundland to raise men for the squadron based at Halifax. While Québec's merchant convoys to the British Isles and the West Indies (the latter usually via Halifax) were technically the responsibility of the North American station, it seems that vessels from Newfoundland, home waters, or other stations would escort these from time to time. This was often the case when vessels were being sent home for refit or being sent out from England on assignment to the stations at St. John's or in the West Indies. Cruisers assigned to such convoys were usually assigned to separate administrative lists, not a specific command, by the Admiralty, but could be "commandeered" in time of emergency by a station commander. Similarly, the Halifax and St. John's squadrons would send vessels to aid the other as required – often on their own initiative, at the request of one of the two station commanders, or by direct Admiralty order. When the term "North American waters" is used in this work, as opposed to the North American station, it generally refers to both the North American and Newfoundland naval

⁸⁸ The Newfoundland squadron was largely a seasonal command in place largely to protect the fisheries and administer the colony, until more reliable surveys of the coast were conducted in the late 1760s, after which some vessels began to winter over. Bannister, *Rule of the Admirals*, 162-4.

commands.

The formal boundaries and responsibilities of the North American command were constantly adjusted by the Admiralty in consultation with the station commander and others, based upon operational and political need.⁸⁹ At times such alterations occurred much more informally, temporarily, and sometimes improperly, undertaken by either the station commander or one or more of his captains. This could happen when the “man on the spot” believed adjustment was needed for some or all of the same grounds as above, for personal, economic, or political gain, or a combination of these factors. Such changes at times conflicted with the boundaries of the two naval stations or commands in the West Indies. Indeed, for a relatively brief period during the War of 1812 the three commands were amalgamated into one “North American and West Indies” command under a single commander-in-chief, a measure which was debated but never implemented, during the American War of Independence, perhaps to the detriment of British naval operations in that period.⁹⁰

Life at sea and channels of authority

Let us now consider the sea service itself, with a brief sketch of how life at sea aboard an eighteenth-century Royal Navy vessel was organised. Some of the themes here will be expanded upon in the other chapters of the dissertation, and are covered in detail in the various social histories of the navy discussed above.⁹¹ Seamen could not actually “join the Navy” for a career in the modern sense that we understand today. As Rodger points out:

...only commissioned and warrant officers had any permanent connection with the Navy as a service beyond what they gained as members of a ship's company. A man entered for wages on the books of a King's ship had joined the King's service

⁸⁹ This usually occurred during an operational emergency and generally, but not always (given the constraints of communication) in consultation with adjoining station commanders and/or the Admiralty Board. Such station boundary infringements or changes were often avoided by a station commander simply reassigning one or more ships from his own station at the request of another, which would be returned when the situation allowed. In both cases the Admiralty would simply be informed of the fait accompli, and asked for their concurrence, which almost always was forthcoming. Yet there could also be serious disputes between station commanders over such matters, often devolving into personal vendetta and character assassination for career advancement, and the Admiralty often ended up playing a role of mediator or court of last resort in such cases.

⁹⁰ Kenneth Breen, “Divided Command: The West Indies and North America, 1780-1781” in *The British Navy and the use of Naval Power in the Eighteenth Century*, edited by Jeremy Black and Philip Woodfine, (Leicester: Leicester University Press, 1988), 192-6 and P. Mackesy, *The War for America 1775-1783*, (London: Longmans, 1964).

⁹¹ The most recent of which is T. Clayton, *Tars: The men who made Britain rule the waves*, (London: Hodder, 2007).

until he was discharged or the ship paid off, but in constitutional theory and in everyday practice, he was primarily a member of a ship's company and not the Navy as a whole. Men joined a King's ship or a merchant's as opportunity or preference suggested, and they moved easily from one to another. There was no identifiable class of man of war, they were simply seamen working at the moment for one particular employer.⁹²

Three general categories of seamen existed – landsmen, ordinary, and able-bodied seamen. Landsmen, untrained, were used primarily for manual, physical labour such as hauling anchors. They would generally not be sent aloft in the masts of a vessel. Ordinary seamen usually had at least one year of experience, were often older, and carried out less-demanding tasks, which still required skill and knowledge of seamanship. Able or Able-bodied seamen usually had at least two years experience, were generally younger, and were the “top men”, working on the most difficult rigging and sails high aloft on the masts of the vessel.⁹³ In peacetime, the navy could usually count on having their ships manned almost entirely with able seamen. With shortages of seamen in wartime due to the vastly higher number of ships mobilized and other reasons, “...a ratio of one-third able, one-third ordinary, and one-third landsmen was reckoned the minimum consistent with safety.”⁹⁴

All crew below the most inferior of officers (the midshipmen) were referred to as ratings, a term that is essentially interchangeable with that of seamen. They could be “rated” as petty officers by the captain to take charge of particular duties, such as the captains of the various masts, the yeoman of the powder room, and master’s, gunner’s and quartermaster’s mates, among others. “One spoke of ‘petty officers and able’ to distinguish the experienced seamen from ordinary seamen and landmen on the one hand, and from the idlers or daymen on the other. The distinction between seamen, who stood watches, and idlers, who worked by day and slept by night, was one of the most fundamental afloat.”⁹⁵ Able seamen were the most important category of a ship's complement – without them the ship could not sail or function. They were also, as will be seen, most prone to desert, given the market demand for their skills.

⁹² Rodger, *Wooden World*, 113. The major exception was in time of war, when men were retained for the duration of a conflict rather than simply a single commission of a vessel, and were regularly turned over from ship to ship.

⁹³ S. Willis, "The High Life: Topmen in the Eighteenth Century Navy," *Mariner's Mirror*, no. 90 (2004): 152-66.

⁹⁴ Rodger, *Wooden World*, 26-7.

⁹⁵ *Ibid.*, 25. Seamen were also later divided into divisions, with an officer or midshipman responsible for each, on some vessels as early as 1756 but usually much later. The divisional system was still not widespread in 1779, and was only enforced by regulation in the 1806 *Orders and Instructions*. See B. Lavery, ed., *Shipboard Life and Organisation, 1731-1815*, (Aldershot: Navy Records Society, 1998), 64-5, 72-4.

Numerous pieces of formal legislation and regulations as well as the formal and informal authority of both institutions and individuals governed life at sea. The relations between and among the latter could be seen as being transmitted via “channels of authority”. These channels, particularly those within the community on board a ship, were often bidirectional in nature, horizontal and vertical in direction, and should not be viewed as simply one-way, hierarchical and organisational, or fixed and inflexible. Figure 1-1 illustrates the main channels of authority of the larger institutional network, between the Admiralty, the commander-in-chief of a naval station, and a ship’s commander. Similarly, Figure 1-2 illustrates the primary channels of authority within a ship’s community itself. The processes and nature of the centralising British state in the eighteenth century broadly defined these intertwining and multi-directional networks. More narrowly, they were constrained by the authority of the Admiralty, the Navy Board, and other central institutions. It is with the processes on board ship that we are most concerned here.⁹⁶

Like a local parish, neither a foreign naval station nor a warship was isolated – they were tied to these larger external forces that pushed or pulled them in certain directions. Yet to some extent they could also set their own course. Local contingency, the “tyranny of distance” and problems of communications in this period,⁹⁷ and the “man on the spot” mentality⁹⁸ all allowed every level of authority to exercise some influence and discretion over their instructions and orders, often via the exercise of public and hidden transcripts. Formal orders, always publically accepted in their entirety, could often be renegotiated or even ignored in whole or in part, given changes in the local situation, personal desires, and the status of the

⁹⁶ For more traditional organisation charts of the various political and naval institutions involved at a higher level and a discussion of the relationship and roles and responsibilities of the navy’s institutions within the broader government apparatus over the course of the eighteenth century, see Wilkinson, *The British Navy*, 12-34. For their development in the naval and political context in the first half of the eighteenth century see Baugh, *British Naval Administration*, 29-92. There were many other channels of authority between the institutions discussed in both of these works, and the individuals comprising them, which are largely beyond the scope of this work, including the Victualling, Ordnance, and Transport boards.

⁹⁷ cf. I.K. Steele, *The English Atlantic 1675-1740: An Exploration of Communication and Community*, (Oxford: Oxford University Press, 1986), J.S. Scott, “The Common Wind: Currents of Afro-American Communication in the Era of the Haitian Revolution” (Ph.D., Duke University, 1986) and K.J. Banks, *Chasing Empire Across the Sea: Communications and the State in the French Atlantic, 1713-1763*, (Montreal: McGill-Queen’s University Press, 2003).

⁹⁸ This concept is more common in discussing nineteenth century empire but is equally applicable to imperial expansion in the eighteenth century: R. Hyam, *Britain’s Imperial Century, 1815-1914: A Story of Empire and Expansion*, 3rd ed., (London: Palgrave Macmillan, 2002), 280-90 and J. Darwin, “Imperialism and the Victorians: The Dynamics of Territorial Expansion,” *English Historical Review* 112, no. 447 (Jun 1997): 614-42.

individual in political and social hierarchies. These institutions and their related processes generated an immense volume of paper in their day-to-day operations, which was both public and private in nature. Many of the public sources used by this dissertation were generated by institutional requirements of administration, operations, or political direction and control.

Primary sources

Following the categorisation used by Malcolm Gaskill the sources used in this work fall into three main categories – normative, impressionistic, and administrative. Normative sources include legislation, regulations, orders, and instructions, “...all of which reflect cherished ideals of political and religious orthodoxy - they way things were *supposed* to be.”⁹⁹ Those generated by Parliament, the Admiralty Board, station commanders, and sea officers are of most importance for this study.¹⁰⁰ These include the Parliamentary legal framework for naval regulations, the *Articles of War*; various regulations issued by the Admiralty to govern the operations of its vessels and life on board of them; Admiralty orders and standing station instructions for commanders in chief of overseas stations; and order books maintained by individual captains to regulate life and operations on board their vessels.

Impressionistic sources, which can also be subdivided into public and private subcategories, include private papers such as journals, diaries, family letters, and published autobiographical accounts of the lives and memoirs of seamen and officers, “...all broadly suggesting how things *seemed* to contemporaries.”¹⁰¹ Examination of impressionistic sources can also shed much light on acts of resistance or authority which may not have reached the stage where summary or capital criminal proceedings were incurred. For this study, the most important such sources include the personal, unofficial journals, diaries, papers, and letters of officers, seamen and marines who served in North American waters. Similar journals or papers of military officers or colonial officials who may have commented on naval matters have been drawn upon more selectively. Public impressionistic sources include published

⁹⁹ M. Gaskill, *Crime and Mentalities in Early Modern England*, (Cambridge: Cambridge University Press, 2000), 20-1.

¹⁰⁰ For a full overview of the surviving records of the Admiralty and Navy Board and related naval institutions, see N.A.M. Rodger, *Naval Records for Genealogists*, Third ed., (Kew, Surrey: PRO Publications, 1998), and R. Cock and N.A.M. Rodger, eds., *A Guide to the Naval Records in The National Archives of the UK*, (London: Institute for Historical Research, 2006).

¹⁰¹ Gaskill, *Crime and Mentalities*, 20-1.

autobiographical accounts of the lives and experiences of seamen and officers who served in North America.¹⁰²

Finally, administrative sources "...best reflect the input of ordinary people, and perhaps the way things really *were*."¹⁰³ Administrative sources that illuminate the themes examined throughout this work include official correspondence between station commanders, commanders of vessels, and the Admiralty and Navy Boards, some of which has been published;¹⁰⁴ minutes, sentences and Admiralty digest indices of courts martial conducted in North America and elsewhere; records of the Admiralty solicitor; official logs and journals compiled by sea officers in various positions onboard a ship; petitions to the Admiralty by seamen; description books; surviving weekly accounts; and musters and pay books. These latter were used to record the entry and discharge of men on board ship, and when and how much they were paid after disciplinary and other deductions were made. Correspondence between station commanders and colonial officials, whether in London or locally, such as the various Secretaries of State, the Board of Trade and Plantations and later the Colonial Office, or governors, lieutenant-governors, and their councils was also useful.¹⁰⁵ The most significant sources from each of these categories is discussed in turn below, along with a discussion of the main methodological issues surrounding them, beginning with the legal framework passed by Parliament to govern discipline and order in the Royal Navy.

The most central normative source used, the *Articles of War*, was the formal legal code under which the naval service operated for such courts martial. First passed as a Parliamentary Act in 1652, for most of the period examined by this study it was the *Articles of War* of 1749¹⁰⁶ and their amendments in 1779 which are most pertinent, as well as the fully revised versions of

¹⁰² R. Morriss and P. Bursey, eds., *Guide to British Naval Papers in North America*, (Greenwich, CT: Mansell for the National Maritime Museum, 1994); D. Syrett, "A checklist of Admiral Lord Howe manuscripts in United States archives and libraries," *Mariner's Mirror* 67 (August 1982): 273-84; R.J.B. Knight, ed., *Guide to the Manuscripts in the National Maritime Museum*, 2 vols., (London: Mansell for National Maritime Museum, 1977); M. Sheldon, *Guide to the Manuscript Collections of the Royal Naval Museum*, (Portsmouth: Royal Naval Museum, 1997).

¹⁰³ Gaskill, *Crime and Mentalities*, 20-1.

¹⁰⁴ W.B. Clarke et al, eds. *Naval Documents of the American Revolution*. 10 vols, (Washington: GPO, 1964-); W.S. Dudley and M.J. Crawford, eds., *The Naval War of 1812: A Documentary History*, (Washington: GPO for the Naval Historical Center 1985-) and the important works of the Navy Records Society, the Champlain Society, and the Naval History Society referenced throughout this study.

¹⁰⁵ Calendars for many of these fonds have been published for America, such as D.C. Harvey, ed., *A Calendar of Official Correspondence and Legislative Papers Nova Scotia 1802-1815*, (Halifax, NS: Public Archives of Nova Scotia, 1936).

¹⁰⁶ 22^o George II c.33 (1749). For the 1749 version see Eder, *Crime and Punishment*, 158-73.

1806 and 1810.¹⁰⁷ Unlike the *Regulations and Instructions*, the *Articles* were not concerned with the daily operation of a warship, but instead enumerated the numerous offences for which seamen and marines in the navy could be tried capitally at court martial. Article 15 required the death sentence for desertion to the enemy and desertion with royal property, while Article 16 required death or lesser punishment for what was deemed simple desertion or enticing another to desert.¹⁰⁸ Perhaps the most important change introduced by the 1749 act was Article 16, which had its mandatory death penalty for desertion removed, and changed to one of death or lesser punishment. This actually introduced a new level of mercy and discretion into what appeared at first glance to be a more severe naval code, as desertion was the most common crime in the navy. Hence, this change greatly reduced the numbers of seamen who were sentenced to death after that time.¹⁰⁹

Additional articles related to desertion included those men charged under Article 27, which contained the charge of “forsaking a station”,¹¹⁰ often used to punish men who were absent without leave or who had straggled; Article 34, which included “Desertion while on shore in His Majesty’s Dominions”; and Article 35, for committing any crime of the *Articles of War* while ashore outside of His Majesty’s Dominions. Article 27 could be punished with death or lesser punishment, while 34 and 35 were to be punished as if the crime had been committed at sea, under the provisions of Articles 15 or 16 depending upon the circumstances of the case. In addition Article 36 was a catch-all, allowing all non-capital crimes not mentioned in the *Articles* or for which no punishment was mentioned in the *Articles* to be “punished according to the laws and customs in such cases used at sea.” Stragglers could also be punished under this provision.

It has been well established that summary punishments by captains of ships were far more common than courts martial for most crimes. This was due to several factors, including

¹⁰⁷ For the 1779 version, 19 George III c.17, see Byrn, *Crime and Punishment*, 203-10. See also N.A.M. Rodger, ed., *Articles of War : the statutes which governed our fighting navies*, (Havant: Mason, 1982). For a comparison of the 1749 and 1806 *Articles* with earlier versions see Hannay, *Naval Courts Martial*, xli ff.

¹⁰⁸ It also allowed the cashiering of any commanding officer who knowingly received a deserter from another Royal Navy vessel and who did not return him to the original ship or report him to the commander in chief or the Admiralty. With Article 16, the 1749 *Articles* removed the mandatory death penalty for all forms of desertion tried capitally, which had been present in the earlier 1661 code. Eder, *Crime and Punishment*, 47, 102-3.

¹⁰⁹ *Ibid.*, 139-40.

¹¹⁰ To the consternation of at least one Admiralty legal officer, some naval officers used this as the equivalent of the charge of absent without leave. Similarly, the charge of neglect of duty or disobedience was sometimes used for men who were absent without leave. See Chapter 6.

the difficulty in assembling officers to preside over courts martial on some naval stations, and the unpopularity of the death penalty for some crimes, in a navy that was often short of trained seamen. Summary punishments also were used when there was not enough evidence to pursue a formal court martial, or if a crime did not fall under the *Articles of War* and the jurisdiction of such a court.¹¹¹

Regulations issued by the Admiralty provided the main structure for shipboard life. In parallel to the *Sailing and Fighting Instructions*, which governed battle tactics at sea, the most important were the *Regulations and Instructions Relating to His Majesty's Service at Sea*, (usually referred to as the *Naval Instructions, Regulations and Instructions* or the *General Printed Instructions*). These were essentially the Admiralty's bible when it came to outlining the responsibilities of all those in positions of authority on board a ship on a day-to-day basis, and the reporting requirements that commanders and other officers had to follow to keep the service running, in eighteenth-century terms at least, smoothly and efficiently. The *Regulations and Instructions* first were issued officially in 1731. Amendments were then made in 1733 and 1756 and in the latter year these were published as the *Additional Regulations and Instructions*, comprising the experiences from the 1739-48 wars and Anson's naval reforms from 1744 onwards. These included many regulations concerned with rapidly expanding the navy in time of war, such as those for training "newly raised men". They also demonstrated an increased concern for hygiene of the men and the ship, and some rules on when women were allowed on board.¹¹²

The *Regulations and Instructions* themselves went through thirteen different editions by 1790, becoming increasingly outdated for the needs of the naval service. This resulted in an effort to further update them in 1804 (under the impetus and guidance of the then First Lord of the Admiralty, Melville). This new edition was passed by Order in Council in January 1806,

¹¹¹ Eder, *Crime and Punishment*, 64-77; Byrn, *Crime and Punishment*, 68, Table 2; Malcomson, "Creating Order and 'Disorder'", 166-206.

¹¹² For a complete history see Lavery, ed., *Shipboard Life*, 3-58. The earliest version of the *Regulations and Instructions* which I have perused was: John Carter Brown Library, *Regulations and Instructions Relating to His Majesty's Service at Sea: Established by His Majesty in Council: The Second Edition, with Additions*, (London, 1734). Three other complete editions of the *Regulations* in force during this period were read and compared. TNA:PRO, ADM 7/201, *Regulations and Instructions...*, Sixth Edition, 1746; ADM 7/204, *Regulations and Instructions...*, Tenth Edition, 1766; ADM 7/206, *Regulations and Instructions...*, 1808.

and contained some 440 pages of instructions compared to the 158 pages in the 1745 edition.¹¹³

The *Regulations and Instructions* are central to this study for two main reasons. They defined the roles and responsibilities, of both officers and seamen, and the different “qualities” of seamen and ratings of petty officers discussed above. Part II of the *Regulations and Instructions*, entitled “The Captain or Commander”, specified the “Rules of Discipline and Good Government to be Observed on Board His Majesty's Ships of War”. Among other provisions, this provided the authority and powers of a captain to punish members of his complement. In theory, the captain was the only person onboard a ship who could order such punishment – lieutenants, midshipmen, warrant and petty officers who wished to have a man punished had to recommend it to the captain and await his decision. Specifically, Regulation IV of this section stated:

No commander shall inflict any punishment upon a seaman beyond twelve lashes upon his bare back with a cat-of-nine-tails, according to the ancient practice of the sea. But if the fault shall deserve a greater punishment, he is either to apply to the commander-in-chief [of the naval station] or inform the Secretary of the Admiralty if the ship is at home, in order to the offender's being brought to a court martial if it shall be thought proper, and in the mean time he may put him under confinement.¹¹⁴

As we shall see this provision was broadly interpreted and regularly violated.

Similarly, Regulation V of the same section limited the power of the commander of a vessel to punish his commissioned or warrant officers. It is particularly important to note that unlike seamen, marines, or petty officers, commissioned or warrant officers could not be summarily punished corporally. If they misbehaved or committed a crime, the captain's only options were to suspend them from their duties or to confine them until an application for a court martial was made to the station commander or the Secretary of the Admiralty.¹¹⁵ The shipboard procedures for such courts martial were specified in Part I of the *Regulations and Instructions*, which concerned the roles of the Commander in Chief of a naval station.¹¹⁶ In addition to the central Admiralty regulations, station commanders and captains could issue

¹¹³ Ibid.

¹¹⁴ Ibid., 15-6.

¹¹⁵ Ibid., 16.

¹¹⁶ For example, see TNA:PRO, ADM 7/201, *Regulations and Instructions*, Sixth Edition, 1746, 3-13; ADM 7/206, *Regulations and Instructions*, 1808, 404-10. See also Appendix 1.

their own standing orders for administering their naval command, or individual ship, the former in the form of standing orders for the station or a specific port, the latter in the form of order books maintained by commanders to regulate life and operations on board their vessels.

Wareham views the *Regulations and Instructions* as a tool to assist the training of officers, even though they contained little guidance on training. Their focus on authority of the captain and powers over his subordinates suggests they existed to "... 'regulate' the powers of the commanding officer rather than to encourage good relations with his officers." The fact that Regulation IV limiting summary punishments to a dozen lashes as per custom is seen by Wareham as evidence of this. It was only after Lord Barham's 1806 reform that an attempt was made "...to instil a degree of acceptable practice and uniformity to ship management..." yet the regulations still included little to guide officers on how to command.¹¹⁷ In some ways parts of the *Regulations and Instructions* could be seen as what Braddick refers to as "abstract guidelines of authority", which were open to negotiation when need be.

Administrative sources, especially muster books, pay books, log books and weekly accounts are the most important for this study.¹¹⁸ The recording of information in such records, or what Braddick refers to as "operations of regularisation" were key also to the naval service, as it created a process of transcribing an "official version" of reality, with real consequences for the men whose information was noted down, often incorrectly or haphazardly.¹¹⁹ Just like a parish register recorded birth of a child and acknowledged legitimacy, the bureaucratic recording of men on muster and pay books as "run", their previous offences in logs and black books, and notes on their character in court martial minutes or private journals kept by officers, whether accurate or not, became an official record that were referenced again and again, often with severe consequences for the men in question.

The act of being noted on the books as first chequed as absent without leave, and then being marked as run, whether a man intended to be absent or to desert or not, impugned on both the honour and reputation of the individual, as well as on that of a ship's captain and officers, even if it was not punished. A fine for straggling being noted in like fashion, or details

¹¹⁷ Wareham, *Star Captains*, 202-3.

¹¹⁸ For details on the information maintained in musters, pay books and description books, see Rodger, *Naval Records for Genealogists*, 45-66, and for logbooks see C. Wilkinson, "British Logbooks in UK Archives: A Survey of the range, selection and suitability of British logbooks for climactic research" (Norwich: University of East Anglia, April 2006).

¹¹⁹ Braddick and Walter, "Grids of power," 28-9.

of summary punishments recorded in log books and capital crimes in courts martial minutes served a similar function, as did reports of courts of enquiry. Log, muster and pay books could be seen as an official record of the “character” of a seaman or marine, an analog to the “honour” of an officer, as due to their social status the lower decks could not be considered to be operating within the same system of honour as their superiors.¹²⁰ The “Black Book of the Admiralty” maintained a record of miscreants among commissioned and warrant officers of the fleet for future reference.¹²¹ For common seamen and marines, private journals of officers, official logs, musters, and pay books had to serve the same function, at the level of the community – the individual ship.

The function of muster and pay books are fully discussed elsewhere.¹²² Like parish registers, they are essentially the eighteenth-century version of a modern spreadsheet, used for recording the administrative details of personnel. In brief, muster books were used to maintain a record of every man who entered on board a ship, including his tombstone information, when he entered the service and appeared on board, from whence, whether volunteer or pressed, his quality, promotions, deductions against his pay for issuance of clothing, venereal or other medical cures, and for straggling, the circumstances and details of his discharge from the ship, if discharged before she was paid off or the books “split” and restarted during a lengthy commission. Usually on a weekly basis, men were mustered and their presence or absence, and the reason thereof, recorded on the monthly muster tables for that ship. The “monthly” muster tables (which actually covered a two-month period) and related lists recording weekly muster information were regularly submitted to the “Clerk of the Cheque” at the closest overseas naval yard or upon return of the vessel to England, and most have survived in the form of bound muster books for that ship.

Pay books were compiled by clerks at the Navy Board in London by copying the information from the musters into one “master” record when a ship was paid, and essentially are a compiled and updated copy of all the muster information for the period of a ship’s commission (or part of it, if the books were “split”). They contain additional pages with columns related to whether the man received an advance in pay, his full and “neat” wages after

¹²⁰ See N.A.M. Rodger, “Honour and duty at sea, 1660-1815,” *Historical Research* 75, no. 190 (November 2002): 425-47.

¹²¹ TNA:PRO ADM 12/27B “Black book”.

¹²² Rodger, *Naval Records for Genealogists*, 45-66.

deductions, when and where wages were paid, and to whom (as pay could be delivered to a proxy, usually a relative).

Weekly accounts were submitted by commanders of vessels to the station commander, and then to the Admiralty Board in London. They contained a synopsis of the weekly muster information, divided into two parts for seamen and marines respectively. This synopsis provided the vessel's official complement, men officially borne on the muster books for pay, and the actual number of men present at the muster. The form contained columns for the numbers of men absent from sickness, desertion, or other causes. The accounts also contained columns related to each ship's remaining supply of water and provisions, when each ship was last cleaned, and her general state and condition.¹²³ Thus weekly accounts allowed both the station commander and London to see at a glance the overall administrative condition of an overseas squadron or station, and which ships were most in need of recall for major repair at the busy home dockyards. They were likely also used to update the Admiralty's master lists of ships and stations for planning purposes. In the case of the North American station there was often at least six weeks' delay from the time the station commander submitted his accounts to the time it reached London, in addition to any time lag from deployed ships reporting their individual accounts to the station commander.

Before proceeding further, it is also important to distinguish between the notions of straggling, rambling, running, and desertion, all official terms used to describe the state of a seaman who was absent from his ship without official permission. The crime of desertion itself was defined in the *Regulations and Instructions*, in Part II, Regulations X to XVI in the section describing the captain's duties with respect to mustering the crew of his vessel. Deserters in the navy at this time were technically those who had missed three consecutive weekly musters on board ship because he was absent without leave.¹²⁴ Such a man was "...to be marked as a Runaway on the Ship's Books, according to the ancient Practice of the Navy, expressing the Day he left the Ship."¹²⁵ This generally was indicated with an "R" next to the man's name in the ship's muster book, and the entry of his details on a "Run List" appearing at the end of each bi-monthly collection of weekly musters. On occasion, but much rarer, the details of the

¹²³ Hence the official title used on the form, "State and Condition Report".

¹²⁴ TNA:PRO, ADM 7/201, *Regulations and Instructions*, Sixth Edition, 1746, 20-4.

¹²⁵ TNA:PRO, ADM 7/201, *Regulations and Instructions*, Sixth Edition, 1746, 22.

desertion could also be recorded in one or more of the various log books of the vessel, but this seems to have occurred only in the case of serious incidents or by complete happenstance. Although the terms “run” and “Runaway” remain constant across the various editions, the term “desertion” is also used in Regulation XVI of the second, 1734 edition (and likely in the first edition). These required the names of men who had run in home ports to be forwarded to the Admiralty with the appropriate details, so that courts martial could be held upon them if apprehended. The use of these terms remained constant across other editions reviewed by this author. It also becomes more common and is expanded upon in later editions.¹²⁶

On the subjects of straggling and rambling, Rodger's work is again the authoritative discussion of these terms, and it is his definitions that generally will be adopted here. He contends that many men marked “run” on a ship's books may not actually have been deserters, or would not be referred to as such by their officers, who were very careful to use the term only to refer to men who were actually in violation of the *Articles of War*. Officers were very careful in their use of the term desertion when men were recaptured given the severe punishments that could be applied under the *Articles*, sometimes even in cases where it was clear that men were deserting. Rodger believes that “...being ‘run’ on a ship's books was no more than a precondition of being a deserter.”¹²⁷ This was because of the common state of straggling, which he believes represents many of the “R's” noted against men on ships' muster and pay books.

Straggling was a “...term usually employed in the eighteenth century to describe men absent from their duty in culpable, suspicious or simply unexplained circumstances... This evocative term, vague and comprehensive, covered the multitude of sins, errors and mishaps that might have befallen seamen ashore. Very often men were delayed in returning by simple physical causes; by bad roads and bad weather, by illness or by accident, by arrest for debt, or simply by death.”¹²⁸ It is worth noting that there is no definition of straggling or rambling in

¹²⁶JCBL, *Regulations and Instructions...The Second Edition*, (London, 1734), Regulation XVI, 24. For example, Regulation XI of the 1808 edition, discussing the use of description books which had been introduced to record the physical appearances of every man on board ship in the case that they desert, reads that “...if any man desert he [an Officer] is to use every exertion to apprehend him...” and goes on to exhort a captain who “...discovers in the Crew of the Ship he commands, men who have deserted from any other of His Majesty's Ships...” to report them to the station commander or the Admiralty for disciplinary action, and if possible to return them to the “...Ships from which they had deserted.” TNA:PRO, ADM 7/206, *Regulations and Instructions*, 1808, 118-9.

¹²⁷Rodger, “Stragglers and Deserters,” 61-2.

¹²⁸idem., *Wooden World*, 189.

any edition of the *Regulations and Instructions*, which simply refers to runaways and desertion. According to Rodger, a seaman who straggled was theoretically more lightly punished, if punished at all, than a man who ran from a vessel with the intention to desert the service. Such a man would often have his “R” taken off the ship’s books by the captain. Yet, we shall see in the following chapters that stragglers could also be punished as or more harshly than acknowledged deserters. Having a fine noted for straggling, an “R” taken off the books, or both, at least on ships in North America, seems to have been extremely rare. It is also of note that the surviving accounts of seamen rarely refer to men who had been marked with an “R” against their names on the ship’s books as stragglers or rambles but more commonly as deserters or simply runaways.

For example, William Spavens, an Englishman who served as a seaman at Louisbourg and Québec during the Seven Years’ War, generally is deemed by naval historians to be one of the most reliable of first-hand seamen’s accounts. Spavens states “...if a man miss a muster when in port, a cheque is put against his name; if he misses two musters, a second cheque; and the third time, an R is affixed by the clerk of the cheque, when all his pay and arrears of pay are deemed forfeited and made due to the chest at Chatham.” The fact that all pay is forfeited would seem to indicate the man is automatically considered to be a deserter.¹²⁹ The picture here may be even more complex and conditioned by various circumstances than in Rodger’s estimate.

Rambling was another term used to describe unexplained absences from a ship. When a ship entered a harbour and actually tied up alongside a wharf or dock at a yard, it was almost impossible to prevent men from going ashore if they wanted to, even with marine sentinels posted to prevent them from doing so. Captains would put untrustworthy men aboard another ship or hulk that was not docked, and would try not to worry about the rest. When men were

¹²⁹ W. Spavens, *The Seamen's Narrative: Containing an Account of a great Variety of such Incidents as the Author met with in the Sea Service. Also a Descriptive Account of the Discipline, Allowance and Customs of His Majesty's Navy, the East India Company and other Merchant Service...* (Louth: Sheardown and Son, 1796), 108. Spavens claimed it was his wish “to promote, and not depress, his Majesty's Service” (unlike some other first-hand accounts), yet some of his comments are very class conscious and critical. For example, when discussing naval pensioners with a gentleman, the latter proposed that pensioners should reside closer to the Chatham chest for their convenience. Spavens replied that if such a measure was adopted, “...the cities of London and Westminster and the whole counties of Kent, Essex, Middlesex, Surry, Berks, and Sussex, would be inhabited with little else than a motley company of halt, maimed, blinkards and cripples: Who then would carry on the manufactures and drive the Lord Mayor's coach?” Spavens, *Seaman's Narrative*, 112.

needed again, patrols would be sent out for them and notice given that if they did not return they would be considered stragglers and deserters after a certain time had expired.¹³⁰

Thus, there was a hierarchy of unofficial absence from ships, ranging from rambling at the low end, which may have been generally allowed or at least ignored, to straggling, which may have sometimes been deliberate, to being considered to have “run” from a vessel, all of which may have been noted with an “R” on the muster and pay books. Yet by formal Admiralty regulation being “run on the ship’s books” in this fashion meant that a seaman had actually deserted his ship and would face at least summary punishment by his captain if recaptured. Finally, the *Articles of War* defined the conditions under which the crime of desertion could be punished capitally, with the risk of a death penalty, often in the face of the enemy.

To continue with our examination of the main administrative sources used herein, ship logbooks and courts martial minutes, sentences, and digests are also significant, particularly for information concerning criminal offences and punishments, both summary and capital. The minutes of courts martial vary in their utility for the purposes used herein. Partially, this is a reflection of the fact that if a case against a common seaman or marine was viewed as routine and straightforward, the minutes often record very little beyond what is found in the two or three page formal charge and sentence of the trial. This included the details of the offender(s) and their crime, the provision of the *Articles of War* under which the offender was charged, the names of the officers of the court, and the resulting punishment ordered.¹³¹ In some cases, often those with more complex or less clear-cut circumstances, much more detail of the context and testimony concerning the events of the crime was recorded. But even then important and nuanced detail can be absent or unclear, and subject to interpretation. Such records suffer from the same constraints as any civil criminal or legal source document. As judge advocates responsible for recording the proceedings, usually the station commander’s secretary, did not always follow the same rules for recording evidence, such records also vary in quality, not to mention legibility.

Courts martial minutes provide only the record of defeated protests by seamen and

¹³⁰ Rodger, *Wooden World*, 190.

¹³¹ “Minimalist” minutes of a few pages, often terminating in the death by hanging or severe flogging of an unfortunate seaman or marine, can be compared with the dozens or even hundreds of pages of minutes recorded for individual trials which may have impugned upon the honour of an officer, often for a relatively minor offence.

marines, with successful resistance is lost to history. The average act of resistance was likely less violent and widespread than those recorded in such records. Moreover, minutes can be unreliable, as the prosecutor, normally the captain of the ship on which the crime was committed, took great pains to establish that the men had given no warning of their feelings and made no prior protests. If they had protested through “normal” channels and gained no redress, their sentences might be mitigated through the discretion of the court. This would also reflect poorly upon the captain, who would be perceived as being neither firm enough to suppress unrest nor fair enough to defuse it.¹³²

Defendants would be unwilling to risk angering the court by trying to provide justification for their crimes, while others would have difficulty testifying as they would be ill at ease in front of the court, and still others would attempt to lie to save their own lives or the lives of other men, perhaps by implicating others. This could lead to officers being the most reliable witnesses, and a focus upon overt acts of resistance without any effort to determine how the men had actually organised. Moreover, “...the behaviour and speech of ordinary people was liable to be distorted by the formal and ritualized arenas of courtroom and gallows.”¹³³ Gaskill maintains that pre-trial procedures ashore were more useful for determining mentalities and experiences, and such contingent discussions and inquiries were seen as a means of community participation in the legal system, and therefore could better reflect popular values.¹³⁴ For courts martial, the pre-trial procedure was often a court of enquiry ordered by the station commander. Unfortunately, written records of such enquiries rarely seem to have survived, and it is unclear exactly when such procedures began, and how often they were actually used.¹³⁵

Many men, without making any defence, took the perhaps safer path of repentance and threw themselves upon the mercy of the court based upon their past service and character. Yet the minutes of the cases examined here show that it is often senior seamen and marines or petty and warrant officers who provided much of the testimony at trial, not commissioned officers. As well, the organisation of the men occasionally emerges in testimony, as one of the goals of the prosecutor in serious cases of mutiny and mass desertion was to determine ringleaders, to

¹³² Neale, *Cutlass and the Lash*, 196-8.

¹³³ Ibid.

¹³⁴ Gaskill, *Crime and Mentalities*, 24.

¹³⁵ See Appendix 1.

prove that a conspiracy had been developing. Equally, the men testifying would be attempting to disprove their involvement in such a conspiracy, in part by distancing themselves from its leadership, and hence often revealed details of organisation and planning while painting others in these roles.

There are also problems of deconstructing language, the tone and gesture absent in recorded testimony, and the question of whether such minutes are simply shorter abstracts of lengthier and more complex original testimony, letters and depositions.¹³⁶ Despite concerns about whether such minutes faithfully recorded the voices of the lower decks, and over potential biases of class and status, such testimony can from time to time also provide examples of Scott's "hidden transcript". This could include what was said among the men themselves in their hammocks, at their duty stations, and elsewhere as events unfolded prior to a mass desertion or mutiny. Therefore, minutes can provide evidence of less overt acts as well as the "public transcript" of open resistance.

Ship log books provide a similar set of problems. Stating that they are sparse in content and offer only the view from the quarterdeck, Vickers believes they are difficult to use to establish what the customary level and effect of summary discipline actually was, as much of it may not have been recorded at all.¹³⁷ For desertion, logs are equally capricious in their content, as it does not seem to have been standard practice to record details of desertion events, unless there was some extraordinary event associated with them, such as the theft of a ship's boat, or an armed attempt to search for and recover the runaways. Weekly accounts and muster and pay books are usually much more useful, at least for noting desertions if not for detail, while log books can, from time to time, provide additional context and detail.

With regard to summary punishments, Wareham believes that log books, which he sees as generally unreliable sources to begin with, are even more so with regard to noting details of offences. Punishment information could be recorded differently between different log books – either between the master's and captain's log, or the rough version of either and their clean copy forwarded to London. This may have been because the logs were not written up daily, and punishment information was less critical to the safety of the ship than that of course, wind, and weather, so may have been entered some time after the fact. The captain's log was not

¹³⁶ Gaskill, *Crime and Mentalities*, 24-5.

¹³⁷ Vickers and Walsh, *Young Men and the Sea*, 235.

always actually written by the captain, but more likely by his clerk or another member of the crew, and captains might have blindly signed off on it without a close inspection of the contents. From the logs examined in the ship samples herein, it seems that many captains' logs were simply copies of the fair copy of the master's log book, with much of the detail removed, with the fair copy of the master's log likewise being a simplified version of the rough working copy, which has not always survived. It is also clear for the ships examined here that some captains may have suppressed details of their punishments, while masters generally did not.¹³⁸

Other problems include non-standard recording of the names of offenders, and differences in recording the severity of the punishment. Wareham believes it is not clear if the logs record the number of lashes ordered for an offence, or the number actually inflicted on an offender. He maintains it was common practice to order small numbers of lashes in units of six up to twenty-four lashes, and thereafter in dozens, but that it is impossible to know whether a surgeon intervened in a punishment and reduced the actual number of blows suffered.¹³⁹

Disciplinary records such as courts martial transcripts or ship log books are either the tip of an iceberg of destroyed or lost records, or the exceptions to the rule, representing abnormally harsh or relatively rare disciplinary action.¹⁴⁰ Even if they are the latter, as Gaskill points out "...crime offers a way into mentalities in that its records shed light not just on criminal justice, but hidden realms of experience."¹⁴¹ While it may be true that most seamen and marines, for example were never tried for a capital crime at court martial, and that it is dangerous to draw conclusions and make assumptions on a relatively small number of what were possibly extraordinary events, the records of such crimes can reveal the core values of the

¹³⁸ Wareham, *Star Captains*, 219-20.

¹³⁹ Ibid.

¹⁴⁰ Vickers and Walsh, *Young Men and the Sea*, 234-5. Neale argues that court-martial records are biased, and that such cases represent the tip of the iceberg in the Royal Navy. He believes there is "a general tendency for collective protests to disappear from other records", as captains who dealt with such protests without a trial would be unlikely to mention it in official correspondence, nor would it be noted in a ship's logbook. Rodger argues the opposite case. Neale, *Cutlass and the Lash*, 196-7; Rodger, "Stragglers and Deserters". The truth probably lies somewhere between the two extremes. This author has found cases where serious collective protests did not go to trial, such as the *Latona* mutiny in 1797 - see M. Hubley and T. Malcomson, "'The People, from being Tyrannically Treated, would Rejoice in Being Captured by the Americans': Mutiny and the Royal Navy during the War of 1812," in *The Apathetic and the Defiant: Case Studies of Canadian Mutiny and Disobedience, 1812-1919*, ed. Craig Leslie Mantle, (Kingston, ON: Canadian Defence Academy Press, 2007): 36-51, or a mutiny on the *Swan* sloop in 1776 (discussed in Chapter 8). These were mentioned in either or both logbooks and official correspondence, as were many of the events discussed herein. This does not disprove that other such incidents were concealed deliberately or downplayed in the records.

¹⁴¹ Gaskill, *Crime and Mentalities*, 20.

shipboard community, possibly of the larger naval station or service it was part of, or even of society as a whole.¹⁴²

While some scholars maintain that even if one could determine where surviving records fall on this scale, the frequency or severity of punishment would provide little information on the nature of discipline at sea, as if the purpose of discipline was to create a sense of terror, its universal application was not required.¹⁴³ That said, there are still some conclusions that can be gleaned from such an analysis in our context. These include such themes as whether more terror was required to maintain discipline aboard one vessel than another, or on one naval station than another; what effect that may have had upon desertion rates and sense of identities; and providing an indication that perhaps more brutal or more humane officers were present at certain times and places based upon the evidence of the disciplinary records.

Thus, these judicial sources can still be useful, and provide more objectivity than many of their critics may contend. As Gaskill posits, even completely objective texts are not always clear in meaning because of their context and concerns of language, but this has always been “the occupational hazard of the historian”. Like justices of the peace, naval officers were likely to behave more “indifferently than manipulatively” when it came to presiding over summary and capital punishments and recording proceedings. Even if elite interests were threatened in a serious mutiny or the like, “...there is a danger of equating representations of power with its efficacy”. This is particularly the case in the early modern context, where the dominant message was often reinterpreted in popular culture for local uses.¹⁴⁴ What they can do is illuminate snapshots of daily life aboard ship which may be suggestive of a broader mental world. Responses to crimes:

...produced a wide range of meanings in the creative spaces between what we have come to think of as opposing discourses and traditions: legal and illegal, central and peripheral, public and private, formal and informal, sacred and secular, literate and oral, patrician and popular, male and female, and medieval and modern. As a consequence, these offences allow us to observe mentalities in action...¹⁴⁵

A narrow focus on select crimes such as desertion and mutiny is particularly well-suited for

¹⁴² Ibid.

¹⁴³ Vickers and Walsh, *Young Men and the Sea*, 234-5.

¹⁴⁴ Gaskill, *Crime and Mentalities*, 25-6.

¹⁴⁵ Ibid., 28.

building such a picture from the snapshots available.

The problems of sources such as log books and court martial minutes for examining punishment and discipline in its maritime context can also be mitigated by what Daniel Vickers referred to as “looking at it from the side”. Punishments described in passing in first-hand accounts and other sources by officers, seamen or marines can be used to help establish what was considered customary discipline and acceptable, and what was considered extraordinary. Similarly, punishments that were described more dramatically in such documents or those that created a situation of immediate discontent, rage or confrontation – such as a mutiny or mass desertion, for example – can be used to help evaluate what was considered to be exceptional or tyrannical disciplinary methods.¹⁴⁶ Looking at such processes “obliquely” can also lead to a discovery of an event’s significance that contemporaries may not have seen.¹⁴⁷

Impressionistic sources, by their very nature, can be problematic in their use. Although relatively few first-hand accounts of seamen have survived, the debate over their utility and accuracy as historical evidence seems to be in inverse proportion to the number of surviving manuscripts, particularly for those manuscripts that were published by or on behalf of the author. These accounts vary greatly in quality and suffer from many of the same methodological issues as other forms of oral history, as those historians who have edited collections of them have shown. Particularly before 1800, only a relative few common seamen and marines left their thoughts and experiences in letters, journals or other records, and as Gaskill has argued for the lower orders ashore, the “...thinking of the majority is usually only apparent in their recorded behaviour.”¹⁴⁸

Rodger generally discounts the reliability of many of the first-hand accounts from the lower deck. He claims that many of the common seamen were “illiterate” and “unlettered” and notes “...they appear in the historical record mainly through the observations of their superiors and others, as well as the artificial circumstances of lawsuits and courts martial.” Rodger points out that most memoirs come from the end of the eighteenth century, during the time of the French Wars. With very few exceptions, he claims they were written long after the fact and

¹⁴⁶ Vickers and Walsh, *Young Men and the Sea*, 235.

¹⁴⁷ Gaskill, *Crime and Mentalities*, 18.

¹⁴⁸ *Ibid.*, 17.

that they “...are less impartial chronicles of time past than contributions to the religious, social or political debates of the 1830s and 1840s. Historians have for long used them with more eagerness than discretion.”¹⁴⁹ Rodger sees the Spavens account as an exception to the above, but his own edited version of this journal contains no detailed footnotes or other comments like those in the Nichols or Nagle edited editions with regard to the verification of events. For many older and less well-known narratives published in the nineteenth century or earlier, no verification at all has yet been undertaken.

Other accounts fall somewhere between these extremes. Those who recorded their experiences often based them on private journals or wrote them down immediately after the events which they describe took place. Because of this, such narratives often contain more detail and are generally more accurate than those written long after the event, often in an effort to rescue their author from poverty or indebtedness in the failing years following their retirement from a life at sea. These sometimes tend to be less reliable or have gaps or omissions in their narrative. Some authors of both types of accounts have axes to grind, and “...wear their grievances in scars across their backs and frequently expound on the injustice and arbitrariness of the Royal Navy's strict disciplinarians.”¹⁵⁰

Paul Gilje has undertaken an extensive survey of the literature produced by two generations of American seamen, from both the colonial period and that of the early Republic. He sees most of these works falling within two waves of maritime literature. The first occurred during the early republic when events from the Revolutionary period were recorded soon after they transpired. These works often highlighted the importance of sailors to American independence, or focused on the moral evils of slavery or impressment. The second wave, which appeared during and after the War of 1812, often focused on the suffering of and atrocities committed towards seamen, making “the whole ordeal from 1775 to 1815... one

¹⁴⁹ W. Spavens and N.A.M. Rodger, *Memoirs of a seafaring life: the narrative of William Spavens, pensioner on the Naval Chest at Chatham*, (Folio Society, 2000), vii-ix. This was also the earlier view of H. Baynham, *From the Lower Deck: The Old Navy 1780-1840*, (London: Hutchinson, 1969), 3-4. It is interesting to note that Rodger's views on the literacy of seamen evolved, as he later contends that most seamen were literate. Rodger, *Command of the Ocean*, 212.

¹⁵⁰ D. King and J.B. Hattendorf, eds., *Every Man Will Do His Duty: An Anthology of Firsthand Accounts from the Age of Nelson*, (New York: Henry Holt, 1997), xxv-xxvi and J.C. Dann, ed., *The Nagle Journal: A Diary of the Life of Jacob Nagle, Sailor, from the Year 1775 to 1841*, (New York: Weidenfeld & Nicolson, 1988), xii-xvi. Other useful compilations of surviving first-hand accounts include Baynham, *From the Lower Deck*, and idem, *Before the Mast: Naval Ratings of the Nineteenth Century*, (London: Hutchinson, 1971).

story celebrating the creation of the nation as those who had lived through the experience slipped away.” Works published in the 1830s and 1840s built on the earlier efforts of social reformers by focusing on the plight of the sailor, and rejecting a romanticized ideal of Jack Tar. Many narratives often carried subtle or not so subtle messages of evangelical-driven social reform such as temperance and the need for religion. Gilje maintains the demand from common seamen for the rights of man, as ideas of liberty from the American Revolution made their way onto the lower decks, took root from the spread of such literature. Many post-Revolution accounts focused on complaints about punishments and treatment by the navy, and comparisons between slavery and naval service. Flogging was now equated with a form of medieval torture, and the same themes could be found among the accounts of merchant sailors from this period.¹⁵¹ Yet as long as these shortcomings are kept in mind, such accounts are often invaluable in revealing life on the lower deck, particularly where the events they describe and the details contained in their narratives have been verified by the editors of later editions.

The private journals and letters of officers can also be revealing as they often offer insights into views held towards their men, or the nature of authority, discipline and order (or disorder) on board ship and in the navy and society more broadly. Personal and private recollections of the secretaries of station commanders in North America can also be useful.¹⁵² These private views may not otherwise be evident in their corresponding official correspondence, as we shall see.¹⁵³ The same care must be used with these first-hand accounts as with those of seamen. They were written for many purposes, and often intended for eventual publication.¹⁵⁴ Some were composed with the verdict of history in mind, such as the memoirs of George Cranfield Berkeley, published when he prematurely believed he would never again

¹⁵¹ Gilje, *Liberty on the Waterfront*, 242-7.

¹⁵² E.H. Tatum Jr., ed., *The American Journal of Ambrose Serle*, (San Marino, CA: The Huntington Library, 1940).

¹⁵³ The most remarkable find of such a private officer's journal pertinent to the subjects discussed in this dissertation has to be that of Wareham's re-discovery of the multi-volume private daily journals of Admiral Sir Graham Moore - Wareham, *Frigate Commander*, . Another important volume is that of R.M.S. Pasley, ed., *Private Sea Journals, 1778-1782*, (London: 1931).

¹⁵⁴ Such as the unpublished Alexander Colville memoirs, the memoir of Sir George Collier, or the autobiography of Andrew Snape Hamond. S.G. Collier, *A Detail of Some Particular Services Performed in America, during the Years 1776, 1777, 1778, and 1779*, (New York: Ithiel Town, 1835); W.H. Moomaw, "The Autobiography of Captain Sir Andrew Snape Hamond, Bart., R.N., 1738-1828, Covering the Years 1738-1793" (M.A., University of Virginia, 1953).

receive a naval command and was planning to retire.¹⁵⁵ Others certainly had specific agendas behind their creation such as that of Samuel Graves, recorded with the intention of publication to defend a besmirched reputation.¹⁵⁶ In sum, first-hand accounts of officers and men are as complex as the experiences of men at sea as a whole. They need to be read in depth and breadth, and in relation to each other and sources such as outsiders' contemporary accounts and views of naval life, to fully understand those experiences. They should not simply be dismissed as unreliable.

With the reader now armed with the background of the voluminous historiographies related to this topic, the methodological frames of reference for this study, and a general understanding of the primary and secondary sources which underpin them, the arguments outlined above will be substantiated through a mixture of chronological and thematic approaches. Let us now turn to the broader examination by outlining the views and perceptions of identity in the Georgian Royal Navy, and how such perceptions affected the negotiation and renegotiation of authority in the Wooden World of the North American squadron, and thereby influenced seamen's views on the legitimacy of that authority. This includes views held by seamen, marines and their officers, both of themselves and of each other.

¹⁵⁵“ Biographical Memoir of the Hon. George Cranfield Berkeley, Rear Admiral of the Red Squadron”, (London: I. Gold, 1804) .

¹⁵⁶ British Library (hereafter BL), Add Mss 14038, The Conduct of Vice Admiral Samuel Graves in North America, 1774-1776, Vol. 1.

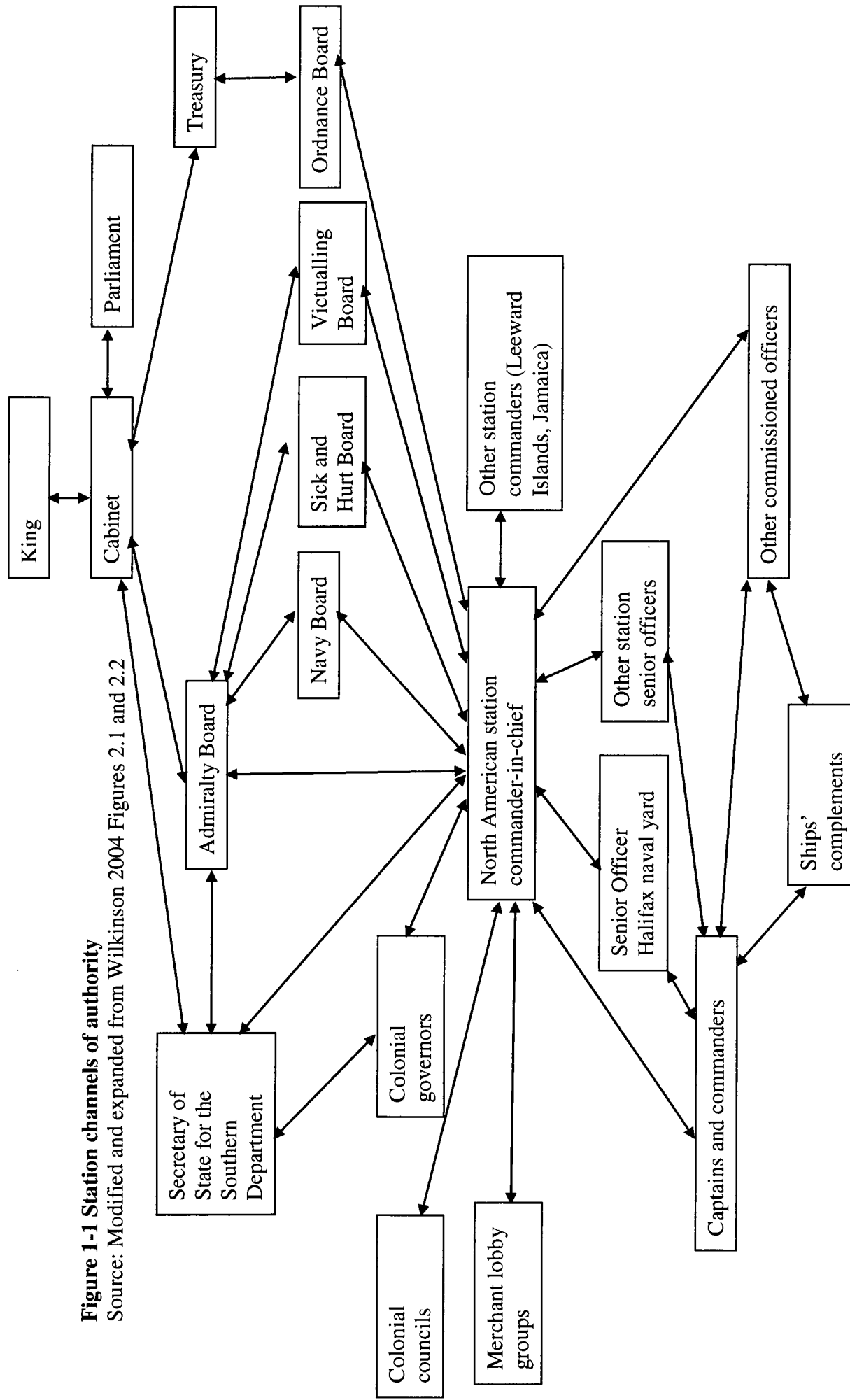


Figure 1-1 Station channels of authority

Source: Modified and expanded from Wilkinson 2004 Figures 2.1 and 2.2

CHAPTER 2

“THE MOST OUTRAGEOUS SET OF PEOPLE THAT EVER LIVED”¹: IDENTITY AND THE ROYAL NAVY IN NORTH AMERICA, 1745-1812

Before moving on to quantitative analyses of the ethnicity of men on the lower decks of the North American squadron in the chapters that follow, it is necessary to examine the attitudes towards and between seamen and officers of different ethnicities and races in the Royal Navy. Individuals can have one or more of many identities, and can change between them as required depending upon context and who they are representing or dealing with. These include national, ethnic, regional, and community-based identities, among others.² As described by Benedict Anderson *et al*, all of these categories generally correspond to social, cultural or territorial communal units of different scope, some similar in dimension and representation, others overlapping or differing completely, and which exclude other groups.³

Britishness and British identity

Stephen Conway suggests that ships' crews "...acted as ethnic melting pots and can be regarded as truly British institutions." Before 1763 he believes that "...a unifying sense of Britishness made only slow and fitful progress towards capturing hearts and minds", less evident than "...persistence of localism and the continuing appeal of older national loyalties." Conway finds Linda Colley's argument on the importance of wars against Catholic France and Spain in creating a sense of British identity more persuasive when applied to the war of American Independence and the Napoleonic wars.⁴ Yet one could also make the case that after 1775 the "pull" factor of America and American concepts of liberty and republicanism may have worked to vitiate any sense of Britishness on the lower decks of the Royal Navy, particularly for ships operating in the waters along the North American coast. While some seamen may have acquired a sense of a British imperial or national identity from their naval

¹ G. Williams, *An Account of the Island of Newfoundland, with the Nature of its Trade, and Method of carrying on the Fishery...to which is Annexed a Plan to exclude the French from that Trade*, (London: W. Owen, 1765), 16, referring to the Irish fishermen in Newfoundland.

² Including confessional, institutional, cultural, social, and personal. Connors and Falconer, "Cornering the Cheshire cat", 105-6.

³ *Ibid.*: 96.

⁴ Conway, *War, State and Society*, 216. and *idem.*, *The British Isles*, 166-8, 86-8.

service, others might have resisted such a concept - even among those serving on the same ship and under the same officers.⁵

Other historians have demonstrated that Conway and Colley's argument in this regard may be somewhat over-generalised. For example, Andrew Mackillop emphasises the ambivalent views among British army recruits in the Scottish Highlands towards volunteer military service. While a sense of Britishness may well have been a motivation for or a result of such service, "...involvement in the army did not necessarily serve to generate an exclusively or even predominantly 'British' outlook, especially if what is meant by Britain is an ever closer domestic Anglo-Scottish union as opposed to the wider empire." Mackillop sees two forms of Britishness arising from military service: a local "core" loyalty created from service in the more popular volunteer movements; and a broader imperial one, centred on less popular service in the line regiments on the borderlands of empire. Neither entirely supplanted pre-existing Scottish, regional, or local identities, and in some important ways reinforced them, even during what is seen as the crucible of British nationalism, the French wars between 1793 and 1815.⁶

Service in the navy could also have similar effects on identity formation and conception, and did not simply result in a heightened sense of Britishness at this time. Much of the literature on Britishness and British identity has been criticised because of the difficulties of wrestling with what contemporaries believed Britishness was, for neglecting concepts of differentiated Britishness, and for omitting an examination of how Englishmen viewed these concepts.⁷

Paul Langford stresses how the English did not universally welcome Britishness, even though it was often compatible with other possibly conflicting identities and loyalties. While the 1707 Union of England and Scotland may have "...stimulated a commitment to a wider British identity..." it did not erode the language of Englishness, nor change any perception of

⁵ Including English seamen. The key argument here is that of the Colley rebuttal piece 'Which Britons?' in Thompson, *Making History: Writings on History and Culture*, pp. 319-29. Thompson proposes 'boundaries of national consensus' within which popular radicalism also occurred. The British peoples were sometimes highly loyalist and sometimes less so, and the notion of one British nation need not contradict arguments about 'Two Nations' of class. This argument, and the notion of the meanings of British identity and patriotism being contested and challenged in the public sphere, and the necessity of examining them within specific contexts, has been further expanded in the naval setting by Jenks, *Naval Engagements*.

⁶ A. Mackillop, *More fruitful than the soil : army, empire and the Scottish Highlands, 1715-1815*, (East Linton: Tuckwell, 2000), 232. He also makes the case that the type of military service was also key to identity.

⁷ Connors and Falconer, "Cornering the Cheshire cat", 103-5.

what it meant to be English. Many Englishmen and women were reluctant to view themselves as South Britons. Britishness itself did not appear as an expression in contemporary dictionaries until 1805, while the term “un-English”, a form of Othering, was in use since at least the 1660s.⁸ Langford reveals how the terms “British” and “English” were not only used interchangeably by foreign travellers, but how their usage by the English themselves essentially translated into one meaning – that of Englishness:

It is difficult to discover any alleged British characteristic that does not in practice coincide with an alleged English characteristic. Nor is it easy to find any supposed characteristic of one of the so-called Celtic nations that was not specifically contrasted with an English characteristic.⁹

Englishmen and women therefore used English character after 1707 to erode Celtic efforts to determine British characteristics of Britain, and the term “British” was predominantly utilised and appropriated by the English in such a patronising fashion.

While subsequent chapters will examine in quantitative fashion the recording of identity on official naval records such as muster books and pay books, this chapter focuses on a qualitative discussion of the attitudes that seamen of different ethnicities expressed towards each other. Each approach represents one of the few ways of “getting inside their heads” and illuminating just how important ethnicity, local and regional identities, and nationality were to the self-identity of seamen, even as late as the turn of the nineteenth century. How did officers, seamen and marines self-identify while on board ship? How did others identify them? What role, if any, did a super-imposed “Britishness”, with its notions of the “true British seaman” or British “Jack Tar”, play in the minds of these men? Did such concepts evolve or change from earlier English concepts, or did Britishness in the post-1745 sea service simply equate to Englishness? Did such conceptualizing of the identities of seamen, of either the self or others, change over time, and if so, how? These questions will be considered in the pages that follow, as this section contributes to the growing literature in the field of British identity. Thus, it concentrates upon the mental worlds and *mentalité* of those labouring for the Royal Navy in the North Atlantic in the age of sail. One of the first questions we must then address is how these sailing communities saw and defined, and perhaps redefined, themselves.

⁸ P. Langford, *Englishness identified : manners and character, 1650-1850*, (Oxford: Oxford University Press, 2000), 12-3.

⁹ Ibid., 14.

To attempt to answer such questions is in and of itself problematic, for numerous reasons. Many such attempts to date rely upon the external identification of individuals by others, rather than the actual internal view of that individual's own self-perception and whether seamen actually identified themselves with Britain. Both external and internal attitudes varied greatly depending upon time period, context, and the individuals involved, and could often be contradictory or what one author has termed "multi-faced", as individuals could often refer to local, regional, national, supra-national, racial, religious or other identities in the same passage of text, or even the same breath.¹⁰

One example of such an individual was Edward Thompson, an aristocratic English naval officer who served as a lieutenant on board the *Dorsetshire* in August 1756, during the Seven Years' War in North America. Thompson held what today would be seen as rather bigoted and racist views towards various ethnicities, including towards his English officer colleagues of lesser, non-aristocratic status. In his personal correspondence, Thompson regularly compared his Scottish seamen, and the Scottish and Irish planters he dealt with during his voyages through the Caribbean and America to criminals and Negro slaves, with the Scots coming off the worse.¹¹ Perhaps unsurprisingly given such attitudes, Thompson met with difficulties from his own seamen. In the same letter, he describes events that occurred while at New York when he decided to go off fishing in one of the ship's boats. While enjoying his no-doubt well-deserved leisure time some three leagues from the ship, all ten men of the boat's crew jumped Thompson. The crew tied him up, and then debated whether they should throw him overboard. They eventually decided to row ashore and abandoned their lieutenant, tied up on the beach, as they ran off into the woods and deserted. Two of the seamen, perhaps feeling some remorse for their act and fearing what might happen if they were recaptured, came back to free Thompson and returned to the *Dorsetshire* with him.¹²

The case of Lieutenant Thompson perhaps represents an extreme example of such attitudes in the naval service. Yet it serves well to illustrate the concept – even Thompson held

¹⁰ D. Horsbroch, "'Tae See Oursels as Ithers See Us': Scottish Military Identity from the Covenant to Victoria 1637-1837," in *Fighting for identity : Scottish military experience c. 1550-1900*, ed. Steve Murdoch and Andrew Mackillop, (Leiden: Brill, 2002), 111.

¹¹ Letter XXIII to G.T. Esq, Antigua, September 22 1756 in E. Thompson, *Sailor's Letters written to his select Friends in England during his voyages and Travels in Europe, Asia, Africa and America from the year 1754 to 1759*, 2 vols., vol. 2, (London: T. Becket et al, 1766), 12-3. In a poem apparently written in June 1757, a black slave is discussing his plight, claiming his rights to be treated as a man, and proclaims that "'The world was made for Scots and NEGROES too!'" to a Creole planter. Thompson, *Sailor's Letters II*, 45-6.

¹² Letter XXII to H.M. Esq., New York, August 15, 1756 in Thompson, *Sailor's Letters II*, 6-7.

paradoxical views at times, as when in one letter he referred to the men on one ship on which he served as being "...fired with the truest British courage..", which apparently he did not see as being incompatible with his views of the Scots outlined above.¹³ Officers such as Captain George Brydges Rodney while in America in 1749 held similar strong views towards Irish seamen, and later the Americans. No doubt there were other officers with equally bigoted views of seamen, and even of other brother officers of different ethnicity or race, just as there were officers who viewed and treated all of their men more equitably regardless of their place of origin or the colour of their skin.¹⁴ The following pages will examine some of these attitudes, and later chapters will consider in greater detail their consequences for seamen serving in the ships of the North American squadron at this time when dealing with the issues of authority and resistance, discipline and desertion, and their implication for the maintenance of social order on board ship.

In general, many of these attitudes had their origins in English views of the "Other".¹⁵ Peoples on the frontier of empire were generally seen in both aristocratic and popular culture, as enemies; ignorant; animals; or all of the above, whether Celtic, Native American, or Asian. Even English attitudes towards allies and colonists from the metropole were often ones of condescension or the "noble savage" variety. For example, the English generally thought of the Gaelic Irish as barbarous and uncivilised ("wood-born savages" and "dung-hill gnats", according to one seventeenth century poem), and they tended to extend these attributes to all inhabitants of the country, even those who were British and Protestant in origin. Scottish highlanders were seen "as a wild, primitive people, almost a different race." The Welsh, for whom the sobriquet "Taffy" was the equivalent of the Irish "Paddy", were generally seen in English eyes as at best devious and at worst devious thieves. Black Africans were generally viewed as the most primitive and animal-like of the frontier savages, but even an African slave in the West Indies could be viewed by some Englishmen as being more civilised or higher in

¹³ No doubt this is one case where one should read "English" for "British". Letter XXXVIII To H.M. Esq., off the Port of Brest, July 23, 1759 in *Ibid.*, 116.

¹⁴ Little systematic analysis has been done in this context – some recent work examining discipline and authority touches on evolving humanitarian and more professional attitudes of commissioned officers towards their men, but does not discuss the influence of ethnicity or identity on social order, for example: Wareham, *Star Captains*, 202-27; Malcomson, "Creating Order and 'Disorder'", 117-206, 63-303; Slope, "Manning, Training and Development", 318-80.

¹⁵ B. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, (New York: 1991).

status than a “Celtic scallag”.¹⁶ While such feelings may have been stronger in English popular culture, they were certainly not absent from aristocratic circles. The latter at best dismissed such prejudices as a sign of the ignorance of the lower orders, and at worst participated wholeheartedly in it. Concepts of English gentility often prevented even the elites from the Scottish, Welsh or Irish gentry from being accepted fully in polite English society. It is important here to clarify how commonly held such views were within the multi-ethnic naval service, and how concepts of Britishness from the point of view of English officers and seamen often simply equated to Englishness and the supposed value and importance of English character.

Some scholars argue that it is necessary to think in terms of both shifting imperial frontiers, as well as of multiple frontiers of empire to understand English attitudes to “the Other”. Imperial encounters often occurred in cultural “points of contact” which were interrelated but require separate analysis to properly understand. In this context the squadrons of the Navy itself, particularly those on foreign stations, could be seen as such a “contact arena”, in several fashions.¹⁷

Language was one such point of contact. The names of subject peoples such as the Welsh were often changed by themselves or others as a means of incorporation within the large superimposed imperial identity, i.e. “called after the English fashion, John Jones”. The muster and pay books recording a man’s official entry into the sea service could have been one manner of achieving such Anglicisation.¹⁸ Similarly, identifying a seaman as a North or West Briton on such official records served analogous purposes, either as a voluntary means of self-identification or as a method of enforced Anglicisation by the purser or other official maintaining the ship’s books. Slave names assigned to escaped or free blacks who entered Royal Navy vessels would be another cruder, imposed example.¹⁹

The development of hybrid languages from cross-cultural contact, such as various pidgin and creole tongues, and the introduction of foreign words to English, was no doubt also

¹⁶ Various derogatory terms as cited and described in Bailyn and Morgan, eds., *Strangers within the Realm*, 18 and Langford, *Polite and Commercial*, 323-9, 513-8.

¹⁷ The terms “contact zone”, or “contact arena”, is used here in the cross-cultural sense outlined by Bailyn and Morgan, eds., *Strangers within the Realm*, 22 and L. Colley, “The Significance of the Frontier in British History,” in *More Adventures with Britannia*, ed. Wm. Roger Louis, (Austin: University of Texas Press, 1998).

¹⁸ Bailyn and Morgan, eds., *Strangers within the Realm*, 22-3.

¹⁹ C. Foy, “Hidden Lives: Elderly Cooks, Powder Boys, and Fugitive Slaves among Eighteenth Century Anglo-American Naval Crews,” in *United States Naval Academy 2007 Naval History Symposium* (Annapolis, Md.: 2007).

present in the naval maritime vocabulary, as can be seen by a simple perusal of one of the many contemporary marine dictionaries, such as Falconer's, in use in the eighteenth century. One might even make the case that the naval service, a cross-cultural institution in its own right, where many imperial and foreign seamen had little or no knowledge of English whatsoever, had its own pidgin language, and needed to have works such as Falconer available as a means for newcomers and outsiders to decipher it.²⁰ Similarly, such exchanges occurred in the naval context in the realms of economy and material culture, with the adoption by the North American squadron of New England schooners,²¹ French ship designs from prizes,²² spruce beer and sauerkraut in Nova Scotia and Newfoundland as scurvy preventatives,²³ and many other such cultural adaptations.²⁴

While religion is seen by some historians as the most important "contact arena" in cultural terms during this time period, warfare and the technological and military superiority of the English and other Europeans was also crucial to identity formation. The ordinary restraints of civility were often abandoned in already violent societies on the frontiers and borderlands of empire, where the centrality of a ruthless use of sea-based force drove early American colonisation and development. The experience of such violence, and the authority which governed it, could influence men's sense of identity, particularly within the enclosed

²⁰ Bailyn and Morgan, eds., *Strangers within the Realm*, 24, 85-6 and W. Falconer, *An Universal Dictionary of the Marine*, 4th ed., (New York: Augustus M. Kelly, 1780 [1970]). See Scott, "Common Wind", 59-113 and I. Land, "The many-tongued hydra: sea talk, maritime culture, and Atlantic identities, 1700-1850," *Journal of American & Comparative Cultures* 25, no. 3/4 (Fall 2002):412-7 on the importance of the cultural adaptation of language between slaves, creoles and sailors in the Atlantic world, and its importance to identity formation.

²¹ There was a near-constant lament from almost every station commander in North America to the Admiralty regarding shortages of ships, given the demands placed upon them both by London as well as additional requests from local colonial governors, in time of both war and peace. The requirements of climate and geography in America were also important here, with small manoeuvrable vessels needed to work into inlets and bays and up rivers. The rigging and sails of schooners could be worked from the deck and men would not have to go aloft in cold or stormy weather risking frostbite or other injury. Given the often lukewarm response of the Admiralty Board to such requests, this resulted in two often repeated local initiatives, of leasing or building local schooners and other small vessels for use by the squadron, and of surveying and buying prizes into the service, the expenses for both of which were charged to the Navy Board. Schooners of the Marble Head design seem to have been preferred and highly praised for their abilities in American waters in the former case, and almost any French prize in the latter. Of numerous examples, see BL, Add Mss 14038, Conduct of Graves I, S. Graves to Stephens, Boston, 8 Aug 1774, on the suitability and need for New England schooners.

²² Similarly, see NMM, WAR/12, John Borlase Warren papers, Warren to Masters, Boatswains Carpenters and Sailmakers of the *Swiftsure* and *Horatio*, and Storekeeper and Master Shipwright of the Bermuda Yard, 10 May 1809, for one of many such purchases of French prizes into the service on the North American station.

²³ Possibly adopted from the experience of the army in North America during the Seven Years' War, see Charters, "Disease, war, and the imperial state", 13, 35-6.

²⁴ For an overview of the Royal Navy as an arena of cultural interchange more broadly at home in the British Isles, see M. Lincoln, *Representing the Royal Navy: British Sea Power, 1750-1815*, (Burlington, VT: Ashgate, 2002).

community of a ship. In the British context, global warfare and the Royal Navy itself has always been a central theme in the forging of a “super-imposed” British identity and patriotism in the eighteenth century, and even more so into the nineteenth century itself. It is somewhat ironic too that Scottish and Irish individuals were often the driving forces advocating or striving towards a more developed British national consciousness. Yet regional and ethnic identities could also lead to rejection of a British imperial identity or a differentiated “Britishness”, particularly as the Irish and the Americans became increasingly assimilated with empire, and desired more control over the processes of that assimilation and acculturation. More and harsher exemplary discipline was also sometimes needed on the naval peripheries of empire to maintain social order and the authority of the officers, particularly in times of imperial upheaval - such as the American revolutionary period, the 1794 unrest in Ireland following the French Revolution, the years surrounding the 1797 mutinies at Spithead and the Nore, and the 1798 Irish uprising.²⁵

Similarly, the enforcement of the English legal system in its nautical species was another “contact zone” of the public realm for cross-cultural exchange which could impact identity. The legal codes governing pressing and press gangs, desertion and other crimes aboard ship, and the punishments imposed for the latter, as well as local Vice Admiralty courts could be seen as both instruments of colonisation, and also as arenas within which it was possible to construct and reconstruct English, and later British, imperial identities. Yet local context and contingency was the main governing factor in all of these points of contact.²⁶

This chapter concentrates upon national, ethnic, and regional attitudes between the men onboard ship. Although ethnicity or national origin may sometimes equate to a sense of identity, this is not always the case, particularly when individuals could and did often simultaneously possess several identities in the British imperial context as Colley suggests, and when these categories often blurred around the edges. As Colin Kidd and others have shown, there are also anachronistic definitional issues with ethnicity, and thinking in the more modern terms of English, Scottish, Irish, etc. Our conception of ethnicity today is quite different from the contemporary eighteenth-century usage in the Atlantic world, which often emphasized religious and theological differences more than racial, national or cultural ones,

²⁵ For a fuller discussion of these issues, see: Marshall, “Empire and British Identity”; Bailyn and Morgan, eds., *Strangers within the Realm*, 12-3; Conway, *The British Isles*; and idem., *War, State and Society*.

²⁶ Bailyn and Morgan, eds., *Strangers within the Realm*, 25-7.

and which had religious scripture as the basis of ethnic definition and social order. These distinctions evolved and were overlaid with more strongly racial ones. The latter had always been present and reinforced by religious belief concerning blacks, but became much more predominant in defining other ethnicities and nationalities by the nineteenth century.²⁷

Religious identities, often intertwined with ethnic and racial ones, were also present afloat in the sea service, where officers could not even hold command unless they followed the precepts of the Test Act until its repeal in 1829. Still, as N.A.M. Rodger notes, until recently there has been relatively little learned analysis of this element of maritime life. One study on the chaplains of the navy,²⁸ an unpublished thesis on religion and the navy in the navy between 1750 and 1870 which focuses mainly on the role of Evangelicalism,²⁹ and a short overview by Rodger himself on the role and effects of the naval chaplain in the eighteenth century are the key works touching on this theme.³⁰ Rodger believes that regular divine service aboard ship was a rarity into the 1770s. In 1777, only seventeen ships, usually larger sail of the line, had chaplains as part of their official complement, in no small part because many officers then were anti-clerical, while the blasphemy and behaviour of the seamen and marines often drove many a chaplain to another life ashore. Some took up more utilitarian roles as schoolmasters or admiral's secretaries aboard ship. One such was Nathaniel Cotton, the chaplain of Rear-Admiral Durrell's flagship the *Princess Amelia* at Halifax, Nova Scotia. Cotton passed the winter months of 1758-59 assisting with planning the assault on Canada and recruiting seamen while his ship was frozen up in the ice of Halifax Harbour.³¹ In Rodger's view, it was only after the experiences of the French Revolution and the mutinies of 1797 that officers began to address moral concerns more seriously aboard ship, making the chaplain's role gradually more important. By 1804 a renewed Evangelical influence began to make itself

²⁷ C. Kidd, *British Identities before Nationalism: Ethnicity and Nationhood in the Atlantic World, 1600-1800*, (Cambridge: Cambridge University Press, 1999); idem., "Ethnicity in the British Atlantic world, 1688-1830," in *A New Imperial History*, ed. Kathleen Wilson, (Cambridge: Cambridge University Press, 2004); and idem., *The Forging of Races: Race and Scripture in the Protestant Atlantic world, 1600-2000*, (Cambridge: Cambridge University Press, 2006).

²⁸ G. Taylor, *The Sea Chaplains: A History of the Chaplains of the Royal Navy*, (Oxford: 1978).

²⁹ R. Blake, "Aspects of Religion in the Royal Navy, c.1750 - c.1870" (M.Phil, Southampton, 1980). Blake has recently expanded and published some aspects of his research in a monograph which appeared too late to be included in the final version of this dissertation – see R. Blake, *Evangelicals in the Royal Navy, 1775-1815: Blue Lights and Psalm-Singers* (Woodbridge: Boydell and Brewer, 2008).

³⁰ N.A.M. Rodger, "The Naval Chaplain in the Eighteenth Century " *British Journal for Eighteenth-century Studies* XVIII (1995):33-45. There are also small sections on the role and duties of a chaplain in Rodger, *Wooden World*, 23-6 and Lewis, *Social History*, 250-5, but oddly no discussion in Lloyd, *The British seaman*.

³¹ Rodger, "Naval Chaplain", 34-7.

present among senior officers at the Admiralty Board and elsewhere, and "...a climate of moral and religious opinion was to develop which took the chaplain seriously, at least as an aid to good order and naval discipline..."³²

Political identities at the national or supra-national levels could still be balanced with ethnic and religious diversity. In the context of the early modern British Isles, there could even be different types or levels of "Britishness" super-imposed within national or regional boundaries.³³ Some contend that in the early modern period it is more useful to think in terms of regional identities - Scottish Lowlands and Highlands, the west of Ireland, the border counties of England and Wales, the West Country of England, individual colonies, etc. - rather than national or ethnic boundaries, as social entities did not always neatly map to the latter.³⁴ As identity was often tied to small local communities or clans, they would argue that perhaps it may be more appropriate to think in terms of allegiance (or loyalty or patriotism) rather than identity.³⁵

While there are subtle distinctions between allegiance and identity, the concepts often overlap as well, and have a chameleon-like nature. These distinctions could be particularly convoluted for seamen, an already transnational workforce, during times of war or unrest, such as before and during the American Revolutionary war period when concerns over the loyalties of men serving in the navy were heightened. Paul Gilje proposes in the context of colonial American seamen, that these loyalties "...had complex and contradictory meaning depending upon individual and context." Sometimes seamen focused on their own individual concepts of liberty and loyalty, but on other occasions these could be overtaken by larger events occurring in their lives and around them. Many American seamen served both the Royal and American navies as well as in privateers or letters of marque on both sides of the conflict over American independence. Some had little qualms with volunteering for such service, some were pressed

³² Ibid., 40-1.

³³ For the complete historiography of identities and nationalism in the context of the early modern British Isles, how the discourse of imperial history has often forced British historians to wear "ethnic lenses", and the effect on both British and other national histories, see Connors and Falconer, "Cornering the Cheshire cat".

³⁴ Bailyn and Morgan, eds., *Strangers within the Realm*, 20.

³⁵ A. Mackillop, "The Political Culture of the Scottish Highlands from Culloden to Waterloo," *Historical Journal*, no. 46 (2003):531. Similarly, Kidd argues that in the eighteenth century, "...patriotism did not yet have a predominantly ethnocentric meaning; rather it was associated with ideals and practices which held universal appeal. These included the right of free people to govern themselves, to raise their own taxes, and to enjoy the benefits of civil liberty." C. Kidd, "North Britishness and the Nature of Eighteenth-Century British Patriotism," *The Historical Journal* 39, no. 2 (Jun 1996): 362.

and became resigned to a life in the navy at least until an opportunity to escape presented itself, while yet others switched sides on numerous occasions as they were captured, paroled, recaptured and reentered in service again, ad nauseam.³⁶

Gilje believes that personal and regional allegiances to individuals and home towns were often as important as national or international ones, which also complicated questions of loyalty and allegiance:

...sailors felt strong attachments to shipmates and to hometowns. These bonds rarely interfered with the prosecution of the war; most of the time they merely preoccupied individual tars with personal loyalties that obscured the larger cause of American independence.³⁷

Allegiances to and patronage by specific officers, the constant turnover of men between ships, and disputes between ship's complements were often the most common of these personal loyalties. Such loyalties could interfere with operations when crews protested the decisions of others which affected them.

These personal allegiances form part of what Gilje portrays as multiple layers of "contradictory obligations". Many Americans, seamen in particular, were not overly patriotic in the years following 1776. Their commerce and fisheries and sometimes even their home communities had been devastated by a particularly brutal form of amphibious warfare. Privateering or naval service, with any party involved in the conflict, often offered the only means to make a living, or perhaps a fortune in prize money. This concern with the profit motive influenced attitudes towards military service and patriotism, and men often saw themselves as contracted workers rather than seamen patriotically fighting for liberty in the American case or king and country in the British.³⁸ If the ship itself can be seen as a community similar to a parish within which seamen formed one of several allegiances and identities, and perhaps even as their primary identity, men generally would not want to leave this community unless they had some valid reasons in their mind, no matter how trivial, whimsical, or serious, to do so.

³⁶ Gilje, *Liberty on the Waterfront*, 97-9.

³⁷ Ibid., 109-10.

³⁸ Ibid., 110-1. See Vickers and Walsh, *Young Men and the Sea*, for a detailed study on the origins of the contract law surrounding relationships between maritime masters and their seamen. See F. Anderson, *Crucible of War: The Seven Years' War and the Fate of Empire in British North America, 1754-1766*, (New York: Alfred A. Knopf, 2000) for the similar views of American soldiers at this time.

These conflicting loyalties and identities may have been even more prominent at sea for other reasons as well. Throughout the entire period under examination, when a sailor signed on board a merchant vessel of any nationality, the ship's articles were considered a business contract. When men were not happy or perceived that their contract was being violated, they deserted or mutinied.³⁹ Although the Royal Navy did not follow the practice of the American continental and state navies, which used the same commercial precedent of signing seamen on under such articles, the men who served on the lower decks of the ships of the North American station would certainly have been aware of these concepts. In the Royal Navy, seamen signed aboard and served for the duration of the commission of the ship during peacetime, and until the end of a war during conflicts, regardless of length.⁴⁰

With the aforementioned caveats in mind, ethnicity and national identity remain useful categories of analysis, particularly when linked to the experience of authority that seamen encountered and endured on board ship. As we shall see in the chronological chapters which follow, from 1765 onwards the terms Ireland, Scotland, America, etc. were often used on ship's muster books in addition to, or indeed, in lieu of, a locality or parish to indicate a non-English seaman's place of birth on contemporary records. Interestingly "England" was never recorded as the place of birth of an English sailor, which was always noted by county or community. As terms such as English, Irish, Scottish and others were also used regularly by officers, seamen, and marines in contemporary speech and writing to identify each other and to self-identify themselves, they are not as anachronistic as some claim. In addition to ethnic/national identity, this thesis takes into consideration the regional and community nature of some identities by presenting quantitative analyses of the origins of the seamen and marines of the North American squadron by region, county and parish.

³⁹ Vickers and Walsh, *Young Men and the Sea*, 215-25. In many ways, this long maritime tradition, which drew upon the contractual law surrounding master-servant relationships ashore in early modern England, may have created a sense of "contractual militarism" among naval seamen, particularly volunteers. Such a feeling was possibly similar to that found among Scottish Highlanders serving in the military, with obligations and duties of the informal "contract" of naval service, and the consequences of breaking it, specified and understood by both parties. A. Mackillop, "For King, Country and Regiment?: Motive and Identity within Highland Soldiering, 1746-1815," in *Fighting for identity : Scottish military experience c. 1550-1900*, ed. Steve Murdoch and Andrew Mackillop, (Leiden: Brill, 2002), 208.

⁴⁰ Rodger, *Wooden World*, 113.

Irish identity

As it seems to have been most common for many officers to hold strong views about Irish seamen and their loyalty or patriotism, particularly in the last decades of the eighteenth and at the turn of the nineteenth centuries, it is with the Irish that we will begin our exploration of these matters. While much has been written on the Irish role in the composition of the English and then British crown's land forces in Ireland,⁴¹ relatively little has been published on the role played by the Irish in the Royal Navy in the eighteenth and early nineteenth centuries.⁴² What has been written focuses mainly on subjects such as the raising of men for the sea service in Ireland, the use of Cork and other localities for victualling, and the supposed involvement of the United Irishmen in the mutinies at Spithead and the Nore in 1797, Bantry Bay in 1799, and perhaps elsewhere. It seems that the current historiography favours the view that any such role was likely much smaller than originally believed. Anthony Brown believes that the Nore mutiny's ringleaders may have been more influenced by the republican ideas of American seamen than those of the Irish.⁴³ There may have been a certain affinity of views between American and Irish seamen involved in mutinies on board ships in North America in the eighteenth and early nineteenth centuries also.⁴⁴

Long before the Spithead and Nore mutinies of 1797 and the Irish uprising of 1798, both of which had dramatic effects on the views of officers towards Irish seamen in the service, passions over Irish identity ran high in the navy. Captain George Brydges Rodney, Governor of Newfoundland and station commander on the Newfoundland station of the Royal Navy in 1749, noted that "...the great number of Papists employed..." in the fisheries of that colony were, in his view, "...most notoriously disaffected..." and thus unsuited for use in the naval

⁴¹ For the most part it is the Irish contribution to the English and British armies, and the question of the loyalties of Irish forces therein, which has received attention in newer works, for example: T. Bartlett, "Indiscipline and disaffection in the armed forces in Ireland in the 1790s," in *Radicals, Rebels & Establishments*, ed. Patrick J. Corsh, (Belfast: Appletree Press, 1985):115-34.

⁴² There is little mention of Ireland's role in naval victualling, financing and manning in K. Kenny, ed., *Ireland and the British Empire*, (Oxford: Oxford University Press, 2004). These are mentioned only in passing in the newest volume of the most recent scholarly history of the Royal Navy: Rodger, *Command of the Ocean*, 437-8, 44-8, 57, 67-8, 530-1. For the role of Ireland's parliament and Irish seamen in supporting the Royal Navy see R.B. McDowell, *Ireland in the Age of Imperialism and Revolution 1760-1801*, (Oxford: Clarendon Press, 1979), 493-6 and P.M. Kerrigan, "Gunboats and Sea Fencibles in Ireland, 1804," *The Irish Sword* XIV (1980-81):188-91.

⁴³ N.A.M. Rodger, "Mutiny or subversion? Spithead and the Nore," in *1798: A Bicentenary Perspective*, ed. Thomas Bartlett, et al., (Dublin: 2003):549-654; A.G. Brown, "The Nore Mutiny - Sedition or Ship's Biscuits? A Reappraisal," *The Mariner's Mirror* 92, no. 1 (2006):60-74; E.H. Stuart Jones, "Mutiny in Bantry Bay, 1799," *The Irish Sword* 1, no. 3 (1952-53):203-9.

⁴⁴ See Chapter 8.

service. Rodney also believed this made the seasonal cod fisheries unsuitable as a nursery for seamen.⁴⁵ The outspoken admiral also held similarly strong views on the political tendencies of Boston merchants from his time in Newfoundland.⁴⁶ David Syrett argued that Rodney's views of the Newfoundlanders "...would colour and influence Rodney's opinion of all Americans for the rest of his life."⁴⁷ Rodney's attitudes towards the Irish and Americans were by no means exceptional. Similar views were common in metropolitan English society in the eighteenth century,⁴⁸ and were held by several senior army and navy officers in Newfoundland and on the North American station.

A British army officer who had spent time in Newfoundland during the Seven Years' War expressed even stronger views on the large numbers of the Irish Catholics there. Captain Griffith Williams saw them as "...the most outrageous Set of People that ever lived..." and argued that "The *Irish Romish Catholics* are useful as Servants, but very dangerous in that Part of the World, when in Power..." due to the chance that they might ally with French Catholics.⁴⁹

Another army captain, John Knox, was a perceptive commentator on military and naval affairs in Nova Scotia during the Seven Years' War. Knox noted in his journal that the troops stationed at Fort Cumberland, despite being predominantly "Hibernian", were "...strangers to national reflections, that they are not even heard of among the private soldiers; and I could wish they were as sensibly and politely avoided by all other ranks of people."⁵⁰ It is unclear whether his omitting any mention of the navy was deliberate. Given the often tense relations between the army and navy in colonial Nova Scotia, and the importance of the latter to communications and trade between the various isolated communities of that and other eastern seaboard colonies, it is quite possible that the comment was intended as a slight towards the

⁴⁵ TNA:PRO, ADM 1/2382, Rodney to Cleveland, 7 Sept. 1749, *Rainbow*, Saint John's [St. John's Nfld.] Harbour, reproduced in D. Syrett, ed., *The Rodney Papers: Selections from the Correspondence of Admiral Lord Rodney, Volume I, 1742-1763*, (London: Ashgate for the Navy Records Society, 2005), 138-9, Letter No. 248.

⁴⁶ K. Breen, "George Bridges Rodney, Lord Rodney," in *Precursors of Nelson: British Admirals of the Eighteenth Century*, ed. Peter Le Fevre and Richard Harding, (London: Stackpole Books, 2000), 230.

⁴⁷ Syrett, ed., *The Rodney Papers: Selections from the Correspondence of Admiral Lord Rodney, Volume I, 1742-1763*, 125-6.

⁴⁸ See, for example, Langford, *Polite and Commercial*, , Figure 5 (b) 'Paddy on Horseback'.

⁴⁹ Williams, *Account of the Island of Newfoundland*, 16. See also J. Mannion, "'... Notoriously disaffected to the Government ...' British allegations of Irish disloyalty in eighteenth-century Newfoundland," *Newfoundland Studies* 16, no. 1 (2000) and Bannister, *Rule of the Admirals*, on general attitudes to the Irish in Newfoundland at this time.

⁵⁰ C.J. Knox, *Historical Journal of the Campaigns in North America for the Years 1757, 1758, 1769, and 1760: Containing the Remarkable Occurrences of that Period; Particularly the Two Sieges of Quebec, &c &c.*, 2 vols., (London: W. Johnston and J. Dodsley, 1769), 228

sea service. Sir George Collier, a Scot commanding naval forces at Halifax during the latter stages of the American War, noted that his army colleague in Halifax, the Irish Major-General Massey, with whom he had many disputes, behaved with "...fawning Civility which the lowe Irish frequently practice and which is so fulsome and disagreeable."⁵¹

Such views mirrored those in English society, which had evolved from the sixteenth century attitudes of Edmund Spencer and others into the nineteenth century. These generally viewed the Irish as lacking in civility, due to their unimproved agricultural society and Catholic religion. Such a society lacked the English values of a proper understanding of the right to property and the rule of law, which some have argued formed the basis of the English definition of "the Other" throughout their empire in later years.⁵² Yet such views should not be held up as either accurate or entirely representative of all officers in the navy throughout this period, many of whom were Irish themselves. Admiral Sir Peter Warren was portrayed in print as an "Hibernian Hero" in 1745 when he led the squadron that took part in the attack on Louisbourg, as can be seen in Figure 2-1.⁵³ The creation of such "warrior-heroes" among the non-English forces of the empire could also be portrayed as both a desire on their part to "...demonstrate either their loyalty to or equality within the empire..."⁵⁴ as well as a means of propagating a broader sense of Britishness for political purposes.⁵⁵ Brown estimates that between 1793 and 1815 some 650 naval officers either were born in Ireland, or had married into Irish families, while Michael Lewis believes that Irish-born sea officers composed around twelve percent of the naval service's commissioned officers in that period.⁵⁶

⁵¹ NMM, JOD/9, The war in America, 1776, Sir George Collier journal. On the critical importance of the station ships of the Royal Navy and subsequent development of the formal North American squadron for the functioning of the communications, administration, transportation and logistics of the Nova Scotia colony, as well as its defence, see W.A.B. Douglas, "Nova Scotia and the Royal Navy, 1713-1766" (Ph.D., Queen's University, 1973).

⁵² T.R. Metcalf, *Ideologies of the Raj*, vol. III.4, (Cambridge: Cambridge University Press, 1997), 1-6.

⁵³ For personal and naval biographies of Warren see J. Gwyn, *The Enterprising Admiral: The Personal Fortune of Admiral Sir Peter Warren*, (Montreal: McGill-Queen's University Press, 1974) and idem, *Admiral for America*.

⁵⁴ Mackillop, *More fruitful*, 225.

⁵⁵ Colley, *Britons*, 177-93.

⁵⁶ A.G. Brown, "The Irish Sea-Officers of the Royal Navy, 1793-1815," *Irish Sword* 21, no. 86 (1999):393-429 and Lewis, *Social History*, 73-8. N.A.M. Rodger, "The Douglas papers," in *The Naval Miscellany*, (London: Allen & Unwin for the Navy Records Society, 1984) discusses the ethnicity of seamen in two samples of ships on the Plymouth station in the 1770s and at the turn of the nineteenth century, but has little to say with regard to officers or attitudes towards ethnicity or identity. His quantitative ethnicity analysis and conclusions will be discussed in more detail and in comparative context with the North American station in Chapters 4 and 6.

In July 1786, Sir Graham Moore was serving as a lieutenant of the *Perseus*, under Captain Palmer, at Douglas on the Isle of Man.⁵⁷ Palmer, spotting an Irish revenue cutter flying the unofficial pennant of the Irish Revenue Service, ordered Moore to take a boarding party across and remove it. Moore's "...request that the flag be removed was taken as an affront to the national pride of the cutter's crew. Moore took one look at the furious seamen of the cutter, gathering solidly behind the vessel's master, and the small group of inebriated men from the *Perseus*, and decided that withdrawal was the prudent option."⁵⁸ While serving at Halifax, Nova Scotia in 1789, even the more enlightened Moore seems to have felt obliged in his journal to point out which Irishmen among his fellow commissioned officers were "honest". As Moore did not seem to feel the need to use this adjective to describe other ethnicities, perhaps in general he thought many Irish were not.⁵⁹

By April 1793, Moore, then a post-captain on the *Bonetta* sloop, was in Waterford, Ireland, waiting to escort a convoy to Newfoundland. He found himself "...inundated with hopeful young Irish volunteers, wishing to escape the threat of poverty or starvation on land." Moore was suspicious of them. Few were seamen, and he believed many held secret grievances against government. While generally welcoming of men who complained openly about a grievance, which Moore saw as a sign of their belief or confidence in their commanders, nevertheless, as a captain he "...did not want men in his ship who would be afraid to come forward with problems, nor did he want an undercurrent of simmering resentment to infect the rest of the crew." Even so, Moore recruited some "tolerably good hands'" from among the Irish for the passage to St. John's. Still, three men deserted the *Bonetta* while at Waterford, and a marine drowned in the harbour while trying to swim to shore.⁶⁰

Between 1794 and 1796, Moore served in the Channel as captain of the *Melampus* frigate. He remarked of its crew that:

There is much of the true spirit of English sailors in the *Melampus*, I observe a marked difference in their making sail when they have the idea of a chase...to make up for this noble ardour, they are intolerable drunkards, but I am sure they would fight. We have a great many Irish on board, I am very well pleased to have some from that soil as I think they bring a degree of gaiety and fun with them

⁵⁷ Moore later served extensively in North American waters, and will reappear throughout this study.

⁵⁸ Wareham, *Frigate Commander*, 8-9.

⁵⁹ *Ibid.*, 22-4.

⁶⁰ *Ibid.*, 63.

which enlivens and keeps up the spirits of the Johns. But I always wish the greater part to be English and Scotch.⁶¹

It is interesting to note Moore's use of the term "English" rather than "British" to describe his ship's complement (and his seamen as "Johns", not "Jacks"). Moore's views on the Irish as seen here are a recurring theme in his private journal. After the death of his ship's Irish armourer in May 1799, Moore fondly reminisced about the warrant officer, but noted he could never cheer up the man. The armourer had changed "...from being a daring licentious wild Irishman, become a poor chicken hearted creature. I am of opinion that the Irish, although brave and impetuous are much inferior in fortitude to the English and Scotch. They sink under adversity and are deficient in passive courage and firmness."⁶²

Similarly, the account of an anonymous seaman, "M.C.", onboard the *Agamemnon* at Corsica in 1796, notes another fashion in which the identity of Irish seamen in the navy could be undermined. The carpenter's second mate on the *Agamemnon* was an Irishman, one Pat McGuire, a "merry fellow" and a bit of a ladies' man. "M.C." believed that McGuire was one of the most able seamen in the fleet. When McGuire was given a relatively cushy assignment to supervise the removal of civilian goods from Corsica, the other men aboard criticised him, one exclaiming "'What can you expect of an Irishman? - They were never able seamen; they're of no use on board, unless it be to act as washerwomen.'"⁶³ This attack on both ethnicity and masculinity may have been more common than has been recorded for posterity in surviving accounts of life at sea. Jokes or threats concerning the manhood of a seaman threatened the heterosexual identity and masculinity of sailors, as they generally had, in the view of Paul Gilje, "...developed a notion of manhood that reflected both working-class and youth culture that emphasised proficiency at skilled labor and heterosexual prowess." Such jokes or insults also risked associating men with the serious acts of buggery or "unnatural crimes" while aboard a Royal Navy vessel, and the horrible punishments which could be inflicted for them. It is no coincidence that one of the most common oaths used on board ship when angry with an individual, used by both officers and men, was that of calling someone a "Damn'd Bugger".⁶⁴

⁶¹ Ibid., 114.

⁶² Ibid., 200-1.

⁶³ King and Hattendorf, eds., *Every Man*, 61-2.

⁶⁴ Gilje, *Liberty on the Waterfront*, 35ff. This is essentially the thesis of other historians as well including A.N. Gilbert, "Buggery and the British Navy, 1700-1861," *Journal of Social History* 10, no. 1 (1976):72-98; D. Cordingley, *Heroines & Harlots: Women at Sea in the Great Age of Sail*, (2001); and E.

Shortly after the second Spithead mutiny, as the fear of unrest on naval vessels rose and discipline was tightened, the *Melampus* and two other frigates were ordered to sea and paid, which resulted in mass drunkenness and disorder on board the vessel. By 11 o'clock that night, Moore recorded that only twenty of his men were sober, while the Irish seamen, of which he had a large proportion, were spending much of their time boxing, dancing, and singing. Yet he did not believe that this behaviour made his Irish seamen "disposed to Mutiny".⁶⁵ Such statements illustrate the often complex and conflicted views held by naval officers on ethnicity and national identity of the Irish, views which were brought with their vessels to North American waters.

Newfoundland comprised its own naval command separate from the North American station. Despite the views of Rodney and others, it was often used to raise men for both its own ships and the chronically undermanned North American squadron. Large numbers of Irish likely entered the vessels of the Halifax station in this fashion, both in the eighteenth and into the nineteenth century. For example, in October 1775, Captain Henry Bromedge of the *Savage* sloop, stationed in Nova Scotia, sent an itemized account of expenses that he hoped to recover from the Admiralty Board, including £21 15s for the cost of raising volunteers and entering seventy men at an open rendezvous at St. John's, Newfoundland.⁶⁶ In November 1795, the then North American station commander, Vice-Admiral George Murray, wrote from Halifax to Evan Nepean at the Admiralty that it was a "...very arduous task to raise men in this country [Nova Scotia] and that none are to be had but Irish men." One of Murray's captains, John P. Beresford, himself an Irishman, had managed to raise 160 men in Nova Scotia. Murray ordered him to Newfoundland to complete his complement and to return with extra men for other ships of the Halifax squadron. Murray had faith in this particular captain to complete such a task "...owing to the national partiality of the Irish to Captain Beresford."⁶⁷ As late as

Sager, *Seafaring Labour: The Merchant Marine of Atlantic Canada, 1820-1914*, (Montreal: 1989), 239. Gender identity is in general beyond the scope of this dissertation. One of the more detailed studies is that of I. Land, "Domesticating the Maritime: Culture, Masculinity and Empire in Britain, 1770-1820" (Ph.D., University of Michigan, 1999).

⁶⁵ Wareham, *Frigate Commander*, 130.

⁶⁶ TNA:PRO, ADM 1/1497, Bromedge to Admiralty, *Buffalo* at St Helen's, 20 Jun 1777.

⁶⁷ LAC, ADM 1/493, Murray to Nepean, 2 Nov 1795, ff. 286-7. Such efforts were not always successful and sometimes complained of by the Newfoundland station commander. For other examples of the use of Newfoundland to man the vessels of the North American squadron in both Halifax and Québec, see: BL, Add Mss 21800, Frederick Haldimand Papers, Correspondence with Officers of the Royal Navy, 1778-1784, Edwards to Haldimand, 18 July 1780, ff. 161-4; Edwards to Haldimand, 17 Sept. 1780, f. 184; Haldimand to Edwards, 26 Sept. 1780, f. 186; and Gwyn, *Frigates*, 51-2, 94, 100, and 30.

August 1810 the station commander in Nova Scotia, Sir John Borlase Warren, was still sending his ships from Halifax to St. John's with orders to "...use every endeavour to raise Seamen..." for the North American squadron. This indicates at least a regional importance of the Grand Banks fisheries to the Royal Navy as a pool of available men who had at least been to sea for an under-manned squadron, if not a nursery of trained seamen.⁶⁸

Yet such measures were not always successful, depending as they did upon demand for seamen and the state of war or peace with its consequent influence upon merchant seamen wages. In 1810, Warren sent the *Plumper* brig to St. John's to raise men for the North American squadron from the fisheries and merchant vessels there, but the senior officer at St. John's, Captain John Allen of the *Franchise*, directed the *Plumper* to return to Halifax. Allen wrote to Warren informing him that the Newfoundland squadron itself was short of men thanks to high merchant seamen wages in St. John's. Having been only able himself to raise one seaman over a two-week long effort for his own vessel, Allen believed the *Plumper* would likely lose more men to desertion in Newfoundland than she would gain from pressing or volunteers, adding that "all the men employed in this trade, with very few exceptions, are protected from the press."⁶⁹

The aftershocks of the 1797 mutinies and the Irish uprising of 1798 were felt in North American waters, but despite much fear, there was little unrest in the navy there. A brief single-ship mutiny on the recently arrived *Latona* frigate in St. John's, Newfoundland, although raising concerns about a wider mutiny on that station and ashore among the garrison, was more about every-day grievances of seamen and appears to have had little, if any, Irish or

⁶⁸ NMM, WAR/13, Warren to Frissel, Halifax, 26 Aug 1810. The debate over the role of Newfoundland as a nursery of seamen for the navy was first outlined by Graham in G.S. Graham, "Fisheries and Seapower," *Report of the Canadian Historical Association for 1941* (1941) and several later works, and has been expanded upon by, among others, D.J. Starkey, "Devonians and the Newfoundland Trade," in *The New Maritime History of Devon: Volume 1: From Early Times to the Late Eighteenth Century*, ed. Michael Duffy, et al., (London: Conway Maritime Press in association with the University of Exeter, 1992):163-71; Rodger, *The Insatiable Earl*, 62-3; J. Dull, *The French Navy and the Seven Years' War*, (University of Nebraska Press, 2005); and most recently, K. Mercer, "Nursery of Seamen: Naval Impressment and the British-Newfoundland Fishery, 1699-1815," in *Newfoundland Historical Society* (St. John's, Nfld.: 2008). Graham, Dull and Mercer essentially see the Newfoundland fisheries as an important naval resource for providing trained sailors manning the navy, primarily via impressment, until at least the turn of the nineteenth century and the decline of the "by-boat" fishery. Dull also believes they were a valuable bargaining chip for France in peace negotiations with Britain. Rodger downplays their importance and the skill levels of the seasonal fishermen. In his eyes, the skill set of fishermen was not directly transferable to serving as an able-bodied seaman in the navy without additional training and experience.

⁶⁹ Allen to Warren, 6 Sept 1810, cited in Mercer, "North Atlantic Press Gangs", 318-9.

other political involvement.⁷⁰ Several unsuccessful attempts to set fire to the Halifax yard in 1799 were at first blamed on the United Irishmen. Given the importance of the careening yard to the navy as the only dedicated facility in North America for graving, cleaning and refitting ships, the attempted arsons created an “ethnic panic” among the authorities. Steps were taken to “...clear the town of a great number of the prisoners in it...” as many of them were suspected of Irish political connections. The events later were revealed as the apolitical acts of a solitary local lunatic, although it took until 1802 for this to be fully proved.⁷¹

The absence of actual unrest seems to have been in contrast to the experience of vessels serving on the Irish station closer to the 1798 Rebellion itself, which created disciplinary problems and more problems of desertion on vessels such as Sir Graham Moore’s *Melampus*. A seaman sent ashore in the launch at Wexford was abused by the complement on his return, and when questioned by Moore could not or would not reveal why. While punishing another man the same day for drunkenness and disobedience, Moore addressed the crew on this incident. He supposed “...that we had some villains in the ship who wished well to the cause of these Rebels and Murderers...” and stated that he had “an indifferent opinion” of the victim himself, because he had not provided the names of his abusers or the reason for it. Moore informed his crew that he:

...had long known we had a set of villains in the ship, but at the same time I was convinced that the great body of the Ship's Company were good men and good subjects, and it particularly became the duty of every good English man or good Irish man, to bring forward any Rascal whom they should ever hear making use of any language of that nature, which was most disgraceful to the ship and injurious to our Country.⁷²

The captain noted he would give a “severe account” to any man who behaved in that fashion and hoped “the People” would also. The abused man himself was Irish, turned over from another vessel in a group of Irish mariners. Yet Moore was not overly concerned about

⁷⁰ See Hubley and Malcomson, “The People”. There was probably some United Irish influence, but not direct involvement, in unrest ashore in Newfoundland in 1800. See Mannion, “...Notoriously disaffected”.

⁷¹ NMM, JOD/147/1-2, Diary of James Ogilvie, Administrator of Cape Breton Island, with notebook, 1798-1800, entries for 12-15 Aug 1799; Wentworth to Hobart, 10 Sept 1802, in Harvey, ed., *Calendar of Legislative Papers, NS, 1802-15*, p. 25 and Gwyn, *Ashore*, 143-4. Wentworth reported that a boy recently convicted for theft had cleared up the mystery of the 1799 fires at the careening yard, and that the person responsible was now dead. The boy himself, who may also have been involved, was sent out of the province, as there was not enough evidence to convict him at trial.

⁷² Wareham, *Frigate Commander*, 153-4.

them as “...they are few in number and not at all leading men.” Wareham notes the event was additionally sensitive due to rumours of Irish dissidents among the crews on the Cork station who planned to seize ships. Moore refused to believe such rumours, as he thought the proportion of Irishmen in the complements of the vessels on the station were too small to undertake major uprisings. Moore did accept that some Irish seamen might have taken the oath of the United Irishmen before entering navy ships. While he thought these men would be likely to join a political mutiny, Moore did not believe they would risk death by hanging by leading one. Moore considered his command was relatively safe from such a threat given his belief that only small numbers of United Irishmen were present on the lower decks, while he felt that non-Irish seamen were unlikely to join in any such attempts. Moore, again intermixing his use of “English” and “British”, noted that “... British Seaman will not easily be induced to join the cause of the Irish Rebels, which is avowedly that of the French.”⁷³ Moore commented in his journal on the increased desertion on the *Melampus*, which lost six men in the three months following the rebellion. He found it:

...very distressing to me, as I do not believe any Officer treats the men under his command with more kindness than I have always done, and those men in particular have been more indulged than any others. I have come to a determination never to forgive any man who leaves a boat, and on no account to pardon Desertion, which has prevailed to a very great degree in the *Melampus* ever since I have commanded her.⁷⁴

Thus, it would seem that attitudes towards identity could also strongly affect an officer's views on desertion and straggling.

Many seamen seem to have held equally varied and often conflicted and ambiguous attitudes towards the Irish as their officers. William Spavens, an English sailor who served during the Seven Years' War, wrote of his experiences in 1796. Spavens perceived the Irish as “...courteous and humane...but when provoked, they are fierce, cruel, impatient of revenge, bloody and well-nigh savage; not regarding the life of a man more than that of a beast, or even

⁷³ Ibid. Moore generally seems to have believed that the Irish uprising was not motivated by any sense of Thomas Paine's *Rights of Man*. He believed the main motivation for the rebels were tithes to Protestant clergy, other religious grievances and what he termed “stupidity”, i.e. Irish Catholic fear of the Orangemen. idem., *Frigate Commander*, 162.

⁷⁴ Wareham believes these deserters may have been United Irishmen, but undertook no muster analysis for any ships in his study, so is unable to prove if they were Irish. Wareham, *Frigate Commander*, 157.

a reptile of the most malignant nature.”⁷⁵ Andrew Sherburne, an American-born privateers-man taken prisoner by a Newfoundland privateer in December 1780, saw the Devon and Irish inhabitants there as:

Newfoundlanders (for I am inclined for the present, to forbare calling them English, or the Irish)...They were chiefly west countrymen, and Irishmen; rough, and quite uncultivated, and were in a state of complete anarchy; there was neither a magistrate or minister among them; they appeared very loyal, however, to his majesty.⁷⁶

An old Jerseyman fishing master argued for Sherburne and his fellow American prisoners to be put to death, but the views of the “well-educated English lady” who oversaw the community of Grandbank where they had first been taken eventually saw him safely to the hands of a sergeant’s guard of Scottish Highlanders in Placentia in May 1781.⁷⁷

A Scottish cooper serving on board the *Surprise* in Newfoundland during the American War also noted the situation of the Irish inhabitants there. John Nicol viewed the local Irish as “...the wildest characters man can conceive...The respectable inhabitants are thus kept under a sort of bondage to this riotous race.”⁷⁸ Nicol claimed that ninety men of the *Surprise's* crew, from a complement of 200, were Irishmen. He believed that made that particular frigate's environment “rougher” than the average lower deck. Serving under a captain with strict disciplinarian views at sea, Captain Samuel Reeves, the crew was allowed to let off steam while in port. This often took the form of heavy drinking and mass brawling between the different ethnicities on the lower deck while the officers quietly looked the other way. One day in port after the distribution of prize money, Nicol heard a tumult on deck, came up and saw that:

The crew were all fighting through amongst each other in their drink, English against Irish, the officers mostly on shore, and those on board looking on. I meant to take no share in the quarrel, when an Irishman came staggering up, crying 'Erin go bragh!' and made a blow at me.

My Scottish blood rose in a moment at this provocation and I was as throng as the rest. How it ended I hardly recollect. I got a blow that stupefied me, and all was quiet when I came to myself, the liquor having evaporated from the others, and the passion

⁷⁵Spavens, *Seaman's Narrative*, 35-6, 228-9.

⁷⁶ A. Sherburne, *Memoirs of Andrew Sherburne: A Pensioner of the Navy of the Revolution*, (Utica, NY: William Williams, 1828), 47-8.

⁷⁷ Ibid., 47-55.

⁷⁸ J. Nicol and J. Howell, *The Life and Adventures of John Nicol, Mariner* (Edinburgh: W. Blackwood, 1822), 40-1.

from me.⁷⁹

The Irish seamen of the *Surprise* showed similar gusto when in action with the enemy. Nicol worked serving powder during an engagement with the American privateer *Jason*. During the fight, one Irish gun crew shot the cooper's anvil into the *Jason*, "...making a dreadful hole in its side as they shouted 'Bungs forever!'" After the engagement, an Irish marine was stationed as sentinel over the *Surprise*'s spirit-room but let several men in. Sentenced by court-martial to be hanged, he was reprieved at the moment of execution by the Newfoundland station commander, Vice-Admiral Montagu. Nicol noted the psychological and emotional effect of the last-second pardon on Kennedy, who:

...was sent aboard the *Surprise* more like a corpse than a living man. He could scarce walk and seemed indifferent to everything on board, as if he knew not whether he was dead or alive. He continued thus for a long time, scarce speaking to anyone. He was free and did no duty, and was the same on board as a passenger.⁸⁰

While there are relatively few surviving (and even fewer verified) first-hand accounts by seamen from the lower deck, accounts from Irish seamen are rarer still. One important published memoir is that of Henry Walsh. Walsh was an Irish Catholic farm boy from county Antrim who ran away from home to go to sea. Despite being pressed into the navy in June 1809 in Belfast, his journals seem to indicate no anti-English or anti-Protestant feeling. Walsh's account appears to suggest that Irish seamen only tended to befriend and mix with other Irish seamen while aboard ship, regardless of their religion. Yet, this was not necessarily a sign of any anti-British attitude. Walsh took pride in his service, referring to "...the spirit of an Hibernian when in action..." proving '...a credit to his country.'" Walsh only became concerned about his Irish identity when his ship was ordered into American waters during the War of 1812, causing him to worry that he might have to fight against many of his Irish-American compatriots.⁸¹

⁷⁹ Ibid., 48 and TNA:PRO, ADM 33/270, *Surprise* pay book, 1 July 1776 to 31 Aug. 1777.

⁸⁰ Ibid., 45-7.

⁸¹ T.W. Moody, "An Irish Countryman in the British Navy, 1809-1815: The Memoirs of Henry Walsh," *The Irish Sword* 4 and 5 (1960-62): 155. For an overview of the nature and number of surviving first-hand accounts of seamen, see Chapter 1.

Scottish identity

In the case of Scotland, the 1707 Act of Union allowed Scots to prosper in the imperial arenas of America and the West Indies.⁸² The eighteenth-century Scottish experience after Union appears as a success story, but it also created a crisis of identity. Many Scots were unsure if their homeland was a province, North Britain, or a nation, Caledonia. A Scottish “emigration ideology” was present even before 1707 and resulted in less sense of attachment to their homeland.⁸³ This long experience of migration and foreign activity, combined with an ongoing crisis of identity, might have made the Scottish more open to the “desertion as emigration” route to North America. It may also have led to higher desertion rates among Scots in the navy even while other Scots saw the sea service as a profitable career outlet both socially and financially.

There were also different views of identity between Highland and Lowland Scots, with the former, the bulk of them Catholic, seen by some as being most resistant to Union and incorporation in empire; the latter supposedly more likely to view themselves and to be viewed as patriotic North Britons. For example, one of the leading philosophers of the Edinburgh-centred Scottish Enlightenment, David Hume, thought it was not worthwhile to attempt to write a history of Scotland. Hume instead composed a Whiggish multivolume history of England, focusing on the advancement of English society from barbarity to civilised modernity, via constitutional progression – and then worried that his Scottish nationality might hurt sales of his work south of the border.⁸⁴ The English and many Lowland Scots generally conceived of Highlanders as a more primitive and barbaric race useful as “shock troops” and the “lowest form of colonizers” on the boundaries of empire. Highlanders were perceived as being from a frontier society even in Georgian times. The Society for the Propagation of Christian Knowledge viewed Highlanders in 1748 as uncivilised, while the Reverend John Lane Buchanan, writing in the 1780s, believed that Highlanders laboured longer hours and were treated more poorly than African slaves. Just as there was resentment directed towards Scots thanks to their success and growing influence in the army and in society more broadly,

⁸² Bailyn and Morgan, eds., *Strangers within the Realm*, 68-9. D.J. Hamilton, *Scotland, the Caribbean and the Atlantic world, 1750-1820*, (Manchester: Manchester University Press, 2005).

⁸³ Bailyn and Morgan, eds., *Strangers within the Realm*, 71-7, 90-1 and Colley, *Britons*, 117-32.

⁸⁴ D. Hume, *The history of England, from the invasion of Julius Caesar to the revolution in 1688. In eight volumes*, (London: A. Millar, 1763) and E. Richards, “Scotland and the Uses of the Atlantic Empire,” in *Strangers within the Realm*, 85. For an overview of Hume’s influence, see Porter, *Creation of the Modern World*.

there is little doubt there were similar instances of resentment in the navy. As with society writ large, this was likely particularly the case in the 1760s when anti-Scottish feeling ran high in England given the supposed influence of Lord Bute on the King and the policies of the realm.⁸⁵ Generally, Scots were caricatured as Jacobite Catholics who supported the French and the use of standing armies and, by inference, tyrannical government. In the Bute period, John Brewer argues that Scots were even “...marginally more unpopular than the Jews. To Englishmen of almost every rank the Scot was a contemptible creature...thought to be subservient by nature, he was also deemed totally untrustworthy.”⁸⁶

As with the Irish, there has been relatively little academic research undertaken on the attitudes and role of Scottish seamen who were manning the vessels of the Royal Navy.⁸⁷ This is in stark contrast to the work on Scots in the armies of Britain and the East India Company, Scottish merchants, planters and others in imperial British expansion writ large after the Union of 1707.⁸⁸ Nicol’s narrative is one of the few published and verified Scottish seamen’s accounts. While there are still questions surrounding whether his account was “enhanced” by

⁸⁵ Bailyn and Morgan, eds., *Strangers within the Realm*, 80-9, 95.

⁸⁶ Cited in *Ibid.*, 100, see also J. Brewer, "The misfortunes of Lord Bute : a case study in eighteenth-century political argument and public opinion," *Historical Journal* 16 (1973):3-43. Some argue that the differences between the more Gaelic Highland and more anglicised Lowland Scots have been over-emphasised. In this view, such a focus is seen as a means of putting more focus on Gaelic influences in the development of the British Isles and incorrectly portrays a picture of a pre-union Scotland which lacked a sense of national unity: Connors and Falconer, "Cornering the Cheshire cat" 93-4.

⁸⁷ A.G. Jamieson, "Two Scottish Marines in the American War: The Letters of William and James Home of Broomhouse, 1778-1782," *Mariner's Mirror* 70, no. 1 (1984):53-66. There is no discussion of Scottish seamen in Rodger, *Command of the Ocean*. He examined ethnicity aboard ship in N.A.M. Rodger, "Devon Men and the Navy, 1689-1815," in *The New Maritime History of Devon: Volume I: From Early Times to the Late Eighteenth Century*, ed. Michael Duffy and et al, (London: Conway Maritime Press, 1992):209-15, but does not discuss identity *per se*, nor does he use either in the analysis presented in idem, "Commissioned Officers Careers in the Royal Navy, 1690-1815", *Journal for Maritime Research* (2001). The Rodger and Lewis ethnicity analyses will be discussed in more detail in the chapters that follow. It is interesting to note the place of birth of British admirals of the eighteenth and early nineteenth centuries examined in two recent prosopographic studies. By either chance or choice, of the thirty men examined, twenty-two were English, one Irish, five Scottish, one a Channel Islander, and one born in Jamaica (the son of an English admiral who undoubtedly would have considered himself English). Le Fevre and Harding, eds., *Precursors of Nelson*, and idem., eds., *Contemporaries of Nelson*, .

⁸⁸ For the role of Scots in the land forces of empire see: H. McCorry, "Besides, he was very drunk at the time ...': Desertion and Discipline, North Britain, 1751-1753. Pts. 1-5," *Journal of the Society for Army Historical Research* 69; 70; 71; 72 (1992;1993); Mackillop, *More fruitful*; idem., "Political Culture," ; A. Mackillop and S. Murdoch, eds., *Military governors and imperial frontiers c. 1600-1800: A study of Scotland and empires*, (Leiden: Brill, 2003); and S. Murdoch and A. Mackillop, *Fighting for identity : Scottish military experience c. 1550-1900*, (Leiden: Brill, 2002). For the importance of Scottish merchants and planters in the Atlantic world and the empire more broadly see Hamilton, *Scotland*, and Marshall, *Making and Unmaking*, . Hamilton argues that various Scottish networks existed in the eighteenth century West Indies, but they were not exclusive to Scots, and were central to the “forging” of British unity. The pursuit of “imperial gain” bound Englishman and Scotsman together, as the mobility forced upon them by various forms of imperial pursuits “...forced them to live side by side, in the colonies, in the port cities, and in the corridors of power.” Hamilton, *Scotland*, 6-7.

his publisher, it is generally seen as accurate.⁸⁹ Michael Lewis estimates that approximately thirteen percent of the officer corps of the sea service between 1793 and 1815 were Scottish, and simply assumed that the proportions of seamen and marines would be similar to that of the officers. The vast majority of these Scots officers, 154 of 197 in Lewis' sample of 1,500 commissions, were from the Scottish Lowlands, and Scotland's overall contribution per 10,000 of population, 1.22 officers, was almost identical to England's of 1.20.⁹⁰

North Britons

As we shall see in the analyses in the chronological chapters which follow, some men with Scottish birthplaces were noted on ship's books as being from "North Britain". The men originate from many different parts of Scotland, so there is no clear pattern based on county for this usage. It is impossible to know if men were self-identifying themselves in that manner, or if pursers or clerks sometimes simply entered the term on their own initiative. If the men self-identified as North Britons, which is most likely, they perhaps saw themselves as patriotic British seamen.⁹¹ Yet, as will be shown in the chapters that follow, the fact that throughout the entire period examined herein, the vast majority of Scots on the ships' books in the North American squadron were simply identified by the term "Scotland", or more rarely simply by their locality of birth, seems to suggest that a sense of Britishness was by no means a commonplace among Scottish seamen at this time, or foremost among multiple identities. Self-identifying as a patriotic "North Briton" also provided no guarantee against desertion, as several of these men ran from their vessels.

⁸⁹ Some question how much of the original 1822 account is the "unlettered" Nicol's, and how much is that of the man who discovered him living as a pauper on the streets of Edinburgh and assisted him in publishing it, the bookseller John Howell. The 1937 edition argues that the latter's influence was minor, a view generally adopted by later editions. See J. Nicol et al., *The Life and Adventures of John Nicol, Mariner ...*, (London: Cassell & Co., 1937) and J. Nicol and T. Flannery, *The Life and Adventures of John Nicol, Mariner*, (New York: Atlantic Monthly Press, 1999).

⁹⁰ Lewis, *Social History*, 69-73. Lewis did not calculate a contribution per 10,000 of population for Ireland.

⁹¹ For a full discussion of the relationships between North Britishness, Scottish (and Irish) Gaelic identities, empire and patriotisms see: J.M. Mackenzie, "Essay and Reflection: On Scotland and the Empire," *International History Review* XV, no. 4 (Nov 1993): 661-880; C. Kidd, *Subverting Scotland's past: Scottish whig historians and the creation of an Anglo-British identity, 1689-c.1830*, (Cambridge: Cambridge University Press, 1993); idem., "Gaelic Antiquity and National Identity in Enlightenment Ireland and Scotland," *English Historical Review* 109, no. 434 (Nov 1994):1197-214; Kidd, "North Britishness," ; J.M. Mackenzie, "Empire and National Identities: The Case of Scotland," *Transactions of the Royal Historical Society 6th Ser.* 8 (1998):215-31; and P. Langford, "South Britons' Reception of North Britons, 1707-1820," *Proceedings of the British Academy* 127 (2005):143-61.

North Britishness, according to Colin Kidd, was an “emulative patriotism”, an extension of the English concepts of defending the rights of Englishmen. Possessing elements of “concentric loyalties” of Scottish association and participation in the economic benefits of a predominantly English imperial commercial enterprise, while allowing Scots to remain emotionally and culturally attached to Scotland, Kidd stresses that first and foremost it involved the full adoption of an English political identity. Holders of North British identities did not necessarily conceive of a comprehensive and inclusive view of British nationalism, and their sense of “Anglo-Britishness” may have helped check the full development of such an identity. The narrow conception of British nationality as an extension of Englishness held by many North Britons would eventually lead to reactions by and the rejuvenation of more traditional Scottish patriotisms and identities.⁹² In Kidd’s view, “Just as Anglo-Irish and colonial American identifications with English institutions, liberties and values could mutate into demands for nationhood, North Britishness was, at a much lower level of intensity, capable of reviving older forms of Scottish national consciousness.”⁹³

One such North Briton may have been the afore-mentioned John Nicol, whose career provides many insights on identity, desertion and the press gang. Nicol was born in 1755 in Currie, six miles from Edinburgh. He volunteered for the sea service in 1776 after indenturing briefly and unhappily as a cooper, and joined the tender stationed in Leith Roads for pressing men. While Nicol found sea service, at least initially, a joyous experience, he was surprised to find how few men shared his views. The majority of the men aboard the tender were pressed or had been forced into the navy because of “irregular conduct”. Both these latter groups saw the order to make sail as “...the sound of woe, the order that cut off the last faint hope of escape from a fate they had been impressed into much against their inclination and interest....” and were kept under guard below decks.⁹⁴ After service on various Royal Navy vessels in Newfoundland, the St. Lawrence River, the American colonies and the West Indies, much of it on the *Surprise* frigate, Nicol left the navy and worked as a merchant seaman. In constant fear of the press gang, he finally returned to England in 1793, and was considering volunteering for the service again when his Scottish landlord took him to be formally pressed, (as the cooper

⁹² Kidd, “North Britishness,” 362-7

⁹³ Ibid., 367.

⁹⁴ Nicol and Howell, *Life and Adventures of John Nicol*, 23-7.

onboard the *Nottingham*) so as to receive the six guinea bounty allowed the “bringer”.⁹⁵ After visiting the Cape of Good Hope and China, Nicol apparently deserted, perhaps unwilling to serve for the duration of the French Revolutionary war. In 1794, returning from China on a merchantman, despite attempts at both disguise and concealment, Nicol was pressed by the *Venerable* while his ship was in the Downs. He saw this as “...a bondage that had been imposed on me against my will...” with no hope of relief until the end of the war. After being turned over into the *Edgar* (74), Captain Sir Charles Henry Knowles, and rated as part of the gunner’s crew, Nicol adjusted his views, “...and was as happy as a man in blasted prospects can be.” Even though Nicol had no intention of deserting, his officers refused him leave when in Leith Roads as they believed “...it was not safe to allow a pressed man to go on shore at his native place.”⁹⁶

Nicol referred to himself as English several times in his memoirs, while at other times self-identifies as Scottish.⁹⁷ As on the *Surprise* in North America, ethnic identities could also be a cause of conflict onboard the *Edgar*. Nicol recounted that there was at least one other incident of fighting between English and Irish onboard, which was “...held well forward on the deck, and screened by the other seamen so the officers could not see or hear them...”⁹⁸ Nicol, surveyed as unserviceable, was eventually paid off as a ship’s corporal in 1801. Aged forty-six at the time of outbreak of the second Napoleonic war, and with his health recovered, he was “...unable to sleep in his own bed for fear of being pressed.” For eleven years he lived as a fugitive in the far reaches of Scotland (Cousland) yet the aging cooper still remained loyal to Britain, feeling the joy of an old tar at the news of Trafalgar in 1805. This did not make him popular among local quarry workers, who saw heavy wartime taxes and hard times as a major grievance, and were not impressed with the mariner’s defence of life in Britain versus that in China or with slavery in the West Indies. When they learned the press gang was again after Nicol, “...they had a great triumph over me and did not spare their taunts. One would ask what I thought of British freedom; another if I could defend such a government which did such things? ...I told them, ‘Necessity had no law.’”⁹⁹ Despite Nicol’s loyalty as a North Briton, he was refused a naval pension in 1813. Broken and broke, begging on the streets of Edinburgh in

⁹⁵ Ibid., 152-4.

⁹⁶ Ibid., 162-4.

⁹⁷ Ibid., 169.

⁹⁸ Ibid., 177.

⁹⁹ Ibid., 188.

1822 at the age of fifty-eight, he published his remarkable memoirs as a means of subsistence after a chance meeting with a publisher.¹⁰⁰

Another North Briton on the North American station was Admiral Sir Thomas Pasley, who early in his career had commanded several vessels on the coast of North America during the American War, including the *Glasgow* frigate from September 1776. Pasley, like Moore, kept private journals in which he confided his innermost thoughts.¹⁰¹ The *Naval Chronicle* referred to Pasley, a Scot, as “the descendant of an ancient and honourable family in North Britain.”¹⁰² Pasley was extremely religious, and there are constant references throughout his private journals either praying for assistance in difficult situations or thanking God for delivering him, his ship, and his men from them, particularly when his large numbers of his ship’s complement fell ill. It is also clear that to some extent his religious views led him to care deeply for the welfare of some of the men under his command, but that these humanitarian views were also tempered by the racial and ethnic prejudices common in English society.

Pasley’s North Britishness came to the fore when he reassured the *Glasgow*’s crew about the news that they would be heading to the conflict in America by stating:

...it is not a trifling number of more Guns, or Men, that any Yankie may boast above the *Glasgow* that can ensure Victory. No: it is the steady and undaunted courage of true Britons that will shew these Rebels that no superiority can wrest Victory from His Majesty’s Loyal and determined subjects, fighting for their Country and their King.¹⁰³

Pasley’s North British loyalties apparently extended to include rather unkind views of the Irish seamen and marines onboard the *Glasgow*. On 5 March 1780, his chicken coops under the forecastle of the ship having been robbed of seven birds, Pasley turned up all hands and lectured them “...in the strongest terms the infamy and disgrace of such a conduct.” He noted in his journal “There are many good and honest on board, but intermixed with a set of Damned Irish Villains, especially among the Marines.”¹⁰⁴ Pasley returned to that same topic on St. Patrick’s Day, 1780, recording:

I have taken no small pains to banish and turn out of my Ship, at all possible opportunities, Irish men, as I have an exceeding bad opinion of the Lower class of

¹⁰⁰ Ibid., 16-7, 183ff.

¹⁰¹ Pasley, ed., *Private Sea Journals*.

¹⁰² Ibid., 3 and *Naval Chronicle*, December 1800.

¹⁰³ Ibid., 13.

¹⁰⁴ Ibid., 69-70.

People of that Nation; yet [Malgré] every effort there are still on board too many, espetically [*sic*] among the Marines. This being St. Patrick's day, I expect irregularities however much I guard against it.¹⁰⁵

The next day Pasley was forced to overcome his prejudices, writing that "I really did my Irish men injustice: no irregularity happened, neither Drunkenness; I believe they could not get Licquor [*sic*], and are too fond of it to save their allowance for a favorite day – Good may spring from Evil."¹⁰⁶ An incident the next month revealed underlying ethnic tensions onboard. These tensions may have been exacerbated, or lessened, by the unique approach of Pasley towards discipline and order aboard. Two men were caught fighting on the quarterdeck, and "to the great joy and mirth of the Ship's Company", Pasley had the culprits flog each other with a dozen lashes. The editor of Pasley's journals notes that the "joy and mirth" may have been increased because of the surnames of the offenders, one named James English, the other John Ireland.¹⁰⁷ Off the coast of America in March 1782, Pasley, seeming to have forgotten his St. Patrick's Day experience, now accused his Welsh seamen of drunkenness for celebrating their national saint and the taking of a prize:

On St. David's day, the first of March, whether to honor or to disgrace the Tutelary Saint of Wales or for Joy of Capturing our little Brig I know not, several of the Ship's Company got drunk, and (what gave me far greater offence) several of the Petty Officers. I severely reprimanded them in the morning, sufficiently to deter them from ever being guilty of such a trespass again; one I dismissed from my Quarter Deck, for adding to his offence insolence.¹⁰⁸

It is difficult to judge the severity of Pasley's ethnic biases from these few comments, which are open to several interpretations, and this latter incident seems less serious perhaps than others. Yet it seems clear that despite Pasley's deeply religious views, national and ethnic prejudices still ran deep on board his ship and affected social order and discipline, sometimes to the point of open conflict.

When ordered to prepare to sail to the Cape of Good Hope, Pasley was infuriated by contradictory orders that he had received from the Admiralty to fit out his ship. He was refused permission to have desalination equipment installed, denied vinegar for washing the ship, and

¹⁰⁵ Ibid., 73 Turning undesirable men out of ships, whether in lieu, by allowing them to desert, or even marooning them, was not entirely uncommon on the North American station, as we shall see in Chapter 5.

¹⁰⁶ Ibid., .

¹⁰⁷ Ibid., 77.

¹⁰⁸ Ibid., 236-7.

was not allowed time to rearrange stowage between decks to carry extra water casks, which meant not enough water could be carried to supply his complement for the duration of the lengthy voyage. Pasley's only recourse was to lament in his journal, "Poor Sailors – you are the only class of Beings in our famed Country of Liberty really Slaves, devoted and hardly used, tho' the very Being of the Country depends on you."¹⁰⁹ This, along with sympathetic remarks in the journal concerning the deaths of several seamen, perhaps reveals what one North Briton truly believed about the situation of men under his command.

Other first-hand accounts of seamen, naval officers and marines also touch on ambiguous and clearer Scottish identities. Two brothers, William and James Home, from Broomhouse, near Duns in Berwickshire, served as junior officers in the Royal Marines onboard ships of the North American station during the American War. In August 1778, prior to sailing for America, William was sent to Devizes in Wiltshire to recruit men. There he discovered that while his military service was viewed in a positive light at home, the English locals despised him as a redcoat. In gathering his recruiting squad, William "...managed to find a good sergeant who had the additional advantage of being a Scot." Another private marine from Ayrshire volunteered to serve under Home, who informed his father of his success to date by stressing "...there is still some [national] attachment left."¹¹⁰

James Home, a follower of Sir Hugh Palliser, was greatly embittered by the fall of that officer and the consequences for his own career after Palliser's dispute with Keppel, which so bitterly divided the entire naval service in the 1770s. James' reserved character combined with a hot temper did not help his interpersonal relations with his superiors in North America. He had public disagreements with both Admirals Arbuthnot and Rodney while in American waters, and was court-martialled by the latter. James, in his bitterness, fell back on reading the *Poems of Ossian*, supposed ancient Scottish or Irish national ballads published in 1765 whose origins and validity were disputed hotly by the English intelligentsia.¹¹¹ In December 1779, shortly before his differences arose with Arbuthnot over his desire to serve ashore at Charleston, James was serving on the latter's flagship the *Europe* (64). On Christmas Day he dined with the Admiral. In a letter to his father, James noted that "...he made sure a toast was drunk to his native ground, the Merse, and he described himself as 'a descendant of the ancient

¹⁰⁹ Ibid., 61-2.

¹¹⁰ Jamieson, "Two Scottish Marines," 22-3.

¹¹¹ Ibid., 25.

lords of that happy country - happy indeed when Scotland was Scotland.'"¹¹² As with the Irish seaman discussed above, the Home letters show that Scots too were not immune to concerns about coming into conflict with their Scottish-American brethren on the opposite side of imperial struggles. Both brothers eventually served on the ships under Admiral Hood, as part of Admiral Graves' fleet during the Battle of the Chesapeake in 1781. William concluded an account of the battle in a letter to his father "by wondering 'what will Mama say when she knows I have been fighting in sight of Virginia and perhaps some of my own relations looking at us from the shore?'"¹¹³

In March 1800, Captain Graham Moore was again reminiscing in his personal journal about the death of one of his favourite warrant officers. While in the West Indies, his Scottish Gunner, Alexander Downie, had died of fever. Moore noted that Downie had been:

...a specimen of the most respectable of the common Scotch Seamen, with the disadvantage of having less education than many of them have, his did not extend much beyond reading his Bible in which he was well grounded. He was sober, temperate, handy as a Norwegian, active in mind and body, tenacious of reputation well earned as his was, most respectful to his officers, but although anxious to secure the esteem of his captain he was the reverse of a time server or an eye servant. I am not sure whether this description of a Sailor is superior to the best of the English, but I am sure they are invaluable in a ship and may be depended upon in the hour of peril. I like to have a mixture of Scotch, English and Welch, nor do I object to a few young Irish, who give a turn for fun and a degree of mischief which when kept within bounds has no bad effect, but gives a degree of life and jocularly that chases the Daemon of Ennui. I do not admire the Prussian discipline when applied to British seamen nor indeed to any men. Discipline is essential but a Discipline consistent with the local circumstances with National character with good sense and humanity.¹¹⁴

Again, we can see that concepts of discipline and authority on board ship were intermixed with views on national and ethnic identity, at least in the eyes of some officers, even those of the emerging corps of more enlightened, more humanitarian, and more professional sea officers such as Moore.

Basil Hall, from a Scottish family of aristocratic background, was serving as a midshipman in July 1802 on the *Leander*, Sir Andrew Mitchell's flagship, just assigned to the

¹¹²Ibid., 26.

¹¹³Ibid., 27.

¹¹⁴Journal of Captain (later Admiral Sir) Graham Moore, RN, *Melampus* frigate, North American station, 4 March 1800, cited in Wareham, *Frigate Commander*, 214.

North American station. Hall's account is relatively self-centred, focusing on his own activities and those of his fellow midshipmen and officers; while common seamen or marines rarely appear except for local colour, the journal is still useful with regard to identity. While sailing for Halifax, Hall "...endured relentless teasing for his Scotch patois." Yet despite this and his Scottish heritage, Hall proudly and repeatedly refers in his memoirs to the "Navy of England" and the value of English seamen. He noted that it was its "domestic character" which gave it "...its peculiar distinction, and mainly contributes to its success, -- English naval men, and they alone, do truly make the sea their home. When afloat, they have no other thoughts of professional duty but what are connected with their vessel; they take a pride in her looks, and bring her crew to honourable deeds, as they would wish to instruct their sons...every soul of whom considers his own individual honour involved in all that his ship does, or is capable of doing." Hall also strongly felt that individual ships formed the basis of communal identity in the Navy, and noted that long into his career when he encountered old "Leanders" with whom he had served, he viewed them (at least the officers) as "old Eton men".¹¹⁵ While at Murray's Anchorage at Bermuda during the brief peace of 1802-3, Hall noted approvingly how the squadron's officers occupied their time with shooting game, an activity which Hall, a Scot, saw as central to English identity.¹¹⁶ No doubt Hall may have referred to himself as a North Briton.

Welsh identity

In a manner similar to the effect of the Union of 1707 on the Scots and the development of an imperial British identity, most historians see the Welsh as having been admitted as junior partners in the Union of England with Wales in 1536-1543. They also are seen as contributors to the forging of a new sense of imperial Britishness which was to gradually develop thereafter. Among others, there was the notion that the term "Britain" had deep Welsh origins. For example, it was the Welsh astrologer John Dee who coined the phrase "British Empire" in the late sixteenth century.¹¹⁷ But the Welsh were also not immune to less inclusive ethnic attitudes aboard ship. After being paid off from the *Surprise* in 1783, the Scot John Nicol

¹¹⁵ King and Hattendorf, eds., *Every Man*, 139-40.

¹¹⁶ *Ibid.*, 144-7.

¹¹⁷ Bailyn and Morgan, eds., *Strangers within the Realm*, 12.

asked Nicol what sort of people the Welsh were. Nicol made sport of William Jones, a Welshman in their crew, and then referred the question to a "black oracle". This latter replied:

'The English have ships, the Irish have ships and the Scotch have ships, but Welshmen have no ships - they are like the negro man, they live in the bush.'
The Welshman started to his feet and would have knocked him down had I not prevented. He poured out a volley of oaths upon him.

The general opinion on board ship was not shaken by this outburst of violence, "...it, like many others of equal truth, was quoted and received as a gospel. It was long a byword in the ship: 'Welshman live in the bush like negro man.'"¹¹⁸

Other regional identities

Regional identities, like those of ethnicity and nationality, also were prominent on board ships of the Royal Navy, primarily because of the often-regional nature of naval manning, particularly in the first half of the eighteenth century. Men from Devon, Cornwall, and Newfoundland seem to have received the most scholarly attention in this regard. They often seem to have been able to maintain their regional identities below decks, aided by the Admiralty practice of allowing officers to recruit followers and seamen from their own localities, which continued late into the century despite disapproval by later Admiralty Boards. Unlike the Scots and the North Britons who served with the North American squadron, we shall see in the chapters ahead that of the West Countrymen contingents on board ships in the sample, none were noted on the books as being "West Britons".¹¹⁹ The ability of seamen to self-identify in this manner reinforces the arguments of Colley and others that multiple regional and local identities commonly were maintained and could be problematic even as a super-imposed sense of overarching British loyalty began to take hold in some quarters.¹²⁰

¹¹⁸ Nicol and Howell, *Life and Adventures of John Nicol*, 72.

¹¹⁹ See, for example N.A.M. Rodger, "'A Little Navy of Our Own Making': Admiral Boscawen and the Cornish Connection in the Royal Navy," in *Parameters of British Naval Power 1650-1850*, ed. Michael Duffy, (Exeter: University of Exeter Press, 1998):82-92 and on "West Britons" more generally M. Stoye, *West Britons: Cornish Identities and the Early Modern British State*, (Exeter: University of Exeter Press, 2002).

¹²⁰ For more on the complicating factor that such identities posed towards building a unified sense of British loyalty see L.W.B. Brockliss and D. Eastwood, eds., *A union of multiple identities: the British Isles, 1750-1850*, (Manchester: Manchester University Press, 1997) and Colley, "Britishness and otherness" 314.

American identity

If it was often common for such harsh views to be held of men from Britain and Ireland, it is perhaps unsurprising that men from other parts of the empire and foreign seamen were also subjected to them. Of the many ethnicities which might be examined, the experiences of American seamen are perhaps most important in this context, given the large role they played in manning the ships of the North American squadron and the navy more broadly, even after independence.

Accurate numbers for colonial American seamen in the maritime trade are difficult to determine. One specialist believes the "...English and American trade were so intertwined as to make distinctions almost impossible to detail."¹²¹ In 1791, Thomas Jefferson estimated that twenty thousand men were working in American waters as merchant sailors or fishermen, above and beyond those employed in the United States Navy, privateers, and elsewhere. This workforce increased greatly thereafter with the wartime expansion of the trade of the United States. By 1818 it was estimated that over fifteen thousand seamen sailed annually through the port of New York alone. By 1835, some 103,000 seamen were estimated to be in the United States.¹²²

Gilje believes the most important characteristic of this community was its diversity, and not all of them were American-born by any means. Such diversity may have been somewhat less before 1776 because of the restrictions of the Navigation Acts to provide for only English seamen sailing in English bottoms. Seamen who presented depositions at the New York Vice Admiralty Court were English, Irish, Scottish, Channel Islanders, Germans and Scandinavians. A sample from Providence, Rhode Island, crew lists between 1803 and 1805 demonstrated that ten to fifteen percent of the men were born elsewhere than the mainland American colonies, including some from India, the West Indies, as well as southern and northern Europe. Similar proportions were found in samples from other cities, and in 1807 perhaps as many as half the men serving in the United States Navy in New York were not born in America.

Even among American-born seamen, there was remarkable diversity of place of origin, despite traditional practice of local recruitment of men, and the predominant role played by the

¹²¹Gilje, *Liberty on the Waterfront*, 24-5.

¹²²*Ibid.*

more maritime regions of the colonies such as New England or the Chesapeake. For example, in New York only fifty percent of the American crewmembers identified in colonial Vice Admiralty courts came from that colony; in Philadelphia in 1803 less than ten percent of American-born seamen shipping from that port had been born there. The diversity on board was even more than often depicted as both Native Americans and young farm boys seeking adventure often signed contracts with merchants for maritime service.¹²³ The traditional local recruitment of seamen seems to have been more common in smaller American ports. Daniel Vickers has shown that smaller communities with significant maritime trade such as Salem were more likely to use local seamen, with some eighty percent of seamen recorded in Salem merchant's books between 1690 and 1775 living near that community, while some sixty-six percent had been born in the town.¹²⁴

American seamen in the Royal Navy also reflected this same diversity. Some fought for the British by choice, and volunteered, others were coerced or pressed into the navy and often bitterly resented the loss of their freedom or the treatment they received at the hands of their officers and fellow ship-mates. The latter categories likely became more common as the century progressed, particularly from the 1760s onwards.¹²⁵

By the time of the Seven Years' War, it is well known that British views on American soldiers and Americans more widely were not always of the most enlightened variety. Some studies have seen this as an important factor in the gradual change in American views on the value and expense of military cooperation with the British and eventually in revolutionary ideology.¹²⁶ Such attitudes had older origins. In the sea service, one of the most infamous individuals in this context, at least for the current generation of historians if not among his contemporaries, was Admiral Sir Charles Knowles. Knowles, Governor of Louisbourg in 1746

¹²³ Ibid., 24-6.

¹²⁴ Vickers and Walsh, *Young Men and the Sea*, 77.

¹²⁵ King and Hattendorf, eds., *Every Man*, xxvii.

¹²⁶ For more on the attitudes and identities of American seamen throughout this period see P. Gilje, "Loyalty and Liberty: The Ambiguous Patriotism of Jack Tar in the American Revolution," *Pennsylvania History*, no. 67 (2000):165-93; Gilje, *Liberty on the Waterfront*; D. Vickers, "Beyond Jack Tar," *William and Mary Quarterly*, 3rd series (1993):418-24; and Vickers and Walsh, *Young Men and the Sea*. General British attitudes towards Americans in the years leading up to the American Revolution are outlined in various works including J. Shy, *Towards Lexington: The Role of the British Army in the Coming of the American Revolution*, (Princeton, NJ: Princeton University Press, 1965), idem, *A People Numerous and Armed: Reflections on the Military Struggle for American Independence*, (New York: Oxford University Press, 1976); P.J. Marshall, "Britain and the world in the eighteenth century : II. Britons and Americans", *Transactions of the Royal Historical Society*, 6th ser. 9 (1999), Marshall, *Making and Unmaking*; idem., "Empire and British Identity"; Anderson, *Crucible of War*; Brumwell, *Redcoats*; and Flavell and Conway, eds., *Britain and America*.

and station commander in Jamaica from July 1747, seemed to have held a rather low opinion of Americans. This may have been based largely on his experience with American troops who had been used during the 1743 Carthagenan expedition. Such views likely influenced his later infamous behaviour in Boston in November of that year while pressing men.¹²⁷ In his account of the Carthagenan operation, he noted that:

From the first Sight of the American Troops they were despised, and as many of them were Irish (suspected Papists) were never employed till now; but as Sickness encreased amongst the others (and hourly Attacks expected from the Enemy) it was thought expedient to have them ashore; and though it is most certain, there was scarce one but knew what Opinion had been conceived of them, nay indeed told them, that had not the Fellows been better than they were taken for, it was enough to have exasperated them to have deserted.¹²⁸

Unfortunately, Knowles restricted his comments in this account to the troops ashore. Still, such views can probably be seen as an indication of wider anti-American attitudes, particularly concerns with the “levelling” effects of society in the American colonies which he also expanded upon in his history of the expedition. Knowles also recorded that although most of the English troops were raw and undisciplined, led by “...either young Gentlemen whose Quality or Interest entitled them to Preferment, or abandoned Wretches of the Town, whose Prostitution had made them useful on some dirty Occassion, and by way of Reward were provided for in the Army...”, and who had little experience or ability to command, he again reserved his harshest comments for the American contribution to the expedition. These he argued “...were in general many Degrees worse, but the Officers in particular, who were composed of Blacksmiths, Taylors, Shoemakers, and all the Banditti that Country affords...that the other Parts of the Army held them in Scorn.”¹²⁹ Knowles had similar views on the American soldiers and sailors who participated in the siege of Louisbourg in 1745.¹³⁰

¹²⁷ For an examination of Knowles’ time in America and the infamous impressment riot in Boston in 1747 see: J. Lax and W. Pencak, “The Knowles Riot and the Crisis of the 1740’s in Massachusetts,” *Perspectives in American History*, no. 10 (1976):153-214, and for a more recent reinterpretation, D.A. Brunsmann, “The Knowles Atlantic Impressment Riots of the 1740s,” *Early American Studies* (2007):324-66.

¹²⁸ C. Knowles, *An Account of the Expedition to Carthagenan, with Explanatory Notes and Observations*, (London: M. Cooper, 1743), 38, note D.

¹²⁹ See the Appendix of his account: *Ibid.*, 55-6.

¹³⁰ Knowles to Newcastle, Louisbourg, 9 Jul 1746, cited in J. Gwyn, ed., *The Royal Navy and North America : The Warren Papers, 1736-1752*, (London: Navy Records Society, 1973), 292.

Nova Scotian identity

In light of Knowles' views, Nova Scotia and its peoples were in a peculiar position for many of its first settlers were of New England origins. As such they were often the recipients of similar attitudes offered of Americans by those naval, military and other individuals from the metropole who were based locally. Such attitudes were further complicated, particularly during the American Revolutionary period, by the fact that many Nova Scotians had conflicted views of their own identity.¹³¹ For example, in December 1758, a British army officer, being transported with his men aboard a hired transport in the Minas Basin from Fort Cumberland, noted that the American master of the vessel (who may have been a Nova Scotian, it is unclear) had misjudged the proper time of tide in the dangerous Fundy region, with the highest tides in the world and incredibly fast tidal bores and dangerous currents. To complicate their passage, as the tide began to turn, a storm began to blow in:

...the Master instantly fell upon his knees, crying out, - 'What shall we do? I vow, I fear we shall be all lost, let us go to prayers; what can we do dear Jonathan?' - Jonathan went forward, muttering to himself, 'Do --I vow, Ebenezer, I don't know what we shall do, any more than thyself;' when fortunately one of our soldiers (who was a thorough-bred seaman, and had served several years on board a ship of war, and afterwards in a privateer) hearing and seeing the helpless state of mind, which our poor New-England-men were under, and our sloop driving towards the shore, called out 'Why d---- [damn] your eyes and limbs, -- down with her sails, and let her drive a----e [asse] foremost; what the devil signifies your praying and canting now?' --- Ebenezer, quickly taking the hint, called to Jonathan to lower the sails, saying 'he vowed he believed that young man's advice was very good, but wished he had not delivered it so profanely.'¹³²

This account raises some other interesting questions beyond simply the attitudes held towards New Englanders or Nova Scotians, or their identities. They are portrayed, perhaps even caricatured, as being far more religious and impractical than the experienced British tar, who in this case happens to be in an army regiment. Why, when the North American squadron

¹³¹ One of the best accounts is still that of J.B. Brebner, *The Neutral Yankees of Nova Scotia: A Marginal Colony during the Revolutionary Years*, (Toronto: McClelland and Stewart Ltd., 1969). A first-hand account which outlines in great detail the daily conflicts between American, Nova Scotian, and community-based identities, and how these continually evolved and interacted, is that of the New England emigrant Simeon Perkins. Perkins was a Liverpool, Nova Scotia merchant, Justice of the Peace, militia officer, and privateer during the American War of Independence - see D.C. Harvey, ed., *The Diary of Simeon Perkins 1780-1789*, vol. 2, (Toronto: The Champlain Society, 1958); H.A. Innis, ed., *The Diary of Simeon Perkins 1766-1780*, vol. 1, (Toronto: The Champlain Society, 1948) and D. Conlin, "A Private War in the Caribbean: Nova Scotia Privateering, 1793-1805," *Northern Mariner* 6, no. 4 (Oct 1996):29-46. Perkins will reappear at various points throughout this narrative.

¹³² Knox, *Historical Journal*, 217-8. Knox notes that other accounts of the channel near Goat Island in the Annapolis Basin where this incident occurred required ships to pass through stern foremost, one at a time.

was almost constantly short of experienced seamen, were British seamen, particularly those with the local knowledge and navigational skill demonstrated by the individual in this incident, serving in the army?¹³³ Were they deserters, perhaps men who ran from their ships and then joined the army because they had the chance to obtain land grants in America for military service but not for naval service? This incident also seems to confirm Rodger's and Rediker's views on attitudes towards religion at sea and adds another complex shade to the picture as well. Both historians see a strong skeptical and anticlerical streak in the character of early modern seamen, who were primarily concerned with the day to day imperatives of near-constant labour and survival in enclosed, isolated ship-borne communities, often distant from clerical authorities. Yet this passage seems deliberately to accentuate the religiosity of American seamen while portraying the experienced British tar as having adopted the more practical "religion of the moment."¹³⁴

As we shall see in Chapter 3, from the 1770s onwards, if not earlier, the various station commanders in North America as well as their captains regularly raised concerns about the numbers of Americans serving aboard their vessels. Admirals such as Samuel Graves perceived the risk that this posed should American seamen, and the odd marine, have decided to rise up *en masse*, particularly after the colonies were declared in rebellion. By April 1776, Vice Admiral Molyneux Shuldham informed the Admiralty Board of a new concern. On the recent weekly accounts submitted to him by the ships of the squadron, many supernumeraries were being borne as part of their complements to bring them up to strength:

I must beg they will please to observe that these being composed of Men taken out of the Rebel Vessels no confidence can be placed in them, and although the Captains of His Majesty's Ships under my Command have all of them more or less, entered Americans to fill up their Complements, and are now by Law empowered to do so, with regard to Men taken in future, yet it deserves to be seriously considered, that if by a constant diminution of the British Seamen upon this Service, this measure was carried to excess, without any Supply from home to be distributed among the Fleet the consequence may be very alarming...¹³⁵

¹³³ Knox's account repeatedly mentions experienced seamen serving in the ranks of his and other regiments.

¹³⁴ Rodger, "Naval Chaplain," and Rediker, *Between the Devil and the Deep Blue Sea*, 169-79.

¹³⁵ TNA:PRO, ADM 1/484, Shuldham to Stephens, *Chatham* at Halifax, 25 Apr 1776, f.534; R.W. Neeser, ed., *The Despatches of Molyneux Shuldham, Vice Admiral of the Blue and Commander-In-Chief of his Britannic Majesty's Ships in North America, January-July 1776*, (New York: De Vinne Press for Naval History Society, 1913).

Shulldham went on to note that there was therefore “a great necessity” for keeping his marine complements complete on board the vessels of the squadron. Instead of sending the entire contingent of marines from each vessel returning to England on shore to aid in quelling the rebellion in Boston as ordered, he first wished to use them to bring the marine contingents of his own ships up to strength, to reduce the risk of mutiny and unrest.

In August 1779, Captain Augustus Hervey, delegated as the senior officer in the Gulf of St. Lawrence by the North American station commander, raised this very issue with regard to the men aboard his sloop of war, the *Viper*. While lying off of Québec City, he wrote to the Governor of Canada, Lieutenant General Frederick Haldimand, about the problems he faced:

From the desertion of my people, and the impossibility of getting others, I have been detain'd here until now; and am afraid it will be impossible for me to get away without your Excellency gives me some assistance...The scarcity of Seamen on board the *Viper*, and the many Americans that form her present complement, obliges me to make application to your Excellency for an Officer's party on board to act as Marines until I can get Seamen as I cannot think it safe to proceed down the River in my present situation.¹³⁶

Hervey noted he had already applied to the former governor for additional seamen, and given the number of reports of American privateers operating in the Gulf, informed Haldimand that he was doubly on guard against any “accidents” that might occur - presumably if the American seamen mutinied.

More positive opposing views existed as well even at the height of conflict with the rebel colonies. Some British officers praised American seamen for their supposed fighting qualities even as they denigrated Americans in general in a broader societal sense. Michael Scott, a Scottish officer writing of his time in the West Indies between 1806 and 1807, noted at length his dislike for Americans in general, while grudgingly lauding the bravery and fighting ability of their sailors and soldiers:

In the field, or grappling in mortal combat on the blood-slippery quarterdeck of an enemy's vessel, a British soldier or sailor is the bravest of the brave. No soldier or sailor of any country, saving and excepting always those damned Yankees, can stand against them.¹³⁷

Similar to John Nicol's memoirs, those of Jacob Nagle, an American seaman with a maritime career of equal global scope in the Royal and American navies as well as on board

¹³⁶ BL, Add Mss 21800, Haldimand Papers, Hervey to Haldimand, *Viper* off Québec, 24 Aug 1779, f. 72.

¹³⁷ King and Hattendorf, eds., *Every Man*, 293 note 1.

merchantmen and privateers, is important for its insights on identities from an American perspective. Its editor, John C. Dann, has undertaken the tortuous task of verifying much of its content and the details of Nagle's service.¹³⁸ Dann argues that "...Nagle's consciousness of being an American gave him a slight feeling of detachment, a sense, at least after his earliest forced tour of duty, that he was in the navy by choice, and that he could leave it by choice as well." Yet he grew to manhood in British vessels and "...had no qualms about obeying the dictates of the flag under which he was serving rather than the one under which he was born."¹³⁹

Nagle's career began with his joining the *Saratoga* sloop (16) of the American navy in 1780 at Philadelphia, but that vessel being delayed in fitting out, he received permission to join the *Fair American* (16) privateer and cruised on her from October 1780, and later on two other American privateers (during which time he spent much of his time avoiding American navy press gangs, a recurring theme in his early journal).¹⁴⁰ He was taken by the British on 23 November 1781 while serving as a privateersman on board the *Trojan* (6). On 14 December 1781 Nagle arrived at Basseterre Roads, St. Christopher, with twenty-eight other American prisoners, to be held in the local jail there, presumably to be encouraged to join the British navy, to become part of a prisoner cartel (or exchange), or to await transfer to a prison in Britain. But on 11 January 1782, a French fleet arrived and captured the island, and the prisoners were freed. Nagle then shipped on a French coastal vessel in the service of the governor of Martinique,¹⁴¹ with the understanding that he and another American aboard could eventually apply for a pass to travel to St. Pierre to secure passage back to the United States. In March 1782 the men's vessel was moored in Port Royal harbour. While on shore, Nagle and his friend met another American, Thomas Moody, who had been pressed on a British warship and then captured by the French when that ship was taken, and offered him shelter. Shortly thereafter, they were all arrested and imprisoned with other British seamen at Fort Royal "for abetting an escapee", as Moody was considered a British sailor by the French.¹⁴²

¹³⁸ Dann, ed., *The Nagle Journal*.

¹³⁹ Ibid., xxvi.

¹⁴⁰ See, for example, Ibid., 23-6. This seems to invalidate the position of Gilje and other colonial American historians, who posit that American naval captains only used impressment in times of dire need, and that pressing was a policy generally limited to "European powers". Gilje, *Liberty on the Waterfront*, 19-20.

¹⁴¹ François Claude Amour, marquis de Bouillé.

¹⁴² Dann, ed., *The Nagle Journal*, 36-41.

Nagle appealed to both the local commissary and the American consul at St. Pierre for his freedom as an American. The former told him that "...the man that [you] supported was taken as an English prisoner, if he was an American, and supplying him with provisions and suckering [succouring] him made [you] as good Englishmen as he was a Frenchmen." Nagle received no immediate response to his plea for aid from his consul. The men subsequently spent almost three months in prison at Port Royal, along with the crews of his Majesty's ships *Iris* and *Richmond*. From the beginning of the American War, the French government had declined to implement a general policy of exchanging naval prisoners via cartel. It believed such exchanges assisted the British to maintain their fleet and simply prolonged the conflict. This policy changed dramatically following the Battle of the Saintes in April 1782, when approximately ten thousand French soldiers and sailors were captured by the British. Veteran and more senior British seamen were now to be sent to France for exchange, while younger seamen and less skilled men were despatched on board cartel ships to Pigeon Island for immediate exchange. In this latter category, Nagle eventually found himself entered as an able-bodied seaman on board the *St. Lucia* on 25 May 1782.¹⁴³

We now return briefly to the story of Andrew Sherburne for the insights it can provide on North American identities. We last saw Sherburne in Placentia, Newfoundland, where he and other captured American privateersmen were eventually placed on board the *Dutchess of Cumberland* sloop (22) in September 1781 for passage to prison in St. John's and an eventual cartel under a flag of truce to Boston. While lying in St. John's harbour, one of the *Dutchess'* men deserted. A "diligent search" was made but the man was not found. As the naval officers suspected the inhabitants of concealing the deserter, another man, a local named Baggs, was pressed on board of the *Dutchess* in his stead. Baggs, a skilled sailor and former master of a fishing shallop with some twenty years experience in local waters, was made only a forecastleman, one of the least-skilled positions on board for a trained seaman. On the passage to St. John's the *Dutchess* chased an unknown sail during a gale. Baggs warned his fellow sailors that if they were to continue to sail the course they were on, with the winds steadily increasing in force, they would be ashore within two hours. His fellow seamen, alarmed at this pronouncement, advised Baggs to make it known to the quarterdeck, "...But those British

¹⁴³ Ibid., 41; O. Anderson, "The Establishment of British Supremacy at Sea and the Exchange of Naval Prisoners of War, 1689-1783," *The English Historical Review* 75, no. 294 (1960):77-89.

officers felt above being instructed by a Newfoundland fisherman; they commanded Baggs to be off the quarter-deck or they would kick him off.” They were then, perhaps unsurprisingly, shipwrecked.¹⁴⁴

Following a story of wilderness survival worthy of a colonial American version of the *Boy's Own*,¹⁴⁵ Sherburne eventually returned to St. John's and on board the *Fairy* sloop of war (18) under its commander, William Yeo.¹⁴⁶ The *Fairy* had been sent to Placentia to convoy merchantmen to St. John's which had not been ready at the time of the sailing of the *Dutchess*. The merchants were short of hands and three of the Americans were put on board them, and promised that they should be reported to the consul and set at liberty at Lisbon, a neutral port. But Sherburne and another American:

...were destined to serve his majesty on board the *Fairy* sloop of war, commanded by Capt Yeo, a complete tyrant. I began to fear that my fate was sealed to serve his Britannic majesty, on board a man of war, all my days; a service which I had detested from my infancy. Before I was six years old, I had heard my parents speak of some of their friends who had been impressed on board of men of war. I can perfectly remember when Hollon took a chart of our coast and harbors. My father at that time lived on Frost's point, near the mouth of Portsmouth harbor, where we could see every vessel that went out and in. Our sailors and fisherman used to dread the sight of a man of war's boat, as a flock of sheep would dread the appearance of a wolf.¹⁴⁷

Sherburne believed Yeo took this action on his own accord, without permission of the Governor of Newfoundland and commander in chief of the Newfoundland station, Captain Richard Edwards. Sherburne and Willis, the other American seaman, were called onto the quarterdeck of the *Fairy*, and asked a few questions by Yeo, who “...turned to his officers and said, 'they are a couple of fine lads for his majesty's service. Mr. Gray, see that they do their duty, one in the foretop and the other in the maintop.' Willis replied that he was afraid to go up so high; that he was subject to fits; he was afraid he should fall down and kill himself. I replied,

¹⁴⁴ Sherburne, *Memoirs*, 51-5.

¹⁴⁵ Twenty men out of the complement of 170 and five prisoners aboard the *Dutchess* were lost in the wreck. The only woman on board, the wife of the cook, was saved with a system of lines rigged between the wreck and the shore. Another fifteen men perished and were buried during the nine day, one hundred mile trek to Point Var and Placentia, during which the others subsisted on an eight ounce per day per man allowance of meat, bread, and butter recovered from the wreck. The group perhaps covered more than ten miles per day through the wilderness, which Sherburne, an experienced American frontiersman, believed to be harsher than any he had ever seen. *Ibid.*, 56-67.

¹⁴⁶ Yeo is not fully identified in Sherburne's account, but the details of his command are noted in TNA:PRO, ADM 7/575, Abstracts of Ships' Journals, 1775-1795, f.184 and ADM 51/332, Captains' logs, *Fairy* sloop, 14 Nov 1778 to 18 Feb 1780.

¹⁴⁷ Sherburne, *Memoirs*, 67-8.

that I was a prisoner of war, and that I could not consent to serve against my country. With very hard words and several threats, we were ordered off the quarter deck, and commanded to do our duty in the waist.” Instead of proceeding to the waist, they refused to undertake duty and went to the cable tier, which was the usual place where prisoners were held “...but we did not know, as yet, what fellows we had to deal with.”¹⁴⁸

A day or two later all hands were called, Sherburne believed for no specific purpose other than to “...ferret out these two poor little yankee lads.” The boatswain’s mate came into the cable tier and treated them as skulkers,¹⁴⁹ and “...began to rave at us like a bedlamite.” They refused to go on deck, saying they were American prisoners, which only infuriated the mate the more:

...he uttered a number of most horrid imprecations, and at the same time commenced a most furious attack upon us with his rattan. We for a while sternly adhered to our purpose, while he alternately threshed the one and the other; (we should have resisted, but were afraid of the consequences.) He became more and more enraged, and determined to conquer; and we not daring to resist thought it best to clear out. We mounted the deck, but with no small degree of reluctance, with him at our heels repeating his strokes. Having got on deck, I saw but very little to do.¹⁵⁰

The two seamen were allowed to return below, where they remained for most of the voyage to England, arriving at Plymouth in November 1781. After service on several other naval ships, Sherburne was eventually sent to the Old Mill prison where another ordeal, beyond the scope of this dissertation, would begin.¹⁵¹ Sherburne noted that while on passage to Plymouth neither American was assigned to any station for being called to quarters. He was unsure whether this was by design or accident. Perhaps it was an indication that American seamen, particularly those who had been pressed and who voiced opposition to serving in the Royal Navy, were not trusted by some officers for use in battle - as opposed to their more general utility in filling out the complements of short-handed ships and aiding in their navigation.¹⁵²

¹⁴⁸ Gray was the first lieutenant of the sloop. *Ibid.*, 68-9.

¹⁴⁹ Men who deliberately attempted to avoid, shirk, or otherwise underperform their duties on board ship.

¹⁵⁰ Sherburne, *Memoirs*, 69.

¹⁵¹ Sherburne eventually fell sick at Old Mill and found passage on a cartel back to America. Upon his recovery he joined an American letter of marque operating from Virginia, and was captured again by the British and again confined, on the *Jersey* prison ship in New York harbour. *Ibid.*, 75-115.

¹⁵² *Ibid.*, 72.

Racial identities

As we have seen above with Lieutenant Edward Thompson's views on Scots and blacks, attitudes towards race on board ship were as equally complex as those towards ethnicity.¹⁵³ In 1791, Sir Graham Moore was at Spithead, refitting his ship. He noted in his private journal the details of a discussion he held with several prominent and senior naval post captains, including Samuel Hood of the *Juno*, (who also spent a significant period of time on the North American station). Moore's private journal sheds remarkable insight on their views on slavery, abolition, and by inference, race:

...they, one and all, attacked Wilberforce as a visionary enthusiast who was bringing most serious calamities on his country by his perserverance in an absurd and impracticable scheme. The old, beastly, confined assertion was made of the slaves being better off than the labourers in England, which if true could only be meant with respect to victuals and lodging, and in these articles a horse I fancy does not yield to either. These men are high in their profession, and certainly by no means destitute of worth or talents.¹⁵⁴

Moore, to his credit, left the discussion "...despairing at their narrow-mindedness."¹⁵⁵ By the time of the French Revolutionary and Napoleonic wars, Graham Moore's "...romantic tendencies encouraged him to believe that he was fighting in a just cause against an ignoble Republican tyranny. He was therefore shaken by his first real encounter with slavery in Jamaica in 1799, for the '...sight of so many mortals deprived of liberty has a gloomy effect on my mind.'"¹⁵⁶ Many naval captains and officers retained slave servants on board ship, with Peter Warren being an early example in North America.¹⁵⁷

¹⁵³ See W.J. Bolster, *Black Jacks: African American Seamen in the Age of Sail*, (Cambridge, Mass.: Harvard University Press, 1998); J.E. Chaplin, "Race," in *The British Atlantic World, 1500-1800*, ed. David Armitage and Michael J. Braddick, (New York: Palgrave Macmillan, 2002):154-72. In English society see J. Walvin, *The Black Presence: A Documentary History of the Negro in England, 1555-1860*, (London: 1971) and Langford, *Polite and Commercial*, 516-8. For the maritime age of revolutions and race see Linebaugh and Rediker, *The Many Headed Hydra* and for more complex and subtle approaches Scott, "Common Wind"; A.J. O'Shaughnessy, "Redcoats and Slaves in the British Caribbean," in *The Lesser Antilles in the Age of European Expansion*, (Gainesville: University Press of Florida, 1996); and S. Schama, *Rough Crossings: Britain, the Slaves and the American Revolution*, (London: BBC Books, 2006). Race is also central to the piracy analysis in Rediker, *Villains of all Nations*.

¹⁵⁴ Wareham, *Frigate Commander*, 72. Unfortunately Wareham's edited version of the journal does not specify which other officers were present, if it is noted in the original.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid., 200.

¹⁵⁷ Gwyn, *Enterprising Admiral*, 72-3.

Moore was perhaps an exceptional case or an example of a new, more enlightened, humanitarian, professional officer corps as Wareham contends. Such a corps was only just beginning to develop in the Royal Navy at the turn of the nineteenth century, as can be seen by Moore's reactions to slavery as well as his experiences in Newfoundland and Nova Scotia, some of which are examined in more detail in later chapters. Moore generally viewed Newfoundland as "that cursed country", with much of his private journal taken up with complaints about lack of prizes on that station, the tedium of convoy duty between fishing outports, and his belief that partiality was preventing him from getting a better station. Yet service there and in North America also provided more instances of his enlightened attitudes to surface.¹⁵⁸ While at Trinity, Newfoundland in 1793 - a port which Moore enjoyed visiting as he saw the poor inhabitants there as industrious - he had cause for complaint over the harsh treatment of native Beothuk Indians meted out by the local inhabitants. The Beothuk people were frequently being murdered by both fishermen and Mi'kmaq Indians from Nova Scotia, the latter armed with European firearms not available to the Beothuk. Moore believed that "...great benefit might be derived from these people, if their friendship was cultivated, and the winter inhabitants prevented from murdering them."¹⁵⁹

Again, John Nicol's account of his time in the mid-1780s in the West Indies is also insightful with regard to both ethnicity and racial identities. Nicol described "communities" of what he called "long-shorers" who lived around ports and harbours, who were a last resort for short-handed vessels desperate for men:

Our cook having left the vessel, we were forced to take a long-shorer in his place. They are a set of idle dissipated seamen who will not work or take a berth. They loiter about the harbours and get drunk by any means, no matter however base. Home they have none. The weather is so warm, they lie out all night and are content with little victuals. They are in general covered with rags and filth, the victims of idleness and disease. It is nothing uncommon to see their feet and ankles a mass of sores, their feet eaten by jiggers until they resembl'd fowls' feet, having no flesh on them. Their minds chilled and totally sunk, death soon closes their career.¹⁶⁰

The replacement cook was Irish, and referred to by all aboard as "Paddy." Nicol noted that the majority of the long-shorers were Irish and Scots, despised by blacks in the local communities

¹⁵⁸ Wareham, *Frigate Commander*, 64-6.

¹⁵⁹ *Ibid.*, 66.

¹⁶⁰ Nicol and Howell, *Life and Adventures of John Nicol*, 72-3.

as they did not work to provide for themselves.¹⁶¹ It is possible that many of these men were stragglers and deserters from Royal Navy vessels for the local governors in the West Indies were continually writing to naval commanders asking them to disperse such communities by pressing them aboard ship rather than pressing local seamen.¹⁶² As we shall see in Chapters 3 and 5, stragglers and deserters seem to have received shelter and assistance in certain communities in Québec, Nova Scotia, the West Indies, and New England, and some even took up long-term residence in these “unrespectable” communities on the peripheries of mainstream society.

Black seamen were an important component of the American waterfront workforce, both throughout the colonial period (when many would have been slaves) but also after 1776 when more free blacks entered this workforce or changed their status within it. Some owned or worked in maritime service businesses such as grog shops, others were labourers and stevedores, and many were maritime artisans working as shipwrights, caulkers and sailmakers - often becoming respectable in the process. In the North, many black men signed on as merchant seamen. During the colonial period many slaves were present on board American merchant ships, and some had entire complements of slaves. After the Revolution, blacks, many now free, remained a significant element of such crews. For example, it is believed that as many as one-quarter of Philadelphia's black males shipped as merchant seamen in the early nineteenth century. In crew lists for other cities the black proportion was approximately fifteen percent. African Americans often went to sea after American independence as it was one of the few trades available to them which allowed for them “...to provide for their families and establish stable households.”¹⁶³

Black labourers, either free or slave, were commonly used by the Royal Navy in America and the West Indies as naval yard artificers or for various menial labour, such as pumping out flooded ships. They were usually kept on separate pay lists, either for the dockyard or as supernumeraries on board ship on a temporary basis when necessary. There is

¹⁶¹ Ibid., 73.

¹⁶² See, for example, Yale University, Beinecke Library (hereafter YUBL), Samuel Barrington Letterbooks, Osborne Mss. 85, Box 1, Series 2, Letterbook 2, Folder 85, Burt to Barrington, St. Christopher, 22 Jan 1779. Burt notes that there are many stragglers on St. Christopher and Antigua, and that he would press them himself if he only had a means of securing them afterwards. Similarly, Edward Hay, Governor of the Barbadoes, noted that he had asked all his magistrates to assist in rounding up such longshorers and stragglers on that island. Hay noted that “Such Sailors are not Inhabitants of the Island, and when not in Service, are Rather a Nuisance, than of any use to us.” Folder 95, Hay to Barrington, Barbadoes, 25 Nov 1778.

¹⁶³ Gilje, *Liberty on the Waterfront*, 25-6, 57 and Schama, *Rough Crossings*.

evidence that black men used on board ship for repairs or other work could be discharged from the supernumerary list of one vessel to enter the regular pay list of another warship, as seamen. For example, after the Battle of the Saintes, Rodney made use of black workers for pumping and repairs on his most badly damaged ships. In at least one case, those used on board the *Invincible* were discharged into the *Formidable* on the regular pay list. This may have been because Captain Saxton of the *Invincible* intended to sell the labourers once they were no longer needed, implying that the men were slaves.¹⁶⁴

Multi-ethnic, multi-racial, and even multi-national crews (including men from many different regions of the American colonies and West Indies) caused problems for the American, as well as the British navy during the Revolutionary period. English and Irish sailors often deserted American vessels, and even plotted to seize American ships and carry them into English ports. Such mixed crews also led to split loyalties and different forms of mutiny, particularly on vessels containing French and English sailors. Even privateers who recruited largely from one locality might have such foreign hands. Vessels which fitted out in Europe usually had higher proportions of non-American crew, and some privateers were almost entirely Irish, such as Benjamin Franklin's *Black Prince* in 1779. From time to time the powder keg of ethnic differences and multiple allegiances on board evolved into full scale mutiny, such as when French and English seamen combined to try to seize the *South Carolina* during a European cruise in 1781. Blacks were sometimes accused by other American seamen of being informants for the British and lashed for their troubles, and many blacks ran to the British and enlisted for their liberty, particularly after Lord Dunmore's proclamation offering freedom to all slaves who would fight for George III.¹⁶⁵ To believe that the Royal Navy, with a similar level of ethnic and racial diversity on the lower decks (and in the officer corps), would be immune from these sorts of problems is difficult to conceive.

Conclusions

Overlapping and concentric ethnic, national, regional, and racial identities, while difficult to pin down, were central to some officers views of their seamen and the maintenance

¹⁶⁴ Rodney to Saxton, 6 Mar 1782, G.B. Rodney, *Letter-Books and Order-Book of George, Lord Rodney, Admiral of the White Squadron, 1780-1782*, 2 vols., (New York, 1932), 597. Rodney to Campbell, *Formidable*, Port Royal Harbour, 8 Jun 1782 in Rodney, *Letter-Books*, 447-8.

¹⁶⁵ Gilje, *Liberty on the Waterfront*, 107-9 and Schama, *Rough Crossings*. Such men no doubt made formidable soldiers and sailors, as they knew that if they were recaptured by the Americans they would be resold into slavery.

of social order aboard ship, and vice versa. Although it is difficult to generalise given the problems inherent in recreating the mental world of early modern naval seamen and marines, it seems clear that men held complex, often contradictory views of their identities and loyalties, and that tensions often existed between them. It seems far too simplistic to equate service in the British navy directly with a growing adoption of Britishness among its seamen and marines, and even some of its officers. This is particularly the case when Britishness, to some extent, could be seen simply an extension of the characteristics of Englishness. Even among men who were open to adopt such a supra-national sense of identity or loyalty in the latter half of the eighteenth century, there may have been different social, political and cultural motivations behind concepts of Britishness, particularly between those who served locally in home waters, and those serving on imperial or foreign stations.

Non-English seamen and even officers were often the butt of jokes, open hostility, quarrelling, and even violent conflict and duels. Irish seamen in particular were often denigrated, while the reliability of American seamen, pressed or otherwise, was of concern to station commanders from the 1770s onwards, if not before. Simultaneously, naval “warrior-heroes” from the borderlands of empire, such as Sir John Warren and Sir Alexander Cochrane, were being created as early as 1745. This was achieved via a process which could be used both by the individuals in question to demonstrate their loyalty and willingness to participate in and profit from the larger enterprise of a British nation post-1707, and also by the composite state itself to encourage a broader conception of the benefits of Britishness to its component peoples. The often-conflicted views of self-identity held by many seamen on the peripheries of empire create a more complex and variegated picture than that portrayed by Conway and others.

It does seem clear that some English officers at least, often aristocratic ones, were very particular in describing the ethnicities of their seamen. Those who were not English-born often were considered second class or even the equivalent of an alien foreigner in their minds. This strongly influenced how some of these men thought about regimes of discipline and social order aboard ship. That said, the individual abilities and the maritime skill sets of seamen and marines seem to have been the determining factor in whether a non-English seaman would be valued the same as his English counterparts. It is equally clear that seamanship, navigational skill, and fighting ability were most valued among the close-knit communities of seamen

themselves. These qualities often trumped other forms of identity and allowed acceptance, albeit sometimes grudging, into a multi-ethnic mess, watch, division, or ship's complement. Ethnicity, race, nationality, and regional origins perhaps can all be seen as overlapping grids in the authority networks on board ship described in Chapter 1, influencing both those in positions of power and those below them. Before looking at some of these aspects more quantitatively across the period under examination in the chronological chapters ahead, we first turn to an examination of the phenomenon of desertion during the Age of the American Revolution.

CHAPTER 3

“THE LOWER KIND OF PEOPLE ARE NOT VERY WELL INCLINED TO HIS MAJS. GOVT.”¹: DESERTION, IDENTITY AND THE EXPERIENCE OF AUTHORITY DURING THE AGE OF AMERICAN REVOLUTION,² 1763-1783

Between 1755 and 1783, the Halifax naval yard played an important role as the nexus of the North American squadron's refitting and resupply activity and supporting the combined operations that besieged and conquered Louisbourg in 1758 and then Québec in 1759 during the Seven Years' War.³ During the late 1760s and during the Revolution itself, the yard supported extended deployments of the vessels of the North American squadron in New England, the Chesapeake and points south, as well as to vessels of the Leeward Islands and Jamaica squadrons, which from time to time visited Halifax for repairs.⁴ The smaller sloops and schooners of the North American squadron, in addition to their other duties, regularly were sent out on cruises to raise men for the larger warships in North America. Sickness, disability, death and desertion all had a role to play in the lower decks of the squadron's vessels being below official complement. This chapter, and the following quantitative analysis in Chapter 4, will address these themes.

The evidence of official correspondence, newspapers, personal journals and other qualitative sources discussed in Chapter 1 highlights the fact that it was desertion, not sickness, that most senior officers thought was the major hindrance to the operational efficacy of the squadron throughout the Age of American Revolution. Before 1775, some officers felt that desertion was a factor which should have been under their control if only they were allowed the freedom to press at will, whereas there was often little within their power they could do to counter the fevers and illnesses which often ravaged their men. Desertion likely also was seen as a direct challenge to a commander's authority, and hence an act which besmirched his

¹ NMM, JOD/9, Admiral Sir George Collier, 'War in America, 1776'. Collier was referring to the population of Halifax, Nova Scotia.

² L.B. Namier, *England in the Age of the American Revolution*, 2nd ed., (London: Macmillan, 1960). The best account of the naval role in customs enforcement in the American colonies following the Seven Years' War is that of N.R. Stout, *The Royal Navy in America 1760-1775: A Study of Enforcement of British Colonial Policy in the Era of the American Revolution*, (Annapolis: Naval Institute Press, 1973). The best overall study of the War of American Independence remains Mackesy, *The War for America 1775-1783*.

³ For the naval importance of Halifax before, during, and after, the Seven Years' War see Douglas, "Halifax", Gwyn, *Frigates*, and idem., *Ashore*. For the navy at Louisbourg see A.J.B. Johnston, *Endgame 1758: The Promise, the Glory, and the Despair of Louisbourg's Last Decade*, (London: University of Nebraska Press, 2007).

⁴ See Chapter 1 for an outline of the historiography covering this period and the role of the Halifax yard.

honour if it could not be brought under control, unlike sickness, for which there was relatively little an officer could do once the standard preventative measures had been taken.⁵ During this period station commanders took several measures to prevent desertion, to encourage the recapture and return of deserters, and to raise men for the squadron to replace those who had been lost. With the outbreak of the Revolutionary War, the nature of the problem changed in some important ways, but it remained a concern due to the reliance of navy vessels on pressed American seamen to make up their losses from death, sickness, desertion, and men taken prisoner.

The chapter is organised along three main themes. These include the problems posed to the squadron by desertion, the various motivations behind desertion and the methods used to commit the act, and the numerous measures imposed by naval officers in North America in often-vain efforts to prevent or reduce attrition from desertion. Within these themes, the experiences of two North American station commanders, Alexander Colville⁶ and Samuel Graves, will be used predominantly as lenses to examine the main issues surrounding the problem of desertion, with extracts of experiences from other commanders used to support or highlight specific areas.

Colville and Graves provide somewhat complimentary case studies. Following the end of the Seven Years' War, Colville had to deal with an increasingly tense situation in America with regard to trade enforcement, plus the consequences too of parliamentary legislation and naval support of customs officers on American colonists. The problems experienced by Colville only worsened as political unrest built towards open conflict in America. Colville's successor would have to deal not only with questions of legitimacy of authority and its effect on desertion and discipline, but increasingly with questions of identities as well. By the time Samuel Graves arrived at Boston, the North American squadron was faced with a full-scale rebellion *cum* civil war in New England. Graves thus had to deal with the challenges posed by desertion in a wartime setting. Using their experiences, the relationships between desertion

⁵ Charters, "Disease, war, and the imperial state".

⁶ Alexander Colville had experienced the North American station as a junior officer as early as 1738, on board the *Phoenix* (20) of Captain Fanshawe, where he served in the Carolinas and Georgia. In 1749, he applied to Sandwich and Anson (First and Second Lord of the Admiralty respectively) for a position as a post-captain. Colville was offered a twenty-gun ship and his choice of four stations, including the West Indies, the Channel, South Carolina or New England. He chose the latter, eventually being commissioned in the *Success*, arriving at Boston on 14 December 1749, where he later acquired a house on Spectacle Island. LAC, R2815-0-8-E, Colville Papers, Memoirs 1732-1764, ff.24-7.

and the experience of authority under Colville and desertion and identity under Graves will be highlighted.

Problems caused by desertion

The problems caused by desertion in the squadron in this period were largely operational and administrative, but there were also political effects in America and Britain. Desertion was not simply a question of discipline, for questions of identity often overlapped with ones regarding legitimacy of authority. We will begin by examining operational problems, before turning our attention to American and Nova Scotian identity, and the political effects of desertion. The fact that vessels were often significantly undermanned due to desertion was one of the most immediate problems caused by the phenomena. Many ships of the squadron were undermanned even prior to arrival in North America, particularly after 1770. Being short of complement could result in pressure from captains for the use of impressment, and more work, likely overwork, for the seamen and marines who remained on a vessel. Both of these repercussions could in and of themselves lead to further unrest or acts of resistance aboard.

Vice Admiral Samuel Graves, after receiving his commission to assume the North American command in April 1774, found that his flagship at Plymouth, England, the *Preston*, was "...weakly manned and thirty-two men short of complement..." of 300. After much bargaining with the Admiralty, Graves was allowed to receive twenty men, turned over from the Plymouth guard ships, but only could find thirteen.⁷ Graves' ships, many of which arrived from England poorly fitted out and manned, continued to suffer from shortages of men while in America. In April 1775, the *Nautilus* and *Falcon* arrived from England, very leaky and in want of many men and stores, while the ships at Boston were short one hundred men from their peacetime complements at that time. The *Nautilus* at least brought Admiralty orders dated 28 January, allowing Graves to purchase four local schooners into the service partially to alleviate his shortage of small vessels.⁸

⁷ TNA:PRO, ADM1/485, Graves to Stephens, Plymouth Sound, 14 April 1774, f.5; Graves to Stephens, Plymouth Sound, 26 April 1774, f.6.

⁸ BL, Add Mss 14038, Conduct of Graves I, [16 Apr 1775?], ff. 47-8. At least at the start of the actual conflict, the Admiralty and Navy Boards seemed positively inclined to allow the purchase of almost any small vessel recommended by the station commander into the service as a measure to increase the number of available vessels, provided it was in suitable condition and appropriate for the service at hand. See, for other examples among

The *Tartar*, under Captain Edward Medows, was responsible for defending the Halifax naval yard for much of 1775. Medows complained to Graves in June of that year that a greatly understrength complement, and having to send twenty men to do work in the yard, had left him with only twenty-eight men in a watch. One of his master's mates had also died, while the master too was very ill. Medows argued that his ship's company was too weak for such dangerous times. He had failed also to have the army take over the duties of supplying men for work at the yard as the garrison also was in a very weak state. Given that the rebels had "too many friends" in Halifax, Medows hoped that Graves would send a stronger force to defend the naval yard.⁹ Graves, inundated with requests from almost every governor of every colony for additional ships to assist them and to protect their trade during the rebellion, regretted that it was out of his power to enlarge the *Tartar*'s complement. Indeed, even if the number of ships in the squadron was immediately doubled, Graves still would not immediately be able to send another vessel to Halifax to protect the yard given the outstanding requests. Graves trusted to the "Vigilance and Zeal for his Majesty's service" of Medows and his men to protect Halifax until they could be reinforced.¹⁰

Commanders also often complained of the quality as well as the quantity of their men, particularly their warrant and petty officers. Captain David Pryce of the *Viper* sloop wrote one such letter to Graves in September 1775:

I am very much distressed for petty Officers as well as Warrants; my Carpenter infirm and past Duty; my Gunner made from a Livery servant, neither Seamen nor Gunner; my Master a Man in years, never an Officer before, made from A.B. on Board one of the Guard Ships, he then keeping a publick House at Gosport: Petty Officers I have but one, who owns himself mad at times. A Masters Mate I have not, nor can any one make a Boatswains Mate. I have not one person I could trust with the Charge of a Vessel, I might take, to bring her in.

I thought it my Duty to inform you of the real State of a the Ship before she proceeded to Sea.¹¹

In like fashion, Captain John Symons noted that of the men he had sent to hospital, most were "... invalids and totally unfit for Service from old Age and other Infirmities and who have been a Burthen on the Ship for some time past..." When combined with seven men of his crew

many, Jackson to Shuldham, 29 Feb 1776 in Neeser, ed., *Despatches*, 104-5, and Shuldham to Stephens, *Chatham* in Halifax Harbour, 2 Jun 1776, in idem., ed., *Despatches*, 254.

⁹ Medows to Graves, *Tartar* at Halifax 19 Jun 1775, *NDAR* I, 717-8.

¹⁰ Graves to Medows, *Preston*, Boston, 29 Jun 1775, *NDAR* I, 776-7.

¹¹ Pryce to Graves, [*Viper*, Boston Harbour] 13 Sept 1775, *NDAR* II, 87.

recently taken prisoner, and being already five men short of complement in addition, this rendered "... the effective Men now on board very short indeed."¹² According to six deserters who ran to the rebels at Williamsburg in December 1775, vessels at Virginia such as the *Otter* and *Kingfisher* sloops reportedly had complements made up almost entirely of pressed men "disaffected to the cause, & unwilling to fight."¹³ Other deserters reported "...there is hardly a sailor on board the ships [at Virginia] but would run away if he had an opportunity."¹⁴

Graves complained to London that the low complements of his vessels in Boston harbour, particularly of the frigates and 20-gun sloops, made them attractive to the rebels as potential targets for possible cutting-out attempts. Complements were even lower than usual in July 1775, as many vessels had lent men to the transports being used for the army, which were losing their own crews to desertion.¹⁵ As late as April 1778, there were still difficulties fully manning the reinforcements being sent to the then station commander Richard, Lord Howe, from England, as vessels were suffering from low complements before they even arrived in America.¹⁶ When low complements affected by desertion, sickness and other causes reached their nadir, ships could no longer sail on operational cruises in North America.

Between October 1763 and November 1765 alone, Lord Colville's letters to the Admiralty make sixteen separate mentions of major incidents of desertion from his squadron,¹⁷ and refer as well to at least ten vessels by name that were unable to operate at different times. The latter was specifically due to the loss of men from desertion, particularly when in port at Boston, New York, or elsewhere in the American colonies.¹⁸ The ships affected ranged in size from the 30-man armed schooner *Gaspee* to the 220-man, 40-gun *Rainbow*, a fifth rate frigate. These smaller vessels, easier to handle in the harsh winters and shallow waters of the coasts and rivers of America, were crucial if Colville was to prevent smuggling.¹⁹

¹² Symons to Graves, Nantasket Roads, 28 Nov 1775, *NDAR* II, 1170-1.

¹³ T. Lee to R. Lee, Williamsburg, 9 Dec 1775, *NDAR* III, 27; Virginia Committee of Safety to Maryland Delegates in the Continental Congress, Williamsburg, 29 Dec 1775, *NDAR* III, 296-7.

¹⁴ *Purdie's Virginia Gazette*, Williamsburg, 15 Dec 1775, *NDAR* III, 117-8.

¹⁵ Graves to Stephens, *Preston*, Boston, 24 Jul 1775, *NDAR* I, 961-2.

¹⁶ TNA:PRO, ADM1/486, Arbuthnot to Stephens, Spithead, 4 April 1778 f.170; ADM1/488, R. Howe to Fielding, *Eagle*, Delaware River, 12 May 1778, ff. 407-8.

¹⁷ All letters are TNA:PRO, ADM 1/482, Colville to Stephens. Dates of the letters counted for this purpose are: 25 Oct 1763, 25 Jan 1764, 19 May 1764, 16 June 1764, 26 July 1764, 9 Sept 1764, 6 Oct 1764, 30 Nov 1764, 12 Jan 1765, 16 Feb 1765, 24 Feb 1765, 12 Mar 1765, 4 Jun 1765, 8 Aug 1765, 24 Sep 1765, 12 Nov 1765.

¹⁸ The ships or vessels were the *Coventry* (twice), the *Rainbow*, the *Sardoine*, the *Jamaica* (twice), the *Hawke*, the *Magdalen*, the *Gaspee*, the *Tryal*, the *Cygnnet* (twice) and the *Maidstone*.

¹⁹ Gwyn, *Frigates*, 40-2.

The squadron comprised twenty-eight vessels during this period. Having ten different ships unable to operate at one time or another specifically due to desertion²⁰ clearly indicates the severity of the problem, and why Colville's letters continually returned to this theme.

In like manner, Captain Archibald Kennedy, a native New Yorker, and his ship, the *Coventry*, "...seldom had enough men to enable her to move out of New York Harbour. From the time she left England in July 1763 until she returned in February 1768, she was under sail only 10 per cent of the time. Half of her sea time was spent on the single transatlantic round trip; most of the rest was taken up by her annual trips to Halifax for repairs, which were always preceded by a flurry of impressment and borrowing of men from other naval vessels."²¹ The Admiralty actually calculated the time vessels spent cruising on their stations, as opposed to the time they spent in port, from the log books submitted to London. Kennedy was disciplined for spending too much time in harbour, a situation that may also have been brought to the Board's attention by the high desertion rate on board that ship, as we shall see in the following chapter.²² No doubt, this was also a check on captains and commanders to ensure they actually stayed on their proper station as some were tempted by the lure of a higher chance of prize seizures to go "accidentally" astray. This could lead to disputes over authority between independent-minded captains and their station commanders, as well as between station commanders themselves, which often had to be mediated by London.²³

²⁰ As per the surviving weekly accounts for this period in TNA:PRO ADM 1/482, for example that of 15 Dec 1764. See Chapter 1 for a description of these sources and Chapter 4 for a complete analysis of them.

²¹ Stout, *Royal Navy in America*, 72-3.

²² TNA:PRO, ADM 7/574, Log abstracts, 1761-1776. This occurred when it was noted in London that Kennedy had only spent 24 days cruising at sea between 16 Oct 1763 and 31 Jul 1765, and that simply in passage from Halifax to New York, where he spent almost the entire remainder of his time on the North American station. See the notation on the cover page of TNA:PRO, ADM 51/213 Part I, Captain's log of Archibald Kennedy, *Coventry*, 9 Apr 1763 to 31 Jul 1765. On a subsequent assignment to North America between 25 Sept 1766 and 15 Feb 1768, an Admiralty clerk noted on his logbook that "I cannot make out a Certificate for this Journal without particular directions from the Lords, it not appearing that he ever went to Sea according to his Orders." When Kennedy appealed in a letter of 30 Apr 1768, the Admiralty directed that a certificate be completed for him. See the notations on the cover page of TNA:PRO, ADM 51/213 Part I, Captain's log of Archibald Kennedy, *Coventry*, 25 Sept 1766 to 15 Feb 1768.

²³ For example, the celebrated dispute between Arbuthnot and Rodney at New York in 1780 over station command and the commander's prize shares - see Rodney to Stephens, *Sandwich* off Sandy Hook, 15 Sept 1780; Green to Wallace, New York, 2 Oct 1780 in Rodney, *Letter-Books*, 9-11 and 22 respectively; Rodney to Stephens, *Sandwich* off New York, 10 Oct 1780, in idem., *Letter-Books*, 29-31; Arbuthnot to Rodney, *Royal Oak* at Sea, 16 Oct 1780 in idem., *Letter-Books*, 37-9; Rodney to Arbuthnot, *Sandwich* off New York, 19 Oct 1780, in idem., *Letter-Books*, 43-6; Rodney to Stephens, *Sandwich* off New York, 28 Oct 1780, in idem., *Letter-Books*, 58-61.

The problem was still growing by 1765. Colville reported that the captain of the *Hawke* (10) was prevented from going to sea because of the "...Desertion of his People, being thirty-three men short of complement..." The *Hawke* was manned eventually using the men of the *Coventry* (28), while Colville informed London that impressment would be necessary, despite concerns over his authority to do so:

The *Coventry*, *Rainbow*, *Sardoine*, *Jamaica* and several others of the ships have lost so many of their Hands to Desertion since their arrival in the Americas, that they have been altogether unfit for Service and as they could not replace them by any method but impressing, they were under an absolute necessity of having recourse to that expedient. They had no authority from me for such a measure, but as I knew the Ships could not otherwise be fit for any service, I gave no orders to the contrary... I presume it will be best to let Things remain as they are until further Order, for a Majority of our Provincial Councils being either themselves engaged in Trade, or nearly connected with others that are, we could expect but little relief from an application to the Governours and Councils even in cases of the greatest exigence, unless they are under the Necessity of complying with an Act of Parliament.²⁴

The Admiralty's reply was recorded in the minute on this same letter - "Advise him their Lordships will try to devise some method of keeping the ships of his squadron better manned."

Even impressment would not completely resolve the matter. The problems with desertion leaving vessels stranded in port continued into the early 1770s. Two ships, the *Hussar* and *Arethusa* (32), were stranded in Virginia in March 1770, and the *Boston* (24) and the *Arethusa* again immobilised there in May 1772. The former had lost fifty-two men out of her complement of 200 to desertion²⁵ even though the station commander by now had been authorized to use the crown's coin to recover the back wages of merchant seamen volunteering for service.²⁶ Samuel Graves could not stop arms shipments to the colonies during the winters of 1774 and 1775 because many of his ships were port-bound for lack of men.²⁷

Captain the Honourable G.K. Elphinstone (later Admiral Lord Keith), sent on the Charleston expedition in 1780 to take command of the officers and seamen under Arbuthnot, was given strict orders to take "...every possible precaution to prevent the Seamen from

²⁴ TNA:PRO, ADM 1/482, Colville to Stephens, 12 Mar 1765.

²⁵ TNA:PRO, ADM 1/2381, Captain Hyde Parker Jr. to Admiralty, n.d.; ADM 1/484, Montagu to Stephens, 9 May 1772 and ADM 50/17, Journal of Rear Admiral Montagu, 26 May 1771 to 5 Aug 1774, entries for 4 and 9 May 1772.

²⁶ See minute on TNA:PRO, ADM 1/484, Montagu to Stephens, 2 Jan 1772.

²⁷ Stout, *Royal Navy in America*, 138-9.

Stragglings, and to be careful to maintain the best order and discipline among them...”²⁸ This proved difficult, and he found himself defending his actions to give leave to his men in January 1779, a decision which had delayed his passage to New York prior to the expedition. The *Perseus* had been tied up alongside a wharf with ten or twelve other vessels attached to it. Elphinstone, having found it was impossible to keep his men onboard in this situation, particularly as they had received money, apparently had granted the leave. For doing so, he was taken to task by Admiral Howe.²⁹

To man the squadron’s existing ships was only part of the problem in North America. Station commanders such as Lord Colville also had to find complements for new locally-built or bought smaller vessels needed for customs enforcement purposes. To turn men over from other, larger warships was often the only solution to crew such vessels. This often reduced the effectiveness of the larger warships.

In May 1764, Colville reported to the Admiralty on his acquisition of six small sloops and schooners for such tasks, noting that no seamen or petty officers were available to man them in America. Overall, the squadron’s lower decks were already short 208 men. Ships in New York were unable to put to sea due to lack of men, and other ships had also lost many of their complement - at least three vessels were considering pressing to complete their complements, although Colville advised them not to.³⁰ As there was no means of procuring seamen or petty officers for the new schooners, Colville considered turning over a few men from each of his other ships. In Colville’s view, the proportions of marines aboard as part of each ship’s complement made his numbers of seamen too low. The fact that the other ships of the squadron were so short of men due to sickness and other causes meant that the turnover proposal was ruled out. The admiral feared the ships providing such men would not be fit for service if such turnovers were to take place. He informed London that if he could not devise an alternative plan for manning the schooners, he would lay up the *Arlborough* for a season and distribute her men among them, “as far as they will go.”³¹

By August 1775, even the captains of the larger ships of the line were expressing concern over their low complements and the dangers this posed. These battleships were often

²⁸ NMM, KEI/2/2 Part 2, Arbuthnot to Elphinstone, 24 Mar 1780.

²⁹ NMM, KEI/122, Clayton to Elphinstone, *Ardent*, New York, 2 Jan 1779; Elphinstone to Clayton, *Perseus* off New York, 3 Jan 1779.

³⁰ TNA:PRO, ADM 1/482, Colville to Stephens, 19 May 1764.

³¹ TNA:PRO, ADM 1/482, Colville to Stephens, 19 May 1764.

lending men to the smaller warships and to the boats for operations of the army, as well as having numerous men sick ashore and on board (often due to shortage of provisions). The *Somerset* (64) and the *Boyne* (64) between them were nearly 350 men short of complement.³² Graves asked Gage to find some other means of manning the army's boats and transports. If the seamen could not be returned, Graves asked for as many marines as could be spared.³³ Apparently his request was at least partially fulfilled. Two days later the *Somerset* was short only fifty-five men for these purposes compared to her previous loans of 150 men, and the *Preston* (50) short only thirty-five,³⁴ while marines were used to replace seamen in some of the army's boats.³⁵ Lord Howe suffered from similar constraints. In June 1777 at New York, many of his ships could not sail as most of their seamen and marines were employed in boat work with the army. At that time he had only four two-decked ships completed with enough men to be able to sail, as well as being short an adequate number of both frigates and seamen. Smaller vessels also continued to have their complements filled out by transferring men from the larger warships.³⁶

Problems of desertion and undermanning in North America had effects far beyond the boundaries of that naval station. By September 1775 the shortages of men, combined with the lack of trade at Boston from which to press seamen, led Graves to write to the Governor of Newfoundland, Rear Admiral Thomas Duff, for assistance in manning the squadron. In his letter to Duff, Graves noted the shortages were due not only to desertion and sickness, but also to the "great many good men taken prisoner by the Rebels, and some killed and wounded....". Thus, he was reduced to manning the sloops and smaller vessels from the complements of his larger ships. The latter now were so occupied with boat and harbour duties that they could be no further weakened, and the press was no solution as trade had ceased at Boston and "The Spirit of Revolt" was appearing in Nova Scotia. He hoped that Duff would be able "...to get young healthy fellows, you will be so good to send me as many as can be spared, and if you can add a few Marines, when you return to England, it will be doubly serving us..." Warning Duff to keep an eye on his local pilots, Graves now suspected some of them of deliberately

³² Narrative of Graves, [Boston], 2 August [1775], *NDAR* I, 1039; LeCras to Graves, *Somerset* at Boston, 4 Aug 1775, *NDAR* I, 1059; "Status of the Boyne's company" *NDAR* I, 1059-60.

³³ Graves to Gage, Boston 5 Aug 1775, *NDAR* I, 1067-9.

³⁴ Graves to Gage, Boston 7 Aug 1775, *NDAR* I, 1085-6.

³⁵ Gage to Graves, Boston 9 Aug 1775 *NDAR* I, 1103.

³⁶ Howe to Stephens, *Eagle* off New York, 5 Jun 1777, *NDAR* IX, 26-7.

attempting to run ships aground.³⁷ The admiral also wrote to Captain Edward Le Cras, whom he had sent to Halifax as a reinforcement with the *Somerset* for the protection of the yard, informing him to send a vessel to Newfoundland for this purpose, noting that he believed some seamen "...may be had, or at least healthy young Fishermen, at the breaking up of the Season."³⁸

Duff forwarded Graves' request to his captains and commanders in Newfoundland. These included Elphinstone, commanding the *Romney*, the Newfoundland squadron flagship. Elphinstone received orders on 1 October to raise "...some Seamen, Seafaring men, or stout able bodied Landmen..."³⁹ Volunteers also were solicited from the ships of the Newfoundland squadron to serve in North America, with nine men from the *Romney* putting their names forward for such service.⁴⁰ The result of such activity was the return of the *Savage* sloop to Halifax in December, carrying eighty-three men who had been raised at St. John's with Duff's assistance. Some of the men were sent immediately to Boston, while the remainder were entered on board the *Fowey*.⁴¹

The unrest and frictions caused by desertion in North America could influence relations between station commanders themselves. For example, in June 1777 the commander of the Leeward Islands station at Antigua, Vice Admiral James Young, complained to the Admiralty Board in London of the inconveniences caused by vessels of the growing American squadron refitting at Antigua instead of Halifax. Ten vessels had now refitted at the yard in Antigua so far that year, a burden which was more than could be handled by his artificers. The number of sick men brought onshore from American squadron vessels had also greatly distressed his facilities. Warships from American waters arrived very short of complement, and Young felt it necessary for the good of the service to send them back with fully completed crews. But this could be achieved only by transferring men from Young's own ships to the

³⁷ Graves to Duff, *Preston*, Boston, 4 Sept 1775, *NDAR* II, 8-11; Graves to Stephens, *Preston* at Boston 20 Nov 1775, *NDAR* II, 1082-3. For an example of an account of a local pilot deliberately leading a British vessel aground, resulting in the capture of its crew, see *Providence Gazette*, 28 Oct 1775, *NDAR* II, 625-6 and *Newport Mercury*, 30 Oct 1775, *NDAR* II, 645.

³⁸ Graves to Le Cras, *Preston* at Boston, 4 Sept 1775, *NDAR* II, 11.

³⁹ NMM, KEI/2/1, Keith Papers, Letters received, *Romney*, Newfoundland and North America, 1775-1777, Duff to Elphinstone, St. John's Nfld., 1 Oct 1775.

⁴⁰ NMM, KEI/2/1, Duff to Elphinstone, St. John's Nfld., 16 and 18 Oct 1775.

⁴¹ TNA:PRO, ADM 1/485, Graves to Stephens *Preston* at Boston 4 Dec 1775, f.468.

detriment of the Leeward Islands squadron which was already suffering too from shortages of seamen due to deaths and desertion.⁴²

Deserters could also directly and indirectly interfere with operations ashore and afloat. One indirect means was the provision of intelligence on the operations of the enemy to both sides of the conflict. Runaways from ships of war, such as two men from the *Lively* (20) in August 1775, often were sent directly to George Washington's camp for interrogation if captured by the rebels.⁴³ Their knowledge, particularly of the state of morale and health of the men on board British warships and movements of the ships themselves, often were published later in newspaper accounts, no doubt as a psychological ploy to attempt to undermine further British morale.⁴⁴ In one instance, the entire British plan for recruiting native Indian tribes in the interior in October 1775 was revealed by a pressed American seaman from the *Arundel* (24), who had deserted after a chance encounter and discussion of the operation with the British army major being sent on the *Viper* (10) to carry out the plan on behalf of General Gage. His information went immediately to George Washington.⁴⁵

Similarly, Graves' scheme to bombard the town of Falmouth, Massachusetts was revealed to the rebels by three pressed deserters, a quartermaster and two topmen, from the *Halifax* schooner (6.10).⁴⁶ Sir George Collier, with at least sixty American seamen on his flagship the *Rainbow* (44) out of a complement of 250 men, experienced similar problems during the combined operation at Machias in 1777. Even though the Americans were stationed between decks for security, two men deserted at Machias, one of whom swam two miles upriver to inform the rebels that the British had sent 300 men upstream to land, and provided details on ships present and reinforcements expected.⁴⁷

More direct methods of affecting operations ashore and afloat by deserters were also common. In August 1775, after Captain John Linzee in the *Falcon* (14) had been fired upon from the town of Cape Ann while chasing and cutting out rebel schooners, a landing party went ashore to set fire to the town in revenge. This plan was foiled when an American seaman, part of the force, set fire to the powder before it was properly placed, blowing up another

⁴² Young to Stephens, Antigua, 12 Jun 1777, *NDAR* IX, 100.

⁴³ Baldwin to Washington, Chelsea, 13 Aug 1775, *NDAR* I, 1133.

⁴⁴ *New England Chronicle*, 14 Sept 1775 to 21 Sept 1775, Cambridge, 21 Sept 1775, *NDAR* II, 169.

⁴⁵ Cowley to Washington [Rhode Island, 4 Oct 1775], *NDAR* II, 293-4.

⁴⁶ Powell to Massachusetts General Court, North Yarmouth, 24 Oct 1775, *NDAR* II, 588-9.

⁴⁷ John Preble to Jedediah Preble, [Machias], 17 Aug 1777, *NDAR* IX, 760.

British seaman. The American then deserted. Linzee noted that until this incident the American “had always been very active in our cause”. Linzee also implied in his letter to Graves that the commitment of some of his other men may have been doubtful. When Linzee attempted to send one of his prizes to bring off his men from another prize schooner, which was under heavy fire, he was unable to do so due to the “want of an Officer”. The American crew held aboard the threatened vessel broke free, recapturing her and the first prize. Linzee subsequently lost his master, gunner, fifteen seamen, seven marines, a boy, and ten pressed Americans taken prisoner.⁴⁸ An American newspaper account of the event implied that Linzee, after his first prize was fired upon, had been determined to cannonade the town. Linzee was cast in the role of an anti-Christ, “...venting his hellish rage, and setting himself as if it were against heaven...” while he with “diabolical pleasure” fired into the town and took aim, supposedly in his own words “...at the damn’d Presbyterian church...”. God, in this account at least, was recorded clearly as being on the side of the American rebels.⁴⁹

It is significant that Graves and other commanders felt repeatedly compelled to report these events to London, not only perhaps as an indication of political feeling among the colonists, but also as a gauge of the views of the reliability of some of their own seamen and marines. At the same time, the admiral was having difficulty acquiring shipwrights, caulkers, and artificers to work on the ships of the squadron at Boston. After the battle of Lexington, many colonists refused to work for the British army or navy, as it meant risking their lives, even if such an individual was well-disposed to the rebels:

The means used to prevent him were the threatening to pull down his House or otherwise destroy his property, the holding of him up as an Enemy to and Betrayer of his Country, the forbidding of all Communication with him, and perhaps the firing of Shot through his house; so that many were terrified into Compliance with the Desires of their seditious Countrymen....⁵⁰

It would not be long until this fear of political terror appeared on board the ships of the squadron as well.

Local navigational pilots who cooperated with the King’s ships eventually were driven from their homes, and threatened with death. Such men were crucial to the operations of the

⁴⁸ Linzee to Graves, Nantasket Road, 10 Aug 1775, *NDAR I*, 1110-1.

⁴⁹ “A Letter from Gloucester, Cape Ann, to Isaiah Thomas, Worcester” Gloucester, 13 Aug 1775”, *Massachusetts Spy*, 16 Aug 1775, *NDAR I*, 1132-3.

⁵⁰ BL, Add Mss 14038, Conduct of Graves I, 24 Sept 1774, f.15.

squadron in the rivers and coastal waters of colonial America. Graves therefore advised London that because of their utility, he would be breaking regulations by contracting such valuable men and keeping them on board ship at higher rates than usual for their own protection.⁵¹

Vice Admiral Lord Molyneux Shulldham arrived at Boston on 4 January 1776 to replace Graves. By 25 February, he had to deal with a mass desertion mutiny on board the *Tryal* (14). The *Tryal*, on her way to Boston, lost its only boat and seven men, who before they deserted "...drew the Shot from ... [her]...Guns and filled up their touchholes, &c."⁵² Her senior officer requested that Shulldham have the *Tryal* manned again at Boston and sent back to his station. As we saw in Chapter 2, Shulldham had similar views to Graves on the utility of American seamen and the necessity of keeping his marine complements up to strength was no doubt reinforced by such mutinies.

Such attitudes towards the utility of American seamen onboard British warships seem to have shifted with the outbreak of a full-fledged conflict and the fear of France's entry into the war. By April 1777, commanders of vessels arriving in North America were ordered to complete their complements by taking any of His Majesty's subjects of Great Britain or Ireland who were fit for service off seized enemy vessels, and to bear any others beyond their complement as supernumeraries. Americans "as are willing and in like manner fit to serve on board his Majesty's ships" were also to be pressed into service, and those unwilling held and victualled as prisoners.⁵³ By January 1778, Howe had received clear instructions from George Germaine regarding the disposal of American prisoners from merchant prizes. "In regard to the Crews of any trading Vessels belonging to the Rebels, such of them as the Commanders of HMS do not think fit to press into the King's service, must be left at Liberty".⁵⁴

Yet concerns over Americans aboard had by no means dissipated. Following on from the political violence occurring ashore in the American colonies both before and after the outbreak of actual warfare between British and American forces, acts of terror were also committed on board ship. One such occurred in December 1779 as Vice Admiral Arbuthnot's fleet of eight sail of the line, ten frigates, and 18,000 men in troop transports was forming at New York for

⁵¹ BL, Add Mss 14038, Conduct of Graves I, Graves to Stephens, Boston, 11 Apr 1775 ff. 40-2.

⁵² TNA:PRO, ADM 50/111 Part 2, Journal of Admiral Ld Shulldham, 4 Jan 1776 to 30 Jun 1776.

⁵³ NMM, KEI/125, Hotham to Elphinstone, *Roebuck* in the Delaware, 11 Apr 1777.

⁵⁴ TNA:PRO, ADM1/488, Germaine to Howe, Whitehall, 10 Jan 1778, ff. 254-5.

the Charlestown expedition. The *Roebuck* (44), under Captain Andrew Snape Hamond, had been ordered to lead the fleet out of New York harbour when an American seaman, a volunteer on his books, attempted to set the ship afire in the middle of the night. According to Hamond, the man had:

...contrived to collect a quantity of combustibles into the Foretop, which he had put into the Staysails there, and sprinkled Tar and Gunpowder on the Foresail; and had actually got up with a lighted match, when a spark of fire fell down upon the Forecastle; which the Sentinel observed, and called out there was fire in the Foretop; the Lieutenant of the Watch not only called out to know if any person was there, but immediately ordered People aloft, who found the American in the very act of doing the Mischief, the sails being actually on fire, and it was also found that two strands of the cable were cut through by which the ship was riding.

The Rage of the Ships Company may be better conceived than described; there was actual difficulty in preventing them from tearing the wretch to Pieces. However he was at length secured on the Quarter Deck in Irons, when upon being interrogated, as to his motive, He said, as he had failed he knew his life was forfeited, and therefore declared he had made the attempt to serve his country. That fully believing that if the *Roebuck* had been set on fire, she must have inevitable have driven into the Body of the Fleet, which would have burnt many of the Ships, driven others onshore, and thrown the whole into such confusion that it might have occasioned the Expedition against Charles Town to be set aside; and added that the impulse was so strong it was out of his Power to resist it.

The Admiral being acquainted with the circumstances, and receiving my Letter and application for a Court Martial on the Villain, gave immediate orders to Rear Admiral Drake to assemble the Court, but instead of doing so, he sent his Secretary the Deputy Judge Advocate on board; to inform the prisoner of the charges against him, to know what Evidence he would call to his defense, and to prepare for his Tryal in 48 Hours! --Alas, before that time, the wind had come fair, and the Fleet were at sea, when no Court Martial could be held. So that the atrocious miscreant's life was unnecessarily prolonged, by the Rules it seemed of the Old School of the Navy.⁵⁵

Such acts no doubt did little to endear American seamen to their colleagues on the lower deck given the immense fear of fire aboard naval warships. They perhaps justified Graves' suspicions regarding their use aboard his ships, and fears about the vulnerability of the Halifax naval yard and stores to such an attempt.

Shortages of seamen and the failure of the Admiralty to remedy them led to impressment, officially sanctioned with the outbreak of open rebellion, or unofficially before. In addition to resulting in men of dubious quality or unreliable loyalty joining a ship's crew,

⁵⁵ Moomaw, "Autobiography of Captain Sir Andrew Snape Hamond", 102-4.

impressment could also create conflicts ashore and afloat, and influence political disputes ashore. Before 1775, impressment ashore was often used to recover deserters, which was legally allowed, or to raise additional men if such recovery attempts failed. Naval commanders on station ships in New England were vociferous in complaining to the Admiralty of their problems in manning vessels by pressing men since the early 1740s, and a compilation of such complaints was forwarded by the Admiralty to all the New England governors in August 1743.⁵⁶ Impressment was a highly volatile political problem in the New England colonies, which believed they were protected from it by the Act of 6 Queen Anne which forbade the use of that form of conscription in “America”. This act originally was understood to encompass only the West Indies, but was extended in practice to the mainland colonies.⁵⁷

Including complaints from eleven captains, some sending multiple letters, desertion was sometimes cited as the main reason for shortages of men on board ship which then required the commanders to use impressment to fill out their complements. The Admiralty, backed by the Attorney General and various legal opinions, argued that the Act had lapsed at the end of the French War, that captains could press men without distressing trade or violating protections, and that the governors were to give them every assistance. The latter were also specifically ordered to assist in recovering deserters from the station ships.⁵⁸

Manning problems included incidents of mass desertion, such as had occurred on the *Astrea* lying in Nantasket Roads, when forty to fifty of her men “by the Enticements of the People at Boston, & the large Wages given by the Merchants” had fled en masse.⁵⁹ The men were believed to have headed to Rhode Island to sail from there.⁶⁰ In Virginia, local traders

⁵⁶ See Rhode Island State Archives (hereafter RISA), Letters to the Governor, 1742-5, 2/26, “Extracts of letters from commanders of His Majesty's Ships, stationed at the Colonies in America, representing the Difficulties they lye under, in procuring Seamen to keep up their Complements, 1741-1743.”

⁵⁷ Stout, *Royal Navy in America*, 119 and Brunsman, “The Evil Necessity”, 99ff.

⁵⁸ RISA, Letters to the Governor, 1742-5, 2/41, “Copy of a Letter from Mr. Corbett to the several Governors of his Majesties Colonies in America, Dated the 19th August 1743”; 2/46, “Copy of an Order from the Lords Comrs of the Admiralty to the several Captains of His Majesty's Ships in America”, 26 Sept 1743; 2/48, A.Stone, Lords Justices, to Govr & Company of Rhode Island, Whitehall, 1 Oct 1743; 2/49, Admiralty to Lords Justices, London, 26 Sept 1743.

⁵⁹ Scott to Admiralty, New England, 26 Jun 1741, in RISA, Letters to the Governor, 1742-5, 2/26, “Extracts of letters... 1741-1743.”

⁶⁰ RISA, Letters to the Governor, 1742-5, 2/25, Shirley to Govr. of Rhode Island, Boston, 26 Oct 1742, f.25.

formed combinations to prosecute naval officers who attempted to recover their deserters via impressment, often on false grounds.⁶¹

One of the most infamous desertion-sparked impressment incidents in American waters occurred on 17 November 1747, in Boston harbour, after five men deserted from the *Lark*. A large reward for their return was offered the same day, but by that time it was too late. The previous evening Commodore Charles Knowles, on his way to the West Indies, decided more decisive effort was required to recover some thirty of his men who deserted his ships after they came to off Nantasket Island to refit in October. Knowles sent a proclamation to Boston, declaring that if the deserters returned their crime would be pardoned. Yet when he received intelligence that the runaways were preparing to sail from Boston on outward-bound merchantmen, Knowles ordered his boats to search the harbour and recapture the men. One of his captains promptly returned with forty-six men, among them some Bostonians. Knowles did not intend to keep any colonials or impress them, but before he had a chance to separate them from the deserters he learned that a mob had formed in the city and seized some of his officers.⁶²

After threatening Governor William Shirley and some naval officers sheltering in his home, the mob beat the deputy sheriff and marched on the province house. The governor attempted to persuade Knowles to free the impressed seamen, while that night the mob burnt a small barge it believed belonged to the navy.⁶³ The disturbance went on for another two days, with Knowles initially refusing negotiation and eventually turning the guns of his ships on the city and threatening to bombard Boston. Shirley then demanded the release of the naval officers and criticized the mob, which dispersed on 20 November, as Knowles released some of the impressed men.⁶⁴

This incident prompted the December publication of a pamphlet by an anonymous author, believed to be Samuel Adams. The pamphlet was entitled "An Address to the Inhabitants of the Province of Massachusetts Bay in New England, More Especially, To the

⁶¹ Gordon, *Hound* sloop at Virginia, 9 Jun 1743, in RISA, Letters to the Governor, 1742-5, 2/26, "Extracts of letters... 1741-1743."

⁶² Lax and Pencak, "The Knowles Riot" 182-3. For a more recent reassessment in the broader framework of Knowles' career, see Brunsman, "Knowles". For the role of seamen in mob actions in pre-revolutionary and revolutionary America, see P.A. Gilje, *Rioting in America*, (Bloomington, IN: Indiana University Press, 1996); Lemisch, *Jack Tar*; Nash, *Urban Crucible*, and Linebaugh and Rediker, *The Many Headed Hydra*.

⁶³ Lax and Pencak, "The Knowles Riot", 164.

⁶⁴ *Ibid.*, 164, 196.

Inhabitants of Boston: Occasioned by the late Illegal and unwarrantable Attack Upon their Liberties, And the Unhappy Confusion and Disorders consequent thereon.” In it, Adams criticised the people for attacking their own government, but claimed their actions were justified as “mutual Defence” against an authority that had overstepped its bounds. His pamphlet criticised impressment and recent trade legislation changes.⁶⁵ Thus, desertion had indirectly led to one of the first major incidents of mob violence against the British, a British officer who proved willing to turn his guns against the colonists, and to intellectual reaction among the colonists against the actions of the navy long before the Revolution’s start. Lax and Pencak believe this incident was “... the immediate cause of Samuel Adams’ formulation of an ideology of resistance, in which the natural rights of man were used for the first time in the province to justify mob activity.”⁶⁶ Desertion and pressing continued to be an irritant after these events, but became more important by 1763 when the ships of the North American squadron became far more active in enforcing new customs and revenue regulations.

By May 1764, seven months after his arrival in America, Lord Colville informed London that the shortage of seamen was becoming so critical that he was being pressured by his captains to authorize impressment of native New Englanders, a step which he saw as “...absolutely necessary tho’ not strictly legal...” But the Admiralty refused to allow Colville to impress, following the provisions of 19 Geo. 2, which forbade it except in cases of utmost necessity, and “...even then not without the full consent of the Governour and Council of the Province.” The latter was never forthcoming, which Colville admitted placed him in an awkward situation:

...our Captains sometimes impress Seamen, when necessity drives them to it; and as I have from time to time acquainted the Admiralty with the same, I know that such Proceedings are not disapproved of by their Lordships. Indeed some of the Captains have been very earnest with me to authorize them in the Business of Pressing: But how can I delegate a Power to the Officers under my command which I am not invested with myself. I freely give them my private approbation, and that is all I can do. The Good of the Service is a very powerful Plea.⁶⁷

The Admiralty’s lack of response to these pleas was deafening, and seemed to indicate that London was satisfied with an unofficial “impressment if necessary but not

⁶⁵ Ibid., 201-4.

⁶⁶ Ibid., 214.

⁶⁷ LAC, R2815-0-8-E, Colville papers, Memoirs, 11 May 1764, ff. 70-1.

necessarily impressment” policy in North America, despite how it may have weakened Colville’s authority in the eyes of his commanders and colonial officials.

Another press incident spawned by desertion, with major political consequences, was that of the *Rose* (20). In May 1769, Commodore Samuel Hood sent his orders for Captain Benjamin Caldwell of the *Rose* “at the time of the fatal affair” to the Admiralty, stressing the great pains he was taking not to harm local trade while raising men in New England.⁶⁸ In following these orders, an officer from the *Rose* was killed while undertaking a customs search when four men “for fear of being impressed” locked themselves in a hold armed with a musket, axe, harpoon and fishgig.⁶⁹

The *Rose* incident was important to the development of the ideology of the Revolution, as the four men, tried for murder, were represented by John Adams, and pleaded self-defence. Thomas Hutchinson, then a Chief Justice in Massachusetts, immediately adjourned the court and authorized an acquittal on the grounds that no warrant had been issued for the press. His quick action prevented the question of the legality of the press in America from being made publically into a political and ideological issue at the trial by Adams, who was well prepared to do so, by forcing the authorities to defend their “illegal” actions in court.⁷⁰ Adams later claimed, ““They dared not pronounce judgement in favour of impressment in any possible case. Such a judgement would... have accelerated the revolution more than even the impeachment of the judges, or Hutchinson's foolish controversy about the omniscience and omnipotence and infinite goodness of Parliament did afterwards.””⁷¹ Once again, desertion , an administrative problem, was threatening to become political.

Desertion inevitably forced the hand of Admiral Graves into using impressment. He informed London in February 1775 that he was obliged through necessity “contrary to my Inclination” to begin raising men by impressment throughout New England, despite the probable violent reaction of the colonists to such an act.⁷² Finally, in June 1775 Parliament formally legalised impressment in America by repealing the disputed clause of 6 Queen Anne which forbade impressing seamen in “America”. The Admiralty soon issued blank press

⁶⁸ TNA:PRO, ADM 1/483, Hood to Stephens, 5 May 1769.

⁶⁹ TNA:PRO, ADM 1/483, Hood to Stephens, 5 May 1769; Hood to Caldwell, n.d., enclosed in same.

⁷⁰ Lax and Pencak, “The Knowles Riot”, 212 and Clark, “Impressment” p220-1.

⁷¹ Cited in Stout, “Manning”, 182-3.

⁷² BL, Add Mss 14038, Conduct of Graves I, Graves to Stephens, Boston, 20 Feb 1775 ff. 33-4; TNA:PRO, ADM1/485, Graves to Stephens, Boston, 20 Feb 1775, f.108.

warrants for the squadron, and by September, Graves had made out sixty-seven such warrants for his officers.⁷³ By then, with merchant trade almost non-existent at Boston and the rebellion in full force, it was too late – and it was likely the wrong solution in America in any event. In some cases, news of the official advent of the press led Americans to desert en masse from merchant vessels along the eastern seaboard.⁷⁴

Naval officers also used deserters as bargaining chips when colonial officials asked for the release of pressed locals from their vessels. For example, in December 1781 Simeon Perkins made application to Captain Percy Brett of the *Atalanta* sloop to release a young man from Lunenburg, Nova Scotia. The captain made a counter-offer. Noting that two of his men who had been working in a brig that had been driven on shore while being chased by the *Atalanta* had now deserted, and were being concealed by the local inhabitants, Brett offered to release the boy if the two were returned.⁷⁵ By this period sea officers seemed conscious of the fact that they had to apply for the assistance of a constable when searching for deserters ashore in Nova Scotia, as Brett did. But when such searches failed they may have been used as an excuse to press other men, although if locals they were often released upon application.⁷⁶

When General Gage and the agent for transports brought it to Graves' attention that seamen from the army transports were also deserting to the ships of the squadron, the admiral was quick to reassure the general that in future no such deserters would be entered onto the books of his ships.⁷⁷ He noted that men were deserting largely due to ill usage aboard the transports, even though their wages were 12s/6d more per month than what they would receive in the naval service. Graves explained to Gage that men from the transports were not subject to impressment "but in Cases of very bad behaviour and at the Masters Request". Graves believed mistreatment of the men serving on board transports was the root of their desertion problem, and that the masters of those vessels deserved "Severe reprehension".⁷⁸ The station commander was concerned that if such men were not allowed to enter on board men of war, they would be lost to both services. After some weeks of discussion, Graves agreed no longer to enlist transport men in the ships of the squadron, and if Gage could relieve twenty-seven of

⁷³ Graves to Stephens, *Preston* at Boston 12 Sept 1775, *NDAR* II, 82-3.

⁷⁴ "Statement of Simeon Turner, Master of the Sloop *Race Horse*," *NDAR* I, 936-7.

⁷⁵ Harvey, ed., *Diary of Simeon Perkins* v.2, 102-3 entries for 6 and 10 Dec 1781.

⁷⁶ *Ibid.*, 104 entry for 12 Dec 1781.

⁷⁷ Narrative of Graves, Boston, 14 Aug 1775 *NDAR* I, 1142.

⁷⁸ Graves to Gage, Boston 11 Jun 1775, *NDAR* I, 636.

his seamen working in the army's scows with marines, the admiral would happily send the same number on board the short-handed transports.⁷⁹

Yet once again, the captains and commanders on the station took little or no notice of such agreements and orders. By late 1775, Major-General Howe had brought the matter to the attention of Lord George Germaine, Secretary of State for the Colonies since November 1775. Germaine intern informed the Admiralty that Howe's transports were now short some sixty-five seamen who had been entered or pressed into service by warships on the station. In January 1776 the Admiralty Board felt it necessary to order Graves' replacement, Molyneux Shuldham, to direct his captains not to receive any seamen belonging to transports or other king's vessels, "...on no Account to suffer any such Men to be impressed into the Service."⁸⁰

Nova Scotia, desertion, loyalty and identity

When protests against impressment occurred at Halifax, Nova Scotia merchants complained through the Legislative Council to Governor Francis Legge about the disruption of their trade.⁸¹ Legge consulted with the new commodore at Halifax, Marriott Arbuthnot, who feared the army and fleet at Boston could be cut off from their supplies in Nova Scotia and perhaps even the use of the naval yard if an exemption was not granted for natives of the province. Arbuthnot apparently took it upon himself to exempt "natives of Nova Scotia", or inhabitants of the colony, from the press⁸² before referring the matter to his superior. Graves directed him to take up any other mariner he could find, "...there being no means beside of making good the Deficiencies continually happening by Sickness, Deaths, Desertions and Prisoners, and if the Fleet could not be kept manned the Services expected from it must remain unexecuted."⁸³ Graves discounted Arbuthnot's concern as the crews of transport vessels had protections from impressment. So while he told Arbuthnot that there were sufficient native mariners in Nova Scotia for their own commerce, whom Graves was content to exempt from impressment, all captains had press warrants and were to allow no opportunity to pass by

⁷⁹ Graves to Gage, Boston 14 Aug 1775, *NDAR* I, 1141.

⁸⁰ TNA:PRO ADM 2/550, Jackson to Shuldham, 9 Jan 1776, f. 522.

⁸¹ "Address of the Nova Scotia General Assembly to Francis Legge," enclosed in letter of 4 Nov 1775, *NDAR* II, 657. For a full discussion of the issues surrounding impressment and identity in Nova Scotia in this period, see Mercer, "North Atlantic Press Gangs". The standard account of Nova Scotian identity at this time remains that of Brebner, *Neutral Yankees*.

⁸² The original petition asked for exemption for seamen on vessels owned in Nova Scotia - somewhat broader.

⁸³ Graves to Legge, *Preston* at Boston 13 Dec 1775, *NDAR* III, 84; Narrative of Graves, [Boston 12 Dec 1775], *NDAR* III, 64-5.

without acquiring men. It was preferred that these would be Britons and “non-natives”, but even inhabitants of the province could be pressed if the situation required it, given the extreme shortages of seamen in the squadron.⁸⁴

Many British officials were concerned about the loyalty of the inhabitants of Nova Scotia as many of the colonists there had origins in and strong family connections to New England. Nova Scotia was problematic for British officials in more ways than one, with questions of identity and loyalty, and the protection of the naval yard at Halifax, foremost.⁸⁵ Graves reported to London that Nova Scotia was populated with many “disaffected” persons, whose numbers daily increased as emigrants arrived from Boston and Massachusetts Bay, The latter would no doubt agitate against the press “Under the pretence of their trade being injured...”, and just as the New Englanders had done, he believed they would strongly solicit the Admiralty on the matter. Yet Graves was distrustful of Arbuthnot. Graves believed the latter had not “...fully considered the Matter when he interested himself to the disadvantage of the Fleet...”, and left it up to the Admiralty to determine “...whether such a request at this time is a Proof of its Loyalty to the King or Attachment to his Majesty’s Government...”⁸⁶ Such fears soon took concrete form. In May 1775, Captain Andrew Barkley of the *Scarborough* (20) reported that some Haligonians had set the army’s stored hay on fire. It also was believed initially that an attempt had been made to fire other buildings in the naval yard.⁸⁷

This fear was reinforced when a large blaze occurred in the paint stores at the yard in July 1775. The incident alarmed the entire town, even though the flames were quickly extinguished. Governor Legge wrote to Lord Dartmouth that the fire’s initial starting point was near a powder magazine, where no open flame was supposed to be carried. This led Legge to believe that it was “...without all doubt a malicious design to destroy the Yard...”but no perpetrators were discovered.⁸⁸ Subsequent investigation by the naval officer at Halifax could

⁸⁴ Graves to Arbuthnot, *Preston* at Boston 8 Dec 1775, *NDAR* III, 5-6.

⁸⁵ Such concerns were by no means new, as similar fears over the security of the naval facilities had affected British decision making during the expulsion of the Acadians, a fact often overlooked by scholars working in Acadian history. For earlier concerns, see Douglas, “Nova Scotia”, 228-35.

⁸⁶ TNA:PRO, ADM1/485, Graves to Stephens, *Preston* at Boston, 28 Dec 1775, f. 504.

⁸⁷ Barkley to Graves, *Scarborough* at Piscataqua, 19 May 1775, *NDAR* I, 362. The fears over such incidents were no doubt accentuated given similar efforts by American sympathisers to destroy Portsmouth dockyard in England by fire in December 1776, and later the city of Bristol in January 1777 – see J. Warner, *John the Painter: The First Modern Terrorist*, (London: Profile Books, 2005). The Portsmouth dockyard commissioner at the time was James Gambier, who had also spent time at Halifax as station commander in 1770-1.

⁸⁸ Legge to Dartmouth, Halifax, 31 Jul 1775, *NDAR* I, 1013-14.

not determine whether this fire had been by accident or design, but Graves tended to believe it was the former, as the yard now was guarded closely around the clock. Nevertheless, little information regarding the fires had been wrung from private interviews of witnesses. Graves advertised their occurrence in the local newspapers, and offered a large reward for the discovery of any perpetrators.⁸⁹ The fear of such actions prompted Graves to order the *Tartar* (28) to sail to Halifax to provide additional protection for the town. The admiral believed the quantity of army and naval stores kept in its magazines combined with the great number of “notoriously disaffected” New Englanders who had removed themselves to Nova Scotia required more security to prevent “much Mischief” from “such an Influx of Rebels”.⁹⁰

By October 1775, Graves worried that any attempts to destroy the yard by such acts or by an actual invasion of Nova Scotia “...would be sure of assistance not only from the town and country people, but even from the artificers of the yard, who I am told are most of this province. It is indeed a very serious consideration that those employed in the king's Yard are so intimately connected with rebels that barely by not working they might thrown us into many difficulties. I dare not suggest what such a set of fanatics are further capable of.”⁹¹ While not providing direct insight into the political thought of planter communities, such views highlight the extent of naval anxiety over Nova Scotian identities and loyalties and their supposed commonalities with the American rebels.

Similar concerns were noted regarding the military reliability of Nova Scotians. Legge highlighted the unreliability of the militia in various communities in the Annapolis Valley and around the Bay of Fundy as the inhabitants of many settlements were entirely from New England. As Halifax's population were believed to be disaffected, Legge did not place any great dependence upon them for matters of security. Thus, the governor informed Dartmouth that the situation had spurred him into ordering magistrates to cause all those from New England “...to take Oaths of Allegiance and Supremacy, and to Apprehend any person who shall be otherwise than Loyal Affected, or shall endeavour to Stir up, or make any disturbance.”⁹² Legge's views were confirmed by the report of a special envoy he sent to converse with the inhabitants of these townships “...in order to discover their Principles –

⁸⁹ TNA:PRO, ADM1/485, Graves to Stephens, *Preston*, Boston, 19 Aug 1775, ff. 328ff.

⁹⁰ Graves to Stephens, *Preston* at Boston, 28 Jul 1775, *NDAR* I, 997.

⁹¹ TNA:PRO, ADM1/485, Graves to Stephens, *Preston*, Boston, 3 Oct 1775, ff. 393-4.

⁹² Legge to Dartmouth, Halifax, 31 Jul 1775, *NDAR* I, 1013-4.

Views – Sentiments – Wishes – Hopes -- & Fears--". His agent, Captain John Stanton, made a full report upon his return. It did not reflect favourably upon the New England planters of Nova Scotia. Stanton's report provided details on how the planters were trading with both sides of the conflict and desired a rebel invasion of Nova Scotia. Its author wrote "their Principles are Republican...Their views, to subvert the English Constitution in this Province...Their Sentiments, taken generally, are, that there is too much power vested in the Governor..." and that his authority should be limited.⁹³

The few English planters settled in Windsor, Horton, Cornwallis, Cumberland and Granville townships informed Stanton that in every locale the townspeople were predominantly American:

...they were always endeavo[r]ing to infuse their own Principles among all the other Settlers, of what Country soever – that they frequently declared, when heated in Argument – or intoxicated with liquor – that they would sooner kill an English Man than a Dog, and uttered many other Expressions equally base and inhuman in order to intimidate them.⁹⁴

Stanton concluded it would be imprudent to use the militia in the event of an invasion as relatives of the non-English locals were in a state of rebellion elsewhere. "To put a Confidence in such Fellows, would be acting like the Man who cherished a Snake in his bosom, till heated with the warmth of his blood, it bit him to death."⁹⁵ Stanton's report highlighted a clear correspondence, at least in the eyes of officials, between loyalty and identity, and the threatened identity was an English one, not a super-imposed British variety. Official perceptions such as those of Legge and Stanton undoubtedly influenced the thinking of Arbuthnot and Graves – and vice versa.

Graves' opinion of the doubtful loyalty and regional identity of Nova Scotians was reinforced by the reports of Captain William Duddingston of the *Senegal* (14). In December 1775, Duddingston had been sent on to Liverpool, Nova Scotia, a port town largely comprised of American planters and transients, merchants and fishermen. His task was to intercept reported shipments of contraband from Spain to the rebels via Liverpool and to raise men for the ships at Boston by pressing.⁹⁶ The actions of Duddingston and his officers while in and

⁹³ Stanton to Legge, Halifax, 4 Dec 1775, *NDAR* II, 1256-8.

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ Graves to Duddingston, *Preston* at Boston, 18 Dec 1775, *NDAR* III, 152.

around Liverpool, both in conscripting men and seizing “contraband” and sending it to the Vice Admiralty Court at Halifax, bordered on the outrageous in the opinion of the local planters, and greatly influenced the views of merchants and other notables to demand that Nova Scotians be exempted from the press. Graves noted none of this in his reports to London, stating only that Duddingston had landed in Liverpool on 26 December 1775, and had been unsuccessful in raising any volunteers for the sea service. Yet the admiral remarked upon a minor victory – “...since the *Senegal*’s Arrival in that Harbour they had prayed for the King, a Custom which had for a long time before been omitted.”⁹⁷

At almost the same time, the citizens of Liverpool and Yarmouth, Nova Scotia, whose communities had experienced several attacks by privateers, petitioned the colony’s government for more protection, and even for a form of neutrality in the worsening conflict. The magistrates of Yarmouth were officially informed by the Provincial Secretary’s office that such a memorial :

...could neither be received or Admitted, a Neutrality being utterly Absurd and inconsistent with the duty of Subjects, who are always bound by Laws to take Arms in defence of Government, and oppose and Repel all Hostile Attempts and Invasions, that the duty they owe as Subjects cannot be dispensed with, and that they must be obedient to the Laws of this Province.⁹⁸

Such actions were followed closely in the Thirteen Colonies. Americans believed, based upon their observation of events at Halifax which had experienced a small tea party of its own, that the Nova Scotia militia would assist the local “liberty boys” in any attempt they made upon the naval yard.⁹⁹ Similar views of Nova Scotians continued to be held by British naval officers on the station also. On the 6 September 1776, Commodore Sir George Collier arrived in Halifax onboard the *Rainbow* frigate to assume the role of senior naval officer there from Arbuthnot. Collier noted of the inhabitants in Halifax that “The lower kind of People were chiefly born in America, and from their Connexions with New England are not very well inclined to his Majs. Govt.” Collier reported that most Nova Scotians were engaged in trade with the rebels, with only the number of troops at Halifax preventing them from publically declaring “their rebellious sentiments”.¹⁰⁰

⁹⁷ Narrative of Graves, [Boston, 27 Jan 1776], *NDAR* III, 1006.

⁹⁸ Bulkeley to Magistrates of the Town of Yarmouth, Secretary’s Office, Halifax, 16 Dec 1775, *NDAR* III, 121.

⁹⁹ “Intelligence from Halifax, Nova Scotia”, 23 Sept 1775, *NDAR* II, 186.

¹⁰⁰ NMM, JOD/9, War in America.

Newspapers often used acts of desertion for political purposes to play off such feelings. Desertions were often publicised in pro-rebel newspapers in the American colonies, to both embarrass British officers and to encourage more men to switch sides, or to at least abandon the Royal Navy. For example, in May 1775, six men on a barge tender at Portsmouth, Massachusetts tied up their two officers and ran away. According to a newspaper account, “the tars, not liking their employ...were so impolite as to wish the prisoners good night, and came away.”¹⁰¹ In July 1775, a Pennsylvania newspaper article noted that when the British fleet with army transports arrived at Sandy Hook, a subaltern, two marine privates and two seamen sent ashore at Long Island to identify their exact location all deserted.¹⁰² Rhode Island papers published similar accounts, notably when the gunner and five seamen ran from the *Bolton* brig in January 1776.¹⁰³

Newspapers also continued to stress how British warships violated the liberties of Americans by impressing seamen, and often tied such commentary to more general opinions on the shortages of British manpower for their warships, perhaps implying that this was also due to lack of loyalty among disgruntled tars.¹⁰⁴ For example, a Boston newspaper reported that a squadron of “pirate ships”, the *Greyhound* (28), *Diamond* (32), *Scarborough* (20), *Albany* (18) and *Hope* (16), had sailed from Halifax in June 1777. The account noted that they were all “very poorly manned, and one-third of them by American sailors, whom they compel to enter their service.”¹⁰⁵ The same paper reported how seventy-five captured American seamen were being drafted from the *Lord Stanley* prison ship to help man the *Rainbow* (44), *Milford* (28) and *Cabot* (16).¹⁰⁶ The paper claimed that prisoners onboard her were supposedly “treated more like savages than christians”, and that the inhabitants of Halifax were intervening to aid them.¹⁰⁷

Broadsheets designed for similar purposes often depicted the British as murderers and tyrants and played upon ethnic, racial, and national identities to encourage men to desert to the

¹⁰¹ *Essex Journal*, Newburyport, 26 May 1775, NDAR I, 537.

¹⁰² “Extract of a Letter from New York, July 3d 1775”, *Pennsylvania Journal*, July 5 1775, NDAR I, 809.

¹⁰³ *Providence Gazette*, 20 Jan 1776, NDAR III, 882-3.

¹⁰⁴ For an examination of such popular culture during this period in England, see K. Wilson, *The Sense of the People: Politics, Culture and Imperialism in England, 1715-1785*, (Cambridge: 1995). The importance of newspapers is also discussed by Conway, *The British Isles*, idem, *War, State and Society*, and the interchange of political ideas in A.G. Olson, *Anglo-American politics, 1660-1775*, (Oxford,: Clarendon., 1973).

¹⁰⁵ *Independent Chronicle*, Boston, 19 Jun 1777, NDAR IX, 141-3.

¹⁰⁶ *Independent Chronicle*, Boston, 26 Jun 1777, NDAR IX, 173.

¹⁰⁷ *Independent Chronicle*, Boston, 19 Jun 1777, NDAR IX, 141-3.

Americans. One such work, remarking that Graves had committed the “crime” of impressment of American seamen against their will to act against their own countrymen, noted that “Turks and Indians would scorn such rascally conduct, and surely every British soldier and seamen must detest such an odious scoundrel.” The broadsheet set forth the desire of Americans to make British soldiers and seamen “free citizens of America. May you soon be freed from the service of tyrants, become the glorious defenders of freedom, and join the victorious Americans.”¹⁰⁸ Observers of British naval impressment at Boston also referred to the seamen as being “as hardened and inhumane as Turks”.¹⁰⁹

In opposite fashion, national identities, particularly those of the Scots, could be used to criticise American policy at home in England. One such, depicting events in Boston in 1775, was entitled “THE SCOTCH BUTCHERY”, and pointedly noted that many of the senior army commanders were Scottish, that English soldiers ran in horror at the actions of their Scottish compatriots who were portrayed as butchers, and noted the presence of the “English Fleet with *Scotch* Commanders”.¹¹⁰ What effect such works may have had on the lower decks of the squadron is not known, but Scottish officers such as Captain James Wallace were often targeted by American propaganda. The notables of Rhode Island, where Wallace’s small squadron often operated and where he had ordered the town of Newport to be fired upon, viewed him as entirely governed by Scottish influence. Thus, they did not expect any favour from him “as we have no connection with Scotch Men...whose principals are notoriously abhorrent to the present Family...”¹¹¹

Even English broadsheets poked fun at the system of discipline in the naval service during this period, and played on the tropes of identity and punishment in portraying seamen. Figure 3-1 depicts Admiral Rodney following his victory at the Battle of the Saintes, flogging four seamen working at a capstan with a cat o’ nine tails. One seaman is French, one Spanish, one Dutch, and one American, representing each of England’s enemies, and perhaps a subtle commentary on the ethnic makeup of the lower deck of her fleets and the perceived nature of discipline and authority on board her vessels, as we shall see in Chapter 4.

¹⁰⁸ “To the Soldiers and Seamen serving in the British Fleet and Army in America”, Salem, 15 Jun 1775, *NDAR* I, 685.

¹⁰⁹ “Diary of Peter Edes”, *NDAR* I, 718-20.

¹¹⁰ “The SCOTCH BUTCHERY A WELL EXECUTED PRINT. BOSTON 1775” J. Williams, Fleet Street. *NDAR* I, 944.

¹¹¹ S. and W. Vernon to Haley, Newport, 23 Aug 1775, *NDAR* I, 1214-5. For an examination of the types and effects of such formal and informal Scottish networks in the Atlantic world, see Hamilton, *Scotland*, .

By 1776, Graves had controversially returned to England, replaced first by Molyneux Shuldham and then Lord Howe. By now, the state of the North American squadron had become a public and political issue in Britain itself. Questions of how the ships had been fitted out in England, their initial complement levels and quality of seamen, and the maintenance of vessels on the station itself were being raised prominently in the press. This was often at the instigation of Graves and his supporters, to provide justification for why the squadron had apparently been ineffective in quelling the rebellion. Such polemics would eventually lead to Lord Sandwich being blamed for the overall ill preparation of the fleet, and his eventual dismissal as First Lord of the Admiralty. Recent historiography argues that the fleet in 1775 was no better or worse prepared than in earlier global conflicts, and that Sandwich made the best of a difficult situation.¹¹² In either case, the dispute was very public, with accounts such as the following being published in British newspapers, stressing the importance of desertion as a cause of manning shortages:

You desire what I will tell you the State of the Fleet. By what I can yet learn they are only a nominal Fleet; almost all of them came out short of their lowest Peace Compliment, and have had no Opportunity of recruiting their Numbers; so that from Death and Desertion, and other Accidents, they are reduced to a State of Inactivity. The whole of our Numbers put together would not man one half of the Ships, which are likewise in want of all Sorts of Stores and Necessaries...the Remissness complained of did not arise from the Admiral, who frequently left his own Ship in too defenceless a State (in my Opinion) in order to keep his Cruisers at Sea. On the Information I have procured, I do not scruple to assure you he has been cruelly used. What we are to do who succeed I know not. Much will be expected, but little can be done. Those Ships who have cruized have suffered much, and are much dispirited. The Truth of the Case is: You in England complain of them; we in America complain as much as you; This is general. All Ranks of Officers think themselves neglected at home, and those of the Fleet have never served under the same Disadvantages as they do at present. Ill manned, ill provided, ill supplied..." most of his friends in the Fleet "have for their Comfort the Change of Administration, and particularly that of Lord S---- [Sandwich].¹¹³

¹¹² See, for example, Rodger, *The Insatiable Earl: A Life of John Montagu, 4th Earl of Sandwich*, and Wilkinson, *The British Navy and the State in the Eighteenth Century*. Wilkinson argues essentially that the navy was a victim of its own growth and success, and problems of corruption, inefficiencies and the decay of the fleet by the 1770s were not simply a consequence of construction policies during the Seven Years' War or the neglect of previous first lords of the Admiralty, Egmont or Hawke, as Sandwich had argued in his defence. Wilkinson believes that Lord Sandwich "...inherited a looming crisis caused by a host of other factors that could not have been foreseen by him or his predecessors." The interval and frequency of wars, changes of policy, innovations in working practices, administrative methods and environmental and climactic factors all played a role over a period of decades. *idem.*, *The British Navy and the State in the Eighteenth Century*, 208.

¹¹³ "Extract of a Letter from Boston, Jan. 20", *Public Advertiser*, London, 27 Feb 1776, *NDAR* III, 877-8.

Thus, in addition to operational effects at both the ship and squadron level, and its political effect in the American colonies, desertion in America also was a political weapon in the arena of London broadsheets as well.

Methods of and motivations for desertion

Methods used to desert in North America were as varied and diverse as the motivations behind the act itself. Men swam from ships; stole boats and rowed ashore; ran when a ship was tied up along a wharf; escaped while on duty in a naval yard or as part of a shore party (while watering, wooding, replenishing stores, or on operations); deserted from leave on the occasions when it was granted; fled from hospitals when ashore sick; and ran from, or mutinied and took over, prize vessels when placed aboard them as part of a prize crew. There was no one favoured method, and the choice of such depended more upon contingency and opportunity, as is clear from some of the first-hand accounts discussed in Chapter 2.

The frequency and severity of desertion was linked to several motivating factors, equally diverse and sometimes overlapping in importance. These include wages and bounties (for both merchant seamen and in some cases privateers-men, as well as wages of labourers ashore) as well as the frequency of the seizure of prizes by naval vessels. Merchants and privateer owners (often one and the same) frequently attempted to seduce men from naval ranks for their own purposes. The amount of sea-time a vessel experienced compared to time in port may also have been a factor in desertion for obviously the latter offered more temptation and opportunity. The commentary of officers reveals that it was also the case that when men were kept active on operations, of any sort, there was less time for them to think of their situation and possibly of ways to get out of it.

Perhaps the largest temptation was the large differential between wages offered aboard merchant vessels and those in the navy, particularly in wartime, long identified as a major cause.¹¹⁴ Related were the often-long delays in payment of men's wages. Wages could be held in arrears for years despite the 1758 *Navy Act* provisions for payment every six months, as some captains believed men would not desert if they were owed substantial sums of money.¹¹⁵

¹¹⁴ Baugh, "The Eighteenth-Century Navy". For an historical table of wages see Rodger, *Command of the Ocean*, 618-28.

¹¹⁵ S.F. Gradish, "Wages and manning: the Navy Act of 1758," *The English Historical Review*, no. 93 (Jan 1978):46-67.

The Admiralty later asked the captain of the *Coventry* on the New York station, Archibald Kennedy, why he had undertaken a press in 1764. He stated:

The Ice and inclemency of the Weather during a great part of the winter on this station render it impossible for any ships during that season to remain in the stream, they are obliged to haul alongside of Wharfs for security, and it is not in the power of Man in that case to prevent Seamen from running away, especially considering the high Wages and other inducements the Merchants give them. In reality, upon the whole the Merchants are no losers [*sic*] by it, for if the Ships of War impress from them, they inveigle the seamen from the Men of War when they are in want. Not one of His Majesty's Ships who are stationed at any of the trading ports in North America, would ever be able to proceed on service, after laying up for one winter if they did not impress.¹¹⁶

Similarly, Commodore Samuel Hood informed London in 1768 that “...there was 'much murmuring' among crews of the armed schooners, as they had not been paid for five years.” Desertion at the time was costing the squadron forty to fifty men a month.¹¹⁷

Related to the issue of wages was enticement, seduction or “inveigling” of men by merchants or crimps working on their behalf, eager to hire seamen at high wages for their vessels and the regular trade convoys from Halifax, the West Indies and Quebec. As early as 1745, Sir Peter Warren complained of the loss of seamen to colonial merchant vessels on the Louisbourg expedition that year. He protested to Governor William Shirley of Massachusetts that many of his men had been seduced, secreted, and carried away by the merchant vessels he was escorting, despite his granting the merchant vessels protection from impressment for the duration of their service – a protection he now threatened to remove. His captains also complained of mistreatment and the inveigling of men by merchants at Boston.¹¹⁸ After its capture, isolated and distant Louisbourg was seen as one of the few safe places for squadron vessels to undertake careening or other major repairs that required the crews to go ashore. If these were attempted in New England the result was often mass desertion – although even in Louisbourg men were often carried away by New England vessels.¹¹⁹

In December 1770, Admiral Gambier remarked to London that the cause of desertions since his arrival at Boston was often due to local merchants seducing men to runaway:

¹¹⁶ Stout, *Royal Navy in America*, 71-2.

¹¹⁷ *Ibid.*, 139.

¹¹⁸ TNA:PRO, ADM1/480, Townshend to Shirley, 17 Aug. 1746.

¹¹⁹ Knowles to Newcastle 9 July 1746, Doc. 249; Warren to Townsend, 8 Aug 1746, Doc. 260; and Warren to Corbett, 23 Sept 1746, Doc. 276, in Gwyn, ed., *The Royal Navy*, 291, 305, and 20.

I took the liberty of mentioning to their Lordship's my apprehensions of the Seamen deserting from the several ships particularly at this Port from the great Trade hence and the continual seduction, those apprehensions were too true and the Crews of the King's Ships greatly decrease: but being informed that many Seamen that had left their Ships are now lurking in several parts of this and the neighbouring Provinces, sensible of their fault, but deferred from returning to their duty thro fear of punishment, I thought it the best expedient for the King's Service particularly at this critical time, and to avoid as much as possible the necessity of pressing, a Mode so obnoxious in the Colonies – to offer by Proclamation in this and the several neighbouring provinces a pardon to those that have lately deserted if they return to their duty by the first of February next...¹²⁰

The fact that men also are noted as wary of returning to duty because of fear of punishment is of interest. Very few commanders in North America seem to have considered this factor, or at least mentioned it in their official correspondence. Gambier, if not more humanitarian, was at least more aware of such concerns than previous station commanders, particularly Alexander Colville. Colville, as we have seen, believed harsh punishments were required to prevent loss of men, and as Chapter 7 will illustrate, had perhaps the worst record with regard to capital punishment for the crime of desertion of all the station commanders in North America between 1755 and 1806.

Desertion among ships assigned to the Gulf of St. Lawrence occurred for similar reasons, even in winter.¹²¹ Men may have run at Québec to join one of the regular merchant convoys to England, or with the intention of making their way to join the rebels in New York. In September 1778 Augustus Hervey, senior naval officer at Québec, wrote to Governor Frederick Haldimand, noting that he had intelligence indicating that many of his runaway seamen were at Montréal, and that seamen in general were very numerous at that town. Hervey hoped that a naval officer would be granted powers by the commanding officer at Montréal "... to search all Taverns, and publick houses in that place, and on taking such people, to order such guards as may be necessary for the securing of them."¹²² In subsequent years Hervey was so short-handed he asked for and received permission to press.

Merchant captains also often withheld the wages of seamen who joined a naval vessel in

¹²⁰ TNA:PRO, ADM 1/483, Gambier to Stephens, *Salisbury*, Boston harbour, 21 Dec 1770, ff. 330ff.

¹²¹ Which, barring extremes of climate, may have been easier as ships often tied up for the winter at the "Cul de Sac" at Québec.

¹²² BL, Add MS 21800, Haldimand Papers, Hervey to Haldimand, *Viper* off Québec, 10 Sept 1778, ff. 6-7. Hervey to Haldimand, *Viper* off Québec, 17 May 1779, f. 47; Inglis to Haldimand, *Pandora* at Québec, 23 Oct 1781, f. 272.

efforts to prevent them from running. In his letters to London, Admiral Montagu highlighted the “very great” problem of desertion such as the *Swan* and other vessels were encountering in America. He reported from Boston in January 1772 that he could get no legal assistance from the civil officers in apprehending deserters. Despite using every legal method to encourage volunteers, he noted many men refused to serve as merchant captains were withholding their wages to prevent them from entering the navy. Montagu asked the Admiralty to pay the legal expenses of the Advocate General in the Admiralty Court to oblige masters of such vessels to pay their men as he was not authorised to pay for such prosecutions and could not order the Advocate General to pay the expenses himself.¹²³

Conversely, masters of merchant vessels also sometimes turned naval deserters over to colonial or naval officials, but this was likely done more to rid themselves of troublemakers or when under duress. In Liverpool, Nova Scotia in April 1777, the captain of the brig *Arthur* from Halifax, John Penrese, turned over a man who had entered as his mate, one Johnstone, as a deserter to the town officials. Motives were mixed in this case, as Penrese believed Johnstone to be a “bad man” who had stolen money from the captain’s chest on board. As Penrese recovered the money, he did not want to prosecute the man (perhaps in order to save time and the costs of prosecution) but was satisfied to turn him over as a runaway. When interviewed, Johnstone, who claimed to be American and born outside Philadelphia, confessed to having spent near nine months on board the *Milford*, having been entered on her by Commodore Sir George Collier after being pressed from a Philadelphia vessel. Suspicious of the man, a Liverpool magistrate had him imprisoned. Johnstone’s situation deteriorated when members of the brig’s crew swore that he had talked of writing to privateers, who were known to be active near Liverpool.¹²⁴ Johnstone eventually was returned to the service when the sloop *General Gage* arrived from Halifax a few days later.¹²⁵

The chance of prize-taking, and shares in prizes, was also a factor in desertion and the seduction of seamen by British and rebel privateers and letters of marque. Alexander Colville highlighted the issue to London in June 1764, noting how he believed he had arrived at another potential solution to the perennial shortage of seamen:

I have some reason to expect that the prospect of Gain or Novelty may tempt

¹²³ TNA:PRO, ADM 1/484, Montagu to Stephens, 2 Jan 1772, f. 68; ADM 50/17, Montagu journal, 2 Jan 1772.

¹²⁴ Innis, ed., *Diary of Simeon Perkins v.1*, 148, entry for 16 Apr 1777.

¹²⁵ Ibid., 149, entry for 25 Apr 1777. For a similar case see entry for 4 Jan 1776.

Seamen to enter for these Vessels that would not for any of the King's Ships, I have therefore dispatched four of them to spread themselves in the principal Ports...in order to raise as many men as they can and to return here [Halifax] about the first of August...if the methods which I have taken to raise Seamen should not prove successful the *Alborough's* men may then be our last Resource, since no Supply can be expected from Newfoundland until the close of the [fishing] Season...¹²⁶

Yet the same month, Colville outlined problems with this proposal as well. He informed the Admiralty that "... the great Desertion from some of the ships on these stations is principally owing to the apprehension the Seamen have of being deprived of the advantage which they believed would accrue to them from the Capture of illicit Traders."¹²⁷ This letter likely refers to the ongoing dispute between the navy and the customs service over the division of shares of prize money of vessels seized, and the fact that the courts of Vice-Admiralty in New England were overturning many seizures. Thus Colville's hopes of "Gain and Novelty" tempting seamen into signing up with the King's ships had proven false, due mainly to the colonial courts' treatment of his prizes.

Samuel Graves was mortified in March 1775 to discover that even though he had kept his squadron active throughout the previous winter, no prize seizures of any value had been made.¹²⁸ When prizes and their cargoes rotted at Boston due to the lack of a viable Vice-Admiralty court to hear cases there,¹²⁹ or were destroyed because senior officers were leery of putting men into them for the passage to England or Halifax and weakening their already short-handed crews further, this was a further disquieting factor for the seamen of the squadron.¹³⁰ Such policies reduced the risk of men deserting from prizes, which happened frequently, or of their being recaptured by the rebels and the men taken prisoner. Deserters found in rebel merchant vessels taken by the squadron generally were sent to the commander-in-chief for him to dispose of as he saw fit.¹³¹

¹²⁶ TNA:PRO, ADM 1/482, Colville to Stephens, 10 June 1764.

¹²⁷ TNA:PRO, ADM 1/482, Colville to Stephens, 16 Jun 1764.

¹²⁸ BL, Add Mss 14038, Conduct of Graves I, Graves to Stephens, Boston, 19 Mar 1775, ff. 38-9.

¹²⁹ Lechemere and Brymer to Shuldham, Boston 16 Feb 1776, Enclosure D in Shuldham to Stephens, *Chatham* at Boston, 26 Feb 1776 in Neeser, ed., *Despatches*, 85-6.

¹³⁰ H. Parker to Shuldham, *Phoenix* at Sandy Hook, 29 Apr 1776, Enclosure A in Shuldham to Stephens, *Chatham*, Halifax Harbour, 20 May 1776 in *Ibid.*, 223-9. It remained so in 1777 when Richard Howe, due to shortage of men, ordered all prizes to be sent to Halifax or New York, and not the United Kingdom, while prizes of little value were to be burnt. NMM, COR/2, Cornwallis papers, Orders received and draft replies while Captain of the *Isis* on the North American station, 12 Jan to 8 Dec 1777, "Instructions for the Disposal of Prizes...", *Eagle* off New York, 8 Jun 1777.

¹³¹ NMM, KEL/122, Elphinstone to Howe, *Perseus* at Sandy Hook, 9 Nov 1776.

Prize shares also were used to encourage mutiny among the crews of any vessels seized by the rebels. In April 1776, an American merchant vessel sailing from Philadelphia to Nantz, carrying flour to be exchanged for arms and ammunition, was seized by her mate and some of her seamen and brought into Bristol, England. The Admiralty recommended that the High Court of Admiralty award a “significant amount” of her value to the men, perhaps the whole, as a reward for their loyalty in seizing the vessel. They advised Admiral Shuldham to make this reward as fully known as he could throughout the colonies, “...in hopes it may prove an Encouragement to others to do the same Justice to their Country as has been done by those Men.”¹³² Ironically, such practices would be seen as encouraging piracy in British eyes if undertaken by the rebels with regard to British merchantmen.¹³³ Howe’s prize orders also noted that the American colonists, although rebels, were still British subjects and liable to impressment, but Howe stressed his concern that “‘...any confidence put in men so acquired is likely to be productive of great disappointments.’”¹³⁴

Some of the men who deserted at Liverpool, Nova Scotia, both from the navy and the local militia, ran to havens on the isolated south-western coast of Nova Scotia, notably areas around Port Mouton, Port Medway and Port Jolie, where rebel privateers were known to anchor. Many of these men often were assisted by locals, such as an American from the *Hunter* sloop (10) who ran in February 1779, and was believed to be from New London or Boston. Locals enticed deserters from the service, provided boats for transportation, refuge, and acted as guides as well as provided paid employment, often as labourers or on coasting vessels or privateers. Both the deserters and those who assisted them appear, at least in Liverpool, to have been pursued actively by the local judiciary, who used force to recover runaways. Both the deserters and their accomplices often resisted such officials actively. In this case, a married couple and a widow who were proved to have assisted the runaways received fines of £5 per

¹³² Stephens to Shuldham, 18 Apr 1776, in Neeser, ed., *Despatches*, 171-4.

¹³³ Such as when the *Hope* merchantman was lost in fog in May 1776, after the commander of her escort received an anonymous letter that her Master was “disaffectedly inclined”, was encouraging his seamen to revolt by offering rewards. The escort commander placed a petty officer and two of his own seamen on board her to prevent any such mutiny, to little apparent effect. Shuldham to Stephens, *Chatham*, Halifax Harbour, 20 May 1776, in *Ibid.*, 219-21. Shuldham had a low view of the masters of such vessels, believing them largely “...persons of little property or consideration and easily to be Bribed, their Treachery must be productive of the most fatal consequences which there is great reason to suspect...” Shuldham to Stephens, *Chatham* in Halifax Harbour, 8 Jun 1776 in *idem.*, ed., *Despatches of Molyneux Shuldham*, 257.

¹³⁴ G.F.M. Cornwallis - West, *The life and letters of Admiral Cornwallis*, (London: Robert Holden & Co. Ltd., 1927), 69.

person.¹³⁵ Armed parties were recruited from volunteers at Liverpool to search for men believed to have run to Port Mouton and elsewhere, with offers of unofficial rewards from town notables upon the return of deserters, with the guarantee, as one who put up a \$10 reward stated, of “no purchase, no pay”.¹³⁶ The locals in such communities often actively conspired to assist the rebel privateersmen and deserters. One search party seeking deserters encountered a woman who “...threatened to Set up as many of them on the Trees as there is ‘Irishmen in Newfoundland.’”¹³⁷ The search party escaped unharmed.

Several British prizes were also lost in such communities, which were used as watering places and “safe” harbours. Their crews, often only two or three seamen, eventually found their way to Liverpool, explaining to the magistrates that they had gone ashore to wood or water, leaving their vessels unattended. Unsurprisingly, the rebel privateers who roamed the coast quickly seized the unmanned prizes.¹³⁸ The fact that this behaviour and story seems to have been quite common among such seamen leads one to question whether the greatly outnumbered prize crews handed the prizes over without a fight in exchange for their lives and freedom, or perhaps even for pecuniary reward.

It is possible that deserters who ran to privateers, particularly pressed men, often used their new vessel simply as a means of passage to return home to New England. They could rely upon many individuals for assistance, particularly in towns such as Liverpool as the overwhelming majority of settlers were New Englanders.¹³⁹ Not all men were happy on rebel privateers. Perkin’s diary records several instances of deserters from such vessels presenting themselves at Liverpool, being examined by the authorities and found to be “loyal subjects”, as well as of escaped British seamen arriving in stolen vessels from New England.¹⁴⁰ Rebel and Nova Scotian privateers, when encountering each other, often seem to have unofficially exchanged each others’ prisoners in order to avoid the overhead of caring for them, and no

¹³⁵ Innis, ed., *Diary of Simeon Perkins v.1*, 226-8, entries for 9 to 19 Feb 1779.

¹³⁶ Harvey, ed., *Diary of Simeon Perkins v.2*, 158, entry for 26 Sept 1782.

¹³⁷ *Ibid.*, 161, entry for 6 Oct 1782.

¹³⁸ eg, Innis, ed., *Diary of Simeon Perkins v.1*, 166, entry for 26 Sept 1777, Harvey, ed., *Diary of Simeon Perkins v.2*, 94, entry for 9 Oct 1781.

¹³⁹ For example, a general return for January 1, 1767 for Liverpool Township gives 156 men, 188 boys, one Indian boy, two negroes, 126 women, 159 girls, and two negro women. There were 628 Protestants and four Roman Catholics. By nationality the population was reported as nine English, seven Scotch, 16 Irish, 594 Americans, and six Germans and other foreigners. Innis, ed., *Diary of Simeon Perkins v.1*, 35, entry for 21 Nov 1767.

¹⁴⁰ *Ibid.*, 254, entry for 26 Sept 1779.

doubt to make manning their vessels easier too. This was particularly the case after the battle of Yorktown in 1781 when large prisoner cartel exchanges began between the British and American regular forces.¹⁴¹

When Liverpool merchants decided to fit out a privateer both for their own protection and to profit from the conflict in December 1779, they, unlike the navy, had little difficulty attracting volunteers from the small communities along the southern shore of Nova Scotia. In the space of just over three weeks, they had raised twenty-eight men and boys, including some who left rebel privateers at Port Mouton to join the Liverpool crew.¹⁴² Other British privateers fitted out in Nova Scotia from 1780 onwards often stopped at Liverpool to recruit.¹⁴³

Communities such as Sambro, in the approaches to Halifax Harbour, also seem to have been havens for unofficial communities of deserters, and likely a source of men for such vessels.¹⁴⁴

Privateers were not only a Nova Scotian problem when it came to desertion. Captain George Elphinstone wrote to Admiral Gambier at New York in December 1778 how a seaman from the *Perseus*, one John Lyatch, was “...inveigled on board the *Heriot* Privateer, and did receive from the hands of a certain Goodridge, her Owner, eight dollars as a bribe to desert. That the said Lynch was at sea in the *Heriot*, all of which I hope to prove before a general court martial...” Elphinstone also hoped that Gambier would withdraw his pass for the said Privateer, her master a Mr. Taggert, (which exempted her men from impressment) and order the Admiralty Court to prosecute his bond.¹⁴⁵ Elphinstone continued to lose men to British privateers and letters of marque based at New York the following year, and discovered some of his own men on vessels he stopped and searched. Elphinstone requested courts martial on them, and eventually, in accordance with a proclamation issued by Arbuthnot upon his return to New York, pressed all the hands of the privateers at New York in retaliation for shipping naval deserters, albeit not without resistance.¹⁴⁶

By the time Sir George Collier shifted his flag to New York in April 1779 to assume command temporarily of the entire North American squadron from James Gambier, he and

¹⁴¹ Harvey, ed., *Diary of Simeon Perkins* v.2, 137 entry for 5 Jun 1782.

¹⁴² Innis, ed., *Diary of Simeon Perkins* v.1, 266-71, entries for 10 to 16 Dec 1779, 5 and 15 Jan 1780.

¹⁴³ Harvey, ed., *Diary of Simeon Perkins* v.2, 98, entry for 7 Nov 1781.

¹⁴⁴ Ibid., 129 entry for 18 Apr 1782.

¹⁴⁵ NMM, KEI/2/2 Part 2, Elphinstone to Gambier, *Perseus* at New York, 16 Dec 1778.

¹⁴⁶ NMM, KEI/122, Elphinstone to Arbuthnot, *Perseus* at New York, 16 Sept 1779 [two different letters of this date]; KEI/122, Elphinstone to Arbuthnot, *Perseus* at New York, 18 Sept 1779.

Captain Hyde Parker still faced an acute shortage of small vessels and sloops of war.¹⁴⁷ Collier noted that all his vessels were “...very ill mannd; whilst the Privateers sailed in Shoals from New York full of men and frequently inveigling those belonging to the King's ships to desert and join them...” There are continual references in the correspondence of the various North American station commanders to men being seduced by merchants, privateers, or crimps for higher wages at several ports in America, as well as in the West Indies trade.¹⁴⁸ When Arbuthnot returned to New York, he regularly issued orders to his commanders to search specific privateers leaving port for deserters, by mustering their crews for inspection by a naval lieutenant.¹⁴⁹ This procedure was modified later to include a petty officer remaining on board the privateer until it had cleared Sandy Hook, presumably to ensure that the vessels were not picking up deserters outside of town after having been searched.¹⁵⁰ Desertion to privateers was a problem certainly not unique to North America,¹⁵¹ but it seems to have been more widely prevalent there.

Men could also desert with the intention of avoiding any maritime employment at all and seeking a new life ashore. This may have been common in the communities mentioned above which tended to be more tolerant towards such runaways, as well as in the West Indies. Deserters often attempted to remain undiscovered in outlying communities near towns along with other “undesirables” of society such as escaped and freed slaves, maroons and creoles, escaped prisoners and criminals, the poor, and others.¹⁵² For example, In December 1780, shortly after returning from New York, George Rodney noted that many deserters secreted themselves on the island of Barbados. Rodney made great efforts to have them swept up by the press, offering 40s. and expenses to any inhabitant or civil officer returning such a man to one of his officers.¹⁵³

¹⁴⁷ TNA:PRO, ADM1/489, Gambier to Stephens, *Ardent* off New York, 3 Apr 1779, f. 233.

¹⁴⁸ Emphasis in original. NMM, BGR/28, “A Detail of some particular services performed in America during the Years 1776, 1777, 1778 and 1779 by Commodore Sir George Collier, Commander in Chief on the America station. Compiled from Journals and Original Papers by G.J. Rainier”, ff.114-5; Rodney to Drake, *Sandwich*, Carlisle Bay, Barbadoes, 23 Jan 1781 in Rodney, *Letter-Books*, 169.

¹⁴⁹ See, for example, NMM, KEI/125, Arbuthnot to all Captains, *Russell* off New York, 19 Sept 1779.

¹⁵⁰ NMM, KEI/125, Arbuthnot to all Captains, *Russell* off New York, 20 Sept 1779.

¹⁵¹ YUBL, OSB MSS 85, Barrington Letterbooks, Box 1, Folder 21, Stephens to Barrington, 1 Dec 1778.

¹⁵² See Chapter 2 and N. Rogers, “Archipelagic Encounters: War, Race and Labor in American-Caribbean Waters,” in *The Global Eighteenth Century*, ed. Felicity Nussbaum, (Baltimore: The Johns Hopkins University Press, 2003):211-25.

¹⁵³ Cunningham to Rodney, Barbados, 28 Dec 1780, in Rodney, *Letter-Books*, 115-6.

Montagu seemed to have a somewhat lenient attitude towards impressment as a means of replenishing his complements, as his journal contains many references of New Englanders released at his order for being “natives of the Province”. It also notes cases of pressed seamen sent ashore because of their foreign nationality. Many were discharged from his ships, with Captain John Linzee of the *Beaver* (14), Captain Thomas Porter of the *Viper* (10) and Captain Charles Thompson of the *Mermaid* (28) seeming to have a predilection for this activity. In April 1772, Montagu issued general orders forbidding captains of ships at Boston from pressing any men from Massachusetts.¹⁵⁴

Even after the press was legalised, station commanders were careful, at least on paper, to order their captains to act ashore only with the cooperation of local officials, and to maintain several exemptions for fishermen and those seamen in the coasting trade, often under pressure from colonial officials. One example of such diligence occurred in February 1776, when Captain William Duddingston of the *Senegal* had been appointed a Justice of the Peace for Queen’s County, Nova Scotia, “for the good of the service”.¹⁵⁵ Duddingston kept busy pressing seamen and searching for contraband along the southern shore of Nova Scotia,¹⁵⁶ but was careful to inform the town’s magistrate that inhabitants of the province working in fishing and coasting vessels remained exempt from the press.¹⁵⁷ Even from late 1776 on, fishermen and natives of New England often were exempt from the press, at least in theory, as both Admiral Howe and Sir George Collier believed that pressing men from fishing boats or driving them from the sea entirely would be counterproductive. The boats posed no threat “...neither from Numbers nor Arms, capable of molesting the Property of the faithful Inhabitants of the Ocean”, and they believed such actions would only cause legitimate fishermen to join rebel privateers or the service of the Continental army for subsistence.¹⁵⁸ No doubt such men with local community ties, if pressed, would have been the most likely to desert, or attempt to organise mass desertion mutinies. So in some ways this measure may also have aided the prevention of desertion.¹⁵⁹ This can be seen among the deserters from the *Swan* sloop in this

¹⁵⁴ TNA:PRO, ADM 50/17, Montagu journal, 1 Apr 1772.

¹⁵⁵ Bulkeley to Duddingston, Halifax, 3 Feb 1776, *NDAR* III, 1107.

¹⁵⁶ Innis, ed., *Diary of Simeon Perkins v.1*, 110-1 entries for 2 and 3 Feb 1776.

¹⁵⁷ *Ibid.*, 115, entry for 15 Mar 1776.

¹⁵⁸ TNA:PRO, ADM 1/161, Collier to Mowat, *Rainbow* at Halifax, 21 Nov 1776.

¹⁵⁹ *Independent Chronicle*, Boston, 10 Jul 1777, *NDAR* IX, 254-5; Forcibly conscripted American prisoners were also more likely to run – see Bradford to the Continental Marine Committee, Boston, 14 Jul 1777, *NDAR* IX, 283 and Whipple to Bradford, Portsmouth, 20 Jul 1777, *NDAR* IX, 299-300. See also the analyses in Chapter 4.

period.

Pressed men often attempted simply to desert in order to return to their home community, where they may have had family and other networks such as kinship and profession. For example, several pressed Americans from the *Swan* deserted her while she was off Rhode Island appeared in that state's censuses conducted in 1777 and 1782.

Thirty-five year-old Benjamin Taylor, who indicated his place of birth on joining the vessel in April 1775 as Rhode Island, and who would have been around forty-two years of age in 1782, may have been the head of the household of the same name in Providence. Similarly, the nineteen year-old Ephrim Westcote noted on the *Swan's* books in 1775 as being from "Situete, New England", would have been around twenty-six years of age in 1782, and perhaps was the head of the Ephraim Westcote household in Coventry, Rhode Island, which appears on both censuses and contained one male aged between sixteen and twenty-one.¹⁶⁰

Finally, Abner Williams, age twenty-five at the time of his entry in May 1775, a Bostonian, may have been the head of the Abner Williams household from Cranston, Rhode Island on the 1777 and 1782 censuses, with one male between the ages of twenty-two and forty-nine. Yet given the similarity of many names and the different spellings often used at this time, it is difficult to confirm this, particularly for non-New England born seamen with more common names such as "William Jones" and the like. The above are examples of names for which there is only one possible "hit" on the census records. There are many other possible hits of deserters from the ships in this study on these (and probably other) local records, but all names have not yet been checked due to the constraints of time. The cases above do indicate that desertion was likely prevalent.¹⁶¹

Men also deserted to the rebels. In Virginia, Captain John Tollemache of the *Scorpion* lost several seamen who deserted and joined a rebel regiment of foot. In retaliation, he seized a

¹⁶⁰ The information utilised here is drawn from M.M. Chamberlain, ed., *The Rhode Island Military Census*, (Baltimore: Genealogical Publishing Co. Inc., 1777; reprint, 1985) and J.M. Holbrook, *Rhode Island 1782 Census*, (Oxford, Mass.: Holbrook Research Insitute, 1979).

¹⁶¹ As also argued in Brunsmann, "Everyday Escapes". Complicating such searches is the inconsistent spelling of names, combined with the fact that most serious deserters would likely attempt to conceal their identities by changing their names. That, and the nature of the censuses themselves, which recorded household sizes and age categories of household members, but not their name or place and date of birth, means that much more genealogical digging will be required in other local records to confirm if these are the same men, let alone to expand this sort of analysis. Additionally, the musters and pay books are not consistent in indicating the age at time of entry to the naval service but instead sometimes record age at time of the appearance on a specific ship. If the former is recorded, the correct age at time of appearance on the vessel must be estimated to compare to the census or other local records.

black pilot, outraging local notables. The employment of blacks, freed men, runaway slaves or otherwise, on British warships was a constant irritant in the southern colonies and was often remarked upon in newspaper accounts.¹⁶² British officers who refused protection to runaway slaves, such as Captain John Macartney of the *Mercury*, could find themselves embroiled in disciplinary action and held up by the rebels as proper exemplars of English gentlemen.¹⁶³ Some officers found themselves accused of harbouring runaway slaves aboard ship, and hotly defended their honour and that of their colleagues against such accusations,¹⁶⁴ while yet others actively took advantage of this source of manpower.¹⁶⁵

Not all deserters who attempted to install themselves in the colonies successfully found a new life ashore in America. As rebellious ideology gathered pace in America, particularly after the events at Lexington and Concord in April 1775, some deserters from the navy found that their views of loyalty to the king were incompatible with the emerging political views of American colonists in whose communities they were attempting to build a new life. For example, Graves reported to London how a marine who had deserted from the *Captain* in January 1773 voluntarily delivered himself up to an officer of the squadron in August 1774. The man had resided in Connecticut, and reported that it was very dangerous in that colony to hold “the least attachment to his Majesty.”¹⁶⁶ Similarly, a sergeant of marines who had deserted from the *Fowey* voluntarily turned himself in “rather than be compelled to join the Country people in their illegal proceedings.”¹⁶⁷ Some of these men, including army deserters who surrendered to the navy, provided the locations and details of other runaways, many of whom had changed their mind with regard to their duty as the rebellion proceeded to expand in

¹⁶² *Pennsylvania Evening Post*, Tuesday, July 25, 1775, NDAR I, 881; H. Laurens to J. Laurens, [Charleston] 14 Jul 1775, NDAR I, 885; Cary to Purdie, Hampton, 4 Sept 1775, NDAR II, 17; *Purdue's Virginia Gazette*, Williamsburg, 8 Sept 1775, NDAR II, 55-6; *Purdue's Virginia Gazette*, Williamsburg, 15 Sept 1775, NDAR II, 111-3; *Dixon and Hunter's Virginia Gazette*, Williamsburg, 16 Sept 1775, NDAR II, 122-3.

¹⁶³ *Constitutional Gazette*, New York, 13 Sept 1775, NDAR II, 88-9. Macartney was actually removed from command and faced court martial for his actions while on station in Virginia under the authority of Lord Dunmore, when he supposedly corresponded and met with rebel notables and followed a less aggressive policy of negotiation, over Dunmore's objections.

¹⁶⁴ Journal of the South Carolina Provincial Congress, [Charleston], 3 Nov 1775, Letter to Edward Thornborough, Commander of the *Tamer* sloop of war, NDAR II, 874-5; Thornborough to Drayton, *Tamer* at Rebellion Road, 4 Nov 1775, NDAR II, 887-8.

¹⁶⁵ Minutes of the South Carolina Council of Safety, [Charleston] 14 Dec 1775, NDAR III, 104-5.

¹⁶⁶ BL, Add Mss 14038, Conduct of Graves I, Graves to Stephens, Boston, 31 Aug 1774, f. 11; TNA:PRO, ADM1/485, Graves to Stephens, Boston, 31 Aug 1774, ff. 26-7.

¹⁶⁷ BL, Add Mss 14038, Conduct of Graves I, Graves to Stephens, Boston, 23 Sept 1774, f. 14; TNA:PRO, ADM1/485, Graves to Stephens, Boston, 23 Sept 1774, ff. 40-1.

size and violence, and were willing to rejoin the service of the king.¹⁶⁸ Other men simply deserted in home waters before their ship left for America or after its return, as we shall see in Chapter 4.

Neglect or oppression on the part of officers could also lead to desertion. This could take the form of benign neglect of duty, to actual neglect or mistreatment of the men. When a midshipman of the *St. Lawrence* schooner, at St. Augustine, Florida, overslept and did not turn out for his watch, the vessel's boatswain and four other seamen immediately deserted.¹⁶⁹ After problems with several junior officers not on duty sleeping ashore while in port, Admiral Montagu felt obliged to reissue these general orders, adding another for all officers to sleep onboard their vessels when in port.¹⁷⁰ While many of these orders were in vain, they led to the dismissal of at least one officer. In April 1773, the *Cruizer* sloop (8), stationed at Boston, experienced "...so uncommon a Desertion of the Seamen, as to render her incapable of proceeding to sea without the Assistance of Men from other Ships."¹⁷¹ Montagu was so perturbed by the situation that he ordered a court of enquiry composed of three captains to enquire into the causes of the mass desertions from the sloop. The enquiry determined that the desertion "...proceeded from Cruelty and Oppression on the Lieut." Lieutenant John Langford was accused of having harassed the men all day by keeping them working in the boats without giving them time to eat their victuals. He also kept them out at night in the boats for unreasonable lengths of time, when he himself was not on duty.¹⁷² Upon hearing the enquiry's outcome, Montagu ordered a court martial on Langford for cruelty, oppression and disobedience of orders. The *Cruizer* had to be loaned men from the *Swan* sloop to enable her to slip anchor.¹⁷³

A midshipman testified at the subsequent trial that Langford had beaten him with a cane, while a seaman noted that Langford had often had a boatswain's mate start men by beating them with a rope's end. On one occasion, when the lieutenant believed the mate was not using enough force during such a punishment, Langford beat the seaman himself with a broom. Several seamen had testified that the lieutenant had kept them out in boats until the

¹⁶⁸ Barkley to Gage, *Scarborough* at Portsmouth 13 Apr 1775, *NDAR* I, 182-3.

¹⁶⁹ J. Graves to S.Graves, *St. Lawrence*, St Augustine, 3 Oct 1775, *NDAR* II, 286.

¹⁷⁰ TNA:PRO, ADM 50/17, Montagu journal, 13 Jun 1774.

¹⁷¹ TNA:PRO, ADM 50/17, Montagu journal, 5 and 6 Apr 1773.

¹⁷² TNA:PRO, ADM 50/17, Montagu journal, 5 and 6 Apr 1773. Unfortunately, as with most courts of enquiry, the final report, if a written one existed, does not seem to have survived.

¹⁷³ TNA:PRO, ADM 50/17, Montagu journal, 19 Apr 1773.

early hours of the morning, contradicting standing orders to have all boats hoisted in at sunset, and often kept them at boat work during their usual dinner hour for no good reason. Captain Tyringham Howe of the *Cruizer* testified that while Langford had never mistreated the people with cruelty or tyranny, he had been given orders regarding the proper use of the boats. Howe claimed that Langford had also often shown him contempt by sending the master to inform him of events that occurred on Langford's watch, and by "frequently coming into my Cabin in a very blustering manner, without paying the least respect of the Hat." ¹⁷⁴

Such testimony highlights the importance of roles, and even minor acts of deference and theatre to the support of authority on board ship. It also clarifies how minor acts of perceived or real resistance could undermine that authority. Several other men testified that those whom deserted had long had the intention to do so, and did not run because of "misusage" by Langford. In his defence, the accused claimed that if the people had reason to complain of their usage, it was from the frequent "trifling errands" Captain Howe had had Langford run in the boat, while Howe was living ashore in a house. Despite the testimony against him, the lieutenant was acquitted of the charges of cruelty and oppression as several other officers and seamen testified favourably on his behalf. Langford was found guilty of disobedience of orders with regard to his usage of the men in the boats, under the 22nd *Article of War* and dismissed his position as lieutenant. ¹⁷⁵

Finally, desertion could also be used as a means to escape punishment or arrest by the civil authority ashore. While in the St. Lawrence, the master of the *Viper*, John Stiles, deserted to avoid facing civil trial for the murder of a seaman which had occurred while Stiles was pressing men for the sloop. Lieutenant-Governor Haldimand suspected that Stiles may have entered aboard another naval vessel and was being concealed deliberately. ¹⁷⁶ Stiles was eventually apprehended, and the senior officer at Quebec, Augustus Hervey, requested that Haldimand delay a ship bound for England until after the trial. Hervey hoped to submit a full account of events to the Admiralty, so that the board could apply for a royal pardon for Stiles if he was condemned to death. Hervey pleaded that Haldimand's "...humanity and knowledge of that unfortunate part of your Service will prompt you to grant him a reprieve, until His

¹⁷⁴ TNA:PRO, ADM 1/5306, Court martial minutes, 1773-1774, Court martial of J. Langford, 15 Apr 1773.

¹⁷⁵ TNA:PRO, ADM 1/5306, Court martial minutes, 1773-1774, Court martial of J. Langford, 15 Apr 1773.

¹⁷⁶ BL, Add MS 21800, Haldimand Papers, Haldimand to Hervey and... commanders of H.M. Ships in the St. Lawrence, Québec, 22 May 1779, f. 49.

Majesty's pleasure is known, should he be unfortunate enough to be Condemned.”¹⁷⁷

Haldimand agreed to delay the ship, but noted that his conduct with regard to Stiles would depend upon circumstances and the evidence brought before the jury.¹⁷⁸

Methods to prevent desertion

The administrative approaches taken to prevent desertion show the degree to which the navy was willing to go to mitigate the problem, and how serious it was. Measures identified by historian Stephen Gradish in his study on the manning of the navy during the Seven Years' War were also widely used in later periods. In addition, several other approaches, including the use of guard ships, pardons, the threat of punishment, and minimizing the use of impressment were also common during this time frame in North America, as was threatening to press men as a bargaining chip to aid in the prevention and/or recovery of deserters. These will be discussed in turn below.¹⁷⁹

Graves, like his predecessors, took various measures to minimize the opportunities for desertion. The most common measure used by all the station commanders was to make every possible effort to keep seamen away from the shore. Ships on a cruise were to stay further offshore than usual so that men could not easily swim away. If vessels had to be docked or go alongside a wharf for any reason, crews were often moved to other ships anchored off shore where they could not swim away. Some commanders advocated staying “in the Stream” even in winter when vessels usually went alongside the wharf to dismantle masts and yards and to enclose the vessel's decks to protect against the harsh climate. Ships were to remain active as long as possible given the weather, and then lie in the stream at anchor in an ice-free location. While rebels seizing and burning vessels tied up at wharves was undoubtedly a concern, Graves feared desertion more. He advised one captain he was “...very unwilling that at this Juncture she [the *Kingsfisher*] should go to a Wharf, where at any time Discipline can be very indifferently observed, and where, from the inactive Situation of the Sloop men will have too many Incitements and Opportunities to desert.”¹⁸⁰ The use of boats was carefully controlled and restricted, and all were hoisted in at sunset. In addition, ship's officers were used to

¹⁷⁷ BL, Add MS 21800, Haldimand Papers, Hervey to Haldimand, *Viper* off Québec, 2 Jun 1779, f. 54.

¹⁷⁸ BL, Add MS 21800, Haldimand Papers, Haldimand to Hervey, Québec, 2 Jun 1779, f. 56.

¹⁷⁹ Some of the measures listed are found in more detail in Gradish, *Manning*, 112-6.

¹⁸⁰ TNA:PRO, ADM 50/17, Montagu journal, 26 Dec 1771 and 7 Dec 1772; BL, Add Mss 14038, Conduct of Graves I, 28 Nov 1774, f. 20.

monitor any necessary shore parties when boats were sent ashore, and no ship “...shall ever be left without one commissioned officer, where there are two allowed, and where there is at best one, the Master or Lieutenant always to be on board.” Rum was also not to be issued while in port, and beer casks were to be sent ashore while in harbour, to prevent “Drunkenness and irregularity” among the seamen on board and at hospitals.¹⁸¹ It is of interest to note that while general orders issued to captains and commanders on the North American station often contained provisions for preventing desertion, usually tied to restrictions on the use of boats, similar general orders on other stations such as the Leeward Islands do not always seem to have done so.¹⁸²

Seamen who had to go ashore on duty for any length of time could be paid an extra 6d per day living allowance, payable only on their return to the ship. Conversely, the wages of seamen allowed shore leave were often withholding partially withheld until they returned to the ship. In general, the Admiralty frowned upon shore leave, but most captains deemed it necessary for the health of their crews after long voyages.¹⁸³

In addition to problems replacing and recruiting seamen, in early 1775 the vessels of the North American squadron at Boston also suffered from a shortage of at least sixty marines.¹⁸⁴ Graves’ efforts to prevent desertion were further frustrated when he was ordered to land many of the remaining complements of marines from his ships to support the land forces of General Gage at Boston in January 1775. The admiral repeatedly “expressed Scruples” to both Gage and London about the wisdom of taking such action, first by resisting the idea entirely and withholding 100 marines of a reinforcement of 500 for use on the ships, then by requesting that only supernumerary marines carried above the normal ships’ complements be landed. After he rudely tried to intimidate a marine major ashore, Graves was found out and overruled. The admiral threatened to report the major to the Admiralty for complaining about shortages of marines ashore. The major immediately wrote directly to Lord Sandwich, First Lord of the Admiralty, pointing out the dispute and Graves’ lack of gentlemanly civility. The Board subsequently ordered the admiral to land as many of his marines as possible that could be

¹⁸¹ TNA:PRO, ADM 50/17, Montagu journal, 11 Jan 1772 and 19 Jul 1773; BL, Add Mss 14038, Conduct of Graves I, Graves to Graeme, 2 June 1775, f. 66.

¹⁸² Compare Article 12 of Graves to Hamond, Station Orders and Instructions, n.d. *NDAR* II, 356-62 with “An Abstract of General Orders Given to the Respective Captains....[on the Leeward Islands station under command of Vice Admiral James Young]”, 11 Jun 1775, *NDAR* I, 657-60.

¹⁸³ Gradish, *Manning*, 112-6.

¹⁸⁴ TNA:PRO, ADM1/485, Graves to Stephens, Boston, f. 181.

spared from the normal duties of the ships.¹⁸⁵ Graves then had to beg Gage for a captain's detachment of fifty marines to send on board the ship of the line *Asia* to be stationed at New York, noting the low state of her ship's company due to how she was manned in England and her losses due to death and desertion since arriving in America.¹⁸⁶ Gage replied that because of the critical situation, and the fact that of 600 marines sent out for him only 400 had landed, that he would be unable to comply unless he received orders to do so from the king himself.¹⁸⁷

By May 1775, with the rebellion now considered general and widespread throughout the colonies, Graves asked for an increase in the numbers of marines on board his armed schooners. He desired that they carry a sergeant's detachment of one sergeant, one corporal and ten privates, which would enable the schooners to be much more effective while "...the Marines would also be an excellent Guard to prevent the Seamen from deserting."¹⁸⁸ Graves at first made up his shortages of marines to some extent by stripping ships returning to England of their marine complements, but was forced to land these men too when Gage and the Admiralty discovered his intent to evade the spirit of his orders. Graves complained to the Admiralty that he should have been allowed to complete his ships' complements prior to landing any excess marines as the shortages of marines ashore would always be greater than those on board ships returning home, leaving his ships short-handed and vulnerable to unrest.¹⁸⁹

Marine sentries were posted on board ship, on wharves, and at the Halifax naval yard. Until November 1775, only palisades surrounded the Halifax naval yard, when its defences were strengthened. The palisades were seen as "trifling" for defensive purposes, and their sole aim had been "...to keep Seamen from getting out of the Yard..."¹⁹⁰ Army or militia sentries were posted on roads leading out of major ports. Standing orders in North America often included procedures for all naval commanders to forward "...minute and circumstantial Descriptions of the Persons of the Deserters..." so that they could be apprehended, and such descriptions would also be used in newspaper advertisements for rewards.¹⁹¹ For example,

¹⁸⁵ BL, Add Mss 14038, Conduct of Graves I, Stephens to Graves, 28 Jan [1775?] ff.45-6; Pitcairn to Sandwich, Boston, 14 Feb 1775, *NDAR* I, 89; Pitcairn to Sandwich, Boston, 4 Mar 1775, *NDAR* I, 125.

¹⁸⁶ Graves to Gage, Boston 22 Mar 1775, *NDAR* I, 157-8

¹⁸⁷ Gage to Graves, Boston, 23 Mar 1775, *NDAR* I, 158-9.

¹⁸⁸ BL, Add Mss 14038, Conduct of Graves I, Graves to Stephens, Preston at Boston, 19 May 1775, f. 59.

¹⁸⁹ Graves to Vandeput, *Preston* at Boston, 11 Nov 1775, *NDAR* II, 982-3.

¹⁹⁰ Arbuthnot to Stephens, Halifax Careening Yard, 18 Nov 1775, *NDAR* II, 1063-4.

¹⁹¹ NMM, KEI/125, Arbuthnot to all Captains, *Russell* off New York, 16 Sept 1779.

extra watchmen hired at the Halifax yard in lieu of initially unavailable marines, while having a primary role of preventing the theft of stores (largely by seamen who had been hanging their hammocks in the Capstan House while their ships were heaving down at the naval yard) probably also were intended to prevent desertion as well. Eventually, the senior officer at Halifax, on Montagu's orders in September 1772, provided a sergeant's guard of marines to the yard.¹⁹² In February 1777, Richard Howe's standing orders issued to all his captains and commanders at New York contained specific measures for using marines to prevent desertion.¹⁹³

Guard ships were also a key measure in preventing desertion from the main ports used by the squadron. They were used at almost every port to stop and search outgoing vessels for deserters¹⁹⁴, and often to press men from incoming vessels to replace losses from desertion and sickness.¹⁹⁵

Rewards were offered for men who did desert, and were widely publicised in newspapers, along with the descriptions of the malefactors. During the Seven Years' War, Gradish has noted the value of such rewards was up to 20s.¹⁹⁶ Much higher rewards were needed in North America in this period, but even then they were largely ineffective due to both shortages of seamen in general, and growing colonial discontent.

Upon his return to the North American station as its commander and his arrival at Halifax in October 1763, now Rear Admiral Lord Alexander Colville, immediately wrote to the Admiralty about the difficulties of manning ships in the colonies:

I am very apprehensive we shall suffer from Desertion. The *Arlborough* lost four men whilst she lay here; and I have sent their Names and Descriptions to the Governours [*sic*] of New York and the four Provinces of New England, desiring they will cause the same to be published in their Gazettes and take such other methods as may appear to them most proper for apprehending and delivering them onboard of one of his Majesty's Ships, and I have promised that a reward of forty Shillings Sterling shall be paid by the naval storekeeper at Halifax, for every deserter so delivered upon producing a proper Voucher from the Captain who shall

¹⁹² TNA:PRO, ADM 50/17 Montagu journal, 19 Sept 1772.

¹⁹³ NMM, COR/2, "Instructions and Standing Orders for the General Government and Discipline of the Ships of War", *Eagle* off New York, 8 June 1777. Paragraph III covered the use of marines, while paragraph V concerned the use of boats and measures to prevent desertion. Even stricter measures on the use of boats were put into place by Captain Hyde Parker Jr. while senior officer in the Chesapeake in September 1777 – see NMM, COR/2, Parker to Cornwallis, *Phoenix*, 13 Sept 1777.

¹⁹⁴ TNA:PRO, ADM 50/9, Gambier journal, entry for 2 Nov 1770

¹⁹⁵ Shuldham to Stephens, *Chatham* off Staten Island, 24 Jul 1776, in Neeser, ed., *Despatches*, 306-9.

¹⁹⁶ Gradish, *Manning*, 112-6.

receive him, in order that the money may be charged against the Delinquent's Wages on the Books of the Ship from whence he deserted. I have also sent a like account to the Captains of all the Ships stationed at the above Provinces. I hope this method, which I intend to continue, will in some measure answer the desired end, and that the Seamen will be deterred from running away when they know that they will be advertised throughout the Colonies, with a reward offered for taking them up.¹⁹⁷

When measures such as rewards for deserters or lucrative bounties for volunteer seamen were ineffective, the station commander could implement pardons for deserters. This was theoretically done after consulting with London in advance for approval of such an expenditure, but in reality was often initiated on his own authority due to the time lag involved in communications. Rewards and pardons could also be used in a combination “stick and carrot” approach, along with exemplary punishment for deserters, a strategy employed with little success by James Gambier in the winter of 1770-1771.

On the one hand, Gambier ordered courts martial for desertion on several seamen, such as that of John Collins of the *Beaver* sloop, who received a sentence of 300 lashes. On the other, Gambier informed the Admiralty, and Lieutenant Governor John Wentworth of New Hampshire of a proclamation offering a pardon to any deserter who would return to one of the navy's ships. He asked Wentworth's assistance in making it public and in transmitting it to the commanders of His Majesty's ships and vessels at Rhode Island, New York and Philadelphia. Any deserter who had run from one of Gambier's ships at Boston who subsequently returned to his vessel prior to 1 February 1771 would be fully pardoned.¹⁹⁸

Gambier's patience was limited for he did not even wait until the end of the pardon period to take his next action. In January 1771, Gambier ordered the naval officer at the Halifax yard, Joseph Gerrish, to pay a reward of 40s for apprehending a deserter, and 20s for taking up a straggler, but even the offer of rewards for deserters provided only small returns. Gambier also authorised bounties of £3 for every able-bodied seaman and 30s for ordinary seamen and able-bodied landsmen who volunteered for the service and sent recruiting parties ashore searching for volunteers. At the same time he reluctantly informed the Admiralty that the press may have to be used in order to keep his squadron fully manned.¹⁹⁹ Finally, on 12 January 1771 the commodore ordered the captains of his ships at Boston to have their officers

¹⁹⁷ TNA:PRO, ADM 1/482, Colville to Stephens, 25 Oct. 1763.

¹⁹⁸ TNA:PRO, ADM 50/9 Journal of Commodore Gambier, 11 Jul 1770 to 1 Oct 1771, 9 and 10 Dec 1770.

¹⁹⁹ TNA:PRO, ADM 50/9, Gambier journal, 1 Jan 1771.

who boarded incoming merchant ships “to endeavour to persuade their men to enter for the Kings Service but if they do not succeed therein to take two or more of them according to the number their Crew consist of.”²⁰⁰ The same day Gambier also ordered the establishment of a rendezvous ashore at Boston for recruiting volunteers. Two weeks later, forced to admit defeat, the admiral informed the Admiralty Board that both the pardon policy and subsequent efforts to send recruiting parties into the town of Boston to raise volunteers by offering bounties had failed.²⁰¹ Unfortunately, granting bounties for volunteers was as unsuccessful as the pardon, and unapproved expenses for bounties contributed to Gambier's eventual recall to England, although there were also reasons of politics, patronage, and, after his return to America once war broke out, incompetence.²⁰²

Many measures were taken at the naval hospitals in Halifax, Boston and New York to prevent desertion as well. These had much in common with those identified by Gradish which were in place at royal hospitals for seamen more broadly. The posting of sentries, increasing the height of walls around hospitals, illuminating the areas between the walls and the buildings, and even drawing up plans to excavate trenches within the walls were among methods in place or considered. The most effective way of stopping the desertion of sick seamen was the use of hospital ships, but these could not keep up with demand. In addition, similar to weekly musters on board ship (and later daily musters by division), roll calls were made each evening at hospitals, wards were locked after all patients were accounted for, and each patients clothes were locked away while receiving treatment. Ship's surgeons were to ensure that they treated men on board and could only send the most serious cases to hospitals. Surgeons would be fined 20s if they were found to have sent seamen ashore without reason, both because it facilitated desertion, and sending men sick ashore was often a method used by some commanders to rid themselves of shirkers and other undesirables, which the Admiralty wished to prevent. All captains were to visit hospitals on a regular basis and recover any of their healthy seamen, to prevent their desertion while waiting after discharge from hospital.

²⁰⁰ TNA:PRO, ADM 50/9, Gambier journal, 12 Jan 1771.

²⁰¹ TNA:PRO, ADM 1/483, Gambier to Stephens, *Salisbury*, Boston harbour, 25 Jan 1771, f. 363.; ADM 50/9, Gambier journal, 25 Jan 1771.

²⁰² Syrett, "This penurious old reptile", 64-7 and Willcox, "Arbuthnot, Gambier and Graves". Pardons were also used on a regional basis by Sir Peter Parker in the Carolinas and Georgia, see TNA:PRO, ADM1/489, Gambier to Stephens, *Ardent* off New York, 4 Jan 1779 f. 195. Bounties of £5 sterling were later used in New York as well to raise volunteers as late as November 1778. TNA:PRO, ADM1/489, Gambier to Stephens, *Ardent* off New York, 26 Nov 1778, f. 145.

Sailors released from hospital were promised their back wages as soon as they returned to a ship.²⁰³

In examining a sample of the surviving weekly reports from the naval hospital in Halifax for four years during this period, none registered a man as run.²⁰⁴ This seems odd given the large amount of correspondence discussing the desertion and manning problems in Nova Scotia – until it is understood that the naval hospital was on George's Island in the middle of Halifax Harbour.²⁰⁵ In January 1779, when Gambier recommended that a hospital be established at New York, he believed that setting up medical facilities on Governor's Island would reduce both deaths and desertions by men sick on shore. He noted that the current hospital offered frequent opportunities for desertion and purchase of liquor, "which has proved fatal to the Sick".²⁰⁶ Overall, the use of island sites for hospitals was in effect as good a preventive measure as a hospital ship.

To prevent straggling, and to distinguish between straggling and desertion, while punishing men more leniently for the former and more severely for the latter, were strategies used by at least one commander in North America, and could also be used by individual captains on their own discretion. Richard Howe issued detailed standing station orders and instructions distinguishing between stragglers and deserters for ships at New York in 1777. They stated that no man was to be allowed leave or to be absent from duty on shore without a certificate issued by his commander specifying the time and reason for such leave or absence. Those "...found wandering on Shore without such Certificate will be deemed Stragglers; and if absent for more than twenty four Hours taken up as Deserters."²⁰⁷ Howe offered rewards for any such stragglers and deserters, charged against the delinquent's wages upon his return to his ship. Such rewards could be jeopardised and operations inconvenienced, when ships were short of specie to pay straggling money.²⁰⁸

Desertion could not be prevented entirely even if all of these measures were successful, and many of them were not. At best, they could only mitigate the problem. When desertion

²⁰³ Gradish, *Manning*, 115.

²⁰⁴ The weekly accounts are incomplete. Fourteen of the surviving "Weekly account of sick and wounded seamen, etc." reports from the Nova Scotia hospital were examined, ten from 7 Nov 1763 to 5 Jun 1766 in TNA:PRO, ADM1/482, and four from 15 Nov 1770 to 7 Aug 1772 in ADM1/483-4. In addition, ten surviving reports from the Boston naval hospital from 6 Dec 1770 to 29 Aug 1772 in ADM1/483-4 showed no men run.

²⁰⁵ Gwyn, *Frigates*, 61, 9.

²⁰⁶ TNA:PRO, ADM1/489, Gambier to Stephens, *Ardent* off New York, 11 Jan 1779 ff. 177-9.

²⁰⁷ NMM, COR/2, "Instructions Regarding Seamen Absent from their Ships", *Eagle* off New York, 8 Jun 1777.

²⁰⁸ NMM, KEI/122, Elphinstone to Collier, *Perseus* off Charlestown, 31 May 1779.

could not be prevented, the recovery and subsequent punishment of deserters was often stressed by station commanders. The pursuit of deserters ashore by armed naval parties, often linked with impressment as seen above, was also a source of much conflict before the outbreak of the Revolutionary War.

Colville's manning and desertion problems only worsened throughout his tenure and often led to violence, such as in July 1764 when the schooner *St. John* attempted to recover a deserter onshore in Rhode Island. After one of its officers was seized by a mob, the *St. John* had to be rescued by the *Squirrel* (24). The mob seized a local sloop, using it to chase the navy schooner in an attempt to board and burn her. They then stormed and took a nearby coastal battery, turning the guns upon the schooner. The valiant *Squirrel* eventually had to fire her broadsides near the battery, forcing it to cease fire, before rescuing the *St. John*'s officer. The American sloop quickly abandoned the chase.²⁰⁹ Colonial historian Robert Middlehauf stresses the importance of this event psychologically to the emerging ideology of American colonists as it was the first time that they had turned guns on British vessels and actually opened fire.²¹⁰

Vice Admiral Graves and other station commanders ensured that their captains made efforts to prevent or recover deserters. Commanders often sent large parties of seamen and marines in search of deserters, particularly those who had run off with a ship's boat. For example, Captain John Robinson of the *Preston* sent three petty officers and twenty-seven men in a gunboat to search for eight deserters who had cut away his brand new yawl from alongside the ship in January 1776 and run to the rebels.²¹¹ In like manner, in February 1776 Captain Richard Braithwaite of the *Centurion* at Nantasket Roads, sent all of his remaining ship's boats manned and armed under the command of a lieutenant, in search of three men who had deserted with his long boat. The men were not recovered but the boat was found ashore, deliberately bilged.²¹²

When over-zealous officers used violence to recover runways, Graves was also careful to ensure that their actions were justifiable, at least in his eyes. This was the case with

²⁰⁹ TNA:PRO, ADM 1/482, "Remarks on board His Maj. Schooner the *St. John* in Newport Harbour, Rhode Island", enclosed in Colville to Stephens, 26 July 1764.

²¹⁰ R. Middlekauff, *The Glorious Cause: The American Revolution, 1763-1789*. (New York: Oxford University Press, 1982), 64-5.

²¹¹ Journal of HMS *Preston*, 24 Jan 1776, NDAR III, 953.

²¹² Journal of HMS *Centurion*, 12 Feb 1776, NDAR III, 1227.

Lieutenant William Hunter of the *Gaspee* brig. On 13 February 1775, she had been lying at Falmouth in Casco Bay, when four seamen took the boat from alongside and rowed towards shore. After calling to the men and having received “very abusive answers”, Hunter and the master of the vessel fired upon the boat in an unsuccessful effort to make the men return. One man was wounded but the other three continued to row ashore. They all deserted at Falmouth, where the wounded seaman died. The inhabitants of the town, meanwhile, threatened to destroy the *Gaspee* or any king’s ship that might visit their harbour, and Hunter thought it unsafe to send a boat ashore to search for his men. The lieutenant was also concerned that if he went ashore, the civil power would take “cognizance of the Seaman’s death” and that he might be charged with murder and imprisoned. Both Hunter and the master were court-martialled and acquitted. Graves subsequently ordered the *Gaspee* to return to Falmouth and cruise in the neighbourhood of the town until April, while endeavouring “to prevail on the select men and the Inhabitants to give up the three Deserters...”²¹³ This was only one part of the admiral’s aim, as Graves explained to the Admiralty. Such a visit would serve:

...principally to check the Insolence of threatening the Kings Ships, by assuring them that if they committed any act of violence against the persons of his Majesty's Officers or Seamen or destroyed any of the Kings Stores, that I would take the severest Measures to distress them the Law would allow. This Message had the proper Effect; they reply'd civilly to Lieut. Hunter's Letter, and the People of the *Gaspee* went ashore as usual without being insulted, but the Deserters were not in the Town...²¹⁴

In the same letter, Graves informed London that the squadron was short more than 160 men from death and desertion, a number that he believed could only grow. He therefore had ordered Captain Montagu in the *Fowey* to press men for the squadron at Virginia if volunteers could not be found. Over a four-month period, Montagu succeeded in raising fifty-two seamen for the squadron and brought them to Boston, but Graves judged many of them as of “indifferent” quality.²¹⁵

Keith Mercer has demonstrated how local authorities in Nova Scotia would often return deserters to the navy during this period in an effort to reduce the potential effects of

²¹³ BL, Add Mss 14038, Conduct of Graves I, Graves to Stephens, Boston, 4 Mar 1775 ff. 35-8; TNA:PRO, ADM 51/381, *Gaspee* Captain’s log, entry for 13 Feb 1775; TNA:PRO, ADM1/485, Graves to Stephens, Boston, 4 Mar 1775 ff. 114-5; ADM1/485, Graves to Stephens, Boston, ff. 145-6.

²¹⁴ BL, Add Mss 14038, Conduct of Graves I, Graves to Stephens, Boston, 11 Apr 1775 ff. 40-2.

²¹⁵ Graves to Stephens, *Preston*, Boston, 17 Aug 1775, NDAR I, 1164-6.

impressment on their communities if they did not cooperate. The threat of the impressment of civilians, even though Nova Scotians were technically exempt from such conscription, was often used by naval officers to coerce cooperation from local magistrates, justices of the peace, and others.²¹⁶ Yet, as we shall see, these were often the same local authorities who could turn a blind eye to deserters, by assisting in shepherding men who were running from the fleet out of the colony to American shores.

Mercer also illustrates how deserters in Nova Scotia could become a source of inter-service conflict between the local army and navy commanders, with the lieutenant-governor attempting to mediate the disputes which arose between the two services over runaways. These were usually arose when soldiers voluntarily surrendered themselves as deserters from the naval service, or when zealous naval officers seized soldiers as potential deserters without utilising proper channels of authority. In the early 1780s, unless a naval officer from the runaway's ship was present at the capture or two of the deserter's former crew swore legal affidavits identifying the man, the army refused to hand deserters back to the navy. In one instance, the local army commander in Nova Scotia, Brigadier General Campbell, ordered his men to use force to recover any man seized by the navy as a deserter.²¹⁷

Despite a claimed paternal fondness for his seamen, Lord Alexander Colville had a reputation as a strict disciplinarian even before his arrival at Halifax as station commander. He had served throughout the Seven Years' War in North America, had fought at Louisbourg and Québec, and affected a rather severe discipline for capital crimes aboard his ships. While at the latter town in July 1760, he ordered three seamen from the *Vanguard* to be hanged for desertion. The admiral then decided, apparently on his own, that only one man should actually be hanged, and ordered lots to be drawn to determine who would die, and who would benefit from a last-minute reprieve from the noose. In doing so Colville not only reinforced the precepts of the use of selective terror within the naval legal system, but also took it upon himself to presume the issuance of the royal prerogative of mercy. Similarly, in October 1762 while operating with a squadron off Newfoundland, Colville had J. Lewin, a seaman of the *Superbe*, hanged for the same crime from a yardarm of that ship.²¹⁸

²¹⁶ Mercer, "North Atlantic Press Gangs", 89-91.

²¹⁷ Ibid., 91-2.

²¹⁸ LAC, R2815-0-8-E, Colville papers, Memoirs, entries for 12 Jul 1760 and 4 Oct 1762.

With little help with regard to manning from London, Colville obviously decided harsh measures were needed to reduce the problem and to maintain his authority among the desertion-prone sailors and marines in North America. In the winter of 1764, Colville reported to Philip Stephens at the Admiralty that "...last year there were eight Courts martial held on common sailors and Marines only for Desertion and irregular behaviour... This season we have already had eight Trials..." Three of these latter trials were for desertion of ten seamen total. In November 1764, two seamen of Colville's flagship, the *Romney*, Bryant Diggins and William Morris, were hanged at the fore yardarms for desertion. Six others received 700 lashes each from ship to ship throughout the squadron. One man from Colville's own ship escaped punishment because of his "good character". The six deserters sentenced to be flogged received half their punishment immediately, the remainder to be administered "when they could bear it."²¹⁹

In later 1765, Colville reported that since he had arrived in North America three seamen had been hanged for desertion.²²⁰ In only two years of his command, the number of men hanged for desertion in North America was one-half the number of those who met the same fate within the navy as a whole during the entire Seven Years' War. As we shall see in Chapter 7, other punishments administered by courts martial for desertion under Colville's tenure were equally harsh, even when mitigated by the discretion of the court or the station commander.²²¹

Colville, although perhaps the foremost exemplar of such methods in North America, was by no means unique in using exemplary punishment to create a sense of fear and terror in an effort to prevent desertion from his ships. On 3 March 1771, Rear Admiral John Montagu received his commission to proceed to Boston as commander in chief to replace Gambier. His small squadron was plagued with desertion even before leaving. Fifteen men ran from the *Swan* sloop in England before it departed those shores, and Montagu had to order a court-martial on a seaman for desertion on his flagship, the *Centaur* (24). On 12 August the vessels arrived off Spectacle Island and exchanged salutes with Castle William and Commodore Gambier. Montagu relieved Gambier and took under command the other vessels

²¹⁹ TNA:PRO, ADM 1/482, Colville to Stephens, 30 Nov 1764. LAC, R2815-0-8-E, Colville Papers, Memoirs, entry for 27 Nov 1764. Colville, who likely suffered from depression and who was not overly enthused with his post at Halifax, noted laconically alongside this entry that "My Health continued perfectly good all this Year."

²²⁰ TNA:PRO, ADM 1/482, Colville to Stephens, 12 Nov 1765.

²²¹ See Chapter 7.

of the squadron at Boston.

Almost immediately more men escaped the *Swan* and other ships. Among a flurry of orders Montagu issued on arrival in Boston was the one on 15 August to Commodore Gambier to convene a court-martial convened to try four recaptured deserters belonging to that sloop. On the 19 August, the trial was held on William Johnson, a 23-year-old American born in Philadelphia, Francis Lyddle, a 25-year-old Scot from Dunbar, James Baynes, a 36-year-old from Witherford, England and Thomas Hill, a 25-year-old Englishman from Woolwich in Kent. All four were highly skilled, rated as able-bodied seamen, with Johnson holding the post of the Yeoman of the Sheets, the man in charge of all the sailors working aloft in the tops of the masts and rigging of the *Swan*. All were charged with desertion under Article 16 of the 1749 *Articles of War*. It was a short hearing. The deserters escaped the death penalty, but were sentenced to receive 500 lashes while being flogged around the fleet, to begin with one hundred the next day.²²² Montagu also wrote to Captain Benjamin Caldwell of the *Rose* frigate, ordering him to discharge a marine from the *Mermaid* into his proper ship, as the man was likely a deserter as well. On the 24 August, just over one week later, the four deserters from the *Swan* received the second hundred lashes of their sentence alongside the ships remaining in port.

Having recovered from their wounds, three of the four men - including Johnson, the Yeoman of the Sheets - later deserted again from the *Swan* and were not seen again. Johnson ran away again in September 1771 in Boston, Baynes in April 1772 in Halifax, and Lyddle escaped from the sloop in October 1772 in Rhode Island. The exemplary punishments seemed to do little to slow the waves of desertion. The *Swan* alone, from its commissioning in England on 1 December 1770, to its being paid off at Portsmouth dockyard on 15 March 1780, lost 182 men to desertion out of 475 that came through the vessel. The vast majority of these men deserted in North American waters, mostly in and around Rhode Island.²²³

Given the shortages of men in America, doubts over the reliability and loyalty of American and Nova Scotian seamen, and restrictions and then the failure of impressment to solve the issue (due to exemptions for North American seamen engaged in the coasting trade

²²² It is unclear whether they were volunteers or pressed men, as they had all joined the *Swan* after being turned over from other navy vessels. TNA:PRO, ADM 12/22, Digest of court martial of W. Johnson *et al*, Boston, 19 Aug 1771.

²²³ See Chapter 4.

and the fisheries, the decline in seaborne trade during the siege of Boston, and the violent reaction of North American colonists to such measures), increasing the complements of ships before they were sent to the North American station was seen as perhaps the only other method that could combat the problem. These efforts were made after a brief attempt in 1772 to ameliorate the situation, at least on paper in distant London, by reducing the official complements of eight of the larger vessels in North America by twenty men each.²²⁴

In November 1775, the Admiralty partially rectified the manpower situation by formally increasing the complements of Graves' smaller 24 and 20-gun frigates by twenty men, and his sloops by ten men. Additional seamen were to be found by seizing those taken on American prizes and distributing them among his ships to bring them up to complement, while those over the official complement on supernumerary lists were to be retained on board each vessel.²²⁵ This contradicted Graves' views on the utility of such American seamen and the threat they might pose to his ships:

We have hitherto avoided as much as possible entering American Seamen on board the King's Ships, knowing from Experience they will seize every Opportunity of making their Escape, or of assisting their Countrymen in Rebellion. I therefore hope we shall be able to compleat the Ships without being obliged to take Americans, or to have men sent purposely from England. But I shall from time to time put on board the Kings Ships going home as many Americans as can be conveniently carried; these I would humbly propose to be distributed by their Lordships Order among the Men of War on Home Service, those bound to the East Indies or Coast of Africa; but on no account to be sent back to America. By this means we could in some measure drain the Country of its Seamen, who are generally sober, hardy Fellows, and furnish the Kings Ships with Britons whom we can have more Reliance at this time than on native Americans.²²⁶

It is unclear whether Graves' definition of "Britons" also included Irish seamen.

The views of his commanders on the identities and loyalties of their men probably influenced Graves as well. For example, Captain William Maltby of the *Glasgow* (24) had written to him in December 1774 about the unreliability of American seamen and the belief of all his officers "...that the King's Men are more to be depended on than Others."²²⁷ The *Glasgow* had only forty men aboard, all greatly fatigued, and Maltby desired that Graves send

²²⁴ TNA:PRO, ADM 50/17, Montagu journal, 12 Jun 1772.

²²⁵ Narrative of Graves, [Boston], 9 Nov 1775, *NDAR* II, 946-8.

²²⁶ Graves to Stephens, Preston at Boston 20 Nov 1775, *NDAR* II, 1082-3.

²²⁷ Maltby to Graves, *Glasgow* at Cohasset, 1 Dec 1774, *NDAR* I, 14.

him enough men to complete his complement to one hundred men – as long as they were not Americans. In November 1775, when issuing press warrants to commanders and captains newly arrived on station, Graves was quite clear that in his view, only European seamen should be pressed while Americans should be avoided, “except for a few good Seamen.”²²⁸

Admiral Shuldham, in addition to being concerned about the state of his quarters on his flagship the *Chatham* (50) before leaving England, ²²⁹ used the opportunity of her deficiencies to argue for a 74-gun flagship, which would provide him with both additional seamen, needed in America, and firepower. The Admiralty disagreed, noting in a minute on Shuldham’s letter that 50-gun ships were judged sufficient for the service the admiral was ordered on. As the *Chatham* had previously served as flagship to a vice-admiral, she was deemed perfectly suitable for that role by London.²³⁰ The board noted that as it had recently ordered Vice Admiral Graves to increase the complement of all his 50-gun ships by fifty men to 350 seamen and marines, that Shuldham would also be afforded that privilege for the *Chatham*.²³¹

The *Chatham* arrived at Boston on 30 December 1775 after a hazardous, storm-wracked voyage of sixty-one days, leaving her unfit for sea service. Unarmed store ships sent in convoy to America had been taking heavy losses from American privateers, due to their separating from their escorts from the fogs on the coast in the summer and the violent northwesterners in the winter. Shuldham therefore asked London to send all future stores and provisions in armed vessels. This would aid his squadron as well “...by leaving part of their Men on their return home for the use of the Fleet, which I find is in great want, as well as the number of Ships far from Sufficient for the Various Services I am Order'd”.²³²

In late January 1776 the Admiralty again tried to solve the manning problem by increasing the official complements of each rate of vessel in North America. 44-gun frigates were to now be allowed a 288 man complement, 32-gun frigates 220 seamen and marines, and 28-gun frigates 200. 24 and 20-gun fifth rates were to man their vessels to a complement of 160 men, while 16 and 14-gun sloops were to be allowed to carry a crew of 125, 10-gun sloops 110, and 8-gun sloops 80 men.²³³ Given the shortage of seamen and the fact that most ships and

²²⁸ Arbutnot to Snape Hamond, *Roebuck*, Halifax, 6 Nov 1775, *NDAR* II, 900.

²²⁹ Shuldham to Stephens, *Chatham* at Spithead, 6 Oct 1775, in Neeser, ed., *Despatches*, 15.

²³⁰ Shuldham to Stephens, *Chatham* at Spithead, 10 Oct 1775, in *Ibid.*, 19-20.

²³¹ TNA:PRO, ADM 2/550, Stephens to Shuldham, 17 Oct 1775, f.226.

²³² Shuldham to Stephens, *Chatham* at Boston, 15 Jan 1776, in Neeser, ed., *Despatches*, 37-9.

²³³ TNA:PRO, ADM 2/100, Admiralty to Shuldham, 29 Jan 1776, f. 379.

vessels were likely keeping additional men on supernumerary lists regardless, it is unclear whether this measure had any real effect. By April 1776 Shuldham, informing London that his squadron was very short of complement, declared it was now impossible to make up losses from death and desertion by pressing in America as “...the total cessation of commerce rendering press warrants very ineffectual for that purpose.”²³⁴

Keeping pressed men and volunteers on a supernumerary list for wages, beyond the normal officially authorised complement of a vessel, was also a way to reduce shortages in the squadron. Technically, the authorisation to maintain such lists rested with the Admiralty, but in practice it seems it was more frequently exercised by station commanders and, on some occasions, individual commanders. On at least one occasion, a ship on an individual station with a full complement, and without orders from the station commander to raise men and enter them on such a list, found itself inundated with volunteers. This was the case of the *Cruizer* in Cape Fear River, North Carolina, in July 1775. Francis Parry, her new commander, filled his complement but then was uncertain whether he should bear additional men as supernumeraries. Parry was worried that if he did not do so, the spurned seamen would join rebel vessels offering large bounties and perhaps attack the *Cruizer*. Not within easy communication of the commander-in-chief, whose prerogative it was to order such a measure, often in consultation with the Admiralty, he asked for advice from the Governor and Council on how to proceed. They recommended that Parry retain as many of the men as possible until they could otherwise be provided for.²³⁵

Finally, individual captains and commanders could also use their own initiative and discretion to develop measures to prevent desertion in North America. These were often then suggested to their commander-in-chief or even directly to the Admiralty in London. For example, on his return to England from the station in April 1776, Captain John Macartney of the *Ambuscade* (20) forwarded a list of equipment that he believed should be provided to ships serving in American waters. This included boarding nettings to prevent the rebels from attempting to seize vessels. Macartney noted that such nettings also had the advantage that none of his own men were able to get out of the ship to run away when they were fixed, although “great encouragement” had been given to them. Macartney claimed to have lost only

²³⁴ TNA:PRO, ADM1/484, Shuldham to Stephens, *Chatham*, Halifax Harbour, 16 Apr 1776, f. 502.

²³⁵ “Journal of the Royal Council of North Carolina, meeting on the *Cruizer* in Cape Fear River,” 18 Jul 1775, NDAR I, 917-8.

one man to desertion during his service in America with the nettings fixed; without them he had “lost a good many.” A minute on the letter by the secretary to the Admiralty Board remarked unhelpfully that “the practice of the service” did not allow for such stores to be issued to ships; thus, their Lordships did not think fit to make any alterations to their standing orders for fitting vessels.²³⁶

Conclusions

Before the outbreak of rebellion and war in America, the shortage of seamen due to desertion was likely the greatest hindrance to the navy's attempts to stop smuggling in the colonies, particularly the smuggling of arms. This was, according to Stout, more important than any political effect of desertion and its mirror-image of impressment. The incidents described above reveal that desertion helped light the fires of ideological resistance against Britain, albeit indirectly by means of the measures taken to reduce its impact on the fleet – impressment, and attempts to recover deserters ashore.

In addition, desertion was the indirect cause of the first major incident of British forces training guns on a colonial town, during the Knowles Riot, and of the colonists actually firing artillery at British vessels, during the *St. John* incident. The psychological importance of these initial acts, particularly for the colonists but also for the British - many of whose officers were eager to take stronger actions - cannot be overstated.²³⁷ They would mentally prepare both sides to be more accepting of the necessity to take direct action when open hostilities began.

Loyalty and identity were related directly in the eyes of colonial officials and naval commanders in North America during the American Revolutionary period. These perceptions influenced both how men were treated on board ship and some seamen's decisions to desert. Concentric identities, at least for many Americans and perhaps some Nova Scotians, seemed

²³⁶ TNA:PRO, ADM 1/2119, Macartney to Stephens, Chatham, 4 Apr 1776. Among other measures, Macartney also noted the need for ships to be provided with more boats, noting that the *Ambuscade's* three could easily be supplemented by two four-oared cutters, as well as a water engine for fighting fires aboard ships which were struck by lightning, a fairly frequent occurrence in North American waters. He also recommended that companions be fixed to the hatchways and sentinel boxes be built on the fore and quarterdecks to keep the people warm, and that canvas coats lined with thick jersey be provided as watch coats for men exposed to the climate in winter, noting that by such a measure he had not lost one man with frostbite.

²³⁷ See for example the reported comments of some of the officers from the *Squirrel*. These men were quite looking forward to undertaking a sea action with the American vessels, and were disappointed not to be able to actually fire directly on them or the battery. “Remarks on board His Maj. Schooner the *St. John* in Newport Harbour, Rhode Island”, enclosed in TNA:PRO, ADM 1/482, Colville to Stephens, 26 Jul 1764.

to fall by the way side, both from their own standpoint and from that of British officers. Station commanders, particularly Samuel Graves and Lord Shuldham, were extremely wary of employing large numbers of American seamen on individual vessels, who were no longer seen as British. Discipline and order often was reinforced by the presence of marine detachments, seen as necessity onboard even small vessels in North America to prevent desertion and to maintain the authority of the captain of a vessel – leading to a break in relations between officers and men far earlier than that posited by Rodger.

The nature of desertion during these years changed after the battles of Lexington and Concord when the American colonies were declared to be in open rebellion. At that time, men from the British Isles, and perhaps British-born American seamen, were generally less inclined to desert as the crime would now be seen as desertion to the enemy. The punishment for that act was an automatic death penalty if brought to court-martial, which proved a major deterrent. As well, there is some indication that deserters with origins in metropolitan Britain were not necessarily welcomed with open arms by the American rebels. Any who might have expressed the slightest amount of loyalty to the Crown were suspect in American eyes. This meant that some men who ran from their ships before 1776 later returned to them to rejoin the service despite the risk of punishment.

The powers of the station commander, ship captains and other authority figures aboard a vessel, many of whom themselves were also on the receiving end of authority from those above them in the hierarchy, were exercised and experienced, as well as negotiated and renegotiated, in varied manners. Station commanders such as Alexander Colville in the 1760s used their near-absolute powers to use the ritual and theatre of exemplary punishment for desertion to create a sense of fear and terror in efforts to discourage the offence. By the 1770s, captains had to be more wary in exercising their power in such a manner given the ease with which men could desert to the American shore, and an emerging willingness among station commanders to prosecute officers who were mistreating men at court martial. Disputes over the legitimacy of authority could affect both higher and lower levels. They often involved desertion and the measures required to prevent it. There seems to have been regular resistance among ship's captains to station commanders' orders to avoid controversy when recovering deserters and to restrict impressment by exempting natives of New England, fishermen, and others. Whether station commanders actually intended to enforce these orders, or simply put

them in place to abide by London's instructions, with the intent of allowing his captains to do as they saw fit to fill out their sickness and desertion reduced complements, is not always clear, and before 1775 an unofficial policy of "impressment if necessary but not necessarily impressment" seems to have developed.

After the fall of Yorktown on 19 October 1781, desertion continued apace in the North American squadron, now temporarily commanded by Samuel Hood until the appointment of Robert Digby as station commander.²³⁸ As the end of hostilities neared, crews became more mutinous both in North America, and in England, where several ships experienced mutinies after being told they were about to be sent back to North America in 1779 and again in 1782.²³⁹ Such mutinies were perhaps a sign of things to come in the latter decades of the eighteenth century and into the early years of the nineteenth as the nature of discipline within the navy itself changed.

Before turning to these later years, the focus will be a quantitative examination of the problem of desertion in the Age of the American Revolution. In addition to providing estimates for the seriousness of the problem, this will illuminate whether the qualitative evidence presented above concerning the seriousness of the problem was accurate or perhaps overdrawn, and the relative importance of desertion compared to sickness, disability and death in creating a serious manning problem for the North American squadron.

²³⁸ Cornwallis - West, *Life and letters*, 107-8.

²³⁹ See Chapter 8.

CHAPTER 4

“IT IS NOT IN THE POWER OF MAN...TO PREVENT SEAMEN FROM RUNNING AWAY”¹: QUANTITATIVE ANALYSIS, 1763-1785

Almost every North American station commander between 1763 and 1783, if not earlier, considered desertion a serious problem affecting both the administration and operations of the squadron, as well as the politics of the American colonies and civil-naval relations more broadly. But just how bad was the problem of desertion among the squadron's vessels in quantitative terms? Where were men deserting, and who were these men? Were they volunteers or pressed seamen? Were deserters more common among Americans, English, Scots, Irish or other seamen from the empire or foreign parts? Were shortages of men due to sickness, disability and death more severe than those due to desertion? Was there any correlation between summary punishment and desertions in the squadron, both in terms of frequency of floggings and average punishments remitted?

To aid in developing responses to such questions and to explore desertion patterns, the “database samples”, two random samples of vessels of different rates were drawn from among those that spent at least seven months on the North American station in a one-year period for each sample year (1775-6 and 1806-7). To be included these vessels had to have surviving captain's and master's logs (where a master formed part of the official complement) and muster and pay books for that period. If the logs sampled included a longer period on the North American station the analysis was extended appropriately where feasible. The 1775-6 database sample currently consists of eight warships with almost 3,700 men on their books, equivalent to approximately one-fifth of the size of the North American station's complement of seamen and marines in December 1776, or forty percent of the total of assigned vessels.² Additional “pay book samples” of twelve ships per sample year (for the years above and 1765) were chosen in like manner for analysis of pay books only, and were not entered into databases. All

¹ Kennedy to Admiralty, Spring 1764, quoted in Stout, *Royal Navy in America*, 71-2. Colonial merchants went to various measures to prevent the RN from undertaking contraband and smuggling patrols. One method was to seduce seamen from the naval vessels to make them so short-handed they could not proceed to sea.

² The strength of the North American squadron in that month was 14, 486 men on more than twenty vessels, second only to Home Waters, at 24,311 men, and far exceeding its smaller neighbours at that time, the Leeward Islands (1,560 men) and Jamaica (1,080 men) stations. TNA:PRO, ADM 8/52, List Book (showing the disposition of Ships, names of Officers, &c.), 1776.

efforts were made to remove duplicate entries of men from the database samples, while for the pay book samples it is likely that some exist. The latter are most commonly men who were first entered on a vessel's supernumerary list for wages, and then transferred to the main ship's books, and vice versa, or those who were discharged sick or to another vessel and then re-entered the first ship's books on another muster number.

The list from which the vessels were selected was compiled from the records of all vessels on station for that year, maintained on a monthly basis by the Admiralty in the TNA:PRO ADM 8 ship lists. This was aided by the use of an unpublished manuscript based on these sources originally compiled as part of the Louisbourg Restoration Project.³ Such a random sampling approach provides a more representative picture of the squadron than any pre-selection based upon those vessels that were known to have had disciplinary problems, high desertion or sickness rates, or to have crews largely composed of pressed men or led by certain officers. It also provides an equal probability that the various geographic regions of the vast extent of the command will be represented, by station ships from each area. This is important as men often took the opportunity to desert in Nova Scotia, Québec, Florida, Georgia, the Carolinas, and other regions, which seem less desirable for that purpose than larger ports or the traditional haven for disenchanted seamen seeking other employment in North American waters, Rhode Island. This examination will begin by assessing the surviving weekly accounts of the squadron from this period.

Weekly accounts

Graphs 4-1 to 4-3 illustrate the overall manning shortages of the squadron between December 1763 and February 1765. They are based upon the limited number of surviving "Ship, State and Condition" reports, or weekly accounts, for the North American squadron, which provide a "snapshot" in time giving an overview of the condition of the squadron in terms of its manning and provision levels, and the physical condition of its ships.⁴ In the

³ Gwyn, Julian, ed. "Comprehensive list of all His Majesty's ships and vessels which served in North American waters from the beginning of 1712 to the end of 1776." Ottawa, 1996.

⁴ TNA:PRO, ADM1/482 for 26 Dec 1763, 25 Jan, 6 Mar, 25 Jun, 26 Jul, 24 Aug, 9 Sept, 9 Nov, and 15 Dec 1764, and 16 Feb 1765. The data are incomplete, as many reports are missing from the records, though mentioned in covering letters. To overcome this deficiency, periods were chosen for this analysis (Dec 1763 to Feb 1765 and Oct 1770 to Oct 1771) when the most data pertinent to the timeframe were available. Yet there remain gaps of months at a time. As well, the total number of ships in each condition report often changes, depending upon how well the ships were providing the squadron commander with the required information, and on communications

weekly accounts, men that were sick onboard were counted as being mustered; men sick ashore were not counted as mustered; and the category “chequed without leave” represented men checked as being absent at the time of the muster used to provide the data for the weekly account report. Once a man was chequed absent without leave for three consecutive, usually weekly, musters, he would be considered a deserter and marked as run on the ship’s books with an “R”.

The reports are also not always a perfect snapshot in time as each ship's individual state was dated within the report itself, and this date often differs from the date of the overall report. For simplification, and as an examination of the squadron as a whole was being undertaken, the overall report date, as signed by the Admiral either on the report itself or in a covering letter, is used in these graphs. In some cases not all ships of the squadron are included on the report, as very frequently ships on distant assignments from the commander in chief did not submit their weekly accounts in a timely fashion, or in some cases submitted them direct to London. Finally, for those graphs using percentages, all percentages have been rounded to the nearest whole number – therefore there may be slight discrepancies when totalling them.

Graph 4-1 shows the total complement, in men, of the North American squadron by month as well as the numbers for men borne, and men actually mustered. Graph 4-2 is a different view of the same data, portraying four analyses of the squadron’s complement. This are the percent the squadron was short of complement;⁵ the percent of complement recorded as being sick ashore; the percent of complement recorded as being sick in total (aboard and ashore); and finally the percent of complement short due to other, unrecorded reasons.⁶ Graph 4-3 shows the total number of men marked as chequed without leave. As these numbers are relatively small, and for the data available would at their highest represent barely one percent of the total complement of the squadron, no attempt has been made to include them in Graph 4-2.

lags between the commander and his ships. Reports with fewer than thirteen ships were excluded from this analysis to maintain some consistency of data. The exception is one case, for 19 Oct 1771. This comprises a report for only two ships that returned to Spithead, with an overall shortfall in complement of some thirty percent. That figure agrees with previous studies, which indicated that the navy from time to time tended to return ships to England when their overall manning levels fell too low.

⁵ i.e. $100 - (\text{total men mustered} / \text{total complement})$.

⁶ i.e. $(\text{total complement} - \text{men borne}) / \text{total complement}$.

Given the note above, regarding how men were counted as mustered, the “other” category likely constitutes several types of absences. Perhaps there were manning shortages when the ship left England of positions never filled, or previous desertions recorded as chequed without leave on earlier reports had later been taken off the muster books of the ship, or men were lent to other ships, temporarily lent in lieu of pressed men, etc. Without a complete examination of muster and log books, one cannot assume that the “other” figure represents solely previous desertions. As we have seen in Chapter 3, ships often were not manned to their total complement before arriving in North America.

The numbers of men actually marked as “chequed without leave”, the precursor to having been officially considered as deserted, are relatively small overall, rarely exceeding one percent of the total complement. In comparison, the percent of all men reported as sick, both ashore and on-board, ranged from two to six percent over this time. Although it is obvious from analysis of this data that sickness was a far larger factor in the manning shortage, desertion may have been often the final straw that prevented ships from leaving port to carry out their assigned duties. As will be seen shortly from an examination of pay and muster books for a sample of ships in North America during this period, it is clear that individual vessels often suffered from desertion on a scale much larger than that of the squadron overall. The qualitative evidence of the official correspondence seen in the previous chapter for this period also indicates that it was a matter of grave concern which hindered the operational ability of the squadron's vessels. The number of men actually absent due to desertion on a daily basis could vary tremendously. Given the relatively small number of surviving reports, many of which are incomplete with regard to containing all the ships of the squadron, any conclusions drawn from these figures should be considered tentative at best.

In general, based on the surviving weekly accounts examined here, the squadron was between nine and fifteen percent below complement during this time from all causes. For a total reported complement of between 1136 to 2686 men in this period, this means Colville was short between 90 and 361 men at any one time from all causes – the latter undoubtedly not a position a commander would want to find himself in. Graphs 4-4 to 4-6 outline manning levels and shortages for the period from October 1770 to October 1771. These are based upon

analysis of surviving weekly accounts from the squadron, in ADM 1/483.⁷ Graph 4-4 shows the total complement, in men, of the North American squadron by month as well as the numbers for men borne, and men actually mustered. Graph 4-2, using the same data, portrays the percent the squadron was short of complement, the percent short of men sick ashore, the percent short of men sick total, ashore and afloat, and the percent short of complement due to “other” reasons, using the same methodology described previously. Finally, Graph 4-3 shows the total number of men marked as chequed without leave.

Based on the “snapshots” of data available in these weekly accounts, overall manning shortages in the squadron at this time were similar to the 1763-5 period. In general, the squadron was between seven and fifteen percent below complement during this time from all causes. For a total reported complement of between 1735 to 2075 men in this period, the squadron was short between 143 and 192 men at any one time from all causes. Again, it would appear that the rate of men marked as “chequed without leave” on the squadron's weekly accounts rarely exceeded one percent of the total complement. Yet sickness reduced the men available by between five and six percent.

1765 and 1775-6 pay book and database samples

This study now turns its attention from the “snapshots” of the surviving weekly accounts of the squadron to perhaps a more precise and detailed analysis based upon study of muster and pay books of individual ships, over lengthy periods of time on the station.⁸ Table 4-1 provides an overview of the 1765 pay book sample, ten vessels ranging in size from the four-gun, thirty-man schooners *Gaspee* and *Chaleur*, to the fifty-gun flagship of the squadron, the *Romney*, with a complement of up to 350 men. In three cases, multiple pay books of the same vessel were examined, covering a lengthy multi-year period while in North America. Raw desertion rates among the ships in this sample, as a percent of the total number of men on the books, range from a low of just over five percent to more than sixty-three percent, with individual vessels losing anywhere from roughly one to eleven men every two months from desertion. Desertion rates as percent per annum of average complement of a vessel range from

⁷ The original sources used to compile this information (all from TNA:PRO, ADM1/483) include those dated as follows: 10 and 29 Oct, and 5 Dec 1770, 16 Jan, 27 Feb, 6 Apr, 9 May, 5 Aug, and 19 Oct 1771. This sample used the same methodology to select reports as above for the 1763-5 period.

⁸ See Chapter 1 for an overview of the sampling methodology used.

a low of four percent, to over seventy percent. The overall total number of men on the books of this sample was 3,723, and 1,161 of these deserted for an overall desertion rate of approximately thirty-one percent.

Table 4-2 shows the raw numbers of men run on the books for eight ships and vessels comprising the 1775-6 database sample, ranging in size from the six-gun, thirty-man *Gaspee* brig and *Hope* schooner to the sixty-four gun third rate line of battleship *Asia*. The number of deserters on the various ships ranged from ten to seventy-seven percent of the total number of men on the books, while overall around twenty-five percent of the 3,298 men on the books of these ships deserted from the squadron. Deserters per annum as a percent of average complement ranged from seven to forty-two percent, while turnover from all causes - including desertion, sickness, death, discharge to other ships, etc. - as a percent per annum of average complement varied from thirty-five to ninety-four percent. The vessels having the highest turnover generally also had the highest desertion rates. This implies that there is a link between building some sort of small group cohesion in a ship's crew and reducing desertion rates.

Table 4-3 provides an overview of the 1775-6 pay book sample, comprising ten pay books of eight different ships and vessels, ranging in size from the seventy-five man *Thunder* bomb vessel to fifty-gun older ships of the line. Overall, some 6,657 men were entered on the books of the ships of this sample, and some 1,226 deserted, over eighteen percent. Raw desertion rates as a percent of total men on the books range from nine to forty-four percent, with four vessels having rates over twenty percent. Men running per month range from one to almost six, while the number of men run as a percent per annum of average complement ranges from nine to ninety-three percent, with five vessels having rates higher than twenty-five percent. The *Otter* sloop, which was incapacitated on at least one occasion by loss of men from desertion, had a rate of twenty-seven percent. As with the *Coventry* in the 1765 pay book sample, perhaps this indicates that ships having desertion rates of twenty-five percent or higher, or four or more men run per month, experienced the phenomenon of desertion as something much more than a manageable minor irritant.

If both the 1775-6 database and pay book samples are combined, we have 10,306 men on the books of sixteen ships and vessels, with 2,044 desertions, for an overall approximate desertion rate of almost twenty percent. This indicates that the squadron as a whole was

perhaps barely at the limit of desertion as a manageable challenge to the administration of the command. If both 1775-6 samples are combined with the 1765 pay book sample, the overall sample contains 14,029 men on the books of twenty-six ships and vessels and 3,205 desertions, for an overall approximate desertion rate of almost twenty-three percent.

The most common feature of many of these desertions is that generally the majority of deserters did not run alone. Usually over fifty percent of deserters from a vessel ran in small groups, most often in groups of two to four men, as can be seen on Table 4-4. For example, around fifty-six percent of the desertions from the *Swan* sloop occurred in small groups, while seventy-five percent of the men who ran from the *Rose* frigate ran together with messmates, friends, or perhaps even relatives. Three vessels experienced mass desertions of ten men or more at once. The small group bonds of messmates and colleagues was often necessary to aid in working up the courage to run from the navy given the risks involved if one was caught. Men may also have believed that given the shortages of trained seamen on the North American station, captains would be less likely to severely punish a group of men, and hoped they would choose only one or two from among them to be punished severely and be held out as examples to the rest of the crew. This seems to have been a form of risk-reduction; as in any situation, it is often easier to act as part of a crowd than as an individual when possible bodily harm is an outcome.⁹

Unfortunately, captains or their clerks were inconsistent in recording the method of desertion in this period. As the majority of incidents are noted with the geographic location only, no worthwhile analysis of methods of desertion is possible. That said, the usual means of running - from a boat, from leave, from duty, from prizes, from tenders, from the naval yard, and swimming from the ship - were all noted in various cases.

Quality of seamen and desertion

The vast majority of deserters from the database sample in this period were able-bodied seamen, a perhaps unsurprising realisation as that rating comprised the largest proportion of men on board of these vessels at that time. Of the three main categories of seamen, these were

⁹ Similar to the process of “horizontal escalation” where there is much less risk involved in joining a mutiny than starting one. C.M. Bell, “Mutiny and the Royal Canadian Navy,” in *The Unwilling and The Reluctant: Theoretical Perspectives on Disobedience in the Military*, ed. Craig Leslie Mantle, (Kingston, ON: Canadian Defence Academy Press, 2006), 92.

also the men with the most marketable and in-demand skills, particularly in wartime. Table 4-5 provides a breakdown of deserters by quality. Able-bodied seamen comprised 698 of the 894 total deserters, or approximately seventy-eight percent. Fifty ordinary seamen deserted, (just over five percent), while sixty-five landsmen ran from the service (slightly more than seven percent). Thirty marines (roughly three percent) and sixteen petty officers (just under two percent) made up the next largest groups, while three warrant officers also deserted, one on each of three ships (the *Rose*, *Swan* and *Viper*). Thirteen non-marine idlers also made their escape from the service in this fashion.

Straggling

As discussed in Chapter 1, Rodger contends that the vast majority of men marked as run, or “R” on the books of ships during the Seven Years’ War were actually stragglers, not deserters. If this was the case for our samples and time periods, one would expect to see large numbers of fines noted on the musters and pay books in the straggling column. One would also expect to see notations about men’s R’s being “taken off” the books once they had returned to their ship, settled their fines and restarted their pay, and then the eventual payment of their wages once a ship was paid off. Yet in the 1775-6 database sample, this is obviously not the case. Out of the entire sample, only forty-three men fined for straggling, with fines varying from £1 to £2. Thirty-three of these stragglers were on one single vessel, the *Viper* sloop. Still, nineteen of these stragglers subsequently deserted. Out of the entire 1775-6 database sample, only eight men had their R’s “taken off” the books, and the majority of these seem to have simply been re-entered on the books with no official notation that the R had been removed per order.

All of the above would seem to indicate that in North America, at least at this time, whether to consider a man a straggler or a deserter seemed to be up to the discretion of the captain, or possibly the officer discovering the offence. It would also indicate that the vast majority of men marked as run were in fact deserters – as the *General Printed Instructions* described. It is possible that the fines for stragglers were not recorded consistently on the books. Yet given the penny-pinching nature of naval administration and the stringent

oversight of pay and pay books by the Admiralty, Navy Board and Treasury, all of whom had to sign off when a ship was paid off, this seems unlikely.¹⁰

Summary punishment and desertion

A.G. Jamieson has examined the disciplinary record of three Royal Navy vessels during the American Revolutionary War period, one of which spent extensive time in North American waters. Jamieson aimed to determine whether the navy of the American War was one of growing formal and strict discipline similar to that of the French wars from 1793 onwards, or one where the community and cooperation of Rodger's mid-eighteenth-century 'Wooden World' still prevailed. Jamieson also postulates that discipline may well have been stricter on vessels operating in North American waters than on other naval stations due to efforts to prevent desertion. Several factors support this thesis. There was a constant shortage of seamen due to high wages offered by merchant ships; the use of impressment by the navy; the rise of rebellious ideological and political views among some seamen from the American colonies; and later the lure of privateers and prize money on both sides of the conflict.¹¹ Jamieson's ships are also all drawn from the post-1775 period, when perhaps during wartime the nature of summary punishment shifted from the peacetime trade enforcement role.

The focus of this section is to examine any relationship between the experience of summary punishment aboard ship and desertion on the North American station at this time, with two main goals. The first is to verify the accuracy of Jamieson's conclusions – was summary punishment harsher on Royal Navy vessels in North American waters than on other naval stations in an effort to prevent desertion? The second is to determine whether there was any correlation between summary punishment, as measured by the total numbers of punishments, severity or frequency of punishment, and desertion rates on ships of the North American squadron.¹²

Table 4-6 shows the results of an analysis of all summary punishments recorded in the logs of the ships in the 1775-6 summary punishment sample.¹³ On an individual,

¹⁰ Two ships from the database sample are currently not included in this analysis, the *Emerald* and the *Swan*.

¹¹ Jamieson, "Tyranny of the Lash?"

¹² The relationship between capital punishment and desertion is examined in Chapter 7.

¹³ The analyses conducted here (and in Chapter 6) have utilised the total number of men borne on the books during the period a specific officer was in command of the vessel. If average summary punishments and men

person-by-person basis, the experience of undergoing or viewing a summary punishment by a ship's captain was one of the most common experiences of authority aboard ship. It may have been a tipping point that determined if a man would risk running from his vessel. It also often had a deep and lasting emotional and psychological effect on both the punished sailor and those viewing a flogging. The captain, as well as other commissioned and petty officers, could heavily influence the frequency and severity of punishments.¹⁴ Punishment rates, in terms of the number of men punished summarily as a percentage of the total number of men on the books of a vessel during the period examined, ranged from two to fourteen percent, with an overall punishment rate of eight percent of all of the men on the books of all the ships sampled. Average punishments ranged from twelve to just over fifteen lashes, with the smallest punishment meted out being four lashes and the largest twenty-four. Punishment frequencies ranged from a low of around 0.1 to a high of five men every two months.

There seems to be no identifiable pattern between the rate or size of the ship and summary punishment. The *Asia*, with the crowded lower decks of a ship of the line, had relatively low punishment rates and frequencies. The smaller frigates and sloops vary greatly. When it came to summary punishment, the different disciplinary approaches of various captains and commanders clearly emerge. These were probably more important than the rate of the ship and size of its crew. This has also been the finding of another recent study, albeit on the South American station in a later period.¹⁵ Some commanders, such as Captain James Wallace of the *Rose*, punished men very infrequently but with a higher average number of lashes. Wallace has one of the lowest punishment frequencies of any officer in this sample. Captain James Reid, who succeeded Wallace on the *Rose*, punished more men more frequently but with a lower average number of lashes. Lieutenant William Hunter of the *Gaspee* brig had the lowest punishment frequency, punishing just one seaman over an eighteen month period

punished were calculated versus the official complement of the vessel, the resulting figures would be significantly higher than those provided in Table 4-6.

¹⁴ See the many references to the physical and mental effects of floggings in first-hand accounts of both seamen and of at least one officer, for example: Dann, ed., *The Nagle Journal*; Nicol and Howell, *Life and Adventures*; T. Hodgskin, *An Essay on Naval Discipline, Shewing Part of its Evil Effects on the Minds of the Officers, On the Minds of the Men, and on the Community; with an Amended System by which Pressing may be immediately Abolished*, (London: Sherwood, Neely & Jones, 1813). For a discussion of the emotional effect of punishments ashore in the context of capital punishment but with broader implications, see Gatrell, *The hanging tree*. For a specific discussion of the emotional and psychological effects of flogging on seamen and the later nineteenth century reform campaign, see Land, "Customs of the Sea".

¹⁵ Vale, *A Frigate of King George: Life and Duty on a British Man-of-War 1807-1829*, 38-9.

according to his logs. Captain James Ayscough of the *Swan* sloop, along with Hunter and Lieutenant David Pryce, had the lowest average number of lashes, invariably giving men the standard twelve no matter what their crime. Over four years, Ayscough punished only six men, the lowest number of any commander here. In contrast, Captain James Ferguson of the *Brune* had the highest punishment frequencies in the sample, five punishments every two months, followed closely by Reid of the *Rose*. Benjamin Caldwell of the *Emerald* gave out the highest number of lashes, just under sixteen strokes, on average.

Which men were being punished? With the caveat again of the large number of men of unknown ethnicity, Table 4-7 reveals that of men flogged summarily, by recorded place of birth, approximately thirty percent were English, fourteen percent Irish, six percent Scottish and three percent American. Roughly two percent were seamen from other parts of the British Empire, and under one percent were foreigners. Both English and Irish seamen are overrepresented by thirty-three and forty-seven percent here respectively based upon their proportions in the sample overall (Table 4-12, discussed below), while other ethnicities roughly parallel their overall contributions to the 1775-6 database sample. Considering, as we shall see below, that Scottish seamen made up a large proportion of the less-skilled seamen, if summary punishments were being given out based largely upon negligence or inability to properly carry out duties, one would expect that the least-trained men might be punished more often, but this does not seem to have been the case. By quality on the muster and pay books, as illustrated in Table 4-8, seamen were punished far more often than other crew. Overall, seventy-five percent of men punished summarily were seamen, seventeen percent marines, three percent idlers, and four percent of unknown quality. Summary punishments by type of entry are displayed in Table 4-9. Nineteen percent of men punished were volunteers, almost eight percent pressed, and near twenty-one percent men turned over from other ships. Again the large number of unknown entry types makes these figures somewhat speculative at best.

Recidivism was perhaps more common than portrayed by Rodger, who believed summary punishments successfully deterred crime, with fewer than ten percent of men ever flogged and very few flogged more than once.¹⁶ While roughly eight percent of the men in the summary punishment sample were flogged,¹⁷ his claim for the rarity of reoffending can be

¹⁶ Rodger, *Command of the Ocean*, 493.

¹⁷ This figure would be significantly higher were commissioned and warrant officers excluded from the sample.

disproved here simply by the fact that there are approximately twenty-five percent more punishments overall than men punished in Table 4-6. Table 4-10 indicates that almost fifteen percent of men punished summarily received two floggings, six percent were whipped three times, while two incorrigible men received as many as seven floggings. Overall, almost one-quarter of men punished received more than one flogging.

Summary punishment for offences at sea, particularly if a man was given the standard twelve strokes of the cat, was not much different from what a seaman or marine would have received ashore in North America from civil authorities for similar crimes during this period. In some cases it could be even more lenient. For example, in Liverpool, Nova Scotia, magistrates often summarily sentenced criminals to floggings. In August 1767, a negro sailor was accused of stealing fish valued at one shilling, or petty larceny. The man was brought before two magistrates within a day of the offence and found guilty. The same day he received his sentence of being stripped and flogged with twenty lashes at the town's new whipping post, then spent an hour in the stocks. Finally, he had to pay three times the cost of the fish in damages and the costs of his prosecution.¹⁸ In like fashion, in August 1774 when a transient was charged with theft and tried for petty larceny, he was sentenced , immediately received a public whipping of eighteen lashes, and had to repay 10s. and costs.¹⁹

Punishments other than flogging were also used ashore at Liverpool. In July 1775, the master of a merchant sloop was charged with striking one of his crew on the head with a musket. The magistrate noted that the master appeared to be mad, and denied the charge, but with no bail the sailing master was jailed nonetheless. The next day he faced the magistrates, and was discharged, paying prosecution costs of 10s. 6d. and 2s. for swearing.²⁰ Soldiers who deserted from the Liverpool town militia and were recaptured could often receive punishments of 400 to 500 lashes. Yet those who were found guilty of other crimes, such as drunkenness, but then assisted the authorities in recovering deserters were often forgiven their crime.²¹

By what standard can we judge whether a captain was a harsh disciplinarian? There is no established standard or typology. Such an attempt remains difficult given the constraints of surviving sources and the varying methodologies used to analyse them. Such analysis can

¹⁸ Innis, ed., *Diary of Simeon Perkins v.1*, 29, entries for 27 and 28 Aug 1767.

¹⁹ *Ibid.*, 79, entries for 9 and 10 Aug 1774.

²⁰ *Ibid.*, 96, entries for 9 and 10 Jul 1775.

²¹ *Ibid.*, 240-2, entries for 20 and 27 May 1779.

always be challenged as subjective, possibly anachronistic, and perhaps even politically or ideologically motivated. Yet, even with its many flaws such a standard or framework would be better than current practice. Some historians simply classify captains as 'fair' or 'less severe' with little or no evidence to support such assertions, or claim that performance of a captain as a member of a court martial was more important than his performance in administering summary punishment. Others use approaches similar to that herein, but with enough differences to make comparison difficult, or different methodology altogether, making comparison near-impossible. Some recent studies, which discuss shipboard life in other periods and on other naval stations rely on only one or a handful of vessels rather than using a detailed multi-ship analysis.²²

One can perhaps propose a very simple scale of disciplinary severity based on previous, more detailed, studies that I hope to build upon in further work. John Byrn examined seventy-three ships and seventy-five captains in his study of the Leeward Islands station from 1784 until 1812. Using his work, which includes perhaps the largest and longest such sample yet studied, it is possible to extrapolate a tentative baseline of disciplinary severity for summary punishment. It seems that about forty-eight percent of captains punished less than ten percent of the men on the books of their vessels during their tenure. If we ignore for the moment what punishments were inflicted or how often men were brought to the gratings, these officers could be considered as moderate disciplinarians by the standards of the time. Another forty-one percent of captains punished between ten and twenty percent of their men, and perhaps could be considered severe disciplinarians. Finally, eight percent of captains who

²² Some studies use a calculation of 'lashes per day' during the tenure of a given captain to evaluate disciplinary records of officers, such as N. Slope, "HMS Trent, A Social Survey: 5 April 1796 to 25 July 1797" (M.A., Thames Valley University, 1996), 33-42. Conversely, few of the essays in two recent prosopographic volumes with eighteenth and nineteenth century admirals as their subject seem to touch in detail on disciplinary matters: Le Fevre and Harding, eds., *Precursors of Nelson* and idem., eds., *Contemporaries of Nelson*. One essay in the latter volume on Sir John Orde, which does discuss discipline, notes "Although he was a strict disciplinarian, he was a humane commander of men by the standards of what today seems a harsh and brutal age." It goes on to describe how he hated the practice of routine floggings, and when taking command of a new vessel would attempt to put a stop to them. The biography notes that the logs of two of his commands from the North American station in the 1780s "...show a remarkably small number of floggings." Yet the article does not describe what is meant by "remarkably small" or provide the number of men punished, or attempt to define either "strict disciplinarian", "humane commander", or the standards of the age - K. Orth, "Sir John Orde 1751-1824," in *Contemporaries of Nelson*, ed. Le Fevre and Harding, 73.

inflicted summary punishments on more than twenty percent of their ship's complement could be classified as tyrannical solely based on numbers of men punished.²³

If we apply this simple scale to the earlier sample period analysed here, its captains come off fairly well in comparison to Byrn's. Punishment rates on individual vessels range from two to fourteen percent of their vessel's complements, with eight percent of the total men on the books of all ships in this sample receiving summary punishment. No captain even approaches a twenty percent punishment rate, while only four punished ten percent or more of their men.²⁴ The severity of flogging, with only two captains having an average punishment higher than thirteen lashes, and most very close to the dozen lashes that was the 'ancient custom of the sea', also seems to make this period seem relatively moderate by disciplinary standards.²⁵ By comparison, Jamieson's study of three ships from the American War (only one of which spent a substantial period of time in North American waters) had overall summary punishment rates ranging from four to eleven percent of the men on their books, with just over five percent of all the men in his sample receiving summary punishment.²⁶

Was there any correlation between summary punishment rates and desertion rates? Perhaps surprisingly, James Wallace, who punished very infrequently, suffered more from desertion than his successor Reid who was much more willing to take the cat of nine tails out of the bag. In the period examined each captain was in charge for roughly two years. Wallace lost approximately 1.6 men per month to desertion, while Reid, the harsher disciplinarian, suffered the loss of just one man a month. James Ferguson of the *Brune*, who punished men at a similar frequency to Reid, 2.5 punishments per month, suffered many more losses from desertion, some seven men per month, an overall desertion rate of twenty-one percent of the

²³ Categories were calculated based on figures in Byrn, *Crime and Punishment*, 211-28.

²⁴ Rodger claims that fewer than ten percent of seamen and marines were ever flogged, and that men were rarely flogged twice – and hence believes that flogging worked as a form of deterrence against re-offending. Yet as can be seen here, and more so in Chapter 6, this was not always the case in North America. Rodger, *Command of the Ocean*, 493.

²⁵ For example, by the turn of the nineteenth century, and perhaps earlier, men seem to have regularly been given twenty-four to thirty-six lashes as punishments for summary offences, with punishments of forty-eight or more lashes (and sometimes as many as seventy-five) not unheard of for extreme cases. Lavery, ed., *Shipboard Life*; N. Slope, "Volunteer Landsmen Recruits to the Royal Navy 1795-1811: Three Thames-built frigates," in *Shipbuilding on the Thames and Thames-built ships: proceedings of a second symposium*, ed. Roger Owen (National Maritime Museum, Greenwich: 2004), 9 and W. Robinson, *Jack Nastyface: memoirs of an English seaman*, (Annapolis, Md.: Naval Institute Press, 1988).

²⁶ Jamieson, "Tyranny of the Lash?"

men on the books of the *Brune* in the period examined. Yet Reid suffered a desertion rate of only nine percent on the *Rose*.

Similarly, very few men who were punished appear to have subsequently deserted. Nevertheless, there does seem to be a direct relationship here. The vessels captained by the strictest disciplinarians in terms of total men punished - the *Brune*, *Emerald* and *Rose* - had the highest desertion rates among men who received summary punishment. Seventeen to twenty percent of men on those ships who were flogged subsequently ran from their vessels. Yet, the highest correlation appears to have been aboard the *Swan*, where only two percent of the men on the books were punished. Yet of six men flogged, three subsequently ran from the vessel. The vessels with the highest overall desertion rates, the *Gaspee* at forty percent and the *Swan* at thirty percent, had the least severe disciplinarians as captain in terms of overall summary punishments, punishment frequency and severity. The *Brune*, *Emerald* and *Rose* had relatively high overall desertion rates, of between fourteen and twenty-one percent.

These numbers would seem to suggest that harsher punishments could be used to keep the problem of desertion in check, and may have been needed in some cases. Undoubtedly some men, fearing a sterner captain or station commander, would not desert for fear of being caught, but there was a fine line to walk on the quarterdeck to avoid aggravating the problem. At around twenty percent, desertion rates on the *Brune* and *Emerald* with their harsher disciplinarians are just at the limit of what could be seen as the threshold. This may have been the point where desertion moved from what Professor Rodger termed a “manageable irritant” to an unmanageable crisis aboard a vessel which would severely impact its operation as noted earlier.²⁷ The *Rose* and the *Viper*, whose overall punishment frequency was slightly less than that of the *Brune* and *Emerald*, but higher than that of the *Gaspee* and *Swan*, experienced lower desertion rates proportionally.

These figures cannot account for aspects of punishment and potential abuse that were not recorded, or inaccurately recorded, in log books as discussed in Chapter 1. Some captains recorded punishments for neglect of duty, while their masters recorded them in their logs as being for absence without leave. On larger ships some captains simply recorded the number of

²⁷ All of the percentage rates, for both punishments and desertions, would be much higher if commissioned and warrant officers and their servants were excluded from the overall numbers of men on the books, and only seamen and marines examined. Commissioned and warrant officers could not legally be punished summarily, and would almost never desert, although some would face court martial for being absent without leave – often under circumstances in which seamen would have faced court martial for desertion.

men punished without details of the names of the men, the crime, or the punishment meted out, while the master recorded the full details in his journal. Some boatswains and their mates “started” men on a task, by beating them with a heavy rope's end, which, unsurprisingly, was greatly resented by most seamen.²⁸

More humanitarian captains attempted to restrain such behaviour. This may have been the case onboard the *Otter* sloop off Norfolk in December 1775 when Captain Matthew Squires suspended his boatswain for “...frequently behaving in a tyrannical manner to the Ships Company, often Insolent to the Officers, as well as neglecting his duty...” and named one of his seamen to the acting position.²⁹ In like fashion, in December 1775 at Halifax, the *Roebuck*’s first lieutenant, John Orde, informed his captain, Andrew Snape Hamond, that while he was absent from the ship Orde had confined the boatswain for disobedience of orders, contempt to his superior officers, and for using mutinous expressions, and had requested a court martial on the man.³⁰ Such cases fell short of full-blown mutiny, discussed in Chapter 8, but could only have been unsettling for a ships’ complement which saw some of its major authority figures – particularly those figures who both received and dispensed authority – punished so publically. Commissioned officers may also have perceived cases of this sort as ones where warrant or petty officers exceeded their authority. Such acts undermined the authority of their captain or superior officer, even if the incident was a minor one.

Punishing senior ratings or petty officers could therefore have unpredictable effects on discipline. Several boatswain’s mates, themselves in a position of authority where they were often required to enforce discipline among a vessel’s crew, were among the men punished or who deserted in this sample. This is perhaps a more subtle indication that authority and discipline aboard a vessel may have been breaking down, and one not immediately obvious from a basic statistical analysis.³¹ Similarly, even warrant officers such as the boatswains of the *Swan*, the *Canceaux*, the *Bonetta*, and the *St. Lawrence* ran from their vessels and needed to be replaced by the station commander. The fact that the highly trained and experienced

²⁸ Masefield, *Sea Life*, 167-8; For an example of starting from a first-hand seaman’s account in the 1780s see C.S. Childers, ed., *A Mariner of England: An Account of the Career of William Richardson from Cabin Boy in the Merchant Service to Warrant Officer in the Royal Navy (1780 to 1819) as Told by Himself*, (London: John Murray, 1908), 21.

²⁹ Squire to Graves, *Otter* sloop off Norfolk, 2 Dec 1775, *NDAR* II, 1240-1.

³⁰ Snape Hamond to Arbuthnot, *Roebuck* at Halifax, 4 Dec 1775, *NDAR* II, 1258; Snape Hamond to Graves, *Roebuck* at Halifax, 9 Jan 1776, *NDAR* III, 689.

³¹ I am grateful to Dr. Nigel Rigby of the National Maritime Museum for our discussions on this subject.

boatswains responsible for managing and disciplining the operation and maintenance of sails, rigging, and associated stores, deserted is a good indication of the severity of the problem in the squadron.³² Shortages of warrant and commissioned officers meant that petty officers were often given command of a watch on smaller vessels, and when even these men had doubtful loyalty, desertion could often result. In November 1775, when the *Halifax* schooner was moored at Boston, a petty officer in charge of the watch on deck, William Williams, and six other seamen used her cutter to desert to the rebels.³³ Simply the resulting changes in these important positions, let alone how men viewed the punishment or desertion of their petty and warrant officers, could not have aided in creating any sense of stability aboard, or in maintaining discipline, on either the ships the men ran from, or on board those their replacements were transferred from. When combined with general high turnover rates examined below, the effect on the ship's company could be disastrous.

Similarly, harsh commanders might also have an effect on desertion rates in ways that may not be directly related to summary punishment rates or their severity, as with the case of the *Cruizer* discussed in Chapter 3. Such cases were often brought to the attention of the station commander by petitions from the crew of a vessel as well as by their mass desertions. In March 1774 the commander of the *Halifax* sloop, Lieutenant Jacob Rogers, was accused in a "joint Letter from the Major part of the Company" of oppression, misuse of King's Stores, and of maintaining false musters and journals.³⁴ The accusations were confirmed the sloop's surgeon, who asked that a court-martial be held. Montagu again made use of the court of enquiry procedure, ordering two captains and his own secretary go aboard the *Halifax* and to report their opinions. By the evening of the first day of the enquiry, they reported that the "greatest part was strictly true."³⁵ The next day the admiral immediately ordered the *Halifax*'s master to take command of the schooner and to arrest Lieutenant Rogers until a court-martial could be held on him.³⁶ Between 16 and 18 April 1774 Rogers was tried by a court of his peers, found guilty, and dismissed from the service.³⁷

³² TNA:PRO, ADM 50/17, Montagu journal, entries for 17 Sept 1771 and 1 Jun 1772. "The Boatswain and Master-Sailmaker" in "Regulations and Instructions...", in Lavery, ed., *Shipboard Life*, 27-9.

³³ TNA:PRO, ADM 52/1775, *Halifax* master's log, 27 Nov 1775.

³⁴ TNA:PRO, ADM 50/17, Montagu journal, 26 Mar 1774.

³⁵ TNA:PRO, ADM 50/17, Montagu journal, 26 Mar 1774.

³⁶ TNA:PRO, ADM 50/17, Montagu journal, 16 and 18 Apr 1774.

³⁷ TNA:PRO, ADM 50/17, Montagu journal, 27 Mar 1774.

Rogers apparently had sold candles and slops, the clothes usually issued to seamen, for fresh provisions for his own use, and then claimed that the stores had been washed overboard or destroyed by bad weather. The lieutenant had also been short-changing the crew on their provision allowances. Rogers had the men spend days cutting wood, which he then sold ashore, while denying them the use of candles or a fire aboard ship. When the steward was cross-examined to see whether the men had made any complaint to Rogers prior to writing their petition, he replied that it would have been pointless to do so as the crew would only have been punished for doing so. At least one man testified that the commander often beat him unmercilessly, for no reason at all, and was able to show the court the result in his damaged face. On another occasion the lieutenant, having found the cook drunk, had him painfully tied up in the shrouds gagged with an iron bolt fixed in his mouth for hours on end until the man was almost dead. The cook spent ten days on the sick list recovering from his ordeal, unable to speak for several days as his tongue and throat were swollen. Even then Rogers had the man repeatedly beaten afterwards with a rope's end in the captain's cabin until he was black and blue from head to foot, for no reason the cook was able to discover. When one seaman was ordered to beat the cook with a rope's end and did not do it to the lieutenant's liking, Rogers seized the rope and beat the man as well. Finally, Lieutenant Rogers had also altered his logs to show that time spent in harbour was actually spent at sea cruising. Apparently Rogers thought it was more likely to find prizes near the harbour rather than cruising off-shore, as the *Halifax* was in such poor condition it did not sail well. The master testified he had never signed the monthly muster books or accounts as Rogers had never bothered to complete them after he had taken command of the schooner.³⁸

Rogers was not the only officer who had difficulty properly maintaining his official books in North America. Captain Henry Bromedge, commanding the *Savage* sloop (8), had been ordered in early 1776 to Cape Breton to protect the important coal mines at Spanish River. While returning to Halifax, the sloop was lost in a gale on 16 September 1776. Miraculously, Bromedge and his crew survived, but in the enquiry into the accident the Navy Board, noticing that he had not submitted any muster books for the sloop, decided to withhold the captain's wages and those of his servant for the previous five years. Bromedge insisted the

³⁸ TNA:PRO, ADM 1/5306, Court martial papers, 1773-4, Court martial of J. Rogers, Boston, 18 Apr 1774.

books had been lost in the shipwreck, but noted in a letter to the Admiralty explaining this lapse that it was also “very difficult” to obtain proper muster paper for the books at Halifax.³⁹

Similarly, in January 1775 Captain William Maltby of the *Glasgow* (24), found guilty of mistreating his gunner and for not sharing the proceeds of his prizes with his crew, was dismissed the command of his ship. Maltby attempted to curry favour with the Admiralty Board in a series of letters protesting his innocence, many of which made claims of the shocking opinions held of him by the “American incendiaries”, and their many friends in England and Ireland.⁴⁰ In 1779, Captain James Feattus of the *Vulture* sloop (14) faced similar charges. According to a certificate from the Nova Scotia Council, Feattus and the *Vulture* had performed exemplary duty while stationed in the Bay of Fundy between November 1776 and November 1778, including at the siege of Fort Cumberland. Feattus now found himself facing court-martial for drunkenness and cruelty to his men. He petitioned the Admiralty Board, claiming that the trouble actually lay entirely with his officers, “who do not know the meaning of subordination.” The captain testified he had not been drunk during the incident in question, when top gallants were being set, and in fact it was the other officers of the gun room that were addicted to drink, “a terrible vice”, and from which many interpersonal feuds occasioned.⁴¹

For what crimes were men being punished? Table 4-7 shows a breakdown of summary punishments by offence. Following the example of Jamieson, punishments involving more than one offence have been disaggregated for this purpose (i.e. a punishment for ‘Desertion & Theft’ provides one entry for each of the two categories in this table). Neglect of duty and drunkenness virtually are tied as the two most common crimes, with twenty-nine and twenty-seven percent of total offences respectively. The third most common offence was disobedience to a superior. Various forms of insolence to a superior were also prevalent. Less common, at least among the punishments recorded in the logs, were absence without leave, theft, desertion, and the other crimes shown here. The relatively low proportions of desertion-related offences can be explained by the fact that it was rare for deserters to be recovered in North America.

³⁹ TNA:PRO, ADM 1/1497, Bromedge to Admiralty, *Buffalo* at St Helen's, 20 Jun 1777.

⁴⁰ TNA:PRO, ADM 1/2119, Maltby to Admiralty.

⁴¹ TNA:PRO, ADM 1/1790, Feattus to Admiralty, *Vulture*, n.d. For an account of the role of the navy at the siege of Fort Cumberland see E. Clarke, *The Siege of Fort Cumberland, 1776: An Episode in the American Revolution*, (Montreal: McGill-Queen's University Press, 1995).

Criminals entered from the civil power

There are no recorded instances of men entered on the books of the vessels of the database sample from the civil power for this period, although undoubtedly this practice did occur, albeit likely in small numbers. For example, in March 1774 Captain Peter Parker wrote to the Admiralty concerning the petition of one John Fraser, a man on the books of the *Diligent* schooner which had been engaged in hydrographic survey work in Nova Scotia and New England. Fraser apparently had been a debtor in Halifax and was taken on board the schooner at the prompting of the builder and master attendant at the naval yard there, on promise of being rated as a midshipman. But the commander of the *Diligent* rated Fraser only as an able-bodied seaman, which was the source of his complaint. Fraser later transpired to be a regular nuisance to his commander as both a fraud and a thief.⁴²

Captain John Macartney also made reference to having criminals on board the *Ambuscade* (32) while in North America. Some of the Ambuscades arrived in England on another vessel demanding bounty money, which they claimed had been promised them by Macartney. The latter informed the Admiralty that:

I well remember some of them, I got out of prizes, some out of prison, many of them I was obliged to take out of Transports (giving other men in lieu [sic]) and merchantmen, from complaints made to me by their Captains of their behaviour in getting drunk, neglect of duty and some of them for mutiny – some of them I got at Halifax by General Massey's request, they belonging to a schooner under the General.⁴³

Similarly, ten seamen who mutinied on board a letter of marque off of Québec were sent by Lieutenant-Governor Frederick Haldimand to Admiral Robert Digby at New York. The men were to be tried for piracy, but Digby instead had them released and distributed for use throughout the ships of the North American squadron. The admiral believed that keeping the men close confined during the winter would have reduced their health to the point they would have had to be sent to the naval hospital, "...from whence they certainly would have deserted..." As he had not yet received any proof of their guilt, and they had shown good behaviour during poor weather on the passage from Québec to New York, Digby thought it a "...fair Opportunity to give them on that Account..." Lacking any certainty of their guilt, which might not appear for many months, he had them sent to the fleet, a course Haldimand had also

⁴² TNA:PRO, ADM 1/2302, Parker to Admiralty, 28 Mar 1774.

⁴³ TNA:PRO, ADM 1/2121, J. Macartney to Admiralty, 8 Apr 1779

suggested as a possibility for a sentence. Digby declared of the mutineers that "...he would as soon have them as any men."⁴⁴

Keith Mercer's recent research also has shown that there is very little surviving evidence of the civil power in Nova Scotia sending criminals or vagrants to the navy in the American Revolutionary period. He believes this was occasionally done as an alternative punishment. Mercer argues that such cases, to which he refers perhaps incorrectly as another form of impressment, were negotiated informally as a pre-trial measure between magistrates, the offender, and the victim. This was probably done to avoid the expense of taking criminal cases to court.⁴⁵ Judging from the surviving evidence from cases which occurred early in the nineteenth century, discussed in Chapter 6, Mercer may be incorrect in his assumption that naval captains had the final decision as to whether or not to accept more hardened criminals. More likely, this power rested with the station commander.

One example of such a case occurred in February 1779. Captain Young of the *Liverpool* frigate seized the master of a fishing shallop, Samuel Winslow, in the LaHave River near Liverpool, Nova Scotia, on the complaint of one John Moody that Winslow had secreted deserters from the men of war on board and was destined for New England. Moody was brought on shore to Samuel Perkins, the local magistrate, to swear an oath to that effect. Perkins finding that Moody's story had changed compared to other testimony, did not feel it proper to put the man under oath. Subsequently, the *Liverpool*'s captain dismissed Winslow and entered Moody on board the frigate. When the captain demanded a clearance from Perkins concerning Winslow, a dispute arose over its details between the magistrate and the naval officer, with seamen from the *Liverpool* becoming "very riotous" and abusing a local tavern keeper where the meetings were being held, and speaking "very Disrespectful" of the magistrate.⁴⁶ This case also provides evidence of the existence of networks for smuggling deserters out of British North America and to the American colonies, a topic to be investigated further in Chapter 5.

⁴⁴ BL, Add MS 21800, Haldimand Papers, Digby to Haldimand, *Rotterdam* at New York, 2 Feb 1782, f. 304. See also Inglis to Haldimand, *Pandora* at sea in the Gulf, 20 May 1782, ff. 306-7.

⁴⁵ Mercer, "North Atlantic Press Gangs", 92-3. Such cases more likely can be viewed as another form of volunteer, as presumably the offender had the option to refuse service in the navy and suffer normal punishment for his crime.

⁴⁶ Innis, ed., *Diary of Simeon Perkins v.1*, 228-9, entries for 22 to 24 Feb 1779.

Soldiers who deserted from the army at Halifax could also be turned over to a man of war as part of their punishment. One such man arrived in Liverpool, Nova Scotia, in October 1782. This soldier, who had deserted from the 84th Regiment at Halifax, after recapture was sentenced to receive 800 lashes and to serve afloat. After receiving 400 lashes, he was near death for some time; rather than receive the second half of his sentence and enter the navy, he deserted again and fled to Liverpool.⁴⁷

Recruitment by county/region and quality of seamen

Table 4-8 shows overall recruitment by both county/region and quality for seamen in the 1775-6 database sample (excluding commissioned officers, midshipmen, and marines, unlike the tables which follow, and all of whom generally have no known place of birth on the sources used in this sample). For those men with a known place of birth and a known quality or rank London was the most important source of seamen in overall raw numbers, contributing 139 men to the sample. It is followed in the top five by Co. Dublin (seventy-three), Co. Cork (seventy-one), Kent (sixty-seven), and Devon (sixty-five). The constituents of this top five list are remarkably similar to those of Rodger's sample of ships which fitted out at Portsmouth, Devon between 1770-9, although the order is somewhat different. Perhaps unsurprisingly given where the ships first recruited their men, Devon was foremost in importance in Rodger's sample, providing some twenty-four percent of the total men recruited, while here it has fallen to fifth in the table and only two percent of the total. The numbers here may be somewhat skewed by the large numbers of unknown men on the books discussed above, but presumably if these men could be identified, these would break out into relatively the same proportions by county or region shown here.

In addition to the large and important Irish contribution, discussed in more detail below, are the large contributions from Massachusetts (fifty-six), Rhode Island (forty-three) and New York (thirty-five). This is not surprising considering where the ships of the North American squadron spent considerable amounts of their time. But of more interest is the fact that almost the entirety of the American contribution was composed of able-bodied seamen, petty officers, and the odd idler, men who did not stand watches, such as skilled craftsmen in the crews of carpenters, sailmakers, and the like.

⁴⁷ Harvey, ed., *Diary of Simeon Perkins* v.2, 163-5, entries for 18, 24 and 26 Oct 1782.

In general, it seems the ships of the squadron in this period were better manned in terms of having higher quality seamen aboard than in Rodger's sample – here almost seventy-five percent of the men on the books were rated AB or above, or were idlers; in Rodger's sample this was the case for only fifty-eight percent of the men. Similarly, here only twenty-three percent of the men are rated as an ordinary seaman, a landsman, or a servant; Rodger finds that thirty-six percent of the men from the ships fitting at Portsmouth in his sample fell into that category. If the large number of officers' servants were removed from this category this number would fall even further. The following sections will examine each region in more detail.

Ethnicity and identity

In order to examine the proportions of each ethnicity which were running from the North American squadron during this time period, one must first determine the baseline ethnicity analysis on the men of the books of the database sample. Table 4-9 provides a breakdown by county of birth of English seamen on the books of the ships of the 1775-6 database sample. Some 729 English seamen are in the sample, or almost twenty-three percent of the database sample, with 717 of these men having a county or identifiable town or village indicated as place of birth. English seamen thus have the highest degree of accuracy for their birthplace on the books compared to other ethnicities.

In raw numbers, the largest contributor to manning the ships in the sample were men who indicated that they were born in London, with no more specific county noted on the books, at 139. This number would be larger if combined with the men from Middlesex, Essex and elsewhere who were actually born in London. Unsurprisingly, the sea-side shires of Kent, Hampshire, Devon, Middlesex, Yorkshire, Cornwall, Lancashire, Northumberland and Gloucestershire round out the top ten counties which contributed men to the sample.

Table 4-10 supplies a similar breakdown for Scottish seamen. Some 223 men identified themselves as born in Scotland or North Britain, or approximately six percent of the database sample. For 184 of these men there was a county or specific identifiable locality recorded on the books, while thirty-nine simply indicated that they were born in Scotland and thirteen in North Britain (with a few of the latter also supplying a more specific locale). Again, the major metropolitan county of Edinburgh provided the largest contribution of men to the

sample, at fifty-one, followed by Dumbarton, Fife, Stirling, Orkney and Forfar in raw numbers.

Table 4-11 illustrates the contribution to the database sample of Irish seamen. Of 307 Irish on the books, representing almost nine percent of the database sample, 271 specifically mentioned their county of birth or an identifiable locality that was recorded on their entry into a vessel, while thirty-six simply were noted as being born in Ireland with no further details provided. Again, metropolitan counties dominate the Irish contribution, with Co. Dublin, Co. Cork and Co. Waterford being the top contributors in terms of raw numbers of men, followed by the northern shires of Co. Antrim and Co. Londonderry. The latter two counties combined contributed almost fourteen percent of the total, with the only other known contribution from the north being one man from Co. Down. The south provided near seventy-five percent of the total Irish contribution.

The number of Welsh seamen identified in the database sample for this time period was twenty-two, only five of whom were identified on the musters or pay books with a county of birth – two from Pembrokeshire, two from Flintshire, and one from Carmarthenshire. Six men were identified as being born in “North Wales”, with nine others from “South Wales”.

Table 4-12 contains the figures for colony of birth for American seamen. Americans made up 204 seamen in the database sample, or approximately six percent. Of these men, 189 had an identifiable colony of birth, with the largest contributors in terms of raw numbers being Massachusetts, Rhode Island, and New York, more distantly followed by Pennsylvania, Connecticut, Virginia and North Carolina. Still smaller contributions were made by Maryland, New Jersey, South Carolina and Georgia.

Table 4-13 illustrates the region of birth for those men born in other parts of the British empire, who contributed a total of sixty-one men, or about two percent of the database sample. In terms of raw numbers, Africa was the largest contributor, followed by the West Indies, the Channel Islands, the Isle of Man, Nova Scotia and Newfoundland. Smaller contributors included men born at Gibraltar, in the East Indies and Canada, and one “son of a gun”, a man born at sea.

A similar breakdown of the region of birth for other foreign seamen can be seen on Table 4-14. There are fifty-six foreign seamen, again near two percent of the database sample. Swedes, Danes, the Dutch and the French made up the largest contributors, but there was also

a wide diversity of smaller contributions of men from other foreign parts, including seamen from Brunswick, Flanders, Genoa, Germany and Prussia, Leghorn, Malta, Memel, Norway, Portugal, and Spain. If the American, imperial, and foreign contributions are summed and treated as one non-metropolitan “overseas” category, the total is some 321 seamen, or just over nine percent of the entire database sample. This figure is somewhat less than the commonly cited figure of fifteen percent for foreign seamen in the navy.

Identity and desertion

So which men were deserted their vessels? Table 4-15 shows that in the 1775-6 database sample, Irish seamen represented at least twelve percent of the deserters and perhaps even more given that the place of birth of thirty-eight percent of men marked as run is not indicated on the ship's musters or pay books. The Irish constitute at least eight percent of the total number of men in the sample, the second largest ethnic group after English seamen. Irish contingents generally ranged from five to twenty percent of the total men on the books of individual vessels. A better gauge of "desertion rate as loyalty" than the raw numbers is to examine the proportion of men of each ethnicity who ran from their vessels. This is indicated in the last column here. Unsurprisingly, foreign seamen come out on top in this analysis; fifty percent of all known men of foreign birth on the ships' books deserting, closely followed by American sailors at forty-nine percent. Among men from the British Isles, the proportion of deserters among each ethnicity is very similar. The Irish are the highest, at thirty-six percent, but this is only five percent higher than the Scottish at thirty-one percent, while thirty percent of English seamen deserted. Also interesting to note is that the Scottish and English rates are almost identical to the proportion of deserters among imperial seamen from other non-American colonies, who are the lowest at twenty-eight percent.

The question of racial identity is a difficult one to address using musters and paybooks as sources. It is not as simple as assuming that any seaman or marine entered on the books with a place of birth in the West Indies or Africa were black (or creole) or that those born in the East Indies were Indian. In some cases escaped slaves or freed blacks entered in North America can be identified by their slave names and place of birth as “Africa”. But in the vast majority of cases in the database sample for this period, men who fall into these categories have recognisably “standard” British names, which makes it dangerous to assume that such

seamen and marines are not the sons of officers, officials, planters or merchants from the British Isles born overseas.

It is particularly difficult to identify men who may have been creole, or of mixed race. For example, Lord Keith, commanding the *Pearl*, arrived in Antigua in March 1777, after service in the *Perseus* at New York. Shortly before Keith was ordered to return to the Delaware, Vice Admiral James Young, commander-in-chief of the Barbados and Leeward Islands station, ordered him to return three men taken from a merchant sloop. They were creoles from the island of Tortula, and deemed unfit for his Majesty's service. The men's names were John Connor, William Taylor, and another had the surname Wilson.⁴⁸ Therefore, no attempt has been made herein to undertake such an analysis as the information gleaned from musters and pay books would be unreliable without confirmation from other sources.⁴⁹ Unlike some recent accounts of this period, which stress how black seamen and runaway slaves were welcomed into the British service, there is also evidence that some commanders did not wish to have such men serving aboard their vessels. Keith, for example, once again commanding the *Perseus* in Virginia and the Delaware in August 1777, was ordered by Commodore William Hotham at New York to discharge two black men on his books, named Pompey and Atchison, as they were the property of a presumably loyalist master to whom they were to be returned.⁵⁰ Keith himself seemed to be careful to return any black men acquired on prize vessels or otherwise to their loyalist owners, such as fifty seamen found on board a privateer sloop he stopped and searched in June 1779.⁵¹ But when men were desperately needed to man the row galleys for the Charleston expedition, he authorized their commanders to receive onboard each of their galleys "...a number of Stout and Able-bodied Negroes, not exceeding Twelve..." who were to be maintained on a supernumerary list for victuals only, implying perhaps that these were likely slaves.⁵²

⁴⁸ NMM, KEI/2/2, Young to Elphinstone, Antigua, 15 Mar 1777.

⁴⁹ For an example of how such an analysis might be undertaken, see C.R. Foy, "Ports of Slavery, Ports of Freedom: How Slaves used Northern Seaports' Maritime Industry to Escape and Create Trans-Atlantic Identities, 1713-1783." Ph.D., Rutgers, 2008.

⁵⁰ NMM, KEI/2/2, Hotham to Elphinstone, *Preston* off New York, 20 Aug 1777.

⁵¹ NMM, KEI/122, Elphinstone to Prevost, *Perseus* off No. Edisto bar, 12 Jun 1779.

⁵² NMM, KEI/122, Elphinstone to respective Lieuts. of the *Comet*, *Scourge*, *Viper* and *Vindictive*, 8 Feb 1780.

Sickness, disability and death

With regard to sickness and disease, Table 4-16 indicates the raw rates of men discharged sick (DS or DSQ), invalidated or “unserviceable”,⁵³ and dead (DD) respectively on the books of the ships in this sample. Unfortunately, other than the surviving weekly accounts analysed earlier, there is almost no way of reconstructing how many men remained sick on board these vessels at any one time compared to those more serious cases who were discharged sick ashore. The former cases were only recorded in surgeon’s journals and on occasion on weekly accounts, none of which seem to have survived for these vessels. Muster tables and lists and pay books simply record the number of men discharged sick ashore to hospital or hospital ship. Likewise, the type of illness or the reason for being discharged as an invalid was almost never recorded on the ship’s books. This was unlike the cause of death for men discharged dead, which, depending on the verbosity of the clerk completing the books, was sometimes noted – although again in the majority of cases no comment or a less than enlightening note such as “his death” was the only information recorded.

For the vessels examined here, men discharged sick ranged from zero to over nine percent of the total number of men on the books, while those who died while onboard ranged from one to eleven percent. Invalids and men discharged as unserviceable comprised from zero to just over four percent of the total number of men on the books of any of these vessels. Such men often were sent home to England on board ships returning for major repairs, usually in exchange for healthier crew turned over from them or simply as supernumeraries on the ship’s books. Such ships often returned short-handed as healthy seamen were turned over to other vessels remaining in North America. For example, on its return to England the *Scarborough* (20) could muster only twenty-six men as part of her official complement of 160 seamen and marines.⁵⁴ Similarly, such as occurred with the *St. Alban’s* (50) in June 1777, reinforcements from England often arrived in North America after long and dangerous passages, particularly in winter, with very sickly complements which needed to recover before the vessel could be of any utility to the commander-in-chief.⁵⁵

⁵³ In similar fashion to an “unserviceable” object, deemed as such after surveys regularly conducted on victuals, boatswains, gunners, sailmakers, carpenters, and other stores by the respective warrant officers on board a vessel, men who submitted themselves as unfit for duty due to a permanent injury or disability had to be surveyed by a surgeon who would complete a certificate on their condition.

⁵⁴ TNA:PRO, ADM 1/2121, Millegen to Admiralty, *Scarborough*, 17 Mar 1779.

⁵⁵ Howe to Stephens, *Eagle*, Hudson's River, 29 Jun 1777, *NDAR IX*, 186-8.

Reinforcements arriving from the West Indies were often in similar poor state. When George Rodney brought his squadron to New York in September 1780, many of his crews were extremely sickly, some with scurvy,⁵⁶ and 600 men had to be sent to the naval hospital on Long Island. Rodney was unimpressed with how Arbuthnot had been managing the affairs of the hospital and the prison ships at New York, and noted that there was great confusion due to a dispute between the Surgeon and Physician at Long Island, with the latter having been suspended by Arbuthnot and not replaced. No one directed two of the prison ships, holding some 400 men for Arbuthnot had revoked the warrant of the commissary without naming a replacement. Due to the great increase in prisoners from the success of Rodney's frigates in capturing some thirteen rebel privateers, he ordered the soon-to-be-infamous *Jersey* hospital ship to be converted to a prison ship after her surgeon told Rodney that her stores and medicine could be better used ashore at Long Island.⁵⁷ Some of Rodney's men deserted from the hospital at Long Island, and at least one was recaptured and court-martialled.⁵⁸ On 29 September 1780, Corporal of Marines John Williams was on duty ashore at Long Island with Robert Langley. Williams asked Langley to do his duty for him while he went to fetch some potatoes. Langley agreeing to this, Williams departed and was not heard of again until December when he surrendered himself a prisoner on board the *Sandwich*. Williams was tried for desertion, sentenced to receive one hundred lashes, and was reduced in rank to private of marines. His sentence was mitigated on the grounds of his voluntary surrender.⁵⁹

Overall, if one combines the figures of men discharged sick, invalided, unserviceable, or dead, the rates range from around one to over seventeen percent of the men on the books of individual vessels. On a percent per annum of the average complement of the vessel, overall rates range from just over four percent to sixteen percent, generally significantly lower than the desertion rates already discussed. Yet from time to time it is obvious that manpower losses due to sickness and disease were in some cases as or more problematic than those from desertion. Yet overall for the database sample, losses from desertion were greater at twenty-five percent than those from all types of illness, death, and men surveyed and discharged as invalids, at just under fourteen percent. It is difficult to speculate, but it is

⁵⁶ Lutwidge to Rodney, *Triton*, East River, 30 Oct 1780, in Rodney, *Letter-Books*.

⁵⁷ Rodney to Commissioners for Sick and Hurt Seamen, *Sandwich* off New York, 28 Oct 1780. in *Ibid.*, 63-4.

⁵⁸ Nott to Rodney, *Centaur*, Gross Islet Bay, St Lucia, 11 Dec 1780 in *Ibid.*, 95-6.

⁵⁹ TNA:PRO, ADM 12/22, Digest of court martial of J. Williams, 29 Dec 1780.

probable that if the figures for men sick on board could be factored into such an analysis, that disease would challenge desertion for primacy in terms of a factor behind complement shortages. This would particularly be the case for ships stationed on more disease-prone stations in southern climes such as the Carolinas, Chesapeake Bay, off the Floridas, or conducting convoys from North America to Jamaica and other parts of the West Indies. At the same time, ships in northern waters likely suffered from higher sickness rates during the winter months.

It is also of note that some smaller vessels, such as the *Gaspee* brig, had very low rates of men discharged sick ashore. Without knowing how many men were sick onboard in any one period, it is difficult to infer anything from this. Yet it may imply again that the general acceptance of the opinion that smaller vessels were avoided by men as they were often more unhealthy and did not have the relatively superior medical staffing and facilities on board larger rated vessels might not always have been accurate. Specific context may be the determining factor for such concerns. The ship in this sample with the most men discharged sick was the 64-gun battleship *Asia*; over nine percent of the men on her books were discharged due to illness. The *Asia* spent much of her time operating as a guard ship at New York, lending men to other vessels and to smaller tenders in support of army operations or trade enforcement. Such a relatively static role, as opposed to a ship cruising at sea for periods of weeks at a time, might have contributed to higher sickness rates. Or perhaps the ship itself was unhealthy due to overcrowding or other poor conditions.

Sickness rates were also greatly dependent on locale, climate and operating conditions, and other small vessels, as well as larger ships, could suffer greatly. For example, Lieutenant William Grant wrote to Admiral Graves in January 1776 of the very poor condition of his worm-eaten schooner, the *St. John*, which had been deployed on station for some months off Florida, where he was unable to have her repaired, to the extent he feared taking her into open water. But even worse than the effects of the climate on his ship was the toll it took on his men:

To this account of the Schooner I must beg leave to subjoin that of my self and my people, which is really alarming and Deplorable. I have been sick for a Considerable time past, and am at present very unwell, My Officers and Servants all sick on Shore. My Master is Dead and there are not three Well men to help the Sick on board: and the Sick are so Extremely Weak that it will be a long time if ever before they can recover their Health.⁶⁰

⁶⁰Grant to Graves, *St. John* at New Providence, 20 Jan 1776, *NDAR* III, 898-900.

Grant's situation was made more difficult for having received no official stores of any description for over three years, he had to purchase necessities out of his own funds for the schooner and her complement. He also had had no orders from any commanding officer since 10 June 1775, which gave him great difficulty when dealing with public officials on behalf of the service.

Adding insult to injury, Grant suffered from the tyranny of distance. His letter travelled to England before being received by Graves, who had been replaced as commander-in-chief of the squadron, and Graves only forwarded it to Philip Stephens, the Secretary of the Admiralty Board, on 5 Aug 1777.⁶¹ Graves' replacement seems to have received a copy before then. Admiral Shuldham noted to the Admiralty on 16 April 1776 - almost three months after Grant sent his dispatch - that he intended to relieve Grant as soon as possible. Nevertheless, since he had taken command of the squadron, Shuldham had received only two additional vessels added to its strength, one of which, the *Orpheus* (32), was not fit for sea after its voyage. The shortage of vessels was so severe the admiral stressed he did not have "...Ships to appropriate to the various Services that demand my attention." Shuldham could also not spare any of his cruisers, which were waiting off the coast to receive victuallers from England for the fleet and the army. He hoped the Admiralty would note in his weekly accounts "...how much short of Complement some of them are; and they will be pleased to consider the impossibility of Supplying in this Country the losses Sustained by Death and Desertion, the total cessation of commerce, rendering Press Warrants very ineffectual for that purpose."⁶²

Chesapeake Bay, the Delaware, the Carolinas, the Georgias and the Floridas were other regions that suffered greatly from sickness. In June 1777, the *Brune* (32), *Galatea* (20), *Perseus* (20), and *Daphne* (20) were all lying off St. Augustine and none were healthy or well-manned. One rebel report stated that the *Perseus* had yellow fever and small pox on board. The best-manned ship was the *Daphne*, who had no more than 140 men out of a wartime complement of 160 for a 20-gun frigate.⁶³

The *Otter* sloop (14) arrived in Chesapeake Bay in July 1777 with dispatches from Vice Admiral Howe and orders to cruise there. She was then directed by the senior officer in

⁶¹ Grant to Graves, *St. John* at New Providence, 20 Jan 1776, *NDAR* III, 898-900.

⁶² Shuldham to Stephens, *Chatham* in Halifax Harbour, 16 Apr 1776, in Neeser, ed., *Despatches*, 166-8.

⁶³ *Gazette of the State of South Carolina*, Charles-Town, 30 Jun 1777, *NDAR* IX, 193-5.

the Bay, Captain Benjamin Caldwell, to return immediately to New York because of the state of her crew. The *Otter*'s captain, Matthew Squire, was in ill health, her second lieutenant was absent, twenty of her men were sent sick in hospital and another forty-nine were sick aboard. The sloop was short another seventeen men from her normal wartime complement of 125, with eleven more men absent on prizes. She had lost sixteen men dead since sailing from New York, and twelve more were close to death. Caldwell feared that if he remained in the Chesapeake, the sloop's situation "...with regard to Her Men, would be irrecoverable, as I am informed there are many on board, not in the Sick List, with stiff Joints and swelled Limbs..."⁶⁴ When the *Otter* cruised the following year in company with the *Perseus* off St. Augustine, she again had a greatly diminished crew due to sickness, death, and capture of seamen by the rebels. The larger ship also suffered from similar shortages, leading the senior officer of the small squadron to ask the governor for permission to conduct a hot press, particularly given that prisoner cartels had recently arrived and there were many unemployed seamen in the area.⁶⁵ Both vessels suffered from scurvy,⁶⁶ and put their sick in the care of a local doctor, who noted that he was "...indifferently prepared for Scorbutic patients, no fresh provisions and at this time of the Year a scarcity of Vegetibles, [sic] but the best that can be done, shall be done." The doctor also desired duplicates of the seamen's tickets as vouchers for expenses should they be taken by "...those rascally Rebels."⁶⁷ The shortage of men and illness of those aboard may have contributed to the loss of the *Otter* when she ran aground at Cape Canaveral in August 1778.⁶⁸

Captain John Stanhope of the *Raven* (14), sent from Boston to cruise at Savannah, reported to the Admiralty in January 1776 that since leaving Boston most of his ship's company had been sick with scurvy and that several had died.⁶⁹ Ships deployed on the southern stations often suffered from shortages of water, provisions, and other stores, which undoubtedly contributed to their high rates of illness.⁷⁰ Foul and putrified water was often a cause of illness on these stations. Such ships often had to return to New York or other northern ports for clean water, while seeing the costs of local provisions such as rum, salt, molasses and

⁶⁴ Caldwell to Howe, *Emerald* in Chesapeake Bay, 25 Jul 1777, *NDAR* IX, 338.

⁶⁵ NMM, KEI/122, Elphinstone to Tonym, *Perseus* off St Augustine Bar, 27 Aug 1778.

⁶⁶ NMM, KEI/122, Elphinstone to Prevost, St Augustine, 8 Aug 1778.

⁶⁷ NMM, KEI/122, Prevost to Elphinstone, St Augustine, 9 Aug 1778.

⁶⁸ NMM, KEI/122, Elphinstone to Wright, 31 Aug 1778.

⁶⁹ Stanhope to Stephens, *Raven* at Savannah, 22 Jan 1776, *NDAR* III, 930-1.

⁷⁰ Furneaux to Stephens, *Syren*, [Savannah River], 22 Jan 1776, *NDAR* III, 931-2.

clothing rise 300 percent or even more.⁷¹ Similarly, at Boston the cost of provisions such as firewood and candles rose 300 to 500 percent between April and December 1775.⁷² Some ships often suffered from shortages of slops, the standard work clothing issued to seamen on their entry to a ship, and hammocks, which caused much suffering among the men of the lower decks, and could have done little to aid in preventing sickness.⁷³ Andrew Snape Hamond noted in March 1776 that on the Virginia station, he had only “...the *Liverpool*, ill Manned and Sickly, the *Otter* in as bad a State, And the *King's fisher* Sloop...” With these he could only protect the governor at Norfolk and guard the mouth of Chesapeake Bay. Three or four more ships, “properly manned”, would be required open up the river passages blocked by the rebels, while another smaller cruiser was needed to patrol off the Capes.⁷⁴

George Elphinstone, commanding the *Perseus* at Virginia in 1777, was ordered south to the Carolinas where his immediate superior wished him to press men as the *Carysfort* (28) on that station had forty sick on shore and was more than twenty men short of complement.⁷⁵ When he commanded the Charleston expedition in April 1780 under Admiral Arbuthnot, which involved much boat work in small vessels such as row galleys, his forces were plagued by both sickness and shortages of men. One commander of a row galley wrote to Elphinstone that “Men is a want of the most serious Nature the *Viper* has only one good and one damnd bad man before the mast doing duty and 5 Marines, since you was on board 10 sent to the Hospital one time, and 4 at another, with a cursed Malignant fever; I am in hopes we have got it out of the Gally by cleaning and fumigating below, which God knows she was in great want of.”⁷⁶ Elphinstone was so short of men for the galleys needed for inland navigation that he authorized all his captains to press one out of seven men on every merchantman or privateer they might encounter. When in port, he ordered his commanders to apply to the governor or other chief civil officer to “...take up and impress all idle Seamen or others being

⁷¹ Bellew to Shuldham, *Liverpool*, Hoar Hill Road, 10 Jun 1776, Enclosure A in Shuldham to Stephens, *Chatham* in Halifax Harbour, 6 Jul 1776 in Neeser, ed., *Despatches*, 269-70.

⁷² TNA:PRO, ADM1/485, Graves to Stephens, *Preston*, Boston, 4 Dec 1775, f. 468.

⁷³ See, for example, Parker to Graves, *Phoenix* at New York, 18 Dec 1775, *NDAR* III, 155; J. Graves to S. Graves, *St. Lawrence* schooner, St. Augustine, 3 Oct 1775, *NDAR* II, 286.

⁷⁴ Hamond to Shuldham, *Roebuck* at Virginia, 3 Mar 1776, enclosure A in Shuldham to Stephens, *Chatham* in Nantasket Road, 23 Mar 1776, in Neeser, ed., *Despatches*, 143-4.

⁷⁵ NMM, KEI/2/2, Fanshawe to Elphinstone, *Carysfort* in Hampton Roads, 24 Oct 1777.

⁷⁶ NMM, KEI/2/2 Part 2, Duncan to Elphinstone, *Viper* [galley], Wappoo Creek, 9 Apr 1780.

fit for the Service that may be found Stragling ashore and unemployed...” who were to be maintained on supernumerary lists until disposed of for the service by a senior officer.⁷⁷

The long passage from England itself to North America could also be detrimental to the health of a vessel’s crew. Usually taking six weeks, if foul weather was encountered it could take up to twelve weeks or more, damaging both ship and crew, particularly in winter months. When the *Orpheus* arrived after such a storm-damaged passage of ninety-seven days at Halifax in January 1776, her second lieutenant, gunner, and seventy-three men were incapacitated by illness, twenty of them with frostbite.⁷⁸ Sir George Collier, escorting transports reinforcing the British Army at New York in the summer of 1776, noted that a passage that normally would take five to six weeks required closer to fourteen. Collier also remarked how after this voyage, the entire fleet was sickly “from the penetrating fogs...with Fevers, Diarrhea, and Scurvy, which latter did not shew itself during out longe Voyage tho’ it did immediately on coming ashore.”⁷⁹ Over sixty men were sick on board the *Rainbow* (44) alone. In May 1778, now Rear Admiral James Gambier returned to New York with a convoy of twenty-two ships. After a long voyage he reported to London that his warships were very sickly, having lost fifteen dead on the passage from England while another 120 men had fever.⁸⁰ Captain Phillip Cosby’s *Robust* arrived at Halifax on 15 August 1779, with only ten days water remaining and 160 sick on board, having buried fourteen men at sea. After putting his sick ashore and taking on ninety volunteer seamen, he sailed to Penobscot on 22 August to relieve British forces there, where he buried another twenty-six men.⁸¹

Shuldham believed that better provisioning was the key to maintaining the health of his seamen and marines. Provisioning in North America was done primarily through local contractors in each port rather than directly with an agent of the Navy Board as on other stations. Ships were being cut off from these sources of supplies as the rebellion proceeded apace, or charged inflated prices when provisions were available. When he received orders directing him to take over the North American command, the admiral asked the Admiralty “...that a vessel be sent from time to time from Britain or Ireland, with Potatoes & Carrots & Parsnips & Onions, which will keep good for many Months...” and that another vessel of 80 to

⁷⁷ NMM, KEI 122, Elphinstone to captains of the squadron, *Perseus* in Savannah River, 31 May 1779.

⁷⁸ Hudson to Shuldham, *Orpheus* at Halifax, 31 Jan 1776, *NDAR* III, 1057-60.

⁷⁹ NMM, JOD/9, Collier journal, entries from start of journal to 16 Aug 1776.

⁸⁰ TNA:PRO, ADM1/489, Gambier to Stephens, *Ardent* off Sandy Hook, 27 May 1778, f. 15.

⁸¹ TNA:PRO, ADM1/486, Cosby to Arbuthnot, *Robust*, Halifax, 6 Sep 1779, ff.240-1.

100 tons be sent from Lisbon or Oporto "...with Onions, Oranges, Lemons, &c by the end of October and another at the end of February..." The station commander hoped the Board would approve his sending a small vessel "...to the Bahamas for Turtle, Oranges, Chaddocks, Limes, &ca at the proper seasons."⁸² Provisions were difficult to procure in Boston, elsewhere in Massachusetts, Rhode Island, and eventually elsewhere as the rebels often threatened death to anyone supplying the king's ships. When negotiation failed, force was often used by captains such as James Wallace of the *Rose* to acquire victuals and other necessities.⁸³

Much illness also was caused by over-drinking and the quality of the spirits imbibed. Many officers in this period commented on the direct relationship between drunkenness and the sickness rates on board ship, and vice versa – when rum and other spirits were scarce at Norfolk, the seamen were seen to be "remarkably healthy", believed to be in great measure due to the difficulty in obtaining alcohol.⁸⁴ As New England rum was seen to be particularly pernicious in its effects, efforts were made to persuade the Admiralty to acquire rum from the West Indies instead of using the local variety, as long as it was less than six months old. Graves believed that:

...the custom of supplying New England Rum to his Majesty's Ships is in my humble opinion highly prejudicial to the State. The use of it destroys the Health and Faculties of the People, and debilitates them surprizingly. The seamen always continue healthy and active when drinking spruce Beer; but in a few days after New England Rum is served, although mixed with four or five Waters, the Hospital is crouded with sick, and those on board are pallid, weak, and incapable of doing half their Duty.⁸⁵

One Royal Marine major informed Lord Sandwich of how he had lived among the men in order to prevent their gaining access to New England spirits. Noting rum was debauching and killing many of his men, he warned Sandwich to "...Depend on it my Lord, it will destroy more of us than the Yankies will."⁸⁶

By 1778, with the squadron's size greatly increased in ships and men, the naval hospital at Halifax, situated on George's Island, was in a poor state of repair, and overwhelmed by the numbers of sick. Plans to construct a purpose-built hospital on the island and for the

⁸² Shuldham to Stephens, London, 1 Sept 1775, in Neeser, ed., *Despatches of Molyneux Shuldham*, 3-4.

⁸³ TNA:PRO ADM1/484, Wallace to Graves, *Rose*, Rhode Island, 28 Dec 1775, ff. 360-1.

⁸⁴ "Extract of a Letter from a Gentleman on Board the Liverpool, Norfolk Harbour, Virginia, February 17th, 1776", *Public Advertiser*, London, 9 Apr 1776, *NDAR* III, 1339-40.

⁸⁵ Graves to Stephens, Preston, Boston, 22 Sept 1775, *NDAR* II, 178-9.

⁸⁶ Pitcairn to Sandwich, Boston, 4 Mar 1775, *NDAR* I, 125.

enlargement and repair of the existing houses used for the existing facility were approved.⁸⁷ Yet when Vice Admiral John Byron arrived at Halifax in late August 1778 with five ships of the line and a frigate after a long and testing passage from England chasing D’Estaing’s fleet, the improvements were not yet in place, and there was no accommodation available for his many sick. The ill men had to be placed in an old and rundown army barracks on the east side of the harbour.⁸⁸ Byron’s squadron could only resume the hunt by turning over men from Sir George Collier’s *Rainbow* (44), then at Halifax, into his ships of the line, transferring his sick men onto the books of the frigate.⁸⁹ When Byron finally arrived at Rhode Island on 18 September 1778, eight of the squadron’s ships of the line were “very sickly” and in great need of repair.⁹⁰ By the time Admiral Howe had resigned his command later that month, Byron reported that the squadron was still in that state. Many men had “fluxes”, and very few of his ships had less than 60 men sick each. The ill seamen and marines were being housed in tents on Staten Island.⁹¹

Scurvy plagued the squadron to the end of the conflict, and even threatened the defence of New York against the French in 1781. In March of that year, weekly accounts indicated that 1200 men of the squadron were sick on shore, “...such progress hath the Scurvy made in the Constitutions of our Seamen.” Sir Henry Clinton had to lend 470 soldiers in order to prepare the squadron for sailing, and that combined with a hot press allowed Arbuthnot to find enough men to bar the harbour with his ships at Sandy Hook and prevent the French attack.⁹² It was now again difficult to find enough men to man properly two prize vessels purchased into the service, the *Active* (28) and the *Dispatch*, which subsequently were given reduced official complements of fifty-five and fifty men only.⁹³

⁸⁷ TNA:PRO ADM1/488, Fielding to Howe, Halifax, 8 and 13 Jun 1778, f. 411; Howe to Fielding, 23 Aug 1778, ff. 413-4.

⁸⁸ TNA:PRO, ADM1/486, Byron to Stephens, *Princess Royal*, Halifax Harbour, 27 Aug 1778, ff. 114-9.

⁸⁹ TNA:PRO, ADM1/486, Byron to Stephens, *Princess Royal*, Halifax Harbour, 3 Sep 1778, ff. 122-5. Byron had already pillaged the Leeward Islands squadron for men on his passage to North America, given the sick state of his own. See YUBL, OSB MSS 85, Barrington Letterbooks, Box 1, Folder 39, Byron to Barrington, *Princess Royal* off St Lucia, 18 and 19 Jan 1779; and Box 1, Folder 41, Byron to Barrington, *Princess Royal* in Gros Islet Bay, 20 Jan 1779.

⁹⁰ TNA:PRO, ADM1/486, Byron to Stephens, *Princess Royal*, Rhode Island harbour, 24 Sep 1778, f. 126.

⁹¹ TNA:PRO, ADM1/486, Byron to Stephens, *Princess Royal* off Sandy Hook, 17 Oct 1778, f. 128.

⁹² TNA:PRO, ADM1/486, Arbuthnot to Stephens, 7 May 1781 ff. 666-7.

⁹³ TNA:PRO, ADM1/486, Arbuthnot to Stephens, 7 May 1781 ff. 668-9.

Age of seamen and time in ship

N.A.M. Rodger's examination of the ages of seamen in a sample of ships between 1764-1782, determines that generally, the majority of seamen ranged between sixteen and twenty-five years of age.⁹⁴ Table 4-17 provides a breakdown of the average age and average time in ship, in days, for all the seamen and marines on the books of the 1775-6 database sample, excluding commissioned officers and warrant officers. Table 4-18 does likewise for the deserters from this sample. The average age of seamen and marines at their time of entry to the service was under thirty in all cases, and between twenty-three and twenty-six on five of the ships. Boys as young as twelve were present on one ship, but generally no youth younger than sixteen was recorded as being onboard the vessels in the sample. The oldest man aboard any of the ships was aged sixty-five, but it seems to have been more common for the eldest seamen to be in their mid to late fifties, while in one case the oldest seaman aboard was only aged forty-four.

Deserters tended to be somewhat younger than the average age of all the seamen, by as much as two to three years in some cases. This is indicated by both a lower average age among runaways, a slightly higher minimum age, and an often substantially lower maximum age. This suggests it was those men with experience at sea yet who were not too old to seek reemployment who most often took the chance of running. Older men might also have families that were depending upon their wage for subsistence, and therefore were likely less willing to take the risk of running away.

The average time in ship, as measured in days, of deserters was in all cases except one less than a year, but only one vessel had an average of less than six months. This tends to confirm N.A.M. Rodger's thesis, that men unhappy with the naval service usually deserted within the first year of their entry aboard ship. The average North American time in this sample tends to be slightly closer to that upper limit, perhaps as some men delayed their decision until arrival in America after transiting the Atlantic. The maximum time in ship shows that some men waited as long as four or more years to desert. Perhaps such men were waiting for an opportunity, or more likely realised that once promoted to able-bodied seaman or a petty officer position, they could command a substantial wage on the maritime labour market compared to what they could make in the naval service. Such "long-term" desertions

⁹⁴ Rodger, *Wooden World*, 360-3.

might also have been caused by a change in officers or disciplinary regime aboard ship. Yet the average time in ship for most men in this sample was less than eighteen months on three of the ships and barely more than one year on two other vessels. Only three ships had an average time in ship of over eighteen months for all of their complements, and only one of those, the *Swan*, had an average time in ship of barely more than two years. Thus, the fact that the majority of deserters ran in less than a year from their time of entry aboard is not perhaps as significant as it seems at first glance given the high turnover on board these vessels. It is quite possible that men were turned over from one ship to another after a lengthy period of time, and then deserted from their new vessel within a few months.

Volunteers and pressed men

The “whence and whether prest” columns of muster and paybooks from the sample were often not completed. When completed, they often simply record the name of another naval vessel the seaman had been turned over from. It is therefore difficult to come to any conclusion as to whether men who deserted were largely pressed men or volunteers. This was complicated by the fact that it was quite common, in North America at least, for pressed men, initially entered on the supernumerary list for wages and victuals of a ship, to decide later that they should at least profit from their unfortunate situation to take the king’s bounty. They then entered the service as a volunteer, resulting in them being indicated as such on the main ship’s books. This throws into question the reliability of treating as volunteers those men who are shown as such on the ship’s muster or pay books, when the supernumerary lists do not survive in the muster books to confirm their original entry status. Where possible, these “volunteers of the moment” have been identified in the following analysis, and treated as pressed men. Unfortunately, many of the supernumerary lists have not survived, even for some of the ships in this sample. Thus, the figures in this table (as well as analyses by other scholars) may actually misrepresent the number of volunteers as higher than it actually was.⁹⁵

With that caveat in mind, how many men were indicated as pressed or volunteers on the books of the vessels in the database sample for 1775-6? Table 4-19 shows the percent of

⁹⁵ This was often the case on smaller vessels, which spent much time pressing men. These numbers have been determined using a cautious implementation of Rodger’s “blanks as ditto” interpretation for this column on the musters and pay books, where it was obvious that method was being used. Where this was not obvious, the column has been left blank and treated as unknown in the database. See Rodger, *Naval Records*, 48. For volunteers of the moment, see also Baynham, *From the Lower Deck*, pp. 4-5.

men on each ship, and overall, who volunteered, were pressed, were turned over from another ship or the civil power, and those whose origins are not known. Overall, for those whose entry histories can be determined from the surviving records, close to nineteen percent of men were volunteers, almost seven percent were pressed, just over twenty-one percent were turned over from other ships, and the origins of fifty-three percent are not known. No men were indicated as being turned over from the civil power on the records of the vessels in the database sample. On a per ship basis, the *Emerald* had the most accurate records for this purpose, with just over thirteen percent of men's origins not being known, so perhaps it can be used as representative of an "average" ship's complement for this period. Just over thirty-eight percent of its men had volunteered, and fifteen percent had been pressed. Twenty percent had been turned over from other ships.

Table 4-20 is a similar analysis, but focused on the deserters from the database sample. This indicates that overall, over twenty-three percent of the known volunteers deserted, almost thirty-eight percent of those men known to have been pressed deserted, and eighteen percent of those turned over from other ships ran from their vessels. Again, these figures should be treated as tentative given the large number of men (and deserters) whose entry origins are not known. Even with this margin of error, it seems clear that pressed men were much more likely to run away to regain their liberty than volunteers. That said, the proportion of volunteers running was also quite high. On a per ship basis, one can see a large variation in this pattern, again affected by the large numbers of men with unknown origin of entry. Using the *Emerald* again as an "average" vessel for this purpose, one can see that nearly forty percent of her volunteers deserted, but only somewhat more than twenty-three percent of her pressed men, and eleven percent of those turned over from other ships, indicating the tentative nature of the general overall pattern.

Geographic patterns of desertion

Some men, even the odd warrant officer, ran from ships bound for North America before even joining them in England. In May 1776, James Hickman was appointed by the Ordnance Board as armourer of the *Perseus*, bound for New York with a convoy. Yet the new armourer never appeared on board after the issuance of his warrant. The captain of the ship

returned the warrant to the Board, and asked that Hickman "...may not in future receive any benefit from the Service he has deserted."⁹⁶

Men returning to England from service overseas in North American waters often also ran, even those trusted men given leave and expected to return to their ships. This was the case with Richard Williams, a marine from the *Romney*, who was given leave in December 1775 for ten days to attend a pension board held by the Governors of the Chest at Chatham in order to receive a pension to which he was entitled. He had not returned to his ship by February 1776, by which point his captain, setting him off on her books as a runaway, asked the governors "to take such measures with the above Deserter as is usual on like occasions."⁹⁷ This presumably involved cancelling the man's pension. In January 1770, Captain William Cornwallis, returning from service in Newfoundland with the *Guadeloupe* (28), lost several men to desertion on arriving at Plymouth. The men were recaptured and pardoned on condition that they continue to serve voluntarily in the *Guadeloupe* which was to refit for a six-month assignment to the West Indies. Cornwallis' biographer noted that as "...a six months' cruise to the West Indies was preferable to a hundred or more lashes, one may assume they consented."⁹⁸ When in Pensacola, Florida in November 1770, and asked to lend men to man a cutter for the military forces there, Cornwallis noted that he could not comply, for among other reasons he "... had not three men on his sloop capable of looking after themselves, without the supervision of an officer..."⁹⁹

Where were men running in North America? The total number of deserters from the overall sample by region indicates some interesting patterns, as seen in Graph 4-7. It is immediately obvious that in the American colonies at this time, New York, Massachusetts and Rhode Island were the more desirable locales for running from one's vessel. There was also some attraction in running in home waters prior to departure from, or after return to, metropolitan Britain. Nova Scotia received only sixty-three deserters, compared to New York's 217, the 138 seamen who ran in home waters, Massachusetts' 119, and Rhode Island's 107.¹⁰⁰ Nova Scotia, still, was a more popular destination than the Chesapeake or the Delaware which only had thirty-seven deserters in this sample. That may simply be a factor of

⁹⁶ NMM, KEI/122, Elphinstone to Ordnance Board, *Perseus* at Portsmouth, 3 May 1776.

⁹⁷ NMM, KEI/122, Elphinstone to the Governors of the Chest at Chatham, *Romney* at Portsmouth, 4 Feb 1776.

⁹⁸ Cornwallis-West, *Life and letters*, 45.

⁹⁹ *Ibid.*, 46.

¹⁰⁰ Includes one man run at New Haven, Connecticut.

where the ships in this sample were stationed and the opportunities which arose during their cruises. Within each region, perhaps unsurprisingly, the largest ports, which were also the centres of British naval activity when the squadron moved its headquarters south from Halifax, saw the vast majority of men run. For example, Boston had 103 of the 119 men run in the sample for Massachusetts (eighty-six percent), Newport seventy-eight of the 107 men run in Rhode Island (seventy-three percent), and the town of New York 190 of that colony's 217 deserters (eighty-eight percent).

In Nova Scotia, this was somewhat less the case, as can be seen on Graph 4-8. Four vessels, the *Viper* and *Swan* sloops, the *Gaspee* brig, and the *Hope* schooner, had men run in Nova Scotia waters.¹⁰¹ The *Viper*, under Captain Robert Linzee was assigned to Nova Scotia from January to June 1770, and again under Captain Samuel Graves from April 1776 to September 1777. After that date she was stationed in Québec and the Gulf of St. Lawrence until November 1779.¹⁰² After a long stay in Newfoundland between 1764 and 1768, and a period in New England in 1769, the *Hope* schooner, under Lieutenant George Dawson, spent much time in Nova Scotia and the Gulf of St. Lawrence between January 1770 and December 1771 and then again between November 1774 and January 1775. The *Gaspee* brig was the former *Sally* tender purchased into the service and refitted as a replacement for the *Gaspee* schooner burnt by the rebels in Rhode Island in June 1772. Under Lieutenant William Hunter, the new *Gaspee* spent much of its time in New England, but on visits to Halifax lost several men before being scuttled during the siege of Québec in November 1775 to prevent her falling into rebel hands. The *Hope* and the *Gaspee* were often ordered to raise men for the squadron on short cruises of up to two weeks duration.¹⁰³ The *Swan*, under Captain James Ayscough, made at least seven voyages to Halifax to load stores and carry them to the ships of the squadron deployed at Boston between October 1771 and June 1776, and also spent some time at the Halifax yard for repairs.¹⁰⁴ The case of the *Swan* amply demonstrates that Halifax had some attraction for men wishing to desert the service. Immediately upon its arrival there from

¹⁰¹ The *Rose* had one man run at Saint John, New Brunswick.

¹⁰² TNA:PRO, ADM 8/52

¹⁰³ TNA:PRO, ADM/8 46, 47, 48.

¹⁰⁴ Ibid. The *Swan* was at Halifax in Oct 1771, Apr and May 1772, Sept and Nov 1773, and Apr and Jun 1776.

Boston on 18 April 1772, thirteen men of the vessel's official complement of 100 seamen ran from the sloop en masse and did not return.¹⁰⁵

Men who ran at Halifax account for forty-two of the sixty-three total deserters in Nova Scotia from the overall sample, or around sixty-six percent. Although a large proportion, likely because of the large number of ships which refitted or resupplied at the yard there, it is substantially less than similar proportions for the larger port towns in New England outlined above. The other men who ran in Nova Scotia were spread out among the various smaller coastal communities of the colony, as can be seen in on this graph, from Louisbourg to Annapolis. This may simply have been due to the smaller vessels generally assigned to Nova Scotian waters such as the *Viper* or the *Hope* spending much more time cruising to protect the fisheries and the various small coastal communities, raising men and resupplying garrisons there. The larger vessels assigned in New England often spent much of their time on trade interception duties off one major port or engaged in the campaigns around one location such as Boston, New York, and Rhode Island. There is much qualitative evidence that men ran at other communities in Nova Scotia. For example, in May 1770 two men from the *Magdalen* schooner tried to swim ashore near Liverpool, one of them drowning. One of the town magistrates noted that there were ten guineas and a watch on the corpse, likely the seaman's sole valuable possessions.¹⁰⁶ That men were willing to risk their lives in such manner suggests that desertion in North America was much more than simply a matter of straggling and "missing the boat". Desertion could also be a means of emigration to these small communities. In March 1774, just after news of the Boston Tea Party arrived in Liverpool, the town's minister was called upon to marry the daughter of a town notable to one John Strickland, a seaman, who according to one observer had "left" the *Hope* schooner in December 1773 and was now working as a seaman on a brigantine at Liverpool. Strickland was an English deserter from that vessel, who ran at Halifax on 30 November of that year. Unfortunately for the lucky couple, their marriage bonds had not been published according to law, likely to avoid drawing attention to Strickland, and the minister was advised not to marry them.¹⁰⁷ Strickland managed to marry the woman eventually, but at some unknown point was handed back to Captain Dawson of the *Hope*. He

¹⁰⁵ TNA:PRO, ADM 34/75, *Swan* pay book, 1 Dec 1770 to 15 Mar 1780; ADM 36/7965, *Swan* muster table, 31 Dec 1775; ADM 36/7966, *Swan* muster table, 31 Dec 1776.

¹⁰⁶ Innis, ed., *Diary of Simeon Perkins v.1*, 39, entry for 13 May 1770.

¹⁰⁷ *Ibid.*, 69, entry for 25 Mar 1774.

then served on that vessel until at least May 1777, when the *Hope* returned to Liverpool and Strickland was allowed on shore to visit his wife. Dawson, meanwhile, spent his time in the community recovering another deserter from the town gaol.¹⁰⁸

The overwhelming majority of the men who ran in Nova Scotia, more than ninety-five percent, were able-bodied seamen, and this is generally the case elsewhere as well. These men possessed the most marketable skill-set and were much in demand in maritime trades, particularly in wartime. The ethnicity of deserters in Nova Scotia is as broad-based as the larger sample. For those expecting to see large numbers of Nova Scotians on board navy vessels at this time, among the 3,649 men in the database sample, only six spread across three vessels were recorded as born in Nova Scotia. Two of these men subsequently deserted. Micheal Neal, born at Louisbourg, was pressed on board the *Hope* on 30 May 1769 at age twenty, and rated as an able-bodied seaman. He deserted almost four months later at Boston. Thomas Meiths, also born at Louisbourg, entered as a volunteer on board the *Gaspee* at Nantasket on 3 March 1775 at the age of eighteen and was also rated as an AB. He deserted on 20 July 1775 while the vessel was engaged around Montréal during the American invasion of Québec.¹⁰⁹

It is likely this small number of Nova Scotians aboard the squadron's vessels is due to both the small population and the fact that most of its warships in this period were stationed further south. Even if men who entered in Nova Scotia were locals, there was a good chance that they would have been born in New England, Britain, Ireland or elsewhere and noted as such, as opposed to being "natives of the province" who with those employed in the fisheries, at least in theory, were immune from impressment. From an examination of the journals of the various station commanders and other Admiralty records, it would seem that the station commanders were generally quite strict in applying such prohibitions, at least when cases were brought to their attention by colonial authorities, masters of apprentices, the Admiralty itself, or others. One such was that of John Fowler, born in Halifax, who entered voluntarily on the *Gaspee* as her quartermaster on 1 April 1773, and who was discharged twenty days later for being an indentured apprentice. Captains and commanders of individual vessels seem to have been less attentive in their interpretation of these rules, despite regular general orders from

¹⁰⁸ Ibid., 150, entry for 4 May 1777.

¹⁰⁹ TNA:PRO, ADM 33/520, *Hope* pay book, 1 Sept 1769 to 14 Dec 1775; ADM 36/7104, *Hope* muster table, 30 Dec 1765; ADM 34/345, *Gaspee* pay book, 10 Jan 1773 to 24 Nov 1775; ADM 36/8432, *Gaspee* muster books.

most station commanders prohibiting impressment of men in such protected categories. Much of the station commander's correspondence before November 1775 was taken up writing to their captains and commanders ordering them to discharge men pressed improperly.

Conclusions

Overall desertion rates in terms of raw numbers of the men on the books of the ships in the various samples for this period seem to have been higher in the late 1760s, at over thirty percent than in the early 1770s at twenty-five percent. Desertion rates of twenty percent or higher on an individual vessel seem to have been much greater than what Rodger had termed a "manageable irritant", and could immobilize ships and small squadrons, and jeopardize operations, particularly when the men deserting were primarily highly-skilled able-bodied seamen, petty officers, and even warrant officers. There would seem to be a direct correlation between high turnover rates on individual vessels and their desertion rates, but no strong pattern between the size of the vessel and the problem of desertion.

Resistance to the experience of authority could take the form of desertion or other less overt means. Such unrest, which often began in the form of "murmuring" on the lower decks, was an indication of a deteriorating situation with regard to the legitimacy of authority aboard ship. A wise captain would nip such murmuring in the bud by addressing complaints or negotiating a compromise solution with his officers or men before it could take on a much more dangerous form of unrest. Desertion itself could be seen as a sign of the failure of such negotiations, at least in the eyes of the men.

Any correlation between overall summary punishment frequency or severity and desertion in the ships of the 1775-6 database sample is complex. Very few men who were punished summarily subsequently deserted. Yet vessels captained by the strictest disciplinarians as measured by the numbers of men punished had the highest desertion rates among those who had received a flogging. The vessels with the highest overall desertion rates had the least disciplinarian captains, in terms of overall numbers of punishments, punishment frequency and severity. This would seem to suggest that harsher punishment was used to keep the problem of desertion in check. That said, in terms of numbers of men punished on each ship for all offences, no captain in the database sample could be considered a severe disciplinarian. Summary punishment for all offences overall may have been proportionally

more common during the American War than during the Seven Years' War, at least on the North American station. This supports an emerging view of the period as a transitional one between the relatively less severe discipline of the mid-eighteenth-century navy and the much harsher regimes from the 1790s onwards.

In raw numbers, for the men with known places of birth, the English were the most important contributor to the database sample for this period, followed by Irish, Scottish and American seamen. Foreign seamen and those from other British imperial colonies contributed smaller numbers of men. Metropolitan regions such as London, Edinburgh, Dublin and Cork were most important for manning the navy in this period. Foreign seamen were most likely to desert at this time, followed closely by Americans, and the Irish. Among other men from the British Isles and the empire, the proportion of deserters among each ethnicity is very similar.

Deserters tended to be able-bodied seamen, running in small groups of men, likely based on ties of kinship, profession or community, and were slightly younger on average than the overall average age of men aboard their ships. Most men ran within one year of entering on board the ship, but most waited for six months or longer before doing so. That said, some men did not desert for as long as four or five years after entering into the naval service.

Men tended to run at large ports along the eastern seaboard of North America, such as New York, Boston, Philadelphia, and Halifax, as well as in Rhode Island and the Chesapeake. This likely was a combination of these being the most opportune locales for men to make a break for their liberty in terms of their ship being close to shore, as well as simply a factor of where ships were stationed – many were cruising off or blockading the larger American seaports, while Halifax was a major base. It may also have been because most maritime employment deserters would be able to undertake after fleeing were available largely in or near these ports, so these locations would have been the logical place for men to try and run if they desired to do so. That said, a large proportion of men also tended to run away near smaller ports, from prizes at sea, from watering and provisioning parties, stealing boats and rowing ashore, or even risking drowning by swimming ashore, often in relative wilderness and harsh climate. This indicates that the question of where to desert was also a matter of opportunity. Men no doubt often decided to take advantage of such opportunities impulsively, with little or no advance planning.

Analysis of musters and pay books from this sample has shown that even when care is

taken to determine which men are entered on the books as volunteers and which as pressed men, the notation “V” does not always equate to a man being a volunteer by free will. Many men were originally entered as pressed on supernumerary lists for wages, and then transferred to the ship’s main books as a volunteer once they realised that their situation was hopeless, and that they could at least profit from being conscripted by accepting the king’s bounty when offered it.

Including these “volunteers of the moment”, for those men whose entry origins can be determined in the 1775-6 database sample, almost nineteen percent were volunteers, almost seven percent pressed, and twenty-one percent turned over from other ships. The ship with the most complete pay and muster books for this purpose had just over thirty-eight percent of its men noted as volunteers, fifteen percent pressed, and slightly more than twenty-one percent turned over from other ships. Of the deserters from the database sample, it seems to have been more common for pressed men to try to make their escape, though there were large variations in these patterns.

Based on analysis of surviving weekly accounts, the number of men sick in the squadron, onboard and ashore in hospital combined, outnumbered those “chequed without leave” on the musters by a factor of almost five to one. Yet over the longer term of the entire commission of a vessel, analysis of musters and paybooks show that desertion was more problematic for manning individual vessels than the number of men discharged sick to a hospital ashore or a hospital ship or discharged disabled or dead combined. Yet whereas sickness tended to affect large numbers of men, for relatively short periods of time, desertions posed more of a longer-term loss of attrition. Desertions of small numbers of men gradually combined over time to pose a more serious manning problem than sickness. Sick men usually returned to duty after a few weeks or months – deserters generally did not. The fact that seamen were running from their vessels with such regularity in North American waters often reduced the number of men available to man the vessels to a point below the level that was needed for them even to set sail, let alone operate effectively.

Based on the qualitative evidence presented in Chapter 3 and the quantitative evidence presented here, it seems certain desertion was the factor which more often kept individual ships stranded in port when they should have been at sea carrying out their assigned duties. We shall now turn to the early nineteenth century for a similar two-part examination, to see

whether the problem of desertion in the squadron was ameliorated, or worsened, after the achievement of American independence.

Table 4-1 North American squadron desertion rates, 1765 pay book sample

Ship (guns)	Commission Dates	Average Complement	Total seamen/marines on books	Total men run	% men run	Men run per month	% run p.a. of average complement	Sources (all TNA:PRO)
<i>Aldborough</i> (24)	1 Jan 62 to 16 Mar 63	160	296	46	15.5	3.4	25.6	ADM 33/462
<i>Chaleur</i> schooner (4?)	28 Dec 63 to 19 Nov 68	30	82	23	28	0.4	15.6	ADM 33/436
<i>Coventry</i> (28)	9 Apr 63 to 15 Feb 68	160	749	313	41.8	5.4	40.8	ADM 33/436
<i>Escorte</i> (14)	20 Aug 63 to 14 Aug 67	80	208	92	44.2	1.9	31.9	ADM 33/440
<i>Garland</i> (24)	12 Apr 62 to 22 Feb 63	160	266	15	5.6	1.6	11.8	ADM 32/209
<i>Garland</i> (24)	12 Apr 63 to 22 Feb 68	130	432	128	29.6	2.2	20.4	ADM 32/209
<i>Gaspee</i> schooner (4?)	28 Dec 63 to 14 Oct 72	30	261	138	52.9	1.3	52.3	ADM 33/645
<i>Hawke</i> (10)	8 Jun 63 to 14 Feb 67	80	325	206	63.4	4.7	70.2	ADM 32/215
<i>Romney</i> (50)	2 Jul 62 to 7 Feb 63	350	400	28	7	4	13.7	ADM 33/681
<i>Romney</i> (50)	7 Jun 63 to 10 Oct 66	288	563	38	6.7	1	4	ADM 33/461
<i>Romney</i> (50)	24 Feb 67 to 25 Mar 71	285	1002	117	11.7	2.4	10.1	ADM 33/681
<i>Senegal</i> (14)	10 May 63 to 10 Feb 67	90	153	28	18.3	0.6	8.4	ADM 33/462
<i>Viper</i> (10)	4 Apr 63 to 18 Sept 66	80	215	70	32.6	1.7	25.9	ADM 32/236
<i>Totals</i> ¹		n/a	3723	1161	31.2	n/a	n/a	

¹ For vessels with multiple paybooks analysed above, only the latest paybook period is used for calculating the sample totals.

Table 4-2 North American squadron desertion rates, 1775-6 database sample

Vessel (Guns) Official Complement	Time Period	Total seamen and marines on books	Total men run	% of men run	Men run as % p.a. of average complement	Turnover from all causes (D, DS, DSQ, DD, R) as % p.a. of average complement ¹	Sources (all TNA:PRO)
<i>Asia</i> (64) 300 to 500	Jan. 1774 to Dec 1776	824	86	10	7	35	ADM 34/4 ADM 36/8081
<i>Brune</i> (32) 200 to 220	Nov 1775 to Mar. 1779	509	118	23	17	67	ADM 34/93 ADM 36/7755
<i>Emerald</i> (32) 200 to 220	Nov 1775 to July 1779	486	94	19	12	55	ADM 34/275 ADM 36/7829-31
<i>Gaspee</i> brig ² (6) 30	Jan 1773 to Nov. 1775	75	36	48	42	71	ADM 34/345 ADM 36/8432
<i>Hope</i> schr (6) 30	Sept 1769 to Dec 1775 ³	171	131	77	36	45	ADM 33/520 ADM 36/7104
<i>Rose</i> (20) 130 to 160	Nov 1773 to Sept 1779	561	99	18	12	56	ADM 34/648 ADM 36/7947-8
<i>Swan</i> (14) 90 to 125	Dec. 1770 to Mar 1780	475	182	32	18	39	ADM 34/75 ADM 36/7965-6
<i>Viper</i> (10) 80 to 110	Apr. 1775 to Mar 1780	536	148	27	32	94	ADM 34/792 ADM 36/7939
Totals:		3637	894	25	n/a	n/a	

¹ *Hope* schooner turnover excludes all men discharged into the *Hope* brig when *Hope* schooner was paid off on 14 Dec 1775.

² The replacement for the *Gaspee* schooner which had been burnt by the rebels at Rhode Island.

³ Somewhat confusingly (like the *Gaspee*) the *Hope* schooner was replaced by a vessel with the same name, the *Hope* brig, on 14 Dec 1775. A survey of the deficiencies of the schooner had found her unfit for repair and she was condemned on order of Admiral Graves. The remaining members of her crew were discharged into the new brig on that date. TNA:PRO ADM 33/520, Pay book of the *Hope* schooner, 1 Sept 1769 to 14 Dec 1775.

Table 4-3 North American squadron desertion rates, 1775-6 pay book sample

Ship (guns)	Commission Dates	Average Complement	Total seamen and marines on books	Total men run	% men run	Men run per month	% run p.a. of average complement	Sources (all TNA:PRO)
<i>Centurion</i> (50)	14 Jul 1775 to 28 Oct 1780	325	917	157	17	2.5	9	ADM 34/169
<i>Deal Castle</i> (24)	1 Jul 1775 to 2 Dec 1776	140	318	34	11	2	17	ADM 33/634
<i>Glasgow</i> (24)	16 Aug 1771 to 29 Feb 1776	140	449	138	31	2.6	22	ADM 33/348
<i>Glasgow</i> (24)	1 Mar 1776 to 30 Jun 1778	155	566	103	18	4.1	32	ADM 33/348
<i>Halifax</i> schooner (6.8)	1 Jul 1770 to 9 Mar 1775	30	149	65	44	1.2	47	ADM 33/468
<i>Isis</i> (50)	17 Oct 1775 to 31 Aug 1776	350	473	57	12	5.7	20	ADM 33/520
<i>Isis</i> (50)	1 Sept 1776 to 30 Apr 1779	350	1111	104	9	3.3	11	ADM 34/420
<i>Magdalene</i> schooner	1 Feb 1775 to 22 Sept 1777	30	222	72	32	2.3	93	ADM 32/263
<i>Otter</i> (14)	18 Jan 1775 to 19 Nov 1778	113	719	196	27	4.3	45	ADM 34/550
<i>Thunder</i> bomb vessel (8)	24 Oct 1775 to 3 Nov 1777	75	247	47	19	2	31	ADM 34/765
Totals		n/a	6657	1226	18.4	n/a	n/a	

Table 4-4 Desertion by size of group, 1775-6 database sample

Sources: See Table 4-2

Group size	Vessel (# of groups of that size)								Total (groups)
	<i>Asia</i>	<i>Brune</i>	<i>Emerald</i>	<i>Gaspee</i>	<i>Hope</i>	<i>Rose</i>	<i>Swan</i>	<i>Viper</i>	
<i>Individual</i>	25	29	18	25	69	34	56	36	292
<i>2-4 men</i>	22	20	13	5	22	22	37	36	177
<i>5-9 men</i>	1	3	6	0	1	0	4	3	18
<i>10+ men</i>	0	2	0	0	0	1	1	0	4
<i>Not known</i>	11	0	0	0	0	0	0	0	11

Table 4-5 Deserters by quality, 1775-6 database sample

Sources: See Table 4-2

Quality	Ship/Vessel								Total men run (%)
	<i>Asia</i>	<i>Brune</i>	<i>Emerald</i>	<i>Gaspee brig</i>	<i>Hope schr</i>	<i>Rose</i>	<i>Swan</i>	<i>Viper</i>	
<i>AB</i>	73 (84.5)	64 (54.2)	50 (53.2)	34 (94.4)	127 (96.9)	80 (80.8)	161 (88.5)	109 (73.7)	698 (78.1)
<i>ORD</i>	2 (2.3)	22 (18.6)	2 (2.1)	0	0	3 (2.8)	1 (0.5)	20 (13.5)	50 (5.6)
<i>LM</i>	2 (2.3)	25 (21.2)	34 (36.2)	0	0	0	0	4 (2.7)	65 (7.3)
<i>PO</i>	1 (1.2)	1 (0.8)	2 (2.1)	1 (2.8)	2 (1.5)	3 (2.8)	4 (2.2)	2 (1.4)	16 (1.8)
<i>Marines</i>	2 (2.3)	6 (5.1)	3 (3.2)	0	0	7 (7.1)	12 (6.6)	0	30 (3.4)
<i>WO</i>	0	0	0	0	0	1 (1.0)	1 (0.5)	1 (0.7)	3 (0.3)
<i>Mid</i>	0	0	0	0	0	0	0	0	0
<i>Idlers</i>	0	0	3 (3.2)	1 (2.8)	2 (1.5)	3 (2.8)	2 (1.1)	2 (1.4)	13 (1.5)
<i>Unknown</i>	6 (7.0)	0	0	0	0	2 (2.0)	1 (0.5)	10 (6.8)	19 (2.1)
<i>Totals</i>	86 (100)	118 (100)	94 (100)	36 (100)	131 (100)	99 (100)	182 (100)	148 (100)	894 (100)

Legend:

AB – Able-bodied seamen

ORD – Ordinary seamen

LM – Landsmen

PO – Petty officers

WO – Warrant officers

Mid – Midshipmen

Table 4-6 - North American squadron summary punishment analysis, 1775-6 database sample

Vessel (Guns) Official Complement	Captain or Commander (Time Period)	Total men on books in period	Total Men Punished (as % of total men on books)	Punishments ¹						Men punished who later ran (as % of men punished)	Desertion Rate (men run as % of total on books in period)	Sources (all TNA: PRO)
				Total (in period)	Average (lashes)	Frequency (punishments per month)	Min (lashes)	Max (lashes)	Men run in period (Men run per month)			
Asia (64) 300 to 500	G. Vandeput (29 Dec. 1773 to 31 Dec. 1777)	836	43 (5)	51	12.2	1.1	6	24	74 (1.5)	2 (5)	9	ADM 51/67 ADM 52/1580, 1583
Brune (32) 200 to 220	J. Ferguson (11 Jan. 1776 to 31 Dec. 1777)	410	46 ² (11)	62	12.5	2.5	5	24	84 (7)	8 (17)	21	ADM 51/117 ADM 52/1619
Emerald (32) 200 to 220	B. Caldwell (18 Dec. 1775 to 5 July 1779)	486	47 (10)	62	15.6	1.5	4	24	93 (2.2)	8 (17)	19	ADM 51/311 ADM 52/1718
Gaspee (6) 30	W. Hunter (16 Jan 1774 to 31 Aug 1775)	55	1 (2)	1	12	0.05	12	12	22	0 (0)	40	ADM 51/381 ADM 52/1756
Rose (20) 130 to 160	J. Wallace (1 Dec. 1774 to 26 Sept. 1776) J. Reid (5 Nov. 1776 to 5 Nov. 1778)	Wallace: 298 Reid: 276 Both: 421	Wallace: 7 (2) Reid: 38 (14) Both: 45 (11)	Wallace: 8 Reid: 55 Both: 63	Wallace: 15 Reid: 12.5 Both: 12.9	Wallace: 0.4 Reid: 2.3 Both: 1.4	Wallace: 12 Reid: 6 Both: 6	Wallace: 24 Reid: 24 Both: 24	Wallace: 34 (1.6) Reid: 24 (1) Both: 58 (1.2)	Wallace: 3 (43) Reid: 6 (16) Both: 9 (20)	Wallace: 11 Reid: 9 Both: 14	ADM 51/804-5 ADM 52/1970
Swan (14) 90 to 125	J. Ayscough (10 Mar. 1774 to 10 Mar. 1778)	286	6 (2)	7	12	0.2	12	12	86 (1.8)	3 (50)	30	ADM 51/959-60 ADM 52/2022
Viper (10) 80 to 110	D. Pryce (13 Apr. 1775 to 18 Sept. 1775) S. Graves (19 Sept. 1775 to 18 May 1778)	Pryce: 127 Graves: 337 Both: 388	Pryce: 4 (3) Graves: 32 (10) Both: 36 (9)	Pryce: 6 ³ Graves: 45 Both: 51	Pryce: 12 Graves: 12.6 Both: 12.6	Pryce: 1 Graves: 1.5 Both: 1.4	Pryce: 12 Graves: 12 Both: 12	Pryce: 12 Graves: 24 Both: 24	Pryce: 5 (1) Graves: 37 (1.3) Both: 42 (1.1)	Pryce: 1 (25) Graves: 1 (3) Both: 2 (6)	Pryce: 4 Graves: 11 Both: 11	ADM 51/1039 ADM 52/1459, 2069
Totals		2882	224 (8)	297	n/a	n/a	4	24	459 (n/a)	32 (15)	16	

¹ Punishments have not been disaggregated by offence here – i.e. a punishment for ‘Drunkenness & Neglect’ of twelve lashes is counted as one punishment of 12 lashes.

² One man was sentenced by Ferguson to run the gauntlet for theft, but committed suicide by hanging himself before the sentence could be carried out.

³ One man was punished by Pryce with confinement rather than flogging, for ‘mutiny’. The period of confinement was not given in the log. Pryce also ‘suspend’ d’ a midshipman for twice insulting him publicly on the quarterdeck. It is unclear what is meant by ‘suspend’ d’. Perhaps the midshipman was turned before the mast to serve as a rating, or mast-headed.

Table 4-7 Summary punishments by place of birth, 1775-6 database sample

Sources: See Table 4-6

Ship	Ethnicity # of men (%)								Totals
	<i>English</i>	<i>Irish</i>	<i>Scottish</i>	<i>Welsh</i>	<i>American</i>	<i>Foreign</i>	<i>Other Empire</i>	<i>Unknown</i>	
<i>Asia</i>	13 (30)	7 (16)	0	0	0	1 (2)	0	22 (51)	43(100)
<i>Brune</i>	12(26)	2(4)	9(20)	1(2)	0	0	0	18	42(100)
<i>Emerald</i>	17(36)	12(25)	2(4)	0	0	0	1(2)	14(32)	46(100)
<i>Gaspee brig</i>	0	0	0	0	0	0	0	1(100)	1(100)
<i>Rose</i>	12(27)	4(9)	1(2)	0	4(9)	2(4)	2(4)	20(44)	45(100)
<i>Swan</i>	1(17)	1(17)	0	0	0	0	0	4(66)	6(100)
<i>Viper</i>	11(31)	6(17)	2(6)	1(3)	3(8)	0	1(3)	1	25(100)
Totals	66(30)	32(14)	14 (6)	2 (<1)	7(3)	3(1)	4(2)	80	208(100)

Table 4-8 Summary punishments by general crew quality, 1775-6 database sample

Sources: See Table 4-6

Ship	Quality # of men (%)				Totals
	<i>Seamen</i>	<i>Idlers</i>	<i>Marines</i>	<i>Unknown</i>	
<i>Asia</i>	31 (72)	1(2)	4(9)	7(16)	43 (100)
<i>Brune</i>	37(80)	0	5(11)	0	42(100)
<i>Emerald</i>	33(72)	2(4)	11(23)	0	46(100)
<i>Gaspee brig</i>	1(100)	0	0	0	1(100)
<i>Rose</i>	28(62)	2(4)	14(31)	1	45(100)
<i>Swan</i>	2(33)	0	4(67)	0	6(100)
<i>Viper</i>	24(67)	1(3)	0	0	25(100)
Totals	156(75)	6(3)	38(17)	8(4)	208(100)

Table 4-9 Summary punishments by type of entry, 1775-6 database sample

Sources: See Table 4-6

Ship	Type of entry # of men (%)					Total men punished (%)
	<i>Volunteer</i>	<i>Pressed</i>	<i>Turned over</i>	<i>Civil power</i>	<i>Unknown</i>	
<i>Asia</i>	0	1 (2.3)	12(27.9)	0	30(69.8)	43(100)
<i>Brune</i>	22(52.4)	0	12(28.6)	0	8(19.0)	42(100)
<i>Emerald</i>	10(21.7)	13(28.3)	8(17.4)	0	15(32.6)	46(100)
<i>Gaspee brig</i>	1(100)	0	0	0	0	1(100)
<i>Rose</i>	2(4.4)	2(4.4)	7(15.6)	0	34(75.6)	45(100)
<i>Swan</i>	0	0	0	0	6(100)	6(100)
<i>Viper</i>	5(20.0)	0	4(16.0)	0	16(64)	25(100)
Totals	40 (19.2)	16 (7.7)	43 (20.7)	0	109 (52.4)	208 (100)

Table 4-10 Recidivism in summary punishment, 1775-6 database sample

Sources: See Table 4-6

Ship	Number of floggings received by individuals # of men (%)						Total men punished (%)
	One	Two	Three	Four	Five	Seven	
<i>Asia</i>	36(83.7)	6(14.0)	0	1(2.3)	0	0	43(100)
<i>Brune</i>	37(80.5)	3(6.5)	5(10.9)	1(2.2)	0	0	46(100)
<i>Emerald</i>	35(74.4)	9(19.1)	3(6.4)	0	0	0	47(100)
<i>Gaspee brig</i>	1(100)	0	0	0	0	0	1(100)
<i>Swan</i>	5(83.3)	1(16.7)	0	0	0	0	6(100)
<i>Rose</i>	32(71.1)	9(20.0)	3(6.7)	1(2.2)	0	0	45(100)
<i>Viper</i>	25(69.4)	5(13.9)	3(8.3)	1(2.8)	1(2.8)	1(2.8)	36(100)
Totals	171(76.3)	33(14.7)	14(6.3)	4(1.8)	1(0.5)	1(0.5)	224(100)

Table 4-11 – North American squadron summary punishment analysis by offence, 1775-6 database sample

Sources: See Table 4-6, Jamieson and Eder

<i>Offence</i>	<i>Number of offences (% of total¹)</i>		
	<i>1775-6 ship sample (7 vessels, periods from 1 to 4 years)</i>	<i>Jamieson – 1776-1783 (3 vessels)</i>	<i>Eder – Seven Years' War (54 vessels, 6 month period each)</i>
Neglect of Duty	107 (29)	94 (22)	(36.1)
Drunkenness	100 (27)	117 (22)	(20.2)
Disobedience to a Superior	41 (11)	26 (6)	(11.1) ²
Insolence/Contempt/Abuse to Superior	27 (7)	43 (10)	n/a
Absent without Leave	21 (6)	37 (9)	(29) ³
Theft	21 (6)	28 (7)	(12.8)
Desertion ⁴	9 (3)	17 (4)	n/a
Quarrelling/Fighting/Assault	8 (2)	49 (11)	(2.2)
Striking a Superior	7 (2)	n/a	(1.7)
Mutiny/ Mutinous Expressions ⁵	10 (3)	14 (3)	n/a
Uncleanness	5 (1)	n/a	n/a
Sleeping on Post/Watch	4 (1)	n/a	n/a
Selling Clothes	3 (< 1)	n/a	n/a
Fraud/Embezzlement/Forgery	1 (< 1)	4 (< 1)	n/a
Selling Liquor	1 (< 1)	n/a	n/a
Sodomy	1 (< 1)	n/a	n/a
Total:	366 (100)	429 (100)	415 (100)

¹ Rounded to the nearest percent unless under one percent.

² Eder combines Disobedience and Mutiny together.

³ Eder combines Absence without Leave and Desertion together.

⁴ Includes one case of 'Enticing Others to Desert'.

⁵ Includes one case of 'Reproachful Speeches'

Table 4-12 Recruitment by county/region and quality, 1775-6 database sample
 (County/region contributing >= 20 seamen)
Sources: See Table 4-2

County/region	PO/AB/Idlers ¹	ORD/LM/Svt	Total
London	115	24	139
Co. Dublin	67	6	73
Co. Cork	64	7	71
Kent	58	9	67
Devon	63	2	65
Hampshire	61	5	66
Massachusetts	55	1	56
Middlesex	48	7	55
Edinburgh	33	18	51
Rhode Island	43	0	43
Yorkshire	40	1	41
New York	35	0	35
Cornwall	35	0	35
Lancashire	33	2	35
Co. Waterford	30	0	30
Northumberland	28	0	28
Dumbarton	27	3	30
Co. Antrim	21	1	22
Gloucestershire	20	1	21
Somersetshire	17	4	21
Essex	19	1	20
Totals # of men(%)²			
<i>England</i>	603(82.7)	126(17.3)	729 (22.5)
<i>Ireland</i>	283(92.2)	34(11.1)	307 (9.5)
<i>Scotland</i>	135(60.5)	88(39.5)	223 (6.9)
<i>Wales</i>	21(95.5)	1(0.5)	22(0.7)
<i>America</i>	195(95.6)	9(4.4)	204 (6.3)
<i>Foreign</i>	52(92.9)	4(7.1)	56 (1.7)
<i>Other Empire³</i>	52(85.2)	9(14.8)	61 (1.9)
<i>Unknown</i>	977(60.5)	639(39.5)	1616(50.0)
<i>Totals</i>	2318 (71.8)	912 (28.2)	3230(100)

¹ Excluding marines, for whom no county or country of origin is indicated in the sources.

² Totals include counties/regions contributing less than twenty seamen and seamen with unknown county/region of origin.

³ Includes men born in the Channel Islands and Isle of Man, and one man born at sea.

Table 4-13 - Recruitment by English county or region, 1775-6 database sample
 (Counties producing ≥ 5 seamen)
 Sources: See Table 4-2

County	Co. Totals
"London"	139
Kent	67
Devon	65
Hampshire	66
Middlesex	55
Yorkshire	41
Cornwall	35
Lancashire	35
Northumberland	28
Gloucestershire	21
Somerset	21
Essex	20
Cumberland	17
Surrey	16
Dorset	15
Lincolnshire	12
Sussex	10
Wiltshire	7
Norfolk	7
Buckinghamshire	5
Berkshire	5

Total w/county: 717
Total county unknown: 12
Total English: 729
As % of database sample: 22.5

Table 4-14 Recruitment by Scottish county or region, 1775-6 database sample
 (Counties producing ≥ 5 seamen)
 Sources: See Table 4-2

County	Co. Totals
Edinburgh	51
Dumbarton	30
Fife	13
Stirling	13
Forfar	12
Orkney	13
Aberdeen	10
Linlithgow	8
Perth	8
Inverness	5

Total w/county: 184
Total county unknown: 39
Identified as "North Briton": 13(5.8%)
Total Scottish: 223
As % of database sample: 6.9

Table 4-15 Recruitment by Irish county or region, 1775-6 database sample
 (Counties producing ≥ 5 seamen)
 Sources: See Table 4-2

County	Co. Totals
Dublin	73
Cork	71
Waterford	30
Antrim	22
Londonderry	16
Limerick	10
Kilkenny	8
Tipperary	7
Down	6
Kildare	6

Total w/county: 271
Total county unknown: 36 (11.8%)
Northern county total: 42 (13.7%)
Southern county total: 229 (74.6%)
Total Irish: 307 (100%)
As % of database sample: 9.5

Table 4-16 Recruitment by American colony, 1775-6 database sample

(Colony producing ≥ 5 seamen)

Sources: See Table 4-2

Colony	Totals
Massachusetts	56
Rhode Island	43
New York	35
Pennsylvania	19
Connecticut	11
Virginia	9
N. Carolina	5

Total w/colony: 189

Total colony unknown: 10

Total American: 204

As % of database sample: 6.3

Table 4-17 - Recruitment from other British empire, 1775-6 database sample

(Region or colony producing ≥ 5 seamen)

Sources: See Table 4-2

Colony or Region	Totals
Africa	18
West Indies	15
Isle of Man	6
Channel Islands	6
Nova Scotia	6
Newfoundland	6

Total other Empire: 61¹

As % of database sample: 1.9

Table 4-18 - Recruitment from foreign countries, 1775-6 database sample

(Country or region producing ≥ 5 seamen)

Sources: See Table 4-2

Country or Region	Totals
Sweden	14
Denmark	13
Holland	5
France	5

Total foreign: 56

As % of database sample: 1.7

¹ Includes one man born "At Sea".

Table 4-19 Desertion and ethnicity in the North American squadron, 1775-6 database sample

Sources: see table 4-2

<i>Ethnicity</i> (by declared place of birth)	<i>No. of seamen and marines on muster and pay books</i>	<i>% of total men on books</i>	<i>Total deserters by ethnicity</i>	<i>% of total deserters</i>	<i>Deserters as % of same ethnicity on the books</i>
<i>Unknown</i>	2035	56	342	38	n/a
<i>English</i>	729	20	218	24	30
<i>Irish</i>	307	8	111	12	36
<i>Scottish</i>	223	6	70	8	31
<i>Welsh</i>	22	<1	8	1	36
<i>American</i>	204	6	100	11	49
<i>Other Empire</i>	61	2	17	2	28
<i>Foreign</i>	56	2	28	3	50
<i>Total</i> (8 vessels)	3637	100	894	100	

Table 4-20 North American squadron discharged dead (DD), sick (DS and DSQ) and invalided, 1775-6 database sample

Vessel (Guns) Official Complement	Time Period	Total seamen and marines on books	DD	DS and DSQ	D Invalided or Unserviceable	Total discharged for those reasons	Total discharged as % p.a. of avg. complement	Sources (all TNA:PRO)		
									# of men (%)	
Asia (64) 300 to 500	Jan. 1774 to Dec 1776	824	50 (6.1)	79 (9.6)	18 (2.3)	147 (17.8)	12.3	ADM 34/4 ADM 36/8081		
Brune (32) 200 to 220	Nov 1775 to Mar 1779	509	57 (11.2)	16 (3.1)	4 (< 1)	77 (15.1)	11.0	ADM 34/93 ADM 36/7755		
Emerald (32) 200 to 220	Nov 1775 to July 1779	486	54 (11.1)	9 (1.9)	10 (2.1)	73 (15)	9.5	ADM 34/275 ADM 36/7829-31		
Gaspee brig (6) 30	Jan 1773 to Nov 1775	75	1 (1.3)	0	0	1 (1.3)	1.8	ADM 34/345 ADM 36/8432		
Hope schr (6) 30	Sept 1769 to Dec 1775	171	13 (7.6)	13 (7.6)	4 (2.3)	30 (17.5)	16.0	ADM 33/520		
Rose (20) 130 to 160	Nov 1773 to Sept 1779	561	44 (7.8)	13 (2.3)	13 (2.3)	70 (12.5)	8.3	ADM 34/648 ADM 36/7947-8		
Swan (14) 90 to 125	Dec 1770 to Mar 1780	475	23 (4.8)	9 (1.9)	9 (1.9)	41 (8.6)	4.1	ADM 34/75 ADM 36/7965-6		
Viper (10) 80 to 110	Apr 1775 to Mar 1780	536	30 (5.6)	8 (1.5)	22 (4.1)	60 (11.1)	12.6	ADM 34/792 ADM 36/7939		
Totals:		3637	272 (7.5)	147 (4.0)	80 (2.2)	499 (13.7)	n/a			

Table 4-21 Age and Time in Ship in days (TiS) of seamen and marines with recorded age, 1775-6 database sample
Sources: See Table 4-2

	<i>Asia</i>	<i>Brune</i>	<i>Emerald</i>	<i>Gaspee</i>	<i>Hope</i>	<i>Rose</i>	<i>Swan</i>	<i>Viper</i>
Average age	29.2	23.3	26.3	25.4	27.9	26	25.8	25.7
Min age	16	17	12	16	16	16	17	16
Max age	59	44	58	50	57	55	65	56
SD age	9.1	5.6	7.9	7.1	7.4	7.6	7.3	7.7
Average TiS	527	459	499	375.1	640	680	753	389
Min TiS	2	1	0	4	0	0	1	0
Max TiS	1095	1365	1430	1490	4229	2312	3392	2014

Table 4-22 Age and Time in Ship in days (TiS) of deserters with recorded age, 1775-6 database sample
Sources: See Table 4-2

	<i>Asia</i>	<i>Brune</i>	<i>Emerald</i>	<i>Gaspee</i>	<i>Hope</i>	<i>Rose</i>	<i>Swan</i>	<i>Viper</i>
Average age	27.5	21.9	23.9	25.2	27.9	25.3	24.8	24.1
Min age	18	17	16	16	18	17	17	17
Max age	42	31	40	50	56	55	55	53
SD age	6.5	3.5	5.3	7.5	6.6	7.1	5.8	6.6
Average TiS	167	273	284	226	250	375	223	300
Min TiS	2	4	0	23	1	13	4	2
Max TiS	571	1365	1430	810	2847	2099	1878	1215

Table 4-23 Volunteer/Pressed analysis, 1775-6 database sample

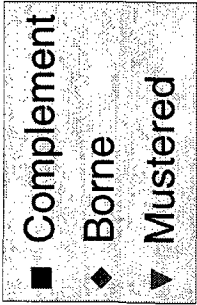
Sources: See Table 4-2

<i>Whence and Whether Prest</i>	<i>Asia</i>		<i>Brune</i>		<i>Emerald</i>		<i>Gaspee brig</i>		<i>Hope schr</i>		<i>Rose</i>		<i>Swan</i>		<i>Viper</i>		<i>Sample Total</i>	
	<i>Men on books</i>	<i>%</i>	<i>Men on books</i>	<i>%</i>	<i>Men on books</i>	<i>%</i>	<i>Men on books</i>	<i>%</i>	<i>Men on books</i>	<i>%</i>	<i>Men on books</i>	<i>%</i>	<i>Men on books</i>	<i>%</i>	<i>Men on books</i>	<i>%</i>	<i>Men on books</i>	<i>%</i>
Volunteer	28	3.4	226	44.4	187	38.5	39	52	31	18.1	49	8.8	68	14.3	56	10.4	684	18.8
Pressed	28	3.4	12	2.4	74	15.2	4	5.3	13	7.4	64	11.4	10	2.1	36	6.7	241	6.6
Turned over	276	33.5	109	21.4	97	20.0	22	29.3	11	6.4	103	18.4	17	3.6	142	26.5	777	21.3
Civil power	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Not known	492	59.6	162	31.8	128	26.3	10	13.3	116	68.1	345	61.4	380	80	302	56.3	1935	53.2
Total:	824	100	509	100	486	100	75	100	171	100	561	100	475	100	536	100	3637	100

Table 4-24 Deserters Volunteer/Pressed analysis, 1775-6 database sample

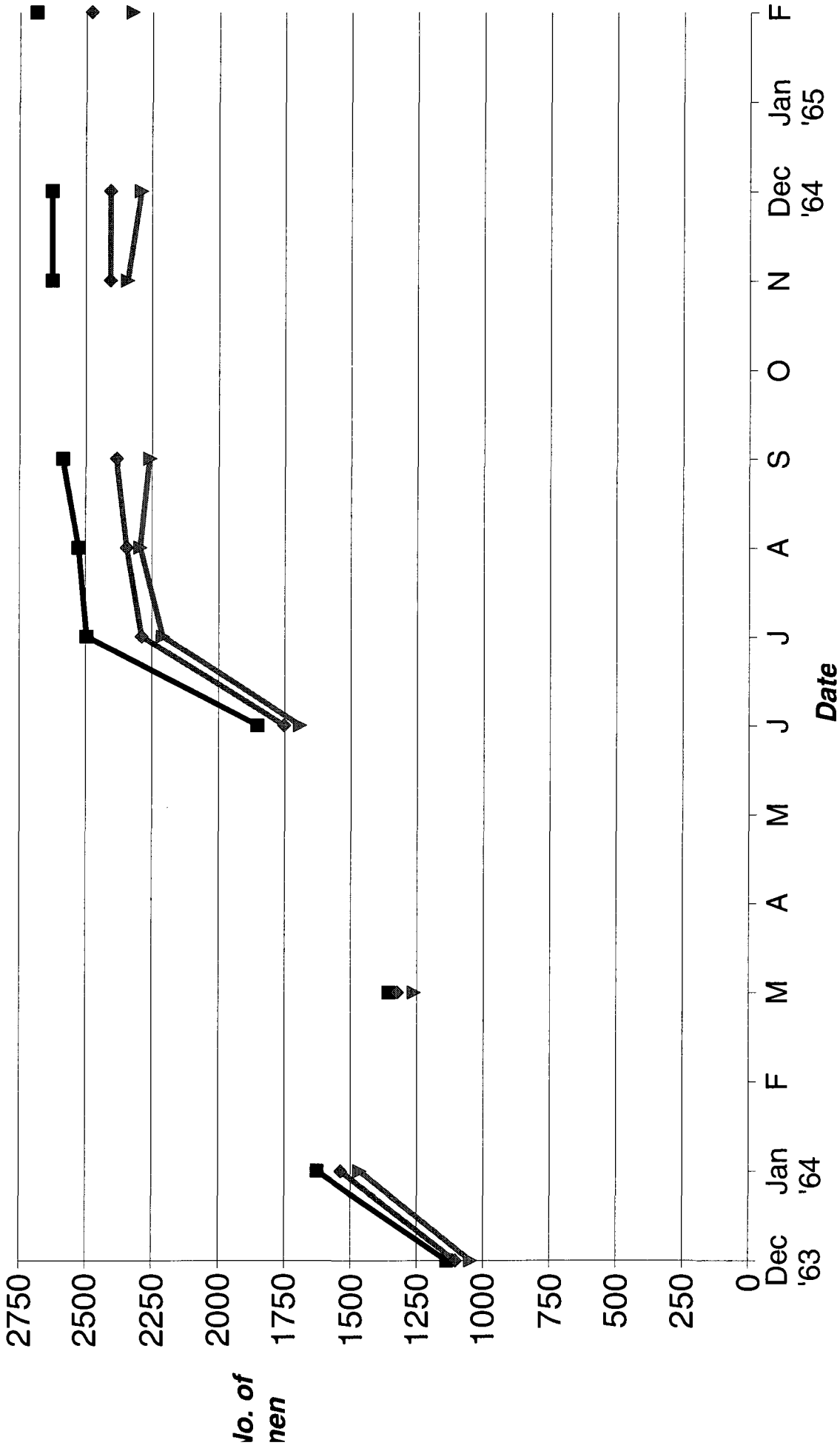
Sources: See Table 4-2

Whence and Whether Prest	Asia		Brune		Emerald		Gaspee brig		Hope schr		Rose		Swan		Viper		Deserter Totals	% of Category total (see Table 4-10)
	Men run	%	Men run	%	Men run	%	Men run	%	Men run	%	Me n run	%	Men run	%	Men run	%		
Volunteer	0	0	45	38.1	37	39.4	18	50	7	5.3	6	6.1	29	15.9	19	12.8	161	23.5
Pressed	11	13.1	3	2.5	22	23.4	0	0	17	13.0	24	24.2	7	3.8	7	4.7	91	37.8
Turned over	21	25	39	33.1	11	11.7	15	41.7	9	6.9	10	10.1	13	7.1	22	14.9	140	18.0
Civil power	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Not known	54	62.7	31	26.3	24	25.5	3	8.3	98	74.8	59	59.6	133	73.1	100	67.6	500	25.8
Totals:	86	100	118	100	94	100	36	100	131	100	99	100	182	100	148	100	894	24.6



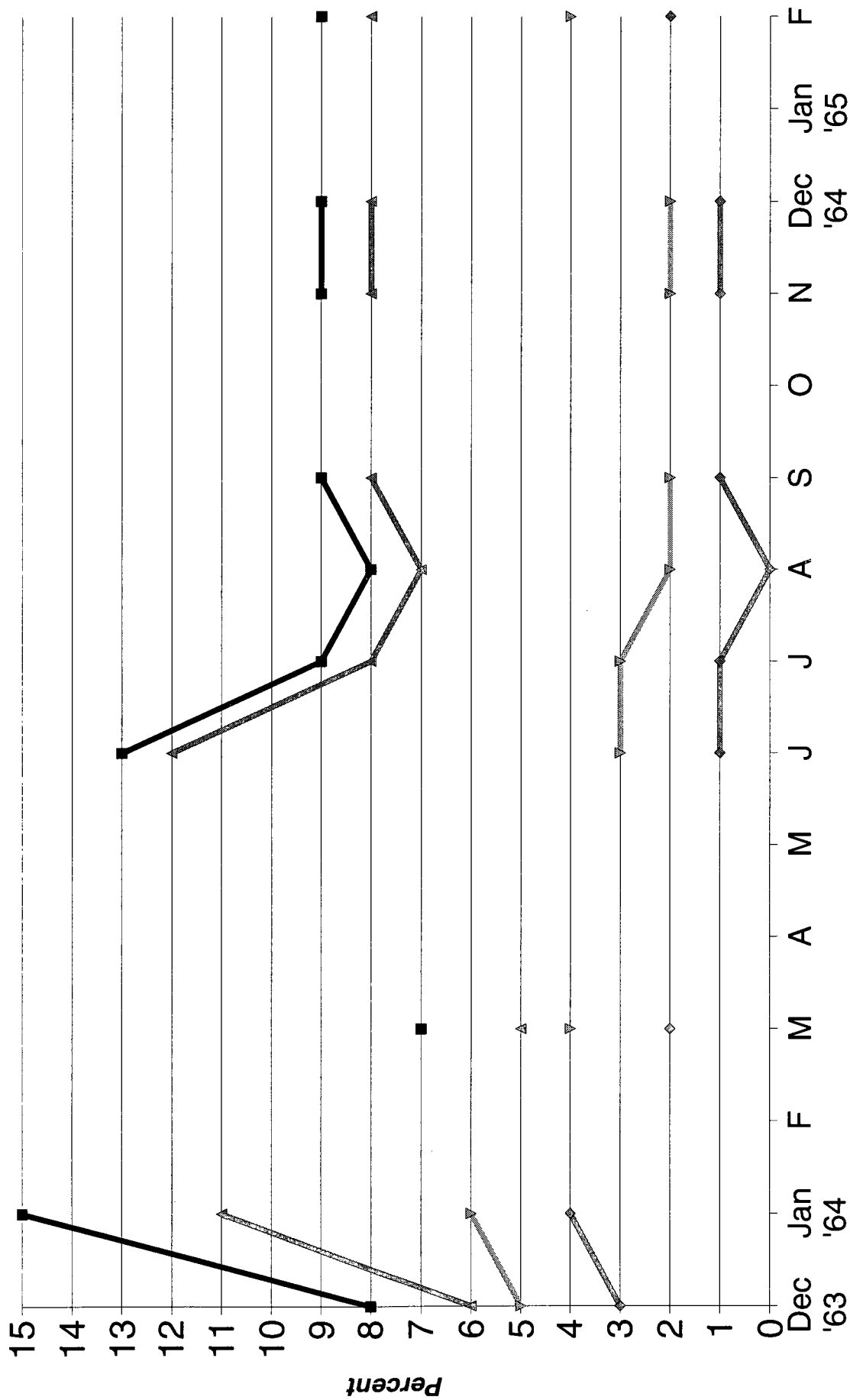
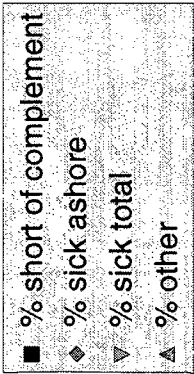
Graph 4-1 – North American squadron weekly accounts 1763-1765, total complement

Sources: Weekly accounts – see text



**Graph 4-2 – North American squadron weekly accounts 1763-1765,
percent short of complement**

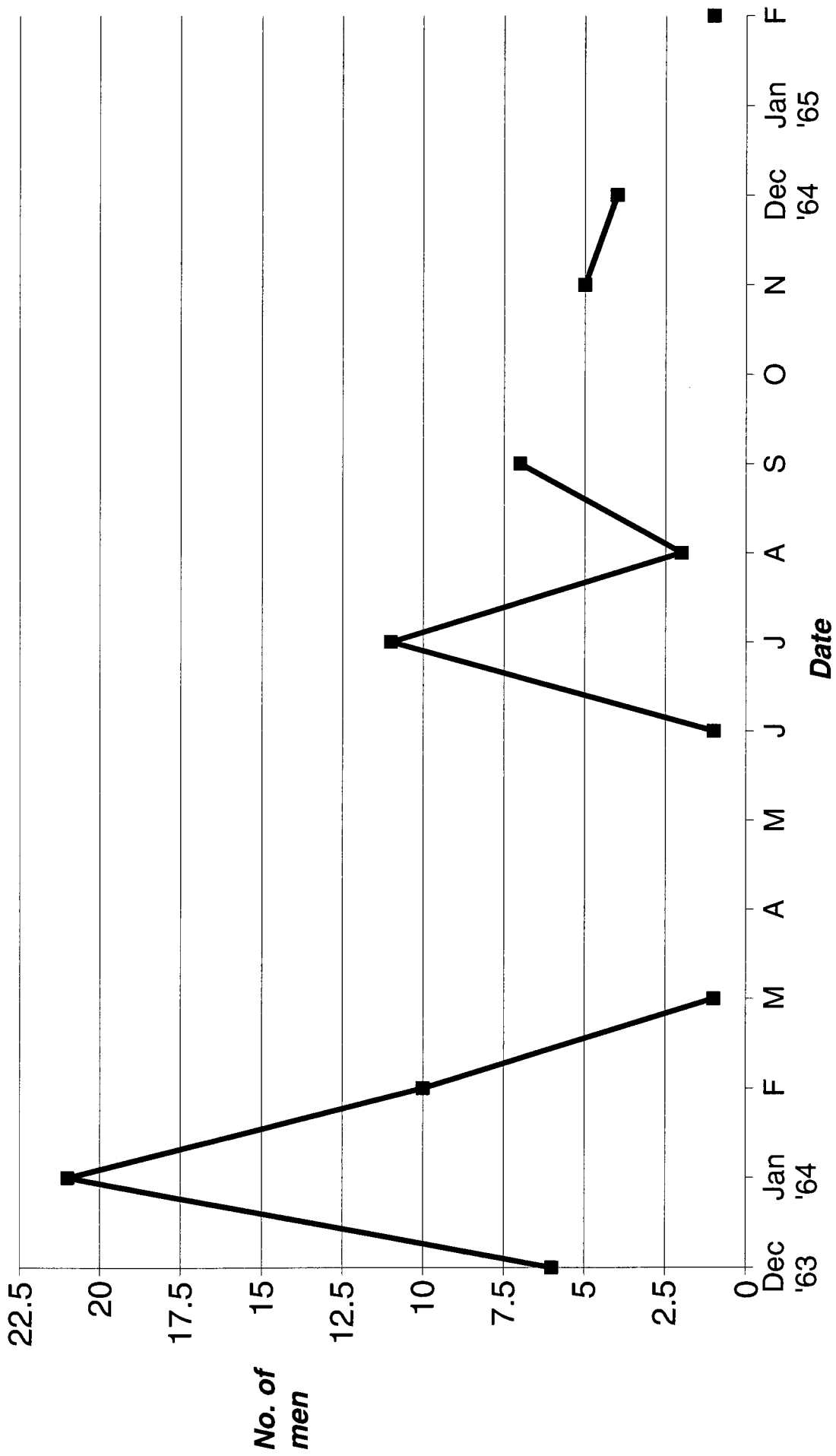
Sources: Weekly accounts – see text





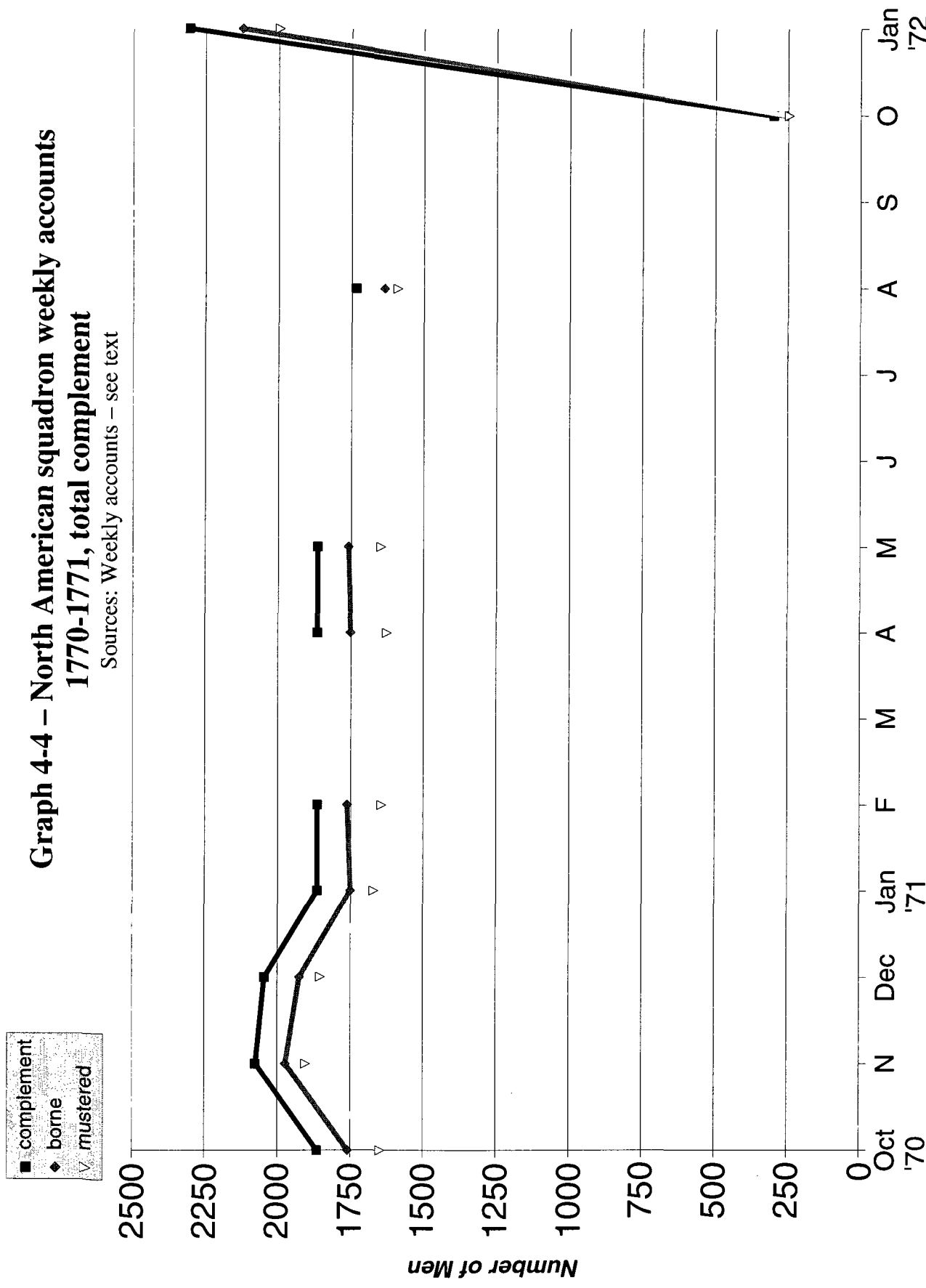
**Graph 4-3 – North American squadron weekly accounts
1763-1765, chequed without leave**

Sources: Weekly accounts – see text



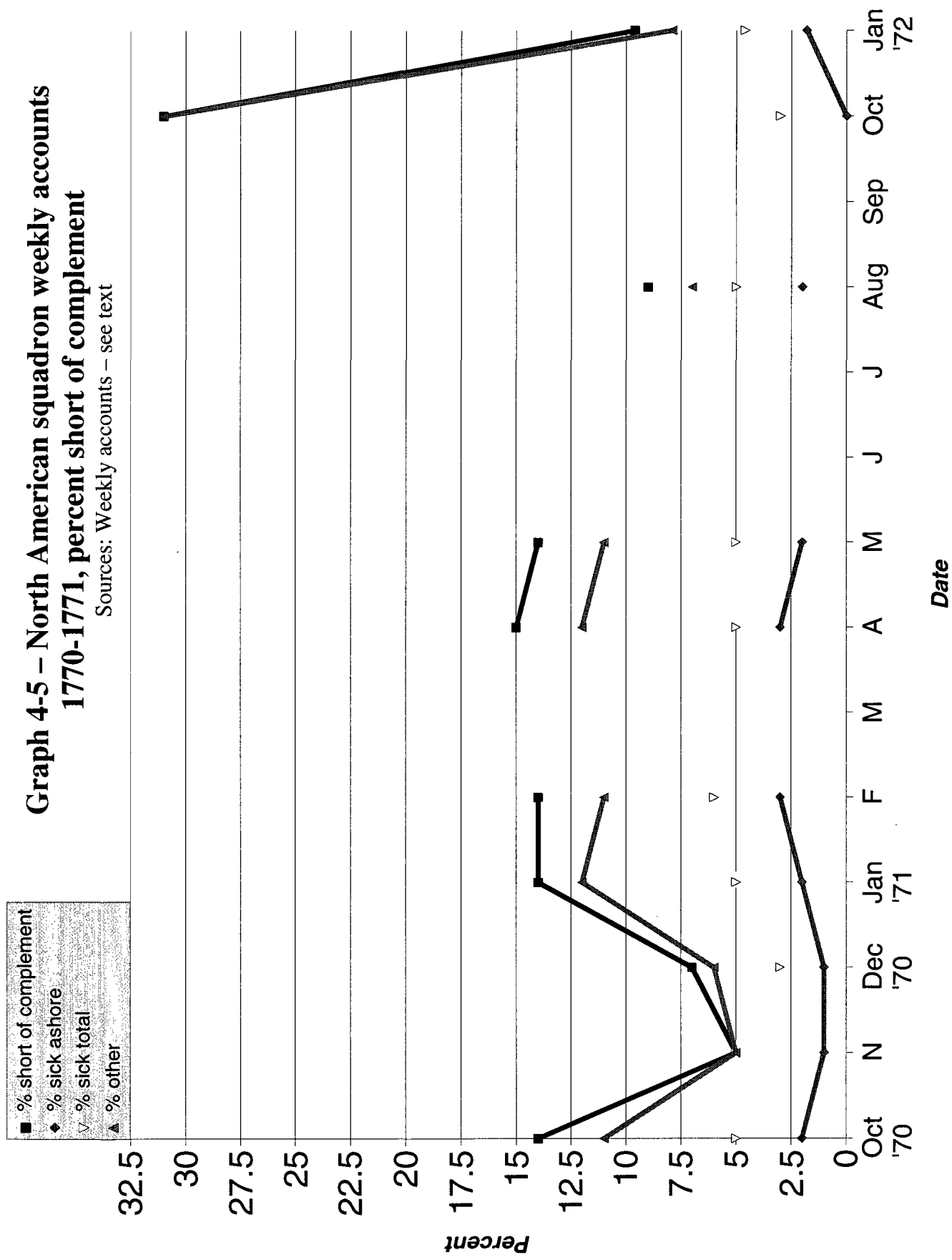
**Graph 4-4 – North American squadron weekly accounts
1770-1771, total complement**

Sources: Weekly accounts – see text



**Graph 4-5 – North American squadron weekly accounts
1770-1771, percent short of complement**

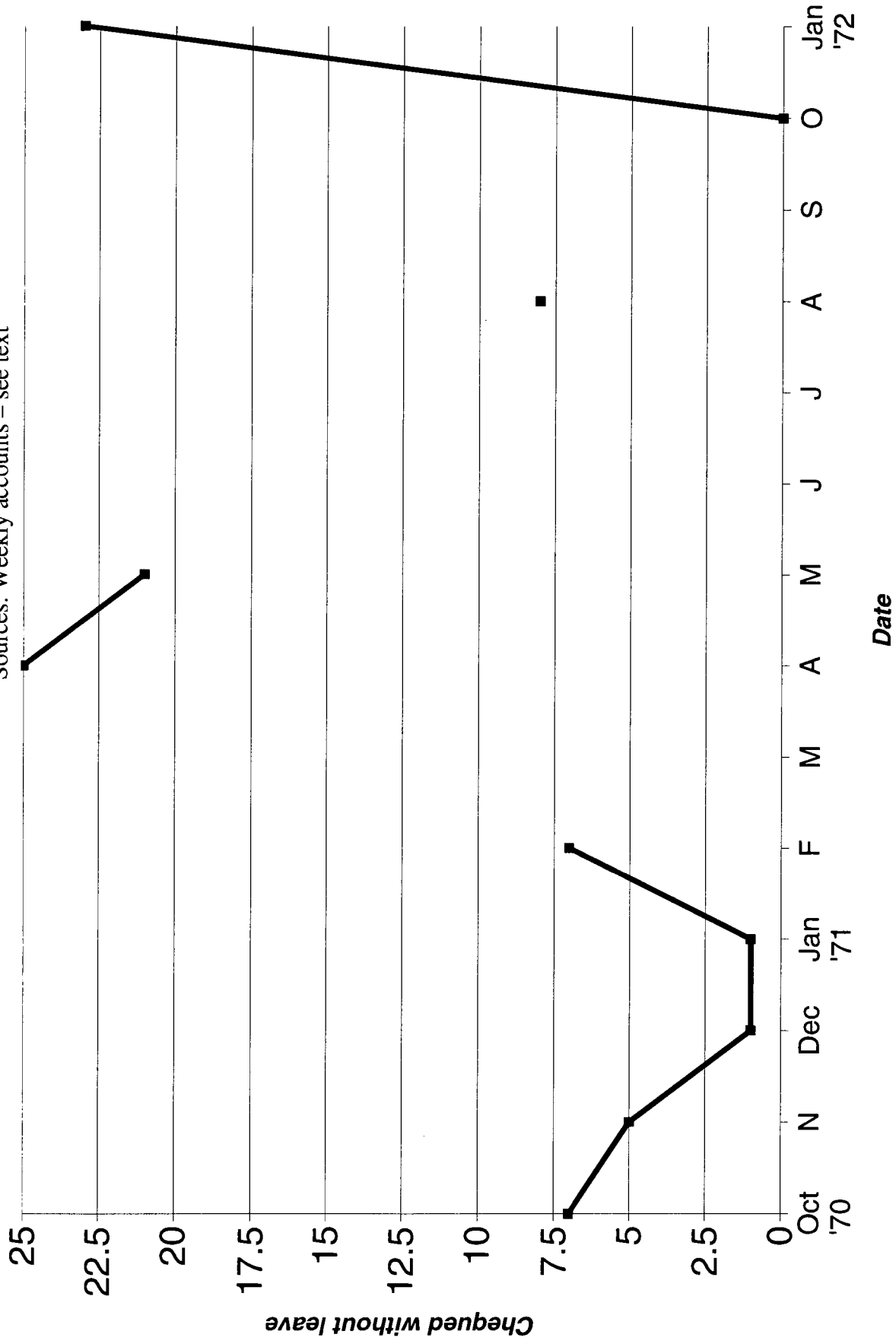
Sources: Weekly accounts – see text



**Graph 4-6 – North American squadron weekly accounts
1770-1771, chequed without leave**

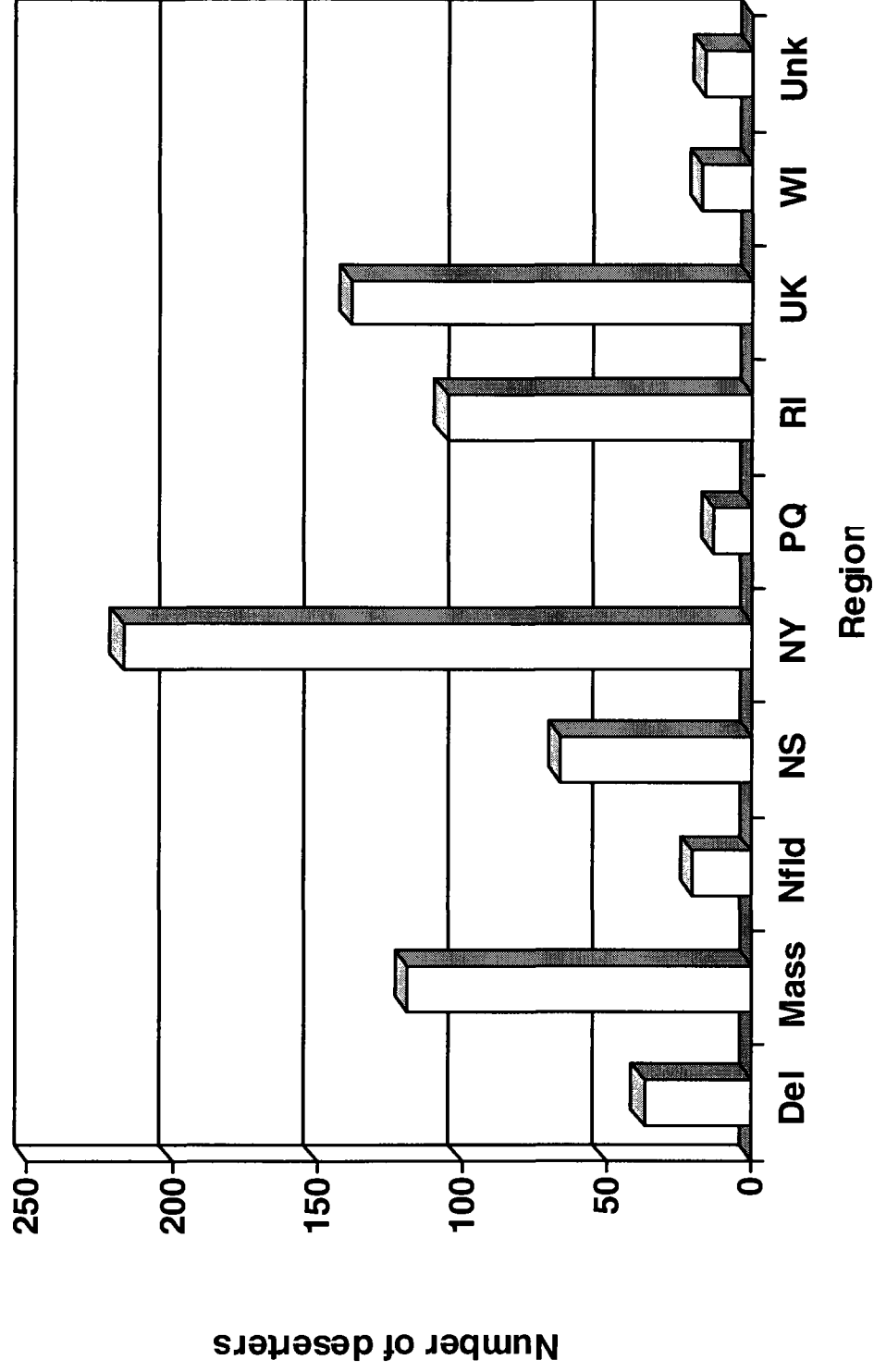
Sources: Weekly accounts – see text

■ chequed without leave

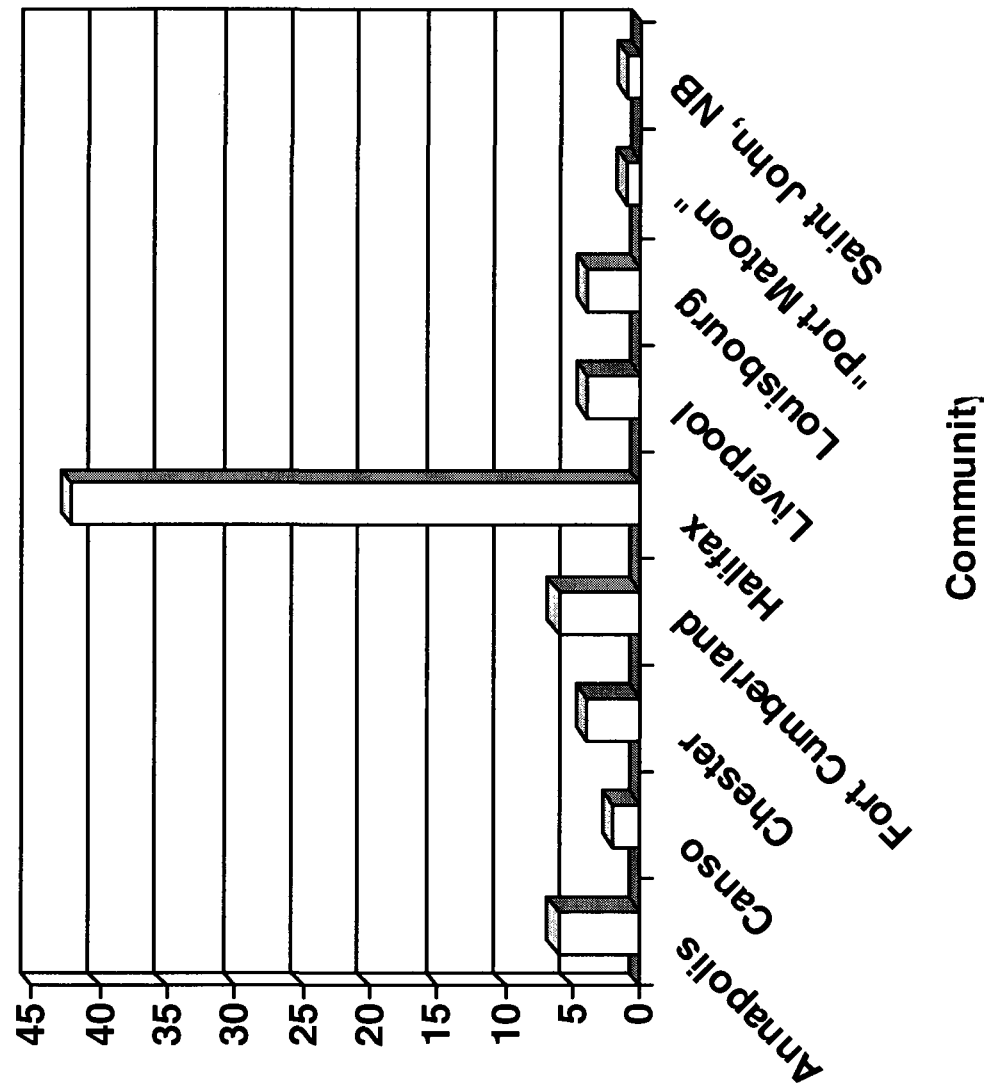


Graph 4-7 Deserters by Region, 1775-6 database sample

Sources: See Table 4-2



Graph 4-8 Nova Scotia deserters by community, 1775-6 database sample
Sources: See Table 4-2



CHAPTER 5

FREE TRADE AND SAILOR'S RIGHTS: DESERTION, IDENTITY AND THE EXPERIENCE OF AUTHORITY BEFORE THE WAR OF 1812

At the end of the War of American Independence in 1783, the size of the North American squadron was reduced significantly in both numbers of vessels and men as it withdrew from its Manhattan Island base to Halifax, Nova Scotia. Between 1783 and the outbreak of the French Revolutionary War in 1793, the establishment at the Halifax naval yard was designed to support only one 50-gun flagship, four small frigates, two sloops and a brig. At times there were even fewer warships available than this. The duties of these vessels were limited predominantly to trade enforcement and protection of the Georges Bank and the Gulf of St Lawrence fisheries from American and other interlopers.¹ Other vessels of the squadron carried freed slaves and Loyalist refugees, their slaves, and disbanded soldiers to various communities in Nova Scotia for resettlement, a story well depicted elsewhere.²

One study, which briefly examines disciplinary issues in the North American squadron from 1783 to 1793, sees the period as being "...marked by a disproportionately large number of disciplinary problems with naval officers."³ Its author contributes these problems largely to the abilities, or lack thereof, of the commanding officers in the squadron at the time. The *Leander* (50), the squadron's flagship under Commodore Herbert Sawyer, was in the eyes of one of its midshipmen "...but a bad example to the rest of the Squadron, and perhaps there never was an assemblage of ships so much requiring a good example." The *Leander's* captain, Sir James Barclay, from the perspective of the same observer "...was about as much fit to command a man-of-war as any other old woman in the kingdom."⁴ Similarly, another captain, Edward Buller of the *Brisk*, was a known drunkard. Paul Minchin of the *Resource* was characterised as a dullard without intelligence or ability, but of good family. By 1788, the

¹ The best studies for this period are those of Evans, "Army and Navy at Halifax" and Gwyn, *Frigates*.

² See for example the description by Liverpool, NS, merchant Simeon Perkins of the naval involvement in the transportation of such Loyalists to Port Mouton and elsewhere in his diary entry for 22 Oct 1783, Harvey, ed., *Diary of Simeon Perkins* v.2, 203. Perhaps the most accessible and most recent account of the black experience with the British is that of Schama, *Rough Crossings*.

³ Evans, "Army and Navy at Halifax", 107.

⁴ R.V. Hamilton, ed., *Letters and Papers of Admiral of the Fleet Sir Thomas Byam Martin*, vol. 24, (London: Navy Records Society, 1903), 52 cited in Evans, "Army and Navy at Halifax", 107.

station commander, Captain Charles Sandys of the *Dido*, proved yet another drunk. Prince William of the *Pegasus* found Sandys in bed in a drunken stupor when he went aboard the *Dido* to visit the former.⁵ It is unclear to what extent such characteristics were reflective of the squadron, or the navy, as a whole.

In August 1784, one officer, Lieutenant White commanding the *Vixen* galley, actually deserted his ship. Others fell into disputes with Sawyer over women on board ship and ashore, or over the authority to punish between captain and station commander. Captain Bentinck of the *Assistance* insisted in a dispute with Sawyer that as captain all right to punishment with the exception of crimes warranting court martial rested in his hands, not the Commodore's. Sawyer, who argued the contrary, eventually suspended Bentinck for refusing to follow orders. On a larger station there likely would have been several courts martial of officers in such cases for insubordination, but Sawyer often did not have enough commanders at any one time to convene properly such courts. The commodore was reduced to suspending those who disagreed with him from command and writing to the Admiralty for further direction, a process which could take months, by which time the original dispute had been solved via apology or compromise, as in Bentinck's case, or forgotten altogether, with officers reinstated to duty on the short-handed station.⁶

A more serious incident occurred when a master's mate of the *Resource*, John Bullen, was accused of striking his first lieutenant during a quarrel, a crime punishable by death. Bullen was duly court-martialled, found guilty and sentenced to death while the squadron was at Québec. The execution was timed to occur just as a crowd of hundreds of spectators finished watching a battle demonstration by troops from the garrison. Following a public ritual intended to instil the fear of royal authority among the onlookers in both the ships of the squadron and the crowd, Bullen was marched to the yardarm and had the rope placed around his neck. At the very point where Bullen expected to be hauled off his feet, Sawyer dramatically revealed that the man had been pardoned and granted royal mercy.⁷

Evans believes that problems with the discipline of the seamen themselves, including desertion, were less common during this period. Yet strong efforts were made to counter any

⁵ Evans, "Army and Navy at Halifax", 108.

⁶ Ibid., 109-11.

⁷ Ibid., 111. See Chapters 7 and 8 for discussions of royal mercy relating to courts martial for desertion and mutiny in North America. Royal mercy and the power of such pardons as an act of ritual and theatre is discussed in detail in Hay, "War, dearth and theft".

attempts at desertion, through rewards for recovering them and severe punishments.⁸ The difficulty only grew as the Halifax squadron increased in size with the outbreak of war with France and rising tensions with the United States.

After the end of the American War of Independence, deserters continued to seek shelter in Nova Scotia and the United States. In April 1784, Captain the Honourable Edward Stanhope of the *Mercury* (24) applied to the town magistrate at Liverpool, Nova Scotia, for assistance. Stanhope had intelligence that one William Pritchard, a deserter from the *Mercury*, was sheltering in the neighbourhood of the town. Stanhope suspected that "...some Rascal may Sware a Debt against him, but in that Case the Sherrif, tho the Debt may be compromised, will Doubtless have my Instructions to detain him..." Pritchard was in fact in prison for debt at Shelburne gaol, and the magistrate ordered him released and gave him a pass to return to his ship.⁹

Captain Stanhope also had difficulties with authority in the United States, and was aggressive in recovering men who ran in Massachusetts as well as in Nova Scotia. In June 1786, he responded to Admiralty orders concerning complaints made about his behaviour by the Governor of Massachusetts pertaining to a visit made to Boston in 1785 to purchase cattle. He and his men were met "...with every sort of indignity..." These included having their boat's pendant cut away, and feeling the wrath of local anger over their failure to salute the castle upon entering the harbour. Then, Stanhope and his officers were attacked by a mob, and temporarily besieged in the house of a magistrate – this despite having the governor's protection. Stanhope's cabin boy took the opportunity to desert, and the captain seemed to feel that having to apply to the magistrates in order to recover the runaway was an indignity to his honour as an officer. Stanhope eventually assured the governor that he would salute him, if the Americans replied with an equal number of guns. The counter-offer was for the warship to accept one less gun in reply, which Stanhope refused, and eventually equality of numbers was accepted after much negotiation.¹⁰ This was to be one of the first of a long series of such incidents between British naval officers and American authorities.

By the early 1790s, ships of the squadron had resorted to pressing men from the all-important North American mast ships to replace men lost from sickness and desertion.

⁸ Evans, "Army and Navy at Halifax", 112

⁹ Harvey, ed., *Diary of Simeon Perkins* v.2, 226-9, entries for 14 and 29 Apr 1784.

¹⁰ TNA:PRO, ADM1/2486, Stanhope to Stephens, *Mercury*, Long Reach, 27 Jun 1786.

Captain John O'Bryen, thirteen men short of complement, pressed from the *Earl of Mansfield* mast ship in December 1791, raising the ire of its master and subsequently the Admiralty.¹¹ Mast ships from Saint John, New Brunswick, close to the border with the United States, also suffered from desertion. This often delayed the sailing of convoys while every effort was made by the naval escorts to recapture the deserters or raise more seamen. The latter was difficult as very few men were available in New Brunswick or at Halifax, resulting in the vessels often being manned by invalids and French prisoners of war.¹²

Shipwreck also offered the opportunity to desert in North America. In July 1796, the *Active* bilged near Anticosti Island in the Gulf of St. Lawrence. The *Active*, commanded by E. Leveson Gower, had sailed from Spithead on 22 April 1796, escorting the Québec convoy and carrying General Prescott and his suite. On arrival at Québec, they embarked Lord Dorchester and his suite on 9 July. On their way downriver, the *Active* struck on the northeast end of Anticosti Island, a quarter mile from shore in about twelve feet of water, which was two feet more than the *Active* drew when light. Deciding to abandon ship in a small bay on the island, Leveson Gower had his crew empty her stores and guns to lighten her. On 16 July Leveson Gower sent an officer with a message by the schooner *Belleisle* to Admiral Murray at Halifax, but that vessel ran aground only four leagues to the east of the *Active*'s wreck. On 20 July he hailed another schooner and shipped his lieutenant and thirty crewmen to Percé. There they could be housed and fed, and find enough small craft to send for the other survivors. Following their departure, seventeen of Leveson Gower's remaining seamen, plus a corporal and five marines, deserted the shipwrecked captain.¹³

The *Pearl*, which had recently convoyed merchant ships to Halifax, and Québec from Spithead,¹⁴ now at Percé, Québec, was asked to assist. Cruising off the Gulf of Saint Lawrence while awaiting the return convoy to Britain, her commander L.J. Ballard, noted his own men were in the same mutinous state, but followed his orders and sailed to rescue Leveson Gower,

¹¹ TNA:PRO, ADM1/2250, O'Bryen to Stephens, London, 19 Dec 1791. O'Bryen had also angered the Admiralty board by conducting a press in the streets of London on his arrival in England, claiming in his defence that he had the approval of the mayor and the attorney-general to do so.

¹² TNA:PRO, ADM1/2596, Forsyth to Tripp, Halifax, 5 Jan 1795; Milne to Tripp, Halifax, 19 Jan 1795.

¹³ TNA:PRO, ADM1/1843, Leveson Gower to Nepean, *Pearl* in the Downs, 13 Oct 1796.

¹⁴ TNA:PRO, ADM1/1512, Ballard to Leveson Gower, *Pearl*, Québec, 23 June 1796; Confusingly, on the same voyage the *Pearl* also retook the merchant brig *Active* which had been taken as a prize by a French privateer, not to be confused with HMS *Active* commanded by E. Leveson Gower. TNA:PRO, ADM1/1843, Ballard to Leveson Gower, *Pearl*, Québec, 27 June 1796.

Dorchester and the *Active*'s surviving crew.¹⁵ By the 16 August the behaviour of the fifty-nine men who had remained with the *Active*, with the exception of three or four men, was "drunken and mutinous". The previous day they had broken open all the surviving store room chests and the provisions of liquor, and were now in danger of starvation. Some twenty-two of the *Active*'s men had taken firearms and deserted, and set up a camp on Anticosti Island. Before running, Patrick Roache, one of the deserters, even drew a cutlass on the first lieutenant.¹⁶

When the *Pearl* arrived at Anticosti on 30 August, Ballard landed a party of marines to recover the deserters. The marines exchanged fire with the armed runaways and pursued them into the island's wooded interior, but recaptured none of them. The marines removed the deserter's tents and provisions before re-embarking, and it was hoped that the *Bonetta*, now arriving at the scene, would be able to track down the fugitives.¹⁷ The survivors of the *Active* were divided among several ships in Vice Admiral Murray's squadron at Halifax to disperse their mutinous tendencies.¹⁸ On his eventual return to England, Leveson Gower, reporting to the Admiralty that the behaviour of the officers by contrast was meritorious, deemed that but for the behaviour of the crew many more stores could have been saved. He also provided details of the deserters who remained at large, including their names, age, height, physical description, and place of birth.¹⁹

Ballard, by contrast, was less approving of the behaviour of his own officers on his return to England. When he had arrived at Québec in June, he had left one of his lieutenants in sick quarters there. But when he returned to Québec from Halifax on 3 September, the man had disappeared, so was left behind. Ballard informed the Admiralty that he had heard from the culprit's messmates that "...he was guilty of such heinous offences, they could not possibly admit him again to live with them...I have already had too many bad officers in the *Pearl*."²⁰

It was common to find deserters from the navy in this period in merchant vessels in the West Indies. While transporting troops from Jamaica to Halifax, Captain Rodham Home in the *Africa* removed 200 naval deserters from merchant vessels and transports in his convoy,

¹⁵ TNA:PRO, ADM1/1512, Leveson Gower to Ballard, *Pearl*, NW end of Anticosti island, 30 July 1796.

¹⁶ TNA:PRO, ADM1/1843, Leveson Gower to Nepean, *Pearl* in the Downs, 13 Oct 1796.

¹⁷ TNA:PRO, ADM1/1512, Ballard to Nepean, *Pearl*, Halifax, 19 Aug 1796.

¹⁸ TNA:PRO, ADM1/1843, Leveson Gower to Nepean, *Pearl*, Halifax, 20 Aug 1796.

¹⁹ TNA:PRO, ADM1/1843, Leveson Gower to Nepean, *Pearl* in the Downs, 13 Oct 1796.

²⁰ TNA:PRO, ADM1/1512, Ballard to Nepean, *Pearl*, Downs, 26 Oct 1796.

replacing them with men, likely of lower quality, from the *Africa*. In addition to providing his ship with more experienced men, Rodham Home claimed that this saved the merchants £7,200 in wages.²¹ Men also ran to the navy from merchant vessels, either due to mistreatment, wage disputes, or from fear of being taken prisoner by the French or another enemy. Three deserters from a merchantman, “all literate seamen”, were found on board the *Fly* sloop at Halifax in November 1799 swore an affidavit concerning the events surrounding their entry to the navy. They had been aboard a merchantman bound for St. Vincent, when the master had purposely parted from their convoy. When off the coast of France with unfavourable winds, they had heard the master state that he expected to be taken by the French. When they later encountered the *Fly*, which sent a boat aboard to take off a man who had broken his leg due to mistreatment by the master, they jumped into it and entered the navy as volunteers despite the curses of the master, who swore that he would “rip their hearts out”. The seamen claimed in their affidavit that the master had behaved towards them in “...a shameful, oppressive and cruel manner...” The cabin boy had heard the master say to the mate, that if these men get aboard the man of war they will “ruin us.”²²

Anglo-American relations and desertion in the 1790s

After 1793, the station gradually increased in size, but it would not regain the former size of its complements of men and ships reached during the War of Independence before 1812. This was primarily because the British Navy followed the so-called Western squadron strategy; most of its ships remained in home waters in a centre of gravity used to counter French invasion attempts and other major French fleet movements rather than deploying large squadrons permanently on overseas stations. The problem of desertion, regardless of the size of the North American station, remained equally vexing to its commander-in-chief and senior officers.

This was particularly the case after the mutinies at Spithead and the Nore in 1797, the Irish uprising of 1798, and well into the nineteenth century. Throughout this period, the numbers of American and Irish seamen on board British warships in North American waters were a matter of concern among many British naval officers in North America. There was

²¹TNA:PRO, ADM1/1915, Rodham Home to Nepean, *Africa*, off the Start, 25 Aug 1796.

²² TNA:PRO, ADM1/2137, Affidavit of J. Lee, R.Wallace & J. Pedarson, Halifax, 16 Nov 1799.

much open sympathy between the two nationalities given the large Irish-American population and shared republican ideals. In 1797 and 1798 there was an “ethnic panic” in both Halifax and St. John's over potential unrest by Irish seamen, who were often suspected of being members of the United Irishmen movement, but little came of these fears. Authorities in Halifax were greatly concerned over the possible threat to the Halifax yard, now the only British naval facility in North America, which was perceived to be at risk when several deliberately set fires occurred in 1798 and 1799.

In addition, this was a period of growing tensions between the United States and British governments over trade disputes, neutral rights in merchant shipping during the wars with France, and the continued impressment of American merchant seamen by British naval vessels around the world, and similarly the desertion of British seamen to the American naval service and merchant marine.²³ As Bradford Perkins shows in his magisterial studies of the diplomacy of this period, at the heart of all of this tension was American neutrality in the war with Napoleon, from which all the other issues essentially derived.²⁴

Malcolm Lester's study on Anglo-American diplomatic issues arising from British naval operations complements Perkins' study. It examines the details of British naval operations during the period 1793 to 1802, and contends that the actions and abilities of individual commanding officers were perhaps more important than the orders from their commander-in-chief or London.²⁵ Desertion remained problematic, both due to wage differentials between American merchant vessels (as high as six pounds per month for an able seaman), British merchant ships (£3 to £4 per month) and the warships of the Royal Navy (19s. per month for an ordinary seaman, and 22s. 6d. per month for an able-bodied seaman).²⁶

The higher wages of the American merchant marine, further inflated in wartime, continually lured both American and British seamen of the warships of the Royal Navy assigned to North America. Thus, desertion was rampant. One upper-class British observer

²³ See S.T. Jackson, "Impressment and Anglo-American Discord, 1787-1818" (PhD, University of Michigan, 1976). For an operational history of the North American squadron's activities in this period see M. Drolet, "The North American Squadron of the Royal Navy, 1807-1815" (Ph.D., McGill University, 2002) and Gwyn, *Frigates*.

²⁴ B. Perkins, *The First Rapprochement: England and the United States 1795-1805*, (Berkeley: University of California Press, 1955); idem., *Prologue to War: England and the United States 1805-1812*, (Berkeley: University of California Press, 1961); and idem., ed., *The Causes of the War of 1812: National Honour or National Interest?*, (New York: Holt, Rinehart and Winston, 1962).

²⁵ See M. Lester, "Anglo-American Diplomatic Problems Arising from British Naval Operations in American Waters, 1793-1802" (Ph.D., University of Virginia, 1954).

²⁶ Ibid., 411-2.

noted that “...The temptation...is greater than human Nature, or rather *their* nature can be expected to withstand.”²⁷ The wages of fishing and coasting vessels in Nova Scotia could be attractive to naval seamen, even in times of peace. In Liverpool, Nova Scotia, between 1784 and 1789, men were being signed aboard fishing vessels and merchants involved in trade with New England and the West Indies for monthly wages which ranged from 30s. to 35s. Although this constituted a steep decline from remuneration in wartime before 1784, it still compared well with naval wages.²⁸

In July 1796, Admiral Murray had identified an area which would be particularly problematic for the squadron in the decades ahead – the Bay of Fundy, where most ships met for convoy to the West Indies and England. The rendezvous being very close to the frontier of the United States, Murray noted to London how the sailing schedules of vessels were difficult to arrange given that the men were very likely to desert while waiting for the convoy to form.²⁹ By 1800, Commodore Robert Murray, the acting commander in chief at Halifax, informed London that it was necessary to station one of the squadron’s sloops as a guard ship in the harbour approaches, “...in order to prevent wholesale desertion from the squadron while it was refitting.”³⁰

As frustrating as desertions at the Halifax naval yard must have been for commanders, the problem was even more serious when vessels entered American waters and ports. Captains were reluctant to go anywhere near an American harbour given the losses of men they would likely incur. Men would even swim from ships cruising or moored offshore in an attempt to gain their liberty. Using American boats and local men to resupply and water British vessels in an effort to reduce desertion simply incurred high costs and delays. The first such incident after the outbreak of the French wars appears to have occurred in July 1794, when Captain Alexander Cochrane of the *Thetis* frigate entered New York harbour. Approaching the wharf in his barge, a mob quickly formed on shore, shouting at the men to come ashore and run away, with promises made that each man who did so would receive \$100 and an American protection from impressment. Three of Cochrane’s barge crew fled while he was still in the boat.

²⁷ Perkins, *Prologue to war*, 86

²⁸ Harvey, ed., *Diary of Simeon Perkins* v.2, 390, 448-9, entries for 26 Sept, 30 and 31 Oct, 3 Nov 1788 and 12 Dec 1789. Masters could make as much as £4 and a five percent commission for a voyage from Liverpool to St. Margaret’s Bay near Halifax to fish, and then to Baltimore to sell the catch, while labourers ashore could make up to 30s. per month depending on their skill set.

²⁹ Lester, “Anglo-American Diplomatic Problems”, 411.

³⁰ *Ibid.*.

Attempts made by Cochrane to recover the men via appeals to New York Governor George Clinton were rebuffed because it was unclear whether American law allowed the authorities to act in such matters; the men were not seen again.³¹

A similar incident occurred a few weeks later at Lewistown, Delaware, when a longboat from the *Africa*, sent ashore to water, was intercepted by a mob which encouraged three of the boat's crew to run away. In his report, Captain Roddam Home of the *Africa* claimed that the mob was led by some of the town's most respectable people, including prominent householders who offered rewards to two of the men to run. Home found this exceedingly annoying as he had recently returned a slave who belonged to one of the householders when the man had sought his freedom by fleeing on board the *Africa*. The men never were recovered, but the US State Department issued a circular letter to governors advising them that such mob behaviour was undiplomatic and should be discouraged.³²

In September 1794, Captain Rupert George, who spent much of that year on the *Hussar* operating as part of a small squadron off Charleston against French privateers (themselves largely manned with American crews), sought local advice from the British consul as to which ports were convenient to shelter and re-provision during the winter, and where his crews would be least tempted to desert. George communicated with the British consul at Charleston through his ship's surgeon, who was landed outside of town and told to procure his own passage back to the *Hussar*, as George did not want to risk sending one of his ship's boats into town for fear its entire crew would runaway.³³ By December of that year, the entire squadron had been issued with standing orders by Rear-Admiral Murray not to allow any boats to touch on the American shore, in order to prevent desertion. George complained to Murray of the inconvenience and expense this was causing British consuls in the United States, who now had to pay exorbitant fees to hire local boats to send their dispatches aboard British naval vessels, and the need to establish a formal account for such expenses.³⁴

Lester has shown how between 1793 and 1802, numerous diplomatic complaints were made by British officers of American citizens seducing British seamen off of warships or their boats. Norfolk and Hampton Roads, Virginia, were particularly troublesome locations, with

³¹ Ibid., 412-3.

³² Ibid., 413-4.

³³ Nova Scotia Archives and Records Management (hereafter NSARM), MG1, R. George papers, Vol. 2162, George to Miller, *Hussar* off Charleston Bar, 7 Sept 1794.

³⁴ NSARM, MG1, R. George papers, Vol. 2162, George to Murray, *Hussar* at Halifax, 16 Dec 1794.

mobs often forming to defend seamen who had run from British vessels and even to take them out of British boats sent to retrieve deserters after they had given up.³⁵ Even when relations between the two countries were relatively normal, such problems persisted. In August 1799, the *Boston* frigate entered New York harbour. When Captain John Douglas rowed ashore, a mob convinced several of his men to flee. Official packet boats, which had navy commissions, also lost men on every run to New York from Halifax or elsewhere. Thomas Barclay, the British Consul at New York, believed that in this case the men were being seduced by crimps, whose job consisted of recruiting men for merchant ships by whatever means possible. Any attempt to recover such runaways led to the appearance of a mob to protect them, while efforts through the legal system were lengthy and frustrating, leading to delays which could not be permitted for vessels carrying important orders and instructions. Thus, the result was that many packets left New York with less than half their complement, and often had to return to Halifax to recruit men before attempting to cross the Atlantic to England. In at least one case, a packet was delayed at Halifax for weeks as its commander tried to fill out his lower deck, until Admiral Vandeput finally agreed to man it with men from his other ships, also badly in need of seamen.³⁶

Attempts to recover such men thus were thwarted through the inaction of American officials,³⁷ and mob actions, both deliberately planned and spontaneous, when search parties went ashore. Even British seamen who were considered absent without leave, or straggling, and who wanted to return to their ships, were often prevented from doing so by such mobs. In April 1798 a seaman from the *Resolution*, then at Norfolk, was removed from a boat by a mob when he attempted to return to his ship where some five years worth of pay was due to him.³⁸ The threat of impressment also was used on the Newfoundland station during this period to persuade communities not to harbour naval deserters,³⁹ and it was likely that this was a common tactic in the North American squadron as well, given its early use there during the American Revolutionary War period.

British officers also used other methods to convince such deserters to return to the service. Advertisements were often placed in newspapers such as the *Norfolk Herald*,

³⁵ Lester, "Anglo-American Diplomatic Problems", 414-5.

³⁶ Ibid., 415-6.

³⁷ Ibid., 419-22.

³⁸ Ibid., 416-7.

³⁹ Mercer, "North Atlantic Press Gangs", 298-303.

promising that if deserters were to give themselves up within a certain time period, they would be forgiven, and depending on their future conduct even have their forfeited wages paid to them. The assistance of British diplomats in American ports was also sought. British consuls also often voluntarily persuaded men to return, holding them until they could be placed on board a British warship or a trusted ship returning to Halifax. They also reported intelligence on the location of suspected deserters to the commander-in-chief, and could even know details of which men had received fraudulent American protections.⁴⁰

On a few occasions, American magistrates or constables assisted the British in efforts to recover runaway seamen. This often seemed to be the case if a vessel lost large numbers of men in a single incident, such as in May 1797, when the *Squirrel* lost over twenty men after sailing into the Delaware River. In the latter case, the Governor and Secretary of State of Pennsylvania even obtained an opinion from the state Attorney General that such men could be legally recaptured by law officers as if they were runaway indentured servants, and forced to return to their duties. Yet such measures rarely were pursued given the lengthy time required to hear the cases in common law courts.⁴¹ By 1801, Thomas Barclay had successfully persuaded the New York Legislature to pass a law allowing a summary writ to be issued against British deserters. But while some cooperation occurred at the local level, the American federal government refused to provide any aid in recovering such deserters in the absence of a treaty agreement with the British covering neutral trade and impressment.⁴²

Given the lack of success through legal and official channels, British officers often pursued deserters with their own landing parties on American territory. Though this was a violation of the sovereignty of the United States, local American officials often looked the other way, perhaps feeling that as they were not allowed to assist in recovering the runaways, the British should be allowed to try to do so. Yet such actions inflamed the average American citizen and American public opinion. In February 1795, Captain Alexander Cochrane of the *Thetis* lost one man killed and two seriously wounded in a landing party sent ashore to find over thirty missing men he believed had been seduced by crimps. Cochrane's search party was attacked by the townsfolk of Norfolk, likely with the aid of local militia officers. The townspeople were outraged when Cochrane's men searched private homes, confined the

⁴⁰ Lester, "Anglo-American Diplomatic Problems", 417-8.

⁴¹ Ibid., 422-4.

⁴² Ibid., 424.

captain of the town guard, and beat an American citizen in the street.⁴³ Similarly, in 1797 seven more British seamen ran from the *Topaze* while she was at Norfolk. Her captain, having obtained permission from the Norfolk magistrates and constables to take a landing party ashore, pursued the deserters twenty miles inland. At the village of Kemptville, the search party encountered a mob of Americans who stated their intent to rescue the deserters if the latter ever were recovered. Infuriated, and inflamed “with that Spirit natural to the feelings of his mind on such Service” the British officer threatened to blow out the brains of any man who interfered with his party. He eventually returned to the *Topaze* empty-handed.⁴⁴

Such incidents led Robert Liston, the British minister to the United States, to propose to Foreign Secretary Lord Grenville that the mutual restitution of deserters was an article that needed to be added to the Anglo-American Treaty of Amity and Commerce. Liston also thought such an agreement might lead to less retaliatory impressment of American seamen by British captains infuriated at their men running away in American waters. Even outspoken British naval commanders such as Commodore Mowat, in command at Halifax in early 1797, and who disagreed with Liston’s pro-American policies, stated their hope for such an agreement. Mowat affirmed to London that the commanders of the squadron would welcome such an accord. Such a measure met the roadblock of American insistence that the British agree to stop pressing men at sea altogether in any such treaty. When the American views were made known to Grenville, he ordered the suspension of any discussion relating to the draft article on restitution of deserters.⁴⁵

From 1803 onwards, with the rapprochement between the United States and France, and a reinforced North American squadron in place to track French warships and trading vessels, throughout this period a *de facto* British blockade of American merchant shipping was in effect. Cruisers stopped and searched all vessels leaving ports such as New York for embargoed goods that might aid Napoleon’s war effort. American merchants and politicians were infuriated by the delays in sailing and financial losses this imposed upon their trade. Unlike British naval officers, who were keen to see prizes being condemned for such illicit trade in the Vice Admiralty Courts at Halifax and elsewhere, both the British consul at New

⁴³ Ibid., 425.

⁴⁴ Ibid., 426.

⁴⁵ Ibid., 426-8.

York and British minister in Washington urged restraint upon the Admiralty. The latter privately confided to a naval officer in May 1806 that:

I am persuaded that more Ill will has been excited...by a few trifling illegal Captures immediately off this Coast and some Instances of insulting behaviour by some of His Majesty's Naval Commanders in the very Harbours and Waters of the United States than by the most rigid Enforcement of the Maritime Rights of Great Britain against the Trade of the United States in other Parts of the World. It may easily be conceived to be highly grating to the Feelings of an independent Nation to perceive that their whole Coast is watched as closely as if it was blockaded, and every Ship coming in or going out of their Harbours examined rigorously in Sight of the Shore by British squadrons stationed within their Waters.⁴⁶

As with desertion, the tone for British relations with American naval vessels on the North American station and elsewhere had been set earlier, when in November 1798, Captain Isaac Phillips of the USS *Baltimore* allowed his sloop to be stopped and searched for British deserters off Cuba by a British squadron under Captain John Loring of the *Carnatic* (74). The *Baltimore*, recently converted from a merchantman, had no papers proving she was an American naval vessel. While Phillips was onboard the *Carnatic* discussing the situation, five of her fifty crew, supposedly British deserters, were removed from the American warship. The US Navy court-martialled Phillips, and the government issued orders to all its naval captains commanding them to refuse any British attempt to search or impress men from national warships and to surrender their vessel before giving up any of their crew, and informed the British government of these measures. Most American outrage was directed at Phillips for allowing his ship to be searched, not at the British.⁴⁷

Similarly, in January 1799, another such incident occurred when USS *Ganges* (24) was stopped by the *Surprise* (24), under Captain Edward Hamilton, in the Windward Passage. The captain of the *Ganges* was astonished when a British lieutenant came aboard and demanded whether any “Englishmen” were in his crew, “...observing that my assurance would be sufficient to prevent an officer being sent to examine their protections...”. Captain Tingey of the *Ganges* replied that he considered his entire crew American by birth or adoption, and that to his knowledge there were no protections on board other than the American flag. After

⁴⁶Barclay to Beresford, private, 28 May 1806, cited in Perkins, *Prologue to war*, 75.

⁴⁷E. Gaines, “George Cranfield Berkeley and the *Cheasapeake-Leopard* Affair of 1807,” in *America, The Middle Period: Essays in Honour of Bernard Mayo*, (Charlottesville: 1973), 83 and S.C. Tucker and F.T. Reuter, *Injured Honor: The Cheasapeake-Leopard Affair, June 22, 1807*, (Annapolis, Md: 1996), 65. Gaines incorrectly states that fifty deserters were removed from the *Baltimore*, which would have left her unmanned.

consulting his officers, Tingey was resolved to fight rather than allow any British officer to muster his crew or remove any of his men. Such resolve was not required as the *Surprise* sailed off after a routine request from her surgeon for medical supplies.⁴⁸

George Cranfield Berkeley

Such incidents continued in the years immediately preceding the *Leopard-Cheasapeake* affair. In June 1805, an American gunboat was brought to off Cadiz by British warships blockading that port. When boarded, three of her crew actually declared themselves as British, requested protection based upon their nationality, and were removed to British vessels. Lieutenant James Lawrence, the gunboat's commander, was relieved of command, and general orders were issued to the American Mediterranean squadron never to allow any such incident in future unless confronted by overwhelming force. Lawrence was later cleared of all responsibility, as he had been on board the British flag when the seizures of his seamen occurred. He would later command the *Cheasapeake* during the War of 1812, in her ill-fated action against the *Shannon*.⁴⁹

Another incident in American territorial waters in April 1806 incited more tension. The *Leander* frigate under Captain Henry Whitby, in company with two other British warships, was off New York searching merchantmen for contraband and deserters, and no doubt pressing men as well. The *Leander* fired warning shots at a fleeing schooner, a standard practice for warships signalling their intent to stop and communicate with a chase. Unfortunately, one of the *Leander*'s rounds went into the schooner rather than ahead of or over her, and killed an American seaman. The incident occurred as the schooner had attempted to flee closer inshore into New York harbour. With riots in New York and rising public and political passions throughout the United States inflamed by this act, President Thomas Jefferson issued a proclamation banning the three British vessels involved, the *Leander*, the *Cambrian* and the *Driver*, from entering American waters to reprovision, to water, or for any other purpose. When the *Cambrian* later entered Hampton Roads, another riot ensued, a diplomatic protest was filed, and her American pilot was seized by the locals and put on trial.

⁴⁸ Tucker and Reuter, *Injured Honor*, 66.

⁴⁹ *Ibid.*, 66-7.

The station commander in Halifax, Vice Admiral George Cranfield Berkeley,⁵⁰ was infuriated and unwilling to compromise in the face of the American actions, viewing them as an aggression against his squadron. The incident and subsequent uproar (including calls for war from New York newspapers) also seemed to have had little effect on the attitudes of British commanders. William Bradley, who replaced Whitby as the *Leander*'s captain, continued to press American seamen within the territorial waters of the United States. When Thomas Barclay, the British Consul at New York, warned of American anger over Bradley's actions, the Admiralty had him recalled to England.⁵¹

Berkeley, like many senior naval officers a Member of Parliament, owed his appointment as commander in chief of the North American squadron at Halifax to the new "Ministry of all the Talents" in London. Grenville apparently had misgivings about the admiral's appointment to the command at Halifax, but Berkeley's brother commanded a substantial number of votes in Parliament which supported the ministry, as did Berkeley himself when he was in England, which worked in Berkeley's favour. In the spring of 1806 the admiral arrived in Nova Scotia, and fed a stream of reports complaining of American abuses with regard to fraudulent protection and nationality certificates and seduction of seamen to desert, the neglect of his station by the Admiralty, and of the attitude of the American President, Jefferson, directly to Grenville. Thus Berkeley used his political connections to bypass the normal chain of command. Berkeley, believing the United States would always back down before British challenges, thought that a refusal to compromise on points of dispute was the best diplomatic approach when dealing with Americans.⁵²

For example, some weeks after his arrival in Halifax, Berkeley dictated a report to Grenville regarding the overall situation in America. Among other matters such as the state of American-Spanish relations and the possibility of a Spanish squadron being sent to America, the admiral noted that:

⁵⁰ For a detailed study on Berkeley and his naval and political career, see B.M. De Toy, "Wellington's Admiral - The Life and Career of George Berkeley, 1753-1818" (Ph.D., Florida State, 1997).

⁵¹ Gaines, "George Cranfield Berkeley and the *Cheasapeake-Leopard* Affair of 1807," 84; Tucker and Reuter, *Injured Honor*, 52-3.

⁵² Perkins, *Prologue to war*, p. 140. Berkeley carried on an extensive correspondence with his brother, the Earl of Berkeley, and Grenville regarding Berkeley's constituency of Gloucestershire. See BL, Add Mss 58987, Propmore Papers, Vice Admiral George Cranfield Berkeley correspondence w/Grenville, ff. 33-80 and "Biographical Memoir of the Hon. George Cranfield Berkeley, Rear Admiral of the Red Squadron", London, I. Gold, 1804.

The Wretched State of the Ships of my Squadron has been thoroughly represented by my Predecessor in Command, and I am sorry to find their condition, such as I was informed he had stated it to be, particularly in my own Flag Ship, the only Two Decked Ship in it. I cannot however Flatter myself that my Representation will be much attended to, by the Naval Part of the Board of Admiralty, after having turned a Deaf Ear to Facts, and after the Treatment I have already experienced from them, and unless the Reinforcement of this Station is made a Cabinet Measure, which perhaps the Intelligence I have sent may produce: I shall not be Able to spare Ships even to gain Intelligence of the Spaniard's Motions much less Counteract their Designs.⁵³

As to the situation with America, Berkeley declared that he had not yet had time or opportunity to provide a detailed account, while noting that the only intelligence he could rely upon, given his shortage of ships, was the communications of the British diplomats, pointing out to Grenville that:

...it cannot be their Interest to Foment Disagreement between the Two Countries, and it certainly appears to be the General opinion, That however the Clamour may be excited against England by the French Agents, and by the Heat of Violence of Party at this Moment The Great Majority of the People are for Peace, and for Yielding to the Just Demands. The Shipping Interest in the mean time are fitting out every Vessell which can swim, and rely upon the time which Negotiations will necessarily take up, to Carry on the Illicit Trade and make the French and Spaniards pay enormously for the Freight of their Colonial Produce, But even those who are most Clamorous for War, do not give credit to it, as they seem confident that England will give up much, rather than enter into Hostilities.

Berkeley also remarked that the proclamation of Parliament with regard to the *Leander* affair was so strong that he hoped to receive new instructions to guide his conduct as his squadron's ships now had been precluded from having any communication with the American shore.⁵⁴

The fact that no such instructions ever arrived at Halifax left the vexed admiral and the captains under his command to deal with the issues of impressment and desertion on their own. This may go some way as to explaining the aggressive approach taken in the events that followed. They culminated in the explosive *Leopard-Chesapeake* affair, and in Berkeley's subsequent detailed proposals for his squadron to be reinforced and for armed action to be undertaken against the port of New York, and to acquire English seamen working in the

⁵³ BL, Add Mss 58987, Propmore papers, Berkeley to Grenville, Halifax, 29 Jul 1806, ff. 73-4.

⁵⁴ BL, Add Mss 58987, Propmore Papers, Berkeley to Grenville, Halifax, NS, 29 Jul 1806, ff. 73-4.

United States to man his warships.⁵⁵ Berkeley himself made handwritten notes on his own private copy of a letter sent to him from the British minister in America following the affair, forwarded to the Admiralty, which indicated his frustration in failing to receive any additional guidance from London. He noted “[t]he only instructions I have received were the feelings of an English officer entrusted with the honor of his Countrys flag.”⁵⁶

Some efforts were made to create official boundaries delineating acceptable actions for recovering deserters, via diplomatic and naval discussions on both sides, but by the end of 1807, several factors would ensure their most complete failure. The tensions over desertion from British warships, the enrolment of deserting British seamen into American naval vessels, and impressment of American seamen into the ships and vessels of the North American squadron rose to an extent that was as high (if not higher) than those which existed immediately before the start of the War of 1812. Much of this tension was due to the attitudes of the British naval officers on the station itself:

Contemptuous of a weakling power, jealous of American prosperity, eager for prize money, British naval officers stretched their orders to the limit or beyond. Even James Stephen, spiritual father of the most aggressive attacks upon American commerce, warned from time to time that British commanders must be restrained. 'These steeds must be well reined in...' he warned the ministry in 1807. 'The[ir] spirit is sometimes salutary, however rash or irregular - it may overawe Kings or Cabinets - but in this delicate case we have to do with a democratical society - & with a maritime people too, whose feelings resemble our own.' The British government never took action forceful enough to reduce the navy to obedience. No commander who violated American rights, even those rights the Cabinet recognized, suffered real punishment.⁵⁷

To be fair to the officers on the station, they were in a situation akin to lying off a lee shore during a gale. Despite the massive expansion of the navy between 1792, when it had around 36,000 seamen and marines, and 1805, when it had grown to over 105,000 men, the Admiralty had failed to develop an alternative method of manning for such massive increases in times of war; it relied almost entirely upon impressment. These numbers could not be sustained by the British merchant marine alone, so many foreigners were enlisted, and the Quota Acts were introduced in 1795-6. When these failed to supply sufficient numbers, a “hot”

⁵⁵ YUBL, Osborn Files, "B" Folder, 1186, Berkeley, George Cranfield, 1753-1818, LS to the Lords Commissioner of the Admiralty, Halifax, Berkeley to Admiralty, Halifax, NS, 17 Aug 1807.

⁵⁶ YUBL, Berkeley papers, Osborn Files, "B" Folder, 1186. Erskine to Berkeley, enclosed in Berkeley to Admiralty, Halifax, NS, 17 Aug 1807.

⁵⁷ Perkins, *Prologue to war*, 74-5.

press was instituted that removed traditional protections from impressment for a period of months.⁵⁸ Many of the seamen taken up were American. *The Edinburgh Review* estimated that as many as one-eighth of the navy's seamen, perhaps 13,000 men in 1805, were foreigners. The American consul in London claimed that 15,000 Americans were in the Royal Navy – or almost fifteen percent of the total 1805 naval manpower.⁵⁹

Berkeley estimated that there were 10,000 British seamen in the American merchant marine at this time, while even the United States Treasury Secretary Albert Gallatin acknowledged that that between 1805 and 1806 that almost half the total of able-bodied seamen in American merchant ships, or approximately 9,000 men, was British.⁶⁰ Tucker concludes that it is almost impossible to verify such figures. He notes that the Admiralty refused to provide the British cabinet with figures on total desertions, and highlights how one study of contemporary British reports shows that for the year preceding the affair desertions were relatively few in number.⁶¹ As we shall see below and in Chapter 7, even small numbers of desertions could provide a serious challenge to the legitimacy of authority onboard ship and could have political effects far beyond their operational implications. Desertion was a form of resistance which could have dangerous effects on board ships where such authority and respect for it was paramount. Given the right conditions, individual ships could easily explode into mass desertion and even mutiny, which explains why what apparently could be seen by some as a manageable irritant could be a source of dangerous volatility in specific circumstances. As will be seen below, while overall numbers of deserters in this period were relatively low, on some ships and in some locations mass desertion mutinies posed a serious problem for commanders.

It therefore was seen as necessary by contemporary observers to threaten deserters with recapture and punishment, as they could not be seen to be “granted immunity in the crusade against Napoleon”. Even bitter opponents of the United States, such as James Stephen, recognized that impressment humiliated America and that British naval officers “often acted

⁵⁸ Ibid., 155 and Rodger, *Command of the Ocean*, 443-8.

⁵⁹ Perkins, *Prologue to war*, 86 and note 32 and W.G. Perrin and C. Lloyd, eds., *The Keith Papers: selected from letters and papers of Admiral Viscount Keith*, 3 vols., (Navy Records Society, 1927-1955), III, 155.

⁶⁰ Tucker and Reuter, *Injured Honor*, 62-3. Perkins dismissed Berkeley's estimate out of hand in his work, while Tucker and others support the admiral's estimate.

⁶¹ Ibid., 155.

capriciously or cruelly toward crews mustered for their inspection.”⁶² Supporters and opponents of British policy towards the United States, regardless of ministry or faction, supported the right to recover naval deserters. Perkins contends that ministers often permitted Admiralty bureaucrats and naval commanders to evade requests for the release of improperly pressed Americans, although as we shall see below there was at least one major comprehensive effort to do so from the ships of the North American squadron, and other such individual cases, for both Americans and other neutrals such as Swedes, seem fairly common. The problem of desertion was often used as a bargaining chip in ongoing negotiations between Britain and America over impressment and trade issues. In 1806 the “Ministry of all the Talents” offered to severely limit impressment of Americans in exchange for agreement from the United States government to return British naval deserters, but such discussions remained bogged down for years and were overtaken by events in 1807. Seamen were often objectified in such discussions, the search for deserters often being compared simply and favourably to the search of neutral vessels for other contraband and goods.⁶³

Again, individual commanders seemed less concerned with the views of London on impressment and desertion, or even the orders of their own station commander, than with the imperative of keeping their own ship functioning in time of war. In 1797, one captain in North America stated “It is my duty to keep my ship manned, & I will do so wherever I find men, that speak the same language with me, & not a small part of them British Subjects, & that too producing Certificates of being American Citizens.”⁶⁴

Desertion was seen in a similar light in Nova Scotia, at least by the authorities and government. In January 1802, the Nova Scotia House of Assembly passed an act which provided for “...more adequate provision for the apprehending and punishing of deserters from the army and navy.” Similar acts were passed in July 1803 and again in December 1803, patterned after similar imperial acts passed by Parliament. Yet the same council rejected a vote which would have encouraged volunteers for the navy by providing additional bounties, due to

⁶² Perkins, *Prologue to war*, 86-7.

⁶³ Ibid. Perkins believed that never in the various Anglo-American negotiations was it suggested that the right to search for naval deserters should be reciprocal. Yet Berkeley’s orders regarding British deserters on the *Chesapeake* specifically allowed for such reciprocal searches.

⁶⁴ TNA:PRO, ADM 1/493, Mowat to Liston, 27 Mar 1797, cited in Jackson, “Impressment and Anglo-American Discord, 1787-1818”, 401.

ongoing disputes with the naval officer over the cost of naval appropriations and the inability of the treasury to pay for those being requested favourably by the assembly.⁶⁵

Lieutenant Governor Wentworth was adamant in his instructions to county magistrates throughout Nova Scotia on the apprehension and punishment of deserters from both the army and the navy, noting that many of them, "Foreigners", "...do not even complain of or suggest any severity of duty or discipline, and must therefore be enticed away, and assisted, harboured and concealed by the inhabitants." Wentworth gave notice to his magistrates that if such deserters were not returned or their numbers not made up by new volunteers, that he would have no option but to "...consent that a Sloop of War be stationed between Margarets Bay and Shelburne Light House to impress from any description of boats and vessels whatever, as many Men, as shall replace those who have deserted since 1st July last or may hereafter desert." He closed his orders by noting that reasonable expenses would be paid for the return of such men, and secrecy granted to those who took such action, "...altho' I think it is too just and honourable a service, not to be avowed and proud of."⁶⁶ The requests seem to have had little success for by May 1804 the Provincial Secretary had to issue a press warrant to Thomas Garth, commanding the *Camel*.⁶⁷

Anglo-American tensions, and no doubt the attitudes of British naval officers in North America, were aggravated by both a perceived lack of interest by the authorities in London in providing them with a less objectionable method of recruiting, and major unrest aboard British ships as well. There were at least three major incidents of mass desertion and mutiny in the twelve months prior to the *Leopard-Chesapeake* incident, all near Norfolk.⁶⁸ The last incident nearly brought the United States and Great Britain to war in 1807. It is of most interest here, as deserters from the *Halifax* sloop and the actions of the *Leopard* frigate were at the centre of the incident.

⁶⁵ Some £10,000 of appropriations had been authorized by the House, £2,000 of it for naval volunteer bounties, but Council estimated that the Treasury could only raise one-quarter of that amount at best, and vetoed the appropriations. Wentworth to Hobart, Halifax, 6 Jan 1802, 25 Jul, 6 Aug and 24 Dec 1803, in Harvey, ed., *Calendar of Legislative Papers, NS, 1802-15*, 5-6, 44, 6, and 50-1; and "Resolution of the House on the motion of Mr. Robie censuring the conduct of the Council in rejecting the vote for encouraging volunteers to the Navy", 28 Jul 1803, in *idem*, 45.

⁶⁶ Wentworth to Creighton et al, 7 Sept 1803, in *Ibid.*, 47.

⁶⁷ B. Wentworth to Garth, Halifax, 1 and 8 May 1804, in *Ibid.*, 54. The lieutenant governor requested that one man Garth pressed be released, as he was a native of Nova Scotia with a wife and family.

⁶⁸ Gaines, "George Cranfield Berkeley", 89.

In June of that year, much of the North American squadron was deployed in Chesapeake Bay, off the Susquehanna, York and Potomac rivers, or off the capes of Delaware Bay. Its vessels were enforcing trade regulations concerning neutral American shipping and searching for French warships rumoured to be operating along the eastern seaboard of the United States, who, like the British, regularly used the Chesapeake region as a rendezvous to repair, reprovision and to water. As always, the squadron was short-handed throughout this period, particularly when a number of schooners and cutters were constructed at the Bermuda naval yard for the use of the squadron and other stations were to be manned out of the current complements of Berkeley's ships, despite his protests to the Admiralty Board.⁶⁹ Within weeks of the small cutters being manned and sent on operations, their new crews were deserting to the Americans. The *Zenobia*, sent to Chesapeake Bay on her first cruise, almost immediately ran aground and was lost. All but eight of her men deserted shortly she was wrecked, having given way to the temptations of the American shore.⁷⁰

Many such men quickly availed themselves of American naturalization law and purchased certificates of nationality and protections against impressment, which were often forged and easily obtainable in major ports. Berkeley informed the Admiralty that:

The high Wages given both on their Men of War and trading Ships cannot be withstood by the Men, and the open and avowed protection given to them certainly requires some explanation from the American government...the Deserters from His Majesty's Ships openly parade the Streets of Norfolk, bearing the American flag under which they have enlisted for the Frigate Cheasapeak now fitting at Norfolk for the Mediterranean and bidding defiance to their Officers when spoken to.⁷¹

Some men had other reasons to desert. These often were based upon the experience of discipline and authority aboard ship, which could be influenced by their national, regional or local identity, ethnicity or race. Their commanders often relied on more strict discipline, in some cases tending towards the tyrannical, to keep their men in line and try to prevent desertion.

Berkeley dealt with questionable protections and citizenship claims among his seamen by pressing the man in question and then awaiting the outcome of enquiries from the British consul or minister to the American authorities. If valid, the man's release would eventually

⁶⁹ TNA:PRO, ADM1/496, Berkeley to Marsden, Bermuda, 2 and 8 Dec 1806, f. 512, 520.

⁷⁰ TNA:PRO, ADM1/496, Berkeley to Marsden, Bermuda, 8 and 10 Dec 1806, f. 520, 525-6.

⁷¹ TNA:PRO, ADM1/497, Berkeley to Marsden, Bermuda, 23 Mar 1807, ff. 72-3.

occur, but only after a long delay of months if not years during which he forcibly served aboard the ships of the squadron. Berkeley and his captains also held the position that any American seaman who had ever taken the bounty on a British warship was to be considered of English nationality despite any documentation that might be produced to the contrary. This latter principle was overturned in the spring of 1807 after a high-level American diplomatic protest over an American seaman pressed on board the *Bellona*. This eventually resulted in an order from the Admiralty on 27 April to Berkeley, noting that citizens of the United States who may have shared in the bounty for volunteers aboard a British warship were no longer to be treated as British seamen.⁷² Berkeley and his officers had good reason to be suspicious of such protections, and the station commander continually provided London and the British minister and consuls in America with a flow of information relating to them and examples of fraudulent documents.⁷³

The desertions which so infuriated Berkeley in the summer of 1807 in the months during which the *Chesapeake* frigate was fitting out at Norfolk came from the *Melampus* frigate and the *Halifax* sloop (18). In Hampton Roads near the end of February, five seamen from the *Melampus* deserted with their ship's gig while the officers were distracted by their raucous evening's activities. Two of the men, William Ware and Daniel Martin, were American volunteers, while a third, John Strachan, was a pressed American seaman who decided to avail himself of the bounty as a volunteer when given the option while entering the ship. Attempts to recover the men through the offices of John Hamilton, the British consul at Norfolk, were futile as there was no federal law or diplomatic treaty regarding the return of deserters from foreign vessels. What diverse local laws existed only provided for the return of deserters from merchant vessels, not warships, and these the American authorities were honouring. The five men were believed to be serving aboard the *Chesapeake*, but its commander acknowledged only the presence of the three Americans, as American naval law forbade the enrolment of foreign citizens aboard United States warships.⁷⁴

The *Halifax* had also lost five men to desertion near Hampton Roads when a boat's crew of four seamen and a boatswain's mate putting out a kedge anchor had risen against the midshipman commanding them, discussed murdering him, but then fled ashore without doing

⁷² Gaines, "George Cranfield Berkeley", 90.

⁷³ TNA:PRO, ADM1/497, Berkeley to Marsden, Bermuda, 23 Mar 1807, ff.77-84.

⁷⁴ Gaines, "George Cranfield Berkeley" 91-2.

so. When the sloop next touched shore at Norfolk, Virginia, to replenish her water and stores, her commander, Lord James Townshend, recognized three of his men signing up to serve in the United States navy at a rendezvous established by the officers of the *Chesapeake* which was fitting out there. Townshend applied to both the American magistrate at Norfolk and an American lieutenant at the rendezvous for their return. He also attempted to convince them himself to return to the British naval service. After a heated exchange between Townshend and one Jenkin Ratford, the men refused to return to the *Halifax*. The American naval officers subsequently refused to return them as was requested by the British consul at Norfolk. Townshend reported the incident, describing in great detail the mutinous expressions and insolence showered upon him by the imaginative and colourful Ratford, now free of the oppressive disciplinary regime imposed by Townshend onboard his vessel. He also reported that as many as thirty-five "Englishmen" were reported to have enlisted aboard the *Chesapeake*.⁷⁵

One further incident occurred to incur Berkeley's wrath, when the *Driver*, under Captain William Love, despite being banned from American territorial waters by President Madison's proclamation following the *Leander* incident, dropped anchor in Charleston harbour to reprovision. The *Driver*'s presence at Charleston caused a riot, and the authorities there notified Love that he had twenty-four hours to leave territorial waters or they would bring the harbour's gun batteries to bear on the British interloper.⁷⁶ For Berkeley, this was the turning point in his struggle with the problem of desertion in the squadron and with the behaviour of the American government. He was already enraged that British seamen would not only desert to the United States navy, but that they would then flaunt their new allegiance in such an open and insulting manner in front of their former officers. The fact that American authorities were now refusing his vessels access to American territorial waters under the threat of force further infuriated him. The station commander informed London of the difficulties involved in operating along the American coastline, particularly now that the United States government had virtually prohibited the entry of British warships into American ports.

⁷⁵ TNA:PRO, ADM 1/497, Townsend to Berkeley, *Halifax* at Bermuda, 24 Mar 1807, ff. 75-6. The other deserters, including senior petty officers, were: Henry Saunders, the Yeoman of the Sheets, born at Greenock; Richard Herbert, a sailmaker, born at Liverpool, and seen by Townshend parading the streets of Norfolk with an American flag; George North, Captain of the Maintop, born at Kinsale; and William Hill, who claimed to be born at Philadelphia. Ratford himself was a Londoner. Townsend's disciplinary regime is analysed in Chapter 6.

⁷⁶ Gaines, "George Cranfield Berkeley" 95.

Operations were complicated by the fact that almost none of the boats of the squadron's vessels could be trusted to go ashore without several of their men deserting, who then submitted officers to the "most glaring insults if attempted to be reclaimed." Berkeley also told London of his belief that the *Chesapeake* was being manned almost entirely with deserters from British warships.⁷⁷ The one omission in Berkeley's missives to London concerned any specific action he planned to take in light of these events, although he alluded to how past threats of force had previously achieved a more conciliatory attitude from the American government. On 1 June 1807, the admiral issued orders to all warships and armed vessels on the North American station to stop and search that frigate should they encounter her outside of American territorial waters.⁷⁸

The *Leopard-Chesapeake* affair

On 22 June 1807, the *Leopard* under Captain Salisbury Pryce Humphreys encountered the *Chesapeake*, under Commodore James Baron, while on a cruise. The details and outcome of the affair are discussed and debated in detail elsewhere.⁷⁹ Essentially, the *Chesapeake* was stopped and challenged by the *Leopard* to be searched for deserters in accordance with Berkeley's orders. Baron replied to Berkeley's and Humphrey's letters by noting that the American government "were most pre-emptory in not suffering any Foreigner to enter his Ship's Company", and stated that he had no British deserters on board while his instructions prevented him from allowing the *Chesapeake* to be searched.⁸⁰ The *Leopard* then opened fire on the unprepared American warship. After a brief and largely one-sided exchange of gunfire, the American frigate surrendered. After three hours of searching, six British deserters were found and taken from the frigate. Two of them had been killed in the exchange of fire between the ships, and one supposedly jumped overboard and subsequently drowned during the return

⁷⁷ TNA:PRO, ADM1/497, Berkeley to Marsden, Bermuda, 28 Apr 1807, f. 107.

⁷⁸ TNA:PRO, ADM 1/497, Berkeley to Captains and Commanders of HM Ships on the North American station, 1 Jun 1807. The orders were reproduced in full in *The Nova Scotia Royal Gazette*, 7 Jul 1807. Berkeley's orders were reciprocal, in that they allowed his captains to approve requests from American navy captains who wished to search British warships for deserters from the American navy. Such searches by either side were to be conducted "according to the customs and usage of civilized nations, on terms of peace and amity with each other." They did not authorise opening fire on an American warship, although Humphreys was likely present when the orders were drafted, and was *au courant* with the exact intentions of his commander in chief.

⁷⁹ The most complete and objective account of the *Leopard-Chesapeake* affair is that of Tucker and Reuter, *Injured Honor*.

⁸⁰ "Extract of a Letter from a Gentleman on board His Majesty's Ship *Leopard*, dated Chesapeake Bay, June 24th, 1807", *The Nova Scotia Royal Gazette*, 7 Jul 1807.

to the *Leopard*. Of the four survivors, three men were from the British frigate *Melampus* and one from the *Halifax* sloop. The officers conducting the search suspected that many others were also aboard.

Berkeley, meanwhile, as yet unaware of what had transpired off Virginia, again wrote to London on the subject of desertion on 30 June 1807. He reported "...at this season of the year great encouragement is given by the farmers and fishermen of this province to the deserters from His Majesty's ships as well as from the States, to which the seamen endeavour to escape by land." The Nova Scotia militia had been active in apprehending several deserters, and claimed the bounty for their recovery. The admiral stressed that the militiamen could incur considerable expenses, "...as there are no publick conveyances on the roads, they are obliged to walk with the Prisoner and subsist themselves and the Men they have in charge, and if they are not repaid will of course hereafter take no pains to apprehend Deserters by which His Majesty's Service may suffer greatly." Berkeley wanted the commissioner at the Halifax yard, Captain J.N. Inglefield, to pay these expenses out of the yard accounts, but he had found they had been ordered not to in instructions from the Navy Board from November 1805.⁸¹

When the dispatches describing the events arrived in Halifax on board the *Columbine* sloop on 4 July, the *Leopard-Chesapeake* affair was reported in the Halifax newspapers on 7 July. One of these claimed that the propriety of the orders issued by Berkeley to stop and search the *Chesapeake* for deserters should they encounter it outside of American territorial waters was entirely justified. The newspaper highlighted the fact that Captain Humphrey's behaviour in the attempted communications with Commodore Baron reflected "the highest honour" given that Humphrey had shown "on the one hand, the most patient forbearance; and on the other, the most inflexible determination to do his duty."⁸²

The four men, William Ware, Daniel Martin and John Strachan⁸³ of the *Melampus* and Jenkin Ratford of the *Halifax*, were court-martialled. Ratford's trial occurred on board the *Belleisle* in Halifax Harbour on 26 August 1807. The court was presided over by Vice Admiral Sir Alexander Cochrane. Cochrane, the commander of the Leeward Islands station, was in Halifax refitting the *Belleisle* and some other ships of his squadron at the naval yard, and

⁸¹TNA:PRO ADM1/497, Berkeley to Marsden, Halifax, 30 Jun 1807, ff. 200-1; ADM1/497, Inglefield to Berkeley, Halifax Yard, 27 Jun 1807, f. 202.

⁸² "Extract of a Letter from a Gentleman on board His Majesty's Ship *Leopard*, dated Chesapeake Bay, June 24th, 1807" *The Nova Scotia Royal Gazette*, 7 Jul 1807.

⁸³ Referred to as Strawhawn in some contemporary records.

fulfilled the role of court president as the second senior officer in the port. Ratford was sentenced to death, and was hanged from the yardarm of the *Halifax* sloop.⁸⁴ The other three seamen were tried on board the North American station flagship *Bellona* on 8 September 1807, again with Cochrane presiding over the court of naval officers. They were also found guilty of desertion, "...but in consideration of former good conduct and high character given them by their officers as well as contrition shown for their offences..." they were sentenced to receive "only" 500 lashes each, and to be flogged around the fleet at Halifax.⁸⁵

The action by the *Leopard* became a major international incident, with both sides willing and apparently eager to go to war. Britain rushed reinforcements to the North American station, while the United States government, considering what preparations could be made for a war with Great Britain, issued a presidential proclamation interdicting all British ships of war from entering American ports. Somewhat perversely Berkeley then asked the Admiralty to persuade the British government to demand that the rights of neutrality strictly be observed. The bellicose admiral noted that it was impossible for his squadron to protect the trade of Great Britain unless his warships were permitted to enter American harbours, which was "...the only clear and decisive definition between a State of Warfare or Peace between two nations."⁸⁶

As further post-facto justification for his actions, Berkeley reported to London on 27 July 1807 that he had received intelligence from the *Vesta* schooner upon her return to Halifax that some 150 men of the *Chesapeake*'s crew, reported to be "English", had assembled on the quarterdeck of the frigate on 16 July to inform their captain that they "...refused serving under the American Flag in the Event of Hostilities between the two Nations, and demanded their Discharge on the English Merchant Ships then quitting Port, which was refused by the Officers."⁸⁷ Recalled to London, Berkeley was quite active in his defence. He also had many supporters, including from some perhaps unsuspected quarters given the irritant impressment and desertion could provide in relations between the North American squadron and the inhabitants of its main bases.

⁸⁴ TNA:PRO, ADM1/5383, Courts martial papers, Aug to Oct 1807, Court martial of J. Ratford for mutiny, desertion and contempt, *Belleisle* at Halifax, 26 Aug 1807.

⁸⁵ TNA:PRO, ADM1/5383, Court martial of W. Ware, D. Martin and J. Strachan for desertion, *Bellona* at Halifax, 8 Sept 1807.

⁸⁶ TNA:PRO, ADM1/497, Berkeley to Erskine, Halifax, 28 Jul 1807, ff. 236-8.

⁸⁷ TNA:PRO, ADM1/497, Berkeley to Marsden, Halifax, 27 Jul 1807, f.250

Upon first impression, Berkeley's reputation and actions seem to have fared better in Halifax than in London. Between December 1807 and February 1808, Berkeley received at least five different public memorials from the leading citizens of both Halifax and St. George's, Bermuda. The Nova Scotia House of Assembly also praised the "moderation" of his conduct towards the Americans with regard to the *Leopard-Chesapeake* affair, his devotion to protecting their valuable trade by providing warships for convoys when needed, and particularly in the admiral's "...refrain[ing] from...any unnecessary impressment of our Mariners...".⁸⁸ It is unclear whether the average seaman shared the enthusiasm of leading merchants, town notables, and politicians with regard to Berkeley's tenure as commander-in-chief of the North American station. The Nova Scotia Assembly stated its thanks for Berkeley's "uncommon regard... manifested for the Liberties of the Subject, and the individual welfare of the People of this Country, who will long retain a grateful sense of your conduct in these particulars." The assembly voted 100 guineas for "...the purchase of a piece of Plate as proof of their high respect and esteem."⁸⁹ Another Halifax memorial, signed by sixty-eight prominent citizens, declared "...we cannot omit expressing our approbation of the Principles upon which you have acted, as these blessings would soon vanish, if a neighbouring Country is permitted to give so vital a Stab to our Navy, as to seduce from our Service and receive into theirs the Seamen which compose its Strength."⁹⁰ Bermuda memorials used almost identical language, and thanked Berkeley for improvements he had made to the naval base on those islands that "...have led to the increasing importance of these Islands and Harbours... from which incalculable advantages may be expected to result to the British Empire."⁹¹ It would seem that the citizens of Halifax and Bermuda were quite happy with aggressive action to search out deserters and the impressment of Americans and other neutral merchant seamen into the North American squadron, as long as it did not affect their trade or the inhabitants of their towns.

⁸⁸ YUBL, Osborn Files, "B" Folder, 1187, "Berkeley, George Cranfield, 1753-1818".

⁸⁹ YUBL, Osborn Files, "B" Folder 1187, Berkeley papers, Letter 6, "Address of the Province of Nova Scotia Dec 17, 1807".

⁹⁰ YUBL, Osborn Files, "B" Folder 1187, Berkeley papers, Letter 4, "Address of Inhabitants of Halifax to George Cranfield Berkeley, Dec 14 1807".

⁹¹ YUBL, Osborn Files, "B" Folder 1187, Berkeley papers, Letter 8. "Address of Inhabitants of St. George, Bermuda, Feb 16, 1808".

Given their very similar language, it is possible that Berkeley or his supporters had orchestrated the memorials prior to his departure. The admiral had time to reply to at least one of the Halifax letters before sailing for England after his recall, writing:

The interests of this Province are so closely connected with the prosperity and maritime strength of the Mother Country that any Officer would [be] highly culpable, if he did not feel it his peculiar Duty to promote them by every means in his power. To this object I trust that my anxious endeavours have been directed, and it is no trifling consolation to find that in whatever light those measures which I have adopted to uphold the dignity of my Country and the glory of its Flag may be viewed at home, this Honorable testimony of the approbation of so respectable a Body ...cannot fail to impress the publick mind with their opinion of the rectitude of my intentions...⁹²

Yet an examination of the calendar for the Nova Scotia legislative papers reveals that not all of Halifax's leading citizens, the council, or the lieutenant governor supported such memorials. A customs official, Mr. William Cotnam Tonge, a recipient of the admiral's patronage, had originally proposed the memorial for Berkeley. Tonge had long feuded over naval appropriations with the house, the council and the lieutenant governor, resulting in the loss of almost one-third of the government's annual revenue. Tonge was Catholic, and according to Lieutenant Governor Wentworth, was believed to be disloyal to the Protestant government. Wentworth believed Tonge was forming combinations throughout the province's settlers and fishermen, many of whom were of American origin or were "useless Irishmen" in Wentworth's view. In the same report, Wentworth also noted how, after local fishermen had been mistakenly detained and then released by the navy during a search for deserters, that false rumours quickly circulated to the effect that upwards of one hundred families of American settlers had returned to the United States, believing they would no longer be protected against impressment.⁹³

The aftermath of the affair had wide-ranging political ramifications not only in the sphere of Anglo-American relations, but also for British domestic politics. The fact that the current opposition in Parliament had been responsible for Berkeley's original appointment to the Halifax station nearly brought government to a halt. Perkins believes Grenville, now in opposition, declined to defend Berkeley as he did not believe there was any basis in the laws of

⁹² YUBL, Osborn Files, "B" Folder 1187, Berkeley papers, Unnumbered Letter, Berkeley to House of Representatives of the Province of Nova Scotia, Halifax, 17 Dec 1807.

⁹³ Wentworth to Castlereagh, Halifax, 3 Feb 1806, in Harvey, ed., *Calendar of Legislative Papers, NS, 1802-15*, 92.

the sea for the admiral's actions. Grenville was restrained in this due to both his role in the former Ministry and earlier connections with Berkeley. Bathurst, Berkeley's brother-in-law, now in the government, was more interested in saving his relation from a dangerous and harsh winter voyage home across the North Atlantic if the admiral was recalled than in showing any disapproval of Berkeley's actions towards the Americans.⁹⁴

British public opinion was virtually united behind Berkeley's actions. Almost every newspaper publicly supported the admiral, and the nation's right to search neutral naval vessels for British deserters. Yet the ministry, failing to take advantage of this potential support, instead recalled Berkeley and made an offer of reparations to the American government in an effort to avoid potential conflict. Perkins has shown that this decision was taken only after the British cabinet considered asserting the right to search foreign warships. One Foreign Office memorandum justified hostile action in support of such searches, ranging from a declaration of general war against states found to be harbouring British deserters at one extreme, to only the use of force against a single ship at the other. Other memoranda to Cabinet argued the opposite case, that the right to search neutral ships of war should be given up. Bathurst himself noted that while Berkeley's actions were unauthorized, there was some formal legal opinion which backed retaliation against the United States, particularly due to the American provocations which had been suffered with regard to desertion. Bathurst wrote that had the *Leopard-Chesapeake* despatches arrived in London after a victory during the conflict with Napoleon rather than after the recent defeat in Poland, "...we should have thought he [Berkeley] had acted with great Spirit, and had been fully justified in his Orders." After considering all arguments, Canning eventually declared to Monroe after this Cabinet review that the right to search neutral warships had been given up.⁹⁵

Engaged in a global war with Napoleonic France and with its financial and military resources stretched, the British government had little desire in 1807 to begin another conflict across the Atlantic in North America. At the same time, the Admiralty once again seemed to do little to attempt to relieve the manning and desertion problems of the North American squadron, which were central to the actions of Berkeley and other commanders. Meanwhile, the hawks among American politicians realised that their country itself was perhaps not

⁹⁴ Perkins, *Prologue to war*, 191.

⁹⁵ *Ibid.*, 191-4.

prepared for war. After much diplomacy, tensions eased somewhat. An infuriated Admiralty Board then recalled Berkeley to London, replacing him with Admiral Sir John Borlase Warren on 15 October 1807.⁹⁶

Sir John Borlase Warren

The activities and orders during Sir John Borlase Warren's first tenure as station commander in North America, between February 1808 and January 1811, provide an ideal case study of the problem of desertion in Nova Scotia and elsewhere from the point of view of the senior officer on the station. This owes much to the fact that many of Warren's private and official papers and correspondence with local colonial authorities, merchants, his captains and commanders, as well as with London, have survived. This was particularly the case in the months immediately after his arrival on the station. Warren almost immediately had to issue orders to the ships of the squadron operating in Chesapeake Bay against the French squadron in North America. These included standing orders not to send any men on shore from boats on duty, not to anchor in the Chesapeake except in cases of extreme necessity, and "...to avoid having any Men seduced from their duty or any dispatches with the Inhabitants..."⁹⁷ Complements of vessels refitting at Halifax were to be quartered onboard the *Centurion* guard ship to prevent men from going ashore and having greater opportunity to desert.⁹⁸

Warren was also quick to take advantage of the presence of some of the ships of Sir Alexander Cochrane's Leeward Islands squadron that had appeared at Bermuda. Warren ordered supernumerary seamen transferred from them into the *Tourterelle* guard ship at that anchorage. He did the same with his own ships as well in an effort to balance the manpower shortage through redistribution of supernumeraries to other ships. Warren justified his actions in his orders to both Cochrane's and his own commanders by noting that the North American squadron was much in need of men. Meanwhile, the Admiral ordered the *Chub* schooner to Halifax to deliver despatches and attempt to raise more men, and the *Cuttle* schooner to operate off Bermuda for the same object, duties such small vessels regularly were tasked

⁹⁶ Warren took command on Berkeley's departure from Bermuda on 27 Feb 1808. Douglas, *Flag Officers*, 48.

⁹⁷ NMM, WAR/12, J.B. Warren Order Book, Dec 1807 to Oct 1809, Warren to Lawrie, *Swiftsure* at Bermuda, 9 Mar 1808.

⁹⁸ NMM, WAR/12, Warren to Monke, Halifax, 22 Nov 1808.

with.⁹⁹ Larger vessels on cruises also had almost standing orders to raise seamen for the squadron at every opportunity. For example, the *Colibre* sloop, ordered to cruise for protection of the trade in the Gulf of St. Lawrence, was directed to raise men for several vessels. Henry Jane, her captain, also was ordered by Warren "...to take Care not to distress the Merchant Vessels by taking too large a proportion of Men from each. You are to send one of the Schooners off Pictou, Miramichi and Prince Edward Island to collect Men but upon no account to take Men from the Shore or Impress any Native of this Province, nor to land any persons for that purpose."¹⁰⁰ Officers sent to smaller communities such as Ship Harbour known to be assisting and concealing deserters were ordered to take "...care not to act on Shore without the Authority of a Magistrate and to avoid any disturbance..."¹⁰¹ In the same fashion as for Americans, protections could be issued for natives of Nova Scotia and members of its militia. As with American documents, these could also be forged, altered, or even improperly issued by authorities to those not entitled to them, leading Warren to complain to Lieutenant Governor Sir George Prevost in late 1810 that such papers needed to be better authenticated on their being issued to those claiming to be local seafarers.¹⁰² The squadron was also short of many marines, to the point where ships returning to England were often ordered to discharge their marines into other ships of the squadron before returning home.¹⁰³

Like Berkeley, Warren spent much of his time evaluating intelligence concerning deserters who were being concealed and aided by locals in various towns and villages in Nova Scotia, perhaps indicating that some sort of underground railroad in reverse existed for seamen wishing to run to the United States. The smaller vessels of the squadron were often tasked with visiting these communities when reliable intelligence was received regarding the presence of naval deserters. Attempts to recover them could lead to accusations of pressing ashore and other disorder from colonial officials and merchants.¹⁰⁴ For example, deserters from the ships of the squadron were known to shelter frequently in the bays and coves around Sambro Island near the entrance to Halifax Harbour, where seamen from merchant ships coming into port

⁹⁹ NMM, WAR/12, Warren to Croston, Bermuda, 9 Mar 1808; Warren to Croke, Bermuda, 22 Mar 1808; Warren to Tucker, Bermuda, 9 Apr 1808; Warren to Bury, Bermuda, 29 Apr 1808.

¹⁰⁰ NMM, WAR/12, Warren to Jane, Halifax, 12 Jun 1809.

¹⁰¹ NMM, WAR/13, Warren to Proctor, Halifax, 25 Jul 1810.

¹⁰² NMM, WAR/42, Warren to Prevost, Halifax, 21 Sept 1810.

¹⁰³ NMM, WAR/12, Warren to Somerville, Halifax, 15 Jun 1808.

¹⁰⁴ See, for example, NMM, WAR/42 Warren to Wood, Bermuda, 16 Dec 1809. Bermuda posed similar problems, but on a smaller and more manageable scale.

were also often put ashore in an effort to avoid being pressed. Warren had one of his schooners regularly cruise there to raise men and to make reports to the senior naval officer at Halifax every other day.¹⁰⁵

Similar harbour mouth communities such as Ketch Harbour, Herring Cove, Prospect, Lawrencetown and others were also involved in such activities or simply engaged deserters to work onboard local fishing vessels.¹⁰⁶ Other small fishing ports further from Halifax on both the southern and eastern shores of Nova Scotia, such as Ship Harbour, Canso, and others throughout St. Margaret's Bay such as Aspotagen, Lunenburg, and Liverpool were all havens for runaways. The local militia was tasked to search them out, or boats from navy vessels regularly visited in search of such fugitives.¹⁰⁷

Deserters in Liverpool in this period were often sheltered through the use of debt obligations, either deliberately via the assistance of friends who would swear to debt obligations against the runaways, or through a free-spending maritime lifestyle which quickly saw some of them end up in debtor's prison. In the case where the debt obligation was believed to be fraudulent, naval officers pressured the local magistrates and sheriff to release the man and return him to his ship, which they often did after a token protest, such as in the case of William Pritchard, a deserter from the *Mercury*. Captain Stanhope of that ship had intelligence that Pritchard was living in Liverpool, and wrote to the magistrate there that it was likely that "some Rascal may Sware a Debt against him". It turned out that Pritchard was in jail in Shelburne due to debt obligations of £95. After Stanhope's interventions, Pritchard was eventually released, and returned to the *Mercury*.¹⁰⁸

Even inland communities such as those along the Shubenacadie River received deserters from the navy,¹⁰⁹ as did those on the western shore such as Malagash and Pictou. Some militia officers, including senior ones, turned a blind eye to such men, possibly because they were involved in what may have been a profitable network smuggling deserters.¹¹⁰ Given Warren's pleas to the newly arrived Lieutenant Governor, George Prevost, it is also possible

¹⁰⁵ NMM, WAR/12, Warren to Douglas, *Swiftsure* at Halifax, 17 Jun 1808.

¹⁰⁶ NMM WAR/13, Warren to Innes, Halifax, 30 Oct 1809; Warren to Croke, Halifax, 20 Aug 1810.

¹⁰⁷ Wentworth to Bowyer, Halifax, 3 May 1805, in Harvey, ed., *Calendar of Legislative Papers, NS, 1802-15*, 72-3 and S.H. George to magistrates and militia at Ship Harbour, Halifax, 25 Jul 1810 in idem., ed., *Calendar of Legislative Papers, NS, 1802-15*, 208; idem., ed., *Diary of Simeon Perkins v.2*, 321, 427 entries for 25 Jun 1786, 27 May 1788; idem., ed., *Diary of Simeon Perkins v.2*, 427 entry for 27 May 1788.

¹⁰⁸ Harvey, ed., *Diary of Simeon Perkins v.2*, 226-9, entries for 14 and 29 Apr 1784.

¹⁰⁹ NMM, WAR/41, Warren to Wallace, Halifax, 26 Jun 1809.

¹¹⁰ Wentworth to Gardiner, Halifax, 7 Nov 1805 in Harvey, ed., *Calendar of Legislative Papers, NS, 1802-15*, 81.

that magistrates and other authorities were involved in such traffic in certain communities, or at minimum ignored it.¹¹¹ Prospect seems to have been a particularly problematic community, as privateers and letters of marque often enticed men to desert and entered them into their crews there. Even men who deserted from ships of the squadron at Boston often made their way back to this small Nova Scotia fishing community to seek such employment or passage on an outward-bound vessel.¹¹² Canso was seen in similar light, as Warren considered it "...a place where the Men cannot be retained in safety." He believed that men who deserted there often made their way to Pictou, on the Northumberland Strait, where many merchant vessels from Liverpool, England and London were making passages, some of them carrying Scots emigrants to Nova Scotia.¹¹³

Other men used such networks to make their way to communities along the Bay of Fundy, and from there to the United States. The best account of such an attempt is that of Ned Myers.¹¹⁴ While Myers' description of his arduous attempted journey is from a slightly later period during the War of 1812, it confirms the existence of such networks. Myers, originally Canadian-born of Hanoverian parents in Québec, ran away to sea in 1805.¹¹⁵ After serving on several vessels including the British warships *Leander* and *Cambrian* as both a volunteer and pressed man, and then serving in an American gunboat on the Great Lakes, he eventually found himself confined as an American on board a prison ship in Montreal in 1812. There he was pressed onboard the *Surprise* (32), where he and seven conscripted companions were declared native-born Englishmen, and likely entered on the books in that fashion. Yet of the other men, five were American-born, one was from Mozambique and resettled in America, and one was English-born but long resettled in the United States.¹¹⁶

¹¹¹ NMM, WAR/41, Warren to Prevost, Halifax, 8 Jun 1808.

¹¹² NMM, WAR/12, Warren to Standly, Halifax, 6 Sept 1808; Warren to Innes, Halifax, 31 Aug 1809; WAR/41, Warren to Prevost, Halifax, 8 Jun 1808.

¹¹³ NMM, WAR/41, Warren to Mackellar, Halifax, 13 Jun 1808. Naval commanders claimed that such networks existed on the Newfoundland station as well, particularly during the War of 1812. Cf. Mercer, "North Atlantic Press Gangs", 313-7.

¹¹⁴ J.F. Cooper, *Ned Myers; or, A Life before the Mast*, (Philadelphia: Lea & Blanchard, 1843) and W.S. Dudley, "James Fenimore Cooper's Ned Myers: *A Life Before the Mast*", Naval Historical Center/ James Fenimore Cooper Society, [<http://external.oneonta.edu/cooper/articles/other/1997other-dudley.html>] Accessed 19 May 2008.

¹¹⁵ Cooper, *Ned Myers*, 10. Myers' father was an officer in the British army, and his godfather had actually been Prince Edward, Duke of Kent.

¹¹⁶ *Ibid.*, 86.

The important part of Myers' account for the purposes of this analysis is his description of the methods used to attempt to return to the United States. After deserting a British army transport in Halifax, Myers took shelter with the Fraser family whom he knew from his earlier time in British North America but after some difficulty with the servant who answered the door who would not let him in as he was dressed as a common sailor. The head of the family, a local judge, provided Myers with funds and attempted to persuade him to stay in Halifax where Myers' sister still resided. Yet Ned eventually decided to return to his ship and rejoined her with no one the wiser about his absence. On the transport's voyage to Bermuda, escorted by the *Pictou* schooner, Myers and the other Americans aboard attempted a mutiny, but were denounced and put in irons. At Bermuda the men were transferred to the *Goliath* razée, (an old 74-gun 3rd rate cut down to two decks to deal with the heavier American 44-gun frigates) but refused to do duty and were eventually imprisoned. They were joined by other pressed Americans serving on British vessels, who had refused duty at the start of the conflict, and had been severely flogged for their efforts.¹¹⁷

Myers' attitude to identity was clear after viewing these men:

...I do believe the English nation would be averse to men's receiving such treatment, could they fairly be made to understand it. It surely is bad enough to be compelled to fight the battles of a foreign country, without being flogged for not fighting them when they happen to be against one's own people. For myself, I was born, of German parents, in the English territory, it is true; but America was, and ever has been, the country of my choice, and while yet a child, I may say, I decided for myself to sail under the American flag; and, if my father had a right to make an Englishman of me, by taking service under the English crown, I think I had a right to make myself what I pleased, when he had left me to get on as I could, without his counsel and advice.¹¹⁸

Myers claims that he and his compatriots were eventually court-martialled and tried as Englishmen fighting against their king aboard the *Asia* (74) by a court presided over by John Borlase Warren and with Sir Thomas Hardy as a member. More likely, this was a court of enquiry, not a formal court martial. It is unlikely that Warren would have presided over a court that he himself had ordered, and was contrary to regulations. Myers and the others eventually were successful in making their case as Americans, and were returned to confinement, and

¹¹⁷ Ibid., 87-91.

¹¹⁸ Ibid., 92.

finally sent back to Halifax as a prisoner of war with some 800 other Americans, Myers and some of them on board the *Ramillies* (74).¹¹⁹ The Americans again plotted mutiny on the return voyage to Halifax, and Myers believed that they might have been successful, with assistance from an unexpected quarter:

The people of the *Ramillies* outnumbered us by near one-half, and they had arms, it is true; but we trusted to the effect of a surprise, and something of the disposition of most English sailors to get quit of their own service. Had the attempt been made, from what I saw of the crew, I think our main trouble would have been with the officers and marines.¹²⁰

Yet the plan was betrayed by one of the Americans, and the prisoners were more securely confined below decks.

Myers and several of his compatriots eventually succeeded in escaping from Melville Island prison at Halifax, posing as English naval deserters, with the aim of reaching Annapolis Royal on the Bay of Fundy shore and then gaining passage to the United States. They were aided by two Mik'maq natives they encountered along the way near Prince's Lodge¹²¹ – “At first, they thought we were Yankees, whom they evidently disliked, and that right heartily; but the story of the desertion took, and made them disposed to serve us.”¹²² The Indians led the men across the Sackville River outside of Halifax, under the noses of British sentries guarding the main bridge, where they met more Mik'maq camping near the river willing to aid them, and passed through “Maroon town”. They then left the Indians, travelling towards the township of Horton with the aid of their directions. Along the way, an old woman fell for the “deserters from the British navy” ploy, and gave the men shelter and food in return for some coin. That evening search parties arrived in the area looking for “Yankee runaways” from the prison, and as it became clear their benefactor now knew their true identities, they fled immediately.¹²³ They decided to head for Cornwallis on the Bay of Fundy where Myers' recalled from his youth a friend of his family that kept a farm there. Within a day or two the escapees reached Horton, which they carefully skirted, hiding themselves frequently from patrols and sentries along the way. They pushed ahead through the night, finally taking shelter in a barn on his friend's farm, where they rested for two days before continuing along the

¹¹⁹ Ibid., 92-4.

¹²⁰ Ibid., 95.

¹²¹ In modern-day Bedford, Nova Scotia, several miles outside of Halifax at that time.

¹²² Cooper, *Ned Myers*, 100.

¹²³ Ibid., 101-2.

Annapolis road from Cornwallis. Yet en route, they camped and fell asleep, were recaptured by a party of horsemen, and returned to prison in Halifax.¹²⁴

The failure of this escape did not deter Myers, and his second attempt also sheds light upon the local networks which were used to aid deserters. With two other men, he again swam from Melville Island prison but this time headed south instead of west. Posing once again as British naval deserters, and after several days travel along the coast, the Americans encountered an old fisherman. It turned out this man, formerly an Irish seaman in the Royal Navy, was only too glad to help harbour supposed English deserters. "After a little conversation, we told this old man we were deserters from a vessel of war, and he seemed to like us the better for it. He had served himself, and had a son impressed, and seemed to like the English navy little better than we did ourselves."¹²⁵ The fisherman gave the men food and shelter, and directions to the town of Liverpool. Upon reaching that community, they immediately went to the rendezvous of a privateer which was recruiting in the town. The landlord of the inn and keeper of the rendezvous, upon being told that they were English deserters, gave each man £4 bounty, and lodged and fed them. Nevertheless, Myers' second escape failed when the next day, the same "...landlord rushed into our room with a newspaper in his hand, and broke out upon us, with a pretty string of names, denouncing us for having told him we were deserters, when we were only runaway Yankees!"¹²⁶ The landlord wanted his £12 back, while the Americans advised that he keep quiet and simply place them aboard the privateer. Sadly for Myers, in less than an hour a platoon of soldiers had him and his colleagues in custody again. "We had some fun in hearing the officer give it to the landlord, who still kept talking about his twelve pounds. The officer told him plainly that he was rightly served, for attempting to smuggle off deserters, and I suppose this was the reason no one endeavoured to get the money away from us, except by words."¹²⁷

The above account forms only one small part of Myers' much larger reminiscences. Yet along with the evidence of Warren's correspondence and other sources, it amply serves to demonstrate that informal networks did exist in Nova Scotia, and likely elsewhere, to aid naval deserters wishing to find passage to the United States or other forms of employment. Such

¹²⁴ Ibid., 103-5.

¹²⁵ Ibid., 107-8.

¹²⁶ Ibid., 108.

¹²⁷ Ibid.

networks made use of the usual aid one would imagine – ties of kinship and community, and ties of economy. The former included family and friends, however distant and old the ties. The latter included crimps, such as the landlord in Liverpool recruiting for privateers. Yet such webs of assistance could also be composed of unexpected members. These included both upstanding members of colonial society, such as Myers’ “judge”, likely a justice of the peace; and individuals living on the peripheries of that society, notably Mi’kmaq Indians, elderly and compassionate country-folk living in near poverty, and retired Irish and other seamen. Yet regardless of their status, race, ethnicity, gender, profession, and overall place in the social order, all these individuals had an interest in aiding runaways from the Royal Navy in Nova Scotia – indicating perhaps that under the right circumstances, almost anyone would.

Frigates often were ordered to reinforce small vessels sent to communities known to harbour or aid runaways. Their officers, marines and armed seamen had orders to apprehend all deserters. These included those who might hide on coasting vessels going out of Halifax Harbour, and guard boats had orders to search these as well as all incoming vessels. Warren warned his officers that in the performance of these duties, “...great care must be taken not to impress any man who is a Fisherman or a Native of this Province...”¹²⁸ General orders also were issued for no impressment to occur on shore without the support and presence of a local magistrate, or a properly issued press warrant in the absence of one.¹²⁹ Men raised were to be born on the supernumerary list for victuals only until orders were received from Warren as to how they should be disposed of.¹³⁰ A sloop or schooner usually was stationed off Mauger’s Beach on McNab’s Island in the Halifax Harbour approaches to search outgoing vessels for deserters and to press men from incoming ones.¹³¹ Deserters even were believed to enter provincial marine vessels, such as the *Hunter* schooner, which later became a naval vessel. The crews of such government vessels were protected from impressment unless the complement was exceeded, or men who had run from the navy were found to be aboard.¹³²

¹²⁸ NMM, WAR/12, Warren to Scott, Halifax, 17 Jul 1808.

¹²⁹ NMM, WAR/15, General Memorandum No. 51, Warren, Halifax, 29 Jun 1808.

¹³⁰ NMM, WAR/12, Warren to Dick, Halifax, 21 Aug 1808.

¹³¹ NMM, WAR/12, Warren to Wales, Halifax, 22 Jun 1809.

¹³² NMM, WAR/12, Warren [to all captains and commanders], Halifax, 28 Jun 1809.

As Berkeley had attempted to do after the *Leopard-Chesapeake* affair,¹³³ Warren made extensive efforts to procure volunteers or press men from among the many British seamen who were now leaving the United States. These men were leaving because of the effect of trade restrictions on their employment prospects. Many were passing through communities such as Liverpool and Cape Sable on Nova Scotia's southern shore in their attempt to find passage home or to the West Indies.¹³⁴ Warren requested that the army be used to secure such men for the navy when they arrived in large numbers in ports such as Liverpool, having had their transport arranged by the consuls in Boston or New York, otherwise he believed that "...in all probability these men will be lost to the service."¹³⁵ Other similar seamen collected by the consuls and sent on vessels to Halifax for the squadron rose up against the crew of the vessel and demanded to be landed outside of the harbour to avoid naval service.¹³⁶

At first, general orders were issued at Halifax regarding the establishment of a guard boat based at the fort at York Redoubt, which the ships of the squadron had to man and operate in turn. The guard boat was to "strictly examine" all vessels for intelligence and deserters between sunrise and sunset, and report daily to the admiral by eight o'clock each evening. It was to accompany all outgoing vessels beyond the harbour approaches, to ensure that no deserters were taken out of Halifax Harbour and then dropped off in small boats in the harbour approaches - presumably due to the proximity of the problematic communities discussed above. Similarly, while Warren allowed men of the squadron to go on leave, tickets were to be issued to them; any men found without one, or men encountered more than one mile from Halifax with valid leave tickets, were to be apprehended as stragglers.¹³⁷ Warren quickly extended the duties of the guard boat throughout the night time hours and between George's Island and York Redoubt, when he received intelligence that deserters were now using fishing boats and coasting vessels to escape in the hours of darkness.¹³⁸ The guard boat was also used

¹³³ Somewhat cynically, as since July 1807, Berkeley had advertised in Halifax newspapers that the Americans were considering retaliating against any "English" seamen in American waters if the deserters recovered from the *Chesapeake* were to "suffer for their crimes". In his "NOTICE TO BRITISH SEAMEN", the admiral noted "That they will do so, if found guilty upon their trial, is not to be doubted." He therefore encouraged such seamen to "take care of themselves; and, by joining their own COUNTRY'S STANDARD again, avoid an ignominious [sic] and unlawful death." *The Nova-Scotia Royal Gazette*, 1 Sept 1807.

¹³⁴ NMM, WAR/12, Warren to Bowen, *Swiftsure* at Halifax, 18 Jun 1808; Warren to James, Halifax, 15 Jun 1808.

¹³⁵ NMM, WAR/41, Warren to Prevost, Halifax, 15 Jun 1808.

¹³⁶ NMM, WAR/41, Warren to Commissioners of the Navy, Bermuda, 12 Jan 1809.

¹³⁷ NMM, WAR/15, General Memorandum [unnumbered], Warren, Halifax, 10 June 1808.

¹³⁸ NMM, WAR/15, General Memorandum No. 41, Warren, Halifax, 13 June 1808.

to check incoming packets from New York for the presence of British seamen who “might be of use to His Majesty’s Service” as the British consul there often made use of such vessels to try to send seamen to Warren. The officer of the guard was to examine carefully the muster rolls of such vessels.¹³⁹ Any vessels found to be carrying negroes who had been “captured on the Coast of Africa” were to be sent to the new colony of Sierra Leone “for adjudication”.¹⁴⁰ Other blacks, “appearing to be Slaves and to come within the intention of the late Act of Parliament for the abolition of the Slave Trade”, who were recovered from a French prize were ordered to be delivered to an officer of the *Guerrière* “so that the King’s commands may be fulfilled on that Head.” It is unclear whether any of these men were entered onto the books of that frigate.¹⁴¹ Irish seamen found on such prizes were separated from the others, discharged into the flagship for eventual transport to England to be “identified”, likely due to suspicions over their possible Republican tendencies.¹⁴²

The army also was called upon to take up stringently any seaman who straggled more than one mile from Halifax, as well as any man found drunk or disorderly in the streets of the town, and a naval officer passed by the army guardhouse daily to collect such men to return them to their ships.¹⁴³ Army detachments at Sackville and Fletcher’s River on the inland harbour approaches to Halifax regularly were sent lists and detailed descriptions of naval deserters who were believed to be escaping “up the Country”.¹⁴⁴

Provisions also were taken at the Halifax yard to prevent desertion. Many seamen were sent to the yard from their ships in work parties on a daily basis. In addition to the posting of sentries, and the construction of walls around facilities such as the hospital, the eagle-eyed admiral requested that items such as ladders be removed from within the vicinity of the walls when they were not being used “...as the public Service may be greatly injured by Sailors escaping from their Ships by these Means.”¹⁴⁵ He also strictly reprimanded any officer and their commander who allowed boats to be sent on shore for private purposes as such use only

¹³⁹ NMM, WAR/15, General Memorandum No. 42, Warren, Halifax, 13 June 1808.

¹⁴⁰ NMM, WAR/15, General Memorandum No. 40, Warren, Halifax, 22 June 1808.

¹⁴¹ NMM, WAR/41, Warren to Mackellar, Halifax, 19 Aug 1808.

¹⁴² NMM, WAR/41, Warren, to Mackellar, Halifax, 1 Nov 1808.

¹⁴³ NMM, WAR/41, Warren to Prevost, Halifax 8 Jun 1808.

¹⁴⁴ NMM, WAR/41, Warren to Prevost, Halifax, 18 Jul 1809.

¹⁴⁵ NMM, WAR/41, Warren to Inglefield, Halifax, 27 Sept 1808.

provided more opportunities for men to run away. Such offending officers were threatened with court martial if they failed to follow Warren's orders.¹⁴⁶

Extensive measures also were taken at the new naval facilities at Bermuda to prevent desertion. The *Tourterelle* guard ship at St. George's Harbour, where construction of a new careening yard was begun in 1809, was to have a similar role to the *Centurion* at Halifax. Marine guards were established throughout Ireland Island, and had an elaborate signal system, not only for the defence of the facilities but in order to quickly alert posts to the presence of any man who attempted to run away from his ship. The use of boats and landing areas was restricted, and liquor was banned from the island.¹⁴⁷ Efforts to control and prevent desertion were complemented with royal pardons for men who had run from their vessels, again following earlier precedents. For example, in August 1808 a royal proclamation pardoned all seamen and marines who had deserted if they were to return to the service before the end of the year.¹⁴⁸

Not only naval commanders were frustrated by the problem of desertion from the Halifax squadron. Lieutenant Governor John Wentworth was equally at odds with many of the Nova Scotia planters in inland communities. Wentworth believed they were actively involved in seducing seamen, and in concealing and assisting them in their escape. The governor wrote to one correspondent just before the *Leopard-Chesapeake* incident in July 1807 that he was sending out a party of men to search for deserters throughout the province, and that:

I most sincerely wish the Inhabitants of the Country would duly consider the baseness and wickedness of encouraging desertion, by concealing and employing Deserters – The Merchants and other principal Inhabitants of Halifax are wisely sensible of this matter, and have associated in exertions to prevent it. They have liberally subscribed a large bounty to be added to the Kings Bounty, for apprehending, and a still larger bounty, for discovering those who aid, assist or in any manner conceal Deserters.¹⁴⁹

As in earlier periods, bounties were regularly used not only to encourage volunteers for the squadron, but to reward those who turned in deserters. For example, in January 1808 the Nova Scotia House of Assembly passed a resolution granting an award of £3 10s. for each

¹⁴⁶ NMM, WAR/41, Warren to Ramsey, Halifax, 30 Sept 1808.

¹⁴⁷ NMM, WAR/13, Warren to Young, Bermuda, 5 Jan 1810; "General Orders and Instructions for Officer commanding Marine detachment on the Island of Ireland", Warren, Bermuda, 15 Jan 1810.

¹⁴⁸ NMM, WAR/15, Proclamation, No. 57, Warren, Halifax, 5 Aug 1808.

¹⁴⁹ Wentworth to Smith, Halifax, 12 Jul 1807 in Harvey, ed., *Calendar of Legislative Papers, NS, 1802-15*, 120.

deserter apprehended and returned between 1 February and 31 December 1808, with a total sum for such awards not to exceed £300.¹⁵⁰ In November 1809 the existing service bounty “for the Encouragement of Seamen and Landmen to enter on board His Majesty’s Ships, and the Rewards for discovering Seamen who may secrete themselves” were renewed by Order in Council. Every able-bodied seamen not over the age of 50 or under 20 was to receive £5, while ordinary seamen in the same age range were to receive £2 10s. and able-bodied landmen not over 35 or under 18 years of age 30s. Rewards for turning in deserters were set at £3 for an able-bodied seaman, and 50s. for ordinary seamen – apparently landmen were not worth such a reward. Any person who could procure a volunteer for the navy was to receive additionally a sum of three guineas, or 33s., for able-bodied seamen, two, or 22s., for ordinary, and one guinea or 11s. for a landsman, along with an allowance of one penny per mile per seaman for travel to the nearest ship of war or nearest place of residence where sea officers were raising men. The only provisos were that all such men be fit for service, and that “...and there shall not be reason to suppose, that he is an Apprentice.”¹⁵¹ The total bounty in 1808 for a volunteer able-bodied seaman could be close to £10, with the result that some seamen and even petty officers from the *Chesapeake* were now actually entering into British warships.¹⁵² Those for the return of deserters could total as much as £6, and conduct money was paid for travel expenses.¹⁵³

Such rewards were widely advertised in Halifax newspapers and by broadsheet, such as the following case:

Halifax, June 27 1807.

REWARD of SEVENTY-FOUR DOLLARS

A REWARD of Ten Guineas to any person who shall inform, and prove to conviction, against any person, who shall harbour, conceal, or encourage, or otherwise be assisting, any Seaman or Marine belonging to any of His Majesty’s Ships on this Station, in deserting from their Ships, -- and

A Reward of Three Guineas

For any Deserter from his Majesty’s Navy...and a further Reward of

Three Pounds Sterling

will be paid for each Deserter by the Naval Officer of His Majesty’s Dock Yard at Halifax...¹⁵⁴

¹⁵⁰ “Resolution for granting 3.10.0 for each deserter...”, 27 Jan 1808 in Ibid., 138.

¹⁵¹ NMM, WAR/60, Barrow to Warren, London, 24 Nov 1809.

¹⁵² NMM, WAR/41, Warren to Barclay, Halifax, 8 Jun 1808.

¹⁵³ NMM, WAR/42, Warren to Inglefield, Halifax, 3 Oct 1809.

¹⁵⁴ *The Nova-Scotia Royal Gazette*, 7 Jul 1807.

It was also common for specific advertisements and descriptions of individuals or groups of deserters to appear, in a fashion almost identical to that for runaway slaves, indentured servants, and escaped prisoners from the Melville Island naval prison.¹⁵⁵ One example of such an advertisement reads as follows:

Ten Pounds Reward.
DESERTED,
From His Majesty's Ship SQUIRREL, on the 14th July:
SAMUEL SLEE,

A Lad about 16 years of age; short light brown hair; rather fresh coloured; slight make and active; had on when he went away, a short blue coat, nankeen trowsers, half boots laced in the front; was born in Painton, in Devonshire; his mother lives at Plymouth. – He slept at Mr. John Waggoner's, last night, at Goodwood, and proceeded on to Margaret's Bay or Prospect. He told Waggoner he intended going to Mr. Lennock's at Lunenburg.

Whoever will apprehend the above Deserter, and deliver him to any of His Majesty's Ships on this Station, shall receive TEN POUNDS over and above the usual rewards, upon producing a certificate from the Commanding officer to Mr. Peter Smith, Merchant.¹⁵⁶

Yet when men who had deserted from ships of Cochrane's Leeward Islands squadron which were refitting at Halifax were recaptured and returned by the sheriff of Annapolis County, Wentworth was equally quick to disclaim the bounty which Cochrane himself had apparently advertised while in Halifax. Wentworth noted in a letter to Berkeley that the governor was only authorized to pay such expenses and rewards from the provincial funds; thus, no bounties were currently granted for that purpose. Wentworth went on to lament that he could not reward the Sheriff and the militiamen who had taken part in the recapture of the sailors for their "zeal and loyalty."¹⁵⁷ The reason no bounties may have been available for this purpose in 1807 may have been due to a prolonged debate and delay in the house of assembly over various appropriations bills from 1806 onwards, which included monies to be granted for paying bounties for recruiting seamen and the return of deserters.¹⁵⁸

¹⁵⁵ "Escaped, from the Naval Prison at Melville Island..." *The Nova-Scotia Royal Gazette*, 7 Jul 1807.

¹⁵⁶ *The Nova-Scotia Royal Gazette*, 23 Jul 1809.

¹⁵⁷ Wentworth to Berkeley, Halifax, 26 Oct 1807 in Harvey, ed., *Calendar of Legislative Papers, NS, 1802-15*, 126.

¹⁵⁸ Wentworth to Castlereagh, Halifax, 3 Feb 1806 in *Ibid.*, 92.

The general failure of such measures can also be seen by the fact that on 1 September 1807, Berkeley issued a proclamation, which promised a free pardon for all deserters, excluding mutineers, who would give themselves up to the authorities by 20 September. The proclamation began by noting that “...the DESERTERS from the Navy cannot ultimately escape: In order to warn them, therefore, and prevent that punishment which they will undoubtedly suffer after this notice – The Admiral hereby proclaims A FREE PARDON FOR DESERTERS.”¹⁵⁹ By early 1812, and with war with the United States clearly visible over the horizon, the new lieutenant governor pleaded with the house of assembly to recommend higher financial rewards for the capture of deserters.¹⁶⁰ Meanwhile, the provincial secretary’s office continued to handle petitions to the lieutenant governor asking for the defrayment of expenses and bounties for the return of deserters.¹⁶¹

Warren himself learned he was to be relieved as station commander in September 1810, and in October it was decided that Vice Admiral Herbert Sawyer would be his replacement.¹⁶² Some months after Warren’s departure from North America, his successor had to deal with another serious incident with the United States. On the 16 May 1811, the *Little Belt* sloop encountered the much more powerful American frigate *President*, which opened fire on the smaller vessel without any warning. Naval tensions rose to even greater levels, and the incident foreshadowed the coming conflict.

When Warren returned to the Halifax station shortly after the outbreak of war with the United States in 1812, he was apparently so in need of trained seamen that the admiral was willing to fudge his books to take on the indentures of marine apprentices who had deserted from a merchant vessel. The four seamen had run from their master to take up employment as labourers in Londonderry, Cumberland County, an inland community. Warren urged Lieutenant Governor Sherbrooke to take every possible action to have them recovered, at the navy’s cost with the presentation of properly

¹⁵⁹ *The Nova-Scotia Royal Gazette*, 1 Sept 1807.

¹⁶⁰ Message of Lt. Govr. to Assembly, Halifax, 25 Mar 1812, in Harvey, ed., *Calendar of Legislative Papers, NS, 1802-15*, 251.

¹⁶¹ Jessen to Deputy Provincial Secretary, Lunenburg, 7 Aug 1812, in *Ibid.*, 265.

¹⁶² NMM, WAR/61, Barrow to Warren, London, 4 Sept 1810; TNA:PRO ADM1/500, Warren to Croker, Halifax, 3 Nov 1810, f. 253; Warren to Croker, Bermuda, 8 Jan 1811, f.4.; Douglas, *Flag Officers*, 49-51.

completed affidavits at the to the Naval Officer at the careening yard, who would pay the costs out of his own funds.¹⁶³

Conclusions

After 1784, the issue of desertion became much more politicised between Britain and the United States, and inextricably linked to discussions over naturalisation of citizens, Royal Navy impressment of American seamen, as well as ongoing negotiations for a treaty between the two powers on trade issues and neutral rights. This meant that individual incidents of desertion, regardless of their size and scope, continued to be highly volatile, perhaps to a greater extent than in the era of the American Revolution, with questions of identity at the forefront.

This was particularly the case when British naval commanders, often against the orders of both the Admiralty and the ministry, attempted to recover their runaway seamen in the United States using their own initiative, or pressed Americans to replace them, undermining any sense of “Britishness” on the lower decks. Desertion was also closely associated with debates over impressment and protections in Nova Scotia, where both politicians and merchants, in the hopes that this would obviate the need for any local impressment by the navy, agreed additional bounties and other measures for the return of deserters. The issue could prove as politically volatile within that colony’s settlers (largely of American origin) as in the United States, as illustrated by the ongoing arguments in the house of assembly and council regarding naval appropriations, greatly affecting civil-military relations. Informal networks, often erected by those marginalised by society, existed in small communities throughout Nova Scotia to assist deserters seeking to find their way to the United States, or other maritime employment with merchant vessels or privateers.

The ultimate result of the continuing series of powder-keg events posed by desertions in the United States was the *Leopard-Chesapeake* affair of June 1807, which led Great Britain and the United States to the brink of war. While the actual frequency and numbers of such desertions may have been less overall in this period than during the 1760s and 1770s, as we shall see in the next chapter, the severity of the political and civil effects of desertion was much broader in the years from 1784 to 1812 than it had been during the preceding two decades.

¹⁶³ Warren to Sherbrooke, Halifax 12 and 17 Nov 1812, in *Ibid.*, 273.

CHAPTER 6

“THE FLOGGED MAN FORGETS NOT THAT HE HAS BEEN DEGRADED”¹: QUANTITATIVE ANALYSIS, 1784-1812

The qualitative evidence of the sources discussed in Chapter 5 would seem to imply that desertion was as great, if not a greater, problem for the North American station after the turn of the nineteenth century than during the earlier American Revolutionary period. Yet this apparent reality may have been a matter of perception, and the political effect that any amount of desertion had on Anglo-American relations in this period may have been more important than its operational effects. Desertion rates on individual ships were actually often lower than the earlier 1775-6 database sample examined in Chapter 4.

1806-7 database and pay book samples

For the 1806-7 database sample, six vessels of different rates, ranging in size from the *Vesta* schooner to the 74-gun squadron flagship *Bellona*, have been analysed using the same random sampling method for the earlier 1775-6 sample. Table 6-1 shows that in raw numbers sixteen percent of the 3,216 men on the books of these vessels deserted. Individual ships had raw desertion numbers ranging from nine to forty percent of the men on their books. But as we can see here all were below twenty percent with the exception of the *Vesta* and the *Columbine*, both of which experienced mass desertion mutinies discussed in Chapter 8. Deserters per annum as a percent of average complement varied from around six to almost thirty-six percent, while turnover from all causes ranged from twenty-two to sixty-five percent. There does not appear to be as strong a correlation here between turnover rates and desertion as in the earlier 1775-6 ship sample. For example, the *Jason*, *Leopard* and *Columbine* all had near identical turnover of approximately forty-five to forty-seven percent of their complements per annum. While both the *Jason* and *Columbine* experienced mass desertion mutinies, the *Leopard* had the lowest desertion rates in the sample. Only the *Columbine* and *Vesta* experienced raw desertion rates higher than twenty percent, with the *Jason* falling barely under that rate. This would seem to indicate that in this period raw desertion rates of fifteen percent or higher were seen as more serious to the operations of the squadron than during the Revolutionary period.

¹ S. Leech, *Thirty Years from Home, or a Voice from the Main Deck: Being the Experience of Samuel Leech...* (Boston: 1843), 106-7.

The three vessels in this sample that had desertion rates of fourteen percent per annum of average complement or higher all experienced severe mass desertion mutinies, which affected the operations of both the vessel and the squadron more broadly.² Any such statistics need to be examined fully in the challenging geographical and temporal context of the individual vessel and squadron it belonged to. Given the Admiralty's failure to provide the North American station with adequate drafts of seamen from home waters to replace losses, the frequency of mass desertion mutinies were likely because the squadron, given the smaller number of ships on station, could not easily replace runaway seamen except by the impressment of Americans. This was particularly the case given that impressment of Nova Scotians was even more problematic by this time.³

Berkeley and the other station commanders were thus caught in a vicious circle of manning their vessels – without assistance or any viable alternatives from the Admiralty Board, they had to replace men lost through sickness, death and desertion. Given the shortages of volunteer seamen in British North America and the impressment exemptions given to Nova Scotians involved in local fisheries and coasting trades, more and more seamen from the seagoing merchant trade were pressed. As American seamen and ships became more dominant in the carrying trade during this period, it meant pressing more Americans. Such conscription could lead to more disciplinary issues aboard ship. These included recurring problems of desertion and mutiny, which led to shortages of men, and coming full circle, more impressment to replace them.

We will now turn our attention to the actual rates of desertion in the samples examined in this study for this time period. Referring again to Table 6-1, the database sample for 1806-7 of six vessels has an expected average complement of 1,432 men, with 3,216 actually on the books for the periods examined, and 521 deserters. This provides an overall desertion rate of just over thirty-six percent against expected average complement, and approximately sixteen percent against the total number of men on the books. It can be seen on Table 6-2 that the pay book ship sample for this period comprises fourteen different pay books of twelve ships and vessels, ranging in size from the forty-man, four gun schooner *Bream* to the 74-gun third rate flagship of the squadron, *Swiftsure*, with a complement of 590 men. Overall, with an expected

² The same three vessels also had raw desertion rates of near twenty percent or higher.

³ K. Mercer, "Sailors and Citizens: Press Gangs and Naval-Civilian Relations in Nova Scotia, 1756-1815," *Journal of the Royal Nova Scotia Historical Society* 10 (2007):87-113.

average complement in the periods shown of 2,841 seamen and marines, some 6,226 men went through the books of these vessels, with 577 of them, just over nine percent, noted as having deserted. Raw desertion rates on individual vessels as a percent of the total number of men on the books varied from just over two percent, on the *Horatio*, to over twenty-five percent, on the *Chub* schooner. Unlike the 1775-6 pay book sample, only two vessels here out of the fourteen commissions had raw desertion rates over twenty percent, with exactly half of the vessels having rates below ten percent.

In terms of men run as a percent per annum of average complement, desertion rates in the pay book sample range from just over one to slightly more than sixteen percent. Only one vessel, the *Ferret* sloop, experienced a desertion rate higher than ten percent of its average complement every year. This analysis would seem to belie the results of the main database ship sample, indicating perhaps that the mass desertion mutinies on board the vessels in that sample were more anomalous than representative for the squadron.

If the two samples are combined, the study for this time period contains eighteen ships, with an expected complement of 4,273, a total number of 9,442 men on the books and 1,098 deserters. This translates into a total desertion rate for both samples of almost twenty-six percent when evaluated against total expected complement, and not quite twelve percent when the total number of men on the books is utilised. It is of interest to note that using a much larger ship sample in North American waters during the War of 1812, Thomas Malcomson's study turned up only 601 deserters on the musters of his ships, from a sample containing twenty-seven ships and an average complement of 9,474 men, for a raw desertion rate against expected complement of just over six percent. Proportionately, based on the much smaller samples examined here with much higher numbers of deserters, it would seem that desertion was much more common and frequent in the years before the War of 1812 than during the war itself.⁴

This may have been due to unwillingness among the men to risk desertion during wartime. Many men probably believed that if recaptured and brought to court-martial, they would have been charged with desertion to the enemy, and if found guilty, faced the death penalty, as we shall see in Chapter 7. It is also possible that ships of the North American squadron during the War of 1812 spent more time at sea and less in port than ships during the

⁴ Malcomson, "Creating Order and 'Disorder'", 170.

this time of relative peace. Hence there was likely also less opportunity to desert, except when the ship was engaged in inshore naval and amphibious operations in the Chesapeake, Delaware, or elsewhere, which likely would have been a very risky enterprise.

One can see that the quality of deserters in this period was also much more diverse than in the earlier 1775-6 sample, as illustrated on Table 6-3. Unlike the earlier sample, where the vast majority of deserters were comprised of able-bodied seamen, the majority of deserters here were almost equally split between able-bodied seamen, ordinary seamen, and landsmen, with a diverse group of men and boys holding other ranks making up the remainder. This is no doubt a reflection of the changed composition of the complements of the vessels examined below, as well as perhaps a reflection on the equality of men's views, regardless of quality, towards disciplinary regimes and/or higher wages.

The most common feature of many of these desertions is that generally the majority of deserters did not run alone. Again, usually over fifty percent of deserters from a vessel ran in small groups, most often of two to four men, as can be seen on Table 6-4, probably for the same reasons as in the earlier sample.⁵ Captains and their clerks seem to have been somewhat more consistent in recording the method for a desertion in this period. Of 521 deserters, 182 ran from ship's boats, forty-four swam away from ships, thirty-two ran from duty ashore, thirty-one ran from leave, seven from watering parties (including one marine sentry responsible for guarding the watering party and preventing desertion), three from tenders or from other naval vessels, one from Halifax hospital, and one from a careening hulk. The methods for 219 desertions are not known.

Straggling

Attitudes towards stragglers in the North American station during this period likely varied with individual commanders and commanders in chief of the station. Some stragglers simply were fined; others, as we will see in Chapter 7, were punished at court martial and received penalties almost as severely as those accused of desertion. Some stragglers taken up at Halifax were confined and held as prisoners until they could be returned to their own ship for punishment. Some of these men, knowing perhaps how serious a fate may await them, made every effort to desert, even risking their lives and drowning in efforts to swim away from

⁵ See Chapter 4.

the ship on which they were being held. Such desperate men could be assisted by other crew members in their escape attempts, even by senior petty officers such as the master at arms, who was responsible for discipline and order on board ship.⁶

As in the samples for earlier periods, the number of men fined for straggling on the musters and pay books of the database sample are actually quite small. Once again this indicates that the majority of men noted as run, or “R”, on the books were quite probably deserters as defined in the *General Printed Instructions* discussed in Chapter 1. Only thirty-five men were fined for straggling, with fines ranging from £1.10s. to £6.13s., although the majority of men seem to have been fined £3. One ship, the *Jason*, had no men noted as fined for straggling. Seven of the stragglers in the sample also were noted separately as having run as well, without the “R” being taken off against their names. In addition, only seven men out of the entire database sample are noted as having had their “R” taken off the books, just three of these officially noted as being per Admiralty order. Most of this latter group seem to have been simply re-entered on the books with no notation concerning the “R”. This would seem to indicate that Rodger’s conclusion that the majority of men marked as run on ship’s books as run were stragglers, not deserters, has to be modified for this period on the North American station.

Volunteers and pressed men

As with earlier periods, it is difficult to distinguish the actual numbers of men who volunteered or who were pressed. Three main reasons account for this quandary. The first is that pay books and muster tables themselves often record this information in different ways; thus, it is often unclear whether blank entries in the “whence” column should be interpreted as “Ditto”, as Rodger recommends.⁷ Second, the evidence of the sources used herein show that many pressed men quickly accepted the king’s bounty if given the chance. Examples of this include “volunteers” who were entered “at sea”, men who were entered as pressed on a supernumerary list in the musters, and then when transferred to the regular ship’s books were

⁶ NSARM, MG1, R. George Papers, Vol. 2162, George to Murray, *Hussar* at Halifax, 24 Jul 1792; George to Stephens, *Hussar* at Halifax, 16 May 1792.

⁷ Where possible this has been the methodology followed here, particularly if the practice of recording was clear on a particular muster or pay book, was confirmed via a later or earlier book, or if a bounty or other information entered for the individual indicates that the man was a volunteer. If no such clear practice or collaborating information was evident for blank entries in the “whence” column, the origins of the man’s entry was left as unknown in the database.

entered as volunteers. Mention of this latter practice is also found in the first-hand accounts of several seamen. Such practices generally become invisible if the pay books alone are examined. This is because supernumerary information was not recorded in pay books and such men would have been “normalised” as volunteers when recorded for purposes of pay. Thus, in many cases it is unknown how many of these “volunteers of the moment” comprise the total number of men marked as volunteers on the books, and actually were pressed men. Third, many men were turned over from other ships, or were noted as being on the “former books” of the current ship.⁸ If the commissioned and warrant officers, and their servants, are removed from the volunteer total, so that only lower ranking seamen and marines are examined, that figure would drop dramatically.⁹ The figures in Table 6-5 should be considered best estimates, perhaps even more so than with all of the figures presented herein.

Less than thirty-five percent of men from the database sample were noted as being volunteers at the time of their first entry into a ship, while about eleven percent were noted as pressed. Almost thirty-two percent of seamen and marines were turned over from other ships, while approximately one percent came into the navy from the civil power, as criminals pardoned from their offence in exchange for service in the navy. More will be said about this latter category below, as it is very unclear whether this figure is typical or simply the tip of an iceberg concealed by the different methods of recording, or not recording, detail regarding entries on the books.

For seamen and marines who deserted, the figures for the database sample provide some insight on whether pressed men were more apt to runaway than volunteers. Table 6-6 indicates that as a percent of men of that same category of origin on the books (i.e. volunteer, pressed, turned over from other ships, and turned over from the civil power), the largest group of deserters proportionally were criminals who had been turned over from the civil power to undertake naval service in exchange for a pardon. These represented exactly one-third of their total numbers. This high figure perhaps indicates both the untrustworthiness of such a criminal element on board ship, as well as the supposed propensity of many captains to get rid of such

⁸ Where possible, the “former books” of ships in the sample have been examined to reduce these cases. Extensive research to track the means of entry of each of the others, for an earlier period across the books of multiple ships, could one day be undertaken. Until then, their origins will remain largely unknown. An artificial entry category was created for their analysis here.

⁹ With the exception of one ship in this sample, none of the marines have their “whence and whether prest” column completed, so they represent many of the unknown category, as often do men on supernumerary list for wages, as the practice for recording details on that list seems to have varied dramatically from ship to ship.

men at the first opportunity by either allowing them to desert, or by simply setting them ashore and marking them as run. Not surprisingly, the next largest group of deserters, proportionate to their own category, were pressed men, at just over twenty-one percent. Volunteers deserted at a proportional rate of slightly over seventeen percent, while men turned over from other ships had the lowest such proportional desertion rate of almost fourteen percent of their total numbers on the books. Perhaps this was because many such turnovers were often senior seamen or petty officer followers of officers, men more likely to make a career in the service.

Age and time in ship

The average age of ship's complements compared to the average age of deserters, which can be seen on Tables 6-7 and 6-8 respectively, shows relatively little variance. As has been shown by numerous other studies, seafaring was generally a profession for the young, and these figures reflect that statement. The average ages of all men on the books in the database sample range from 24.3 to just over 26.1 years of age. Deserters were slightly younger on average, with age ranges from 22.8 to 24.6 years. The probability of deserters being younger than their colleagues on board can also be seen by comparing the maximum age for each category. For the entire complement of ships, this ranged from fifty-two to sixty-seven years of age. For deserters alone, it is substantially lower, ranging from forty-two to fifty years of age.

There are three possible explanations for these differences. First, as the maritime labour market favoured the young, younger men presumably would have an easier chance finding alternative employment on merchant ships or privateers, if that was what they were seeking. Second, older men may have had family to support. The act of desertion might put family fortunes at risk were such seamen, in a different stage of their lifecycles, to be recaptured and perhaps court-martialled, risking death. Such men may have been more likely to have been promoted, and hence making a more comfortable wage which they also did not wish to risk. Third, it was also much easier for younger, fitter men to take the strenuous action sometimes required to desert, such as swimming a great distance to shore, or stealing a ship's boat followed by energetic rowing. All of these factors likely combined to ensure that deserters were generally younger on average than other seamen.

Among the vessels in the database sample shown on Table 6-8, only three have an average time in ship (TiS, in days) for deserters of less than 365 days, while the others range up to an average of 430 days. Some men waited years before deserting, one almost six years, as can be seen from an examination of the maximum TiS figures for deserters, which range from approximately 2.8 to 5.7 years. Although the reasons men would wait remain largely unknown, the most likely answer is opportunity. First-hand accounts such as Jacob Nagle's diary show how men often would pass up opportunities to desert for various reasons, from being uncomfortable with the concept in the first place, to being fearful of recapture, or simply because they were not sure the time was right, and desired to await a better confluence of luck, opportunity, and location.¹⁰ While seamen and marines wishing to desert during the War of 1812 did not seem to delay quite as long before running from their ships as the men examined here, the average time in ship for that period is still somewhat longer.¹¹ Both patterns seem significant in light of Rodger's original thesis.

Another modification to Rodger's argument regarding time in ship for deserters is that the average TiS for the entire complements of these vessels, shown in Table 6-7, is not substantially higher than the average TiS for deserters in Table 6-8. The former generally ranged from just over one year to eighteen months, due to high turnover. Only one ship in this sample even approached an average TiS value of two years, the squadron flagship the *Bellona*. One vessel, the *Vesta* schooner, even had a smaller average TiS for all the men on her books than the desertion average TiS for two other vessels in the sample.

Recruitment of seamen by county/region and quality

Did the quality of seamen present in the squadron change from the period of the American Revolution to the early nineteenth century? Table 6-9 illustrates the recruitment of seamen by county and quality in the 1806-7 database sample, divided between the more skilled petty officers, able-bodied seamen and idlers, and the less skilled ordinary seamen, landsmen,

¹⁰ Dann, ed., *The Nagle Journal*.

¹¹ Malcomson's study indicates that during the War of 1812 on the North American and West Indies station, the majority of seamen did not desert until four and one-half years after entering their ship. One possible explanation that he does not examine is fear of being considered to have deserted to the enemy during wartime. Such an act would require an automatic court martial and death sentence if recaptured. It is possible that many men delayed their actions until near the end of the war, when such desertion was probably viewed less severely by the authorities. No date of desertion analysis appears in Malcomson to support this hypothesis. Malcomson, "Creating Order and 'Disorder'", 170.

and volunteer boys (but not marines). Here we can easily determine that the overall percentage of more skilled seamen was almost forty-two percent, a decline of near to thirty percent from our earlier 1775-6 database sample (see Table 4-7). Correspondingly, the overall percentage of less skilled seamen has grown by some twenty-seven percent to over fifty-five percent, compared to the 1775-6 figure of just over twenty-eight percent. Here we can easily see the effect of increased wartime impressment and the Quota Acts upon naval recruitment as Rodger also demonstrates for a sample of ships fitted out at Portsmouth between 1804-5. Rodger's sample had a breakdown of thirty-five percent for the more skilled seamen overall, and sixty-five percent for the less skilled categories.¹²

In terms of source counties/regions, the top ten producing areas in this sample were again almost exactly the same as in Rodger's analysis, if in slightly different order in terms of absolute figures. The artificial category of "London" remains the most important contributing area, providing some 222 seamen, or seventeen and a half percent of the English contribution (and almost eight and a half percent of the overall total), and again would be even more predominant if combined with the figures for Middlesex and other counties in the metropolis. The sea-side shires of Hampshire, Lancashire, Kent and Devon are also important, while Dublin and Cork are still contributing substantial numbers to the ships of the squadron. Farther down the table, foreign and imperial seamen also make major contributions, perhaps more so than in Rodger's sample, given the relatively large numbers of Swedes, Germans, and men from the West Indies, Nova Scotia and the United States. For example, American seamen provide close to eight percent of the total compared to five percent in Rodger's analysis, while imperial (roughly five percent) and foreign (just over six percent) of seamen represent near double the foreign total of six percent in the Rodger sample.

Yet, the numbers presented here, while affirming an overall decline in skill levels between the two time periods, do not necessarily confirm Rodger's reasoning for that decline. He contends that the general decline in skill could be explained by the falling contributions of English seamen, whom he believes were the most skilled, compared to the increasing contribution in Irish seamen, deemed generally less skilled in his view.¹³ In this analysis, the number of English seamen has grown substantially, by some twenty-six percent compared to

¹² Rodger, "Devon Men," 213-4.

¹³ Ibid.

the 1775-6 database sample, while the Irish contribution has grown by only around two percent. The American contribution has grown by less than two percent, while Scottish and Welsh contributions have fallen slightly, and foreign and imperial contributions grown by near five and four percent respectively. Hence, it would seem that it is unskilled English seamen, not Irish, who for the most part have filled out the ranks of the lower decks of the North American squadron during the Napoleonic wars. This may have been a reflection that recruitment in North America, after a ship's arrival on station, remained largely local in origins rather than centrally-controlled via the Impress Service in metropolitan Britain and Ireland. Ships had to rely upon local volunteers, impressments, and turnover of men from vessels returning to England or assigned to other stations, creating completely different patterns of regionality and skill-level than one would find on a ship recently fitted out in England. This most likely was common on other overseas stations as well.

Ethnicity and identity

What other patterns can be determined from the origin of the seamen on the books of the vessels in the North American squadron at this time? An examination of each ethnicity in turn by county of birth brings to light some interesting possibilities. Tables 6-10 to 6-16 provide analyses of the origins of seamen (and a few marines) by county and ethnicity, for men where the county of birth is known, and for those counties providing five or more men, while also providing overall numbers for each major group. Here it can be seen that the largest group was the English, providing some thirty-nine percent of the men on the books of the vessels in the database sample, which totalled 3,216, including marines. The Irish represent the second-largest group, at just over nine percent, while the Scottish at almost seven percent are closely followed by American seamen who comprised just over six percent of the lower deck of these vessels. Men from foreign countries and other parts of the empire represent some four percent of the total, while Welsh seamen made up the smallest ethnic group, at just two percent. Some 879 men, somewhat over ten percent of the total, have no country or region of birth entered or the latter were not able to be identified with any degree of certitude based upon the information entered in the ships' books; thus, they have been considered as "unknown" for this purpose.

Table 6-11 shows a breakdown of the English composition on the men of the books of the database sample for this period. The top ten contributing counties are “London”¹⁴ with almost eighteen percent of the 1,268 English seamen on the books, followed by Yorkshire (seven percent), Hampshire (with the naval base at Portsmouth), Kent, and Lancashire, all just over six percent of the total number of Englishmen. Devon (at just under six percent) with the naval base at Plymouth) and Northumberland follow in sixth and seventh in the table respectively, with Essex, Middlesex, and Cornwall rounding out the top ten contributors, at between three and four percent each. If the numbers for Middlesex and Essex are combined with those for London, it becomes clear that men born in that city and its neighbouring environs may have represented as much as one-quarter of all English seamen on the books of the ships in the database sample, greatly outnumbering any other county or region.

It is of interest to compare the above analysis with that of Michael Lewis, who, using a sample of 1,500 officer commissions between 1793 and 1815 broke down the origins of the officers by county. Lewis assumed that it would be futile to undertake a similar exercise with the musters or pay books of the lower deck, as he asserted that the county origins of seamen would simply mirror those of their officers. As we shall see, this is not necessarily the case. This perspective was based primarily on the argument that seamen would in general come from seacoast counties, and the tendency of officers to have their own followers and to recruit locally in their home counties, particularly in the eighteenth century.¹⁵

In England, Lewis’ top ten counties of origin were Devonshire, Kent, Hampshire, London, Cornwall, Somersetshire, Norfolk, Suffolk, Yorkshire, and Dorsetshire.¹⁶ In this sample, which contains more than twice as many men than Lewis’, Lancashire, Northumberland, Essex, and Middlesex hold down spots five and seven to nine respectively, removing Somersetshire (ranked twelve in my analysis), Norfolk (ranked thirteen), Suffolk (ranked eighteen) and Dorsetshire (ranked sixteen) from the top ten. London, as discussed, is the overwhelming leader of the table, particularly if the London figures are combined with those for Essex and Middlesex.

¹⁴ An artificial category used on the books, generally, but not always, including the home counties, which were sometimes noted separately.

¹⁵ Lewis, *Social History*, 60-82 and Rodger, “A Little Navy”, 82-92.

¹⁶ Lewis, *Social History*, 62-8.

Per 10,000 of population¹⁷, England is the greatest contributor of seamen overall, at 1.53. On a per county basis per 10,000 of population, there are some interesting figures using this analysis. Certain sea-coast counties such as Hampshire, Kent, Cornwall, Dorset and Devon perhaps unsurprisingly maintain a ranking in the top ten, if not the same position, as in Lewis' analysis (shown for comparative purposes on Table 5-6). Yet there are some surprising newcomers such as Northumberland in the lead, Cumberland third, London fifth, Essex eighth and Wiltshire tenth. If London is treated as an artificial county, its contribution in the 1806-7 database sample for seamen is immense compared to that of Lewis' sample. There it was ranked fourth in raw numbers and thirtieth per 10,000 of population. Here it is first in raw numbers, with almost four times as many men contributed, and 2.33 per 10,000 population, almost 370% more proportionally than in Lewis' sample.¹⁸ There are other similar discrepancies further down the list, which indicate clearly that beyond the four or five largest seacoast counties where maritime trades were the main form of employment, that there is no strong correlation between the county origins of officers and the origins of seamen. It is clear that the London trade (and to a lesser extent the Liverpool trade using the Lancashire figures), and northern counties such as Cumberland and Northumberland, were much more important in supplying seamen than Lewis' analysis allows for. Therefore, the origins of officers are not always a good gauge for determining origins of seamen onboard a vessel.

If London explains the importance of the metropole, how important were the Celtic peripheries? For example, can any patterns be discerned among seamen of Irish origin? Table 6-12 shows that the majority of Irish seamen in my sample came from Co. Dublin and Co. Cork, each representing about nineteen percent of 294 Irishmen. The next six largest county contributions, from Co. Waterford down the table, including three from the north, each contributed between two and seven percent of the total. Fifty-three other men were from sixteen other Irish counties, representing eighteen percent of the total. It would appear at first glance that Cork and Dublin were more important as a source of men at the time of the American War than during the Napoleonic wars, but the large number of men whose county of

¹⁷ This measure was used by Lewis, and is employed here for comparison purposes, while recognising the very approximate nature of the underlying population estimates, particularly for Ireland.

¹⁸ For all population analyses in this chapter, figures are drawn from the *1801 Census* as cited in E.A. Wrigley and R.S. Schofield, *The population history of England, 1541-1871: a reconstruction*, (London: E. Arnold, 1981), 622-3.

birth (fifty-three Irishmen) or country of birth (879) is unknown, could put this assumption in question.

The six northern counties combined provided almost ten percent of the total number of Irish seamen, down almost four percent. Unlike the earlier 1775-6 database sample when almost all northern Irish on the books hailed from Co. Antrim and Co. Londonderry, the distribution in this sample is much more even, and the importance of those two centres has fallen considerably. Twelve men came from Co. Down, eight from Antrim, five from Co. Tyrone, three from Co. Londonderry and one from Co. Armagh. The southern Irish shires contributed seventy-two percent of the men overall in the 1806-7 sample, down approximately three percent from the 1775-6 database sample. The slightly declining Irish enrolments were perhaps a reflection of political events from 1797 onwards, but the contribution of Ireland to manning the squadron remained significant overall.

This basic analysis by county would seem partially to confirm Lewis' assertion that the origins of the men of the lower deck were similar in origin to officers from the sample of 1,500 that he drew for the 1793-1815 period. Lewis had 176 Irish officers in his sample, and Cork and Dublin were the leading counties with nineteen and thirteen percent each. Yet, whereas the next most important counties in the 'Top Five' of the analysis presented here are Waterford, Kilkenny, and Down, Lewis' are Westmeath, Tipperary, and Waterford. My analysis also seems to indicate that Northern Ireland, particularly Antrim and Londonderry, were more important for naval recruiting in earlier periods, as we have seen in Chapter 4, than after 1798, as their numbers decline substantially. Again, this is difficult to confirm given the large number of seamen of unknown origin, and those Irish seamen with no county specified on the books. Per 10,000 of population, the Irish contribution is 0.61 based upon an incomplete census population of 5,937,856 in 1813, or about seventy-five percent of England's population in 1801.¹⁹ Nevertheless, the Irish contribution per 10,000 of population is less than half that of the English or the Scottish, and even behind Wales, as we shall see below.

How important was the other major constituent of the Celtic periphery? Table 6-13 contains the figures for the contribution of Scottish counties. Scots provided some 213 seamen in the sample, or 6.6 percent of the 3,216 men on the books. As with London, Edinburgh and men from Midlothian represent the largest single group of Scottish seamen at almost eighteen

¹⁹ K.H. Connell, *The Population of Ireland, 1750-1845*, (Oxford: Clarendon Press, 1950), 4-5.

percent of the total. Rounding out the top five shires are Forfarshire, at just over ten percent, with Fife, Argyll, and Renfrewshire ranging from six to eight percent of the total numbers of Scottish seamen each. An interesting anomaly here, already touched upon in Chapter 2, are the number of men identified as being from “North Briton” instead of from Scotland, with or without a county being identified as well. These number some twenty-one seamen, or approximately ten percent of the total number of Scots on the books. The fact that this figure is so low for this period, at a time when some argue that a heightened sense of “Britishness” was overriding local and regional identities, is of note. It is unknown if the men were self-identifying as North Britons, or if the officer or clerk entering them on the books was doing so, but it is likely to be the former case. Lewis’ analysis ranked Fife, Midlothian, Lanark, Perth and Aberdeen as the most important contributors of seamen in raw numbers.²⁰ Yet the analysis presented herein has Argyll and Renfrewshire replacing Lanark and Perth in this ranking. Per 10,000 of population, the Scottish contribution to the database sample is 1.33, second only to the English and ahead of the Irish and Welsh. In terms of relative population, with England’s population in 1801 more than four and a quarter times that of Scotland’s, the Scots are still dramatically over-contributing, while the English population continues to under-contribute.

Finally, the smallest metropolitan contribution of the three kingdoms to the men of this sample came from Wales, some sixty-three seamen of the 3,216 total men on the books, as broken down on Table 6-14. The most important Welsh county for contributing men was Carmarthanshire, with almost twenty-one percent of the total, followed by Cardiganshire (almost thirteen percent) and Anglesea (approximately eight percent). As with the Scots, there is an anomaly here – although no “West Britons” are recorded among the men in this sample, it seems that the terms “So. Wales” and “No. Wales” were used commonly instead of entering the name of the actual county the man was born in. Again, whether these terms were used by men self-identifying, or entered by bored officers and clerks who might not have been bothered to know, or understand, the Welsh pronunciation and spelling of all Welsh shires, is not known. It is probable that both cases occurred. Per 10,000 of population, the Welsh contribution to the database sample was 1.13, putting it significantly ahead of the Irish but behind England and Scotland.

²⁰ Lewis, *Social History*, 69-73.

What of the other regions of the “Atlantic archipelago”? American seamen make up the next largest group of men on the books of the database sample for this period. Table 6-15 illustrates that in raw numbers, the United States almost contributed more than Scotland, at 204 of the 3,216 men total, or just over six percent of the database sample. As with metropolitan Britain and Ireland, the most important state in contributing men to the squadron was also that which contained the most important North American seaport and trade entrepot in this period – New York. The latter was the origin of almost sixteen percent of all seamen from the United States, followed closely by Pennsylvania (just over thirteen percent) and Massachusetts (just under ten percent), with their respective important seaports of Philadelphia and Boston. Four other states, Maryland, North Carolina, Virginia and Delaware make up the most important remaining regions that contributed seamen. Very small contributions came from Connecticut, New Hampshire, New Jersey, Rhode Island, Georgia, and South Carolina.

If the Chesapeake region is considered as a whole, its forty-eight seamen make up almost twenty-four percent of all American seamen in the sample, outstripping even New York. Its gain in relative importance is noticeable compared to the 1775-6 database sample, as is the precipitous decline of Rhode Island’s contribution from one of the most important contributors to one of the least important. Again, these numbers need to be tempered by the fact that British officers seemed to be less concerned with recording accurate details on American sailors (or perhaps pressed Americans were less concerned with providing them) as almost eighty-six of the 204 Americans in the sample had no state of origin recorded. Almost all of these men, with the exception of a few adolescents and boys, would have originally been born as British subjects in the colonies. It seems likely that they were now more likely to self-identify as being from the United States, although the musters and pay books generally use both “United States” and “America” interchangeably to note place of birth for American seamen, or just the name of a state or city. Overall, per 10,000 of population, the American contribution to the 1806-7 database sample is 0.38, based on a population of 5,308,483 in 1800. If the 1810 population figure of 7,239,881 is used the contribution per 10,000 of population falls to 0.28.²¹

²¹ H.S. Klein, *A Population History of the United States*, (Cambridge: Cambridge University Press, 2004), 244-5.

Known non-metropolitan imperial contributions to the ships of the 1806-7 database sample numbered 128 men in total, or approximately 3.6 percent, as shown on Table 6-16. The largest contributors were the West Indies, Nova Scotia,²² men from the Channel Islands and the Isle of Man, the East Indies and India, Canada, Africa, and Newfoundland. Smaller imperial contributions came from colonies and locales as diverse as Bermuda, Gibraltar, India, New Brunswick, New South Wales, and Prince Edward Island.

Given the debate over the importance of the Newfoundland fisheries as a “nursery” for seamen, it is also of interest to note the relatively small number of men from that colony among these totals. Yet this can be accounted for by the fact that many of the men participating in those fisheries were from Ireland and the West Country. Hence, it would be difficult to distinguish them on the books of the North American squadron from their other metropolitan counterparts, particularly as they were likely often turned over from ships sent to Newfoundland specifically to recruit men from the fisheries there, as we have seen in previous chapters.²³

Foreign seamen comprised 167 men in the 1806-7 database sample, or almost six percent. Table 6-17 illustrates that the five most important regions in terms of raw numbers were Sweden, Germany, Portugal, Denmark, and France. Norway, landlocked Switzerland, Italy and Spain all contributed five or more seamen as well. Smaller foreign contributions entered the navy from countries and regions scattered around the globe, including Hanover, Holland, Russia, Austria, Belgium, China, Finland, Hawaii, Memel, Mexico, and Venice. What the Hawaiian, Mexican, and Chinese seamen thought of serving in the wintry North Atlantic can only be surmised. If the American, foreign, and non-metropolitan born imperial seamen are combined into one artificial “overseas” category, they total 499 men, or approximately 15.5 percent of the total database sample – remarkably close to the estimates of Lewis and others for foreign seamen in this period.

²² Rather staggering, considering that impressment of Nova Scotians was generally forbidden, and that the combined population of Nova Scotia and Cape Breton in 1801 was estimated at only 66,000. J. Gwyn, *Excessive Expectations: Maritime Commerce and the Economic Development of Nova Scotia, 1740-1870*, (Montreal: McGill-Queen's University Press, 1998), 25, Table 2.5. Nova Scotia would actually be the third most important foreign and imperial contributor of men if the German figures are broken into their subcategories.

²³ A recent discussion of this issue, with some estimates of the importance of the fisheries based upon an examination of muster books, can be found in Mercer, “Nursery of Seamen”.

Identity and desertion

Are there any patterns among those men that deserted based upon their ethnicity? Table 6-9 shows that in raw numbers, the English represent the largest group of runaways, at almost forty-four percent, followed by the Irish at almost fifteen percent, the Scots at around ten percent, and American seamen at just over eight percent. Foreign seamen make up just over six percent of deserters, and those from imperial possessions just over four percent in raw numbers. Approximately ten percent of all deserters' ethnicity is not known. More useful than these raw numbers is to examine the percentage of deserters as a proportion of their own ethnicity on the books of the ships in this sample. This will provide a relative gauge as to whether desertion was more frequent among one ethnicity or another. Using this methodology, we can see that proportionally, Irish seamen were most likely to desert, with some twenty-six percent of Irishmen on the books having run away. The Scottish, at roughly twenty-five percent, follow them. American seamen, at twenty-one percent, deserted at approximately the same proportions as foreign and imperial seamen, and just ahead of the English, whose deserters made up just under eighteen percent of Englishmen on the books. Based upon "desertion by ethnicity" as a gauge of loyalty, it would seem that the Welsh and the English were more loyal than the rest.

What is surprising here is that both Irish and Scottish seamen, proportionally, were more likely to desert in this sample than American seamen, commonly portrayed as the objects of impressment, coercion, and loss of liberty. This is, perhaps, an indication that many Irish seamen following the 1798 uprising did not see themselves as "British" or as part of a "British" empire, and may have considered themselves to have more in common with Americans and other foreigners who also had higher proportional desertion rates. Similarly, Scottish seamen are not far behind the Irish in this sample, indicating perhaps the survival of regional and ethnic identities in a period where a super-imposed "Britishness" was supposedly making inroads. In addition, the relative proportions of English deserters as a percent of the seamen and marines of their own ethnicity has fallen dramatically, by over six percent, compared to the 1775-6 database sample examined in Table 4-15 of Chapter 4. This would seem to imply that English seamen were more willing to desert at a time of imperial turmoil with America, than during a time of war with Revolutionary and Napoleonic France. There may also be a religious aspect to such an analysis, with largely (but not entirely) Catholic Irish

seamen perhaps being more willing to risk desertion at a time of war with the “Other” of Catholic France than Protestant English and Scottish seamen were. Though there is almost no means of verifying such a supposition, the prospect should be considered.

Geographic patterns of desertion

So *where* were the men from the squadron deserting in this period? Graphs 6-1 to 6-5 provide an overview of the geographic patterns of desertion for the 1806-7 database sample. Out of 521 deserters, Graph 6-1 indicates that 158 ran in the United Kingdom or Ireland, 145 in the colonies of British North America, seventy in the ports and waters of the United States, and ninety-six in the West Indies. A handful of men found more exotic locales to run away – one man deserted at Lisbon, three at Madeira, three at Surinam and one at Santa Cruz. One man also ran from a prize at sea. The examination of deserters in British North America by the colony where they ran, displayed in Graph 6-2, shows that Nova Scotia was the preferred destination of men deserting their ships, with some 106 deserters. Eleven men ran at the Bermuda naval yard, while twenty-five deserted in New Brunswick, almost all of them as the result of the *Columbine* mutiny, discussed in Chapter 8. Two men deserted at Prince Edward Island, and one at Québec, while no men deserted in Newfoundland.

Graph 6-3 separates the British North America contingent of deserters by community, with perhaps the unsurprising result that the vast majority of men who deserted in the colonies of North America did so at Halifax, some ninety-two seamen and marines (including five men who deserted from the Halifax naval hospital). Again, those at Harbour de Lute and St. Andrew’s in New Brunswick are largely the effect of the *Columbine* mutiny, which occurred in the Bay of Fundy. The reasons for the predominance of Halifax can be inferred from several factors. As the main naval base for the squadron, it was the place where most ships of the squadron spent large amounts of their time, including tied up at the wharf or careening yard, where greater opportunities existed to desert, similar to Boston during the early Revolutionary War period. Halifax would also have been attractive for seamen considering desertion, as we have seen above, as there seems to have been a network of merchants and privateer owners actively seducing men away from the navy with higher wages, and shepherding and concealing them in small outlying communities. As a major port in its own right, there would have been considerable merchant traffic to provide ample opportunity for men who were

considering running from the service, much of it in trade with the United States and West Indies.²⁴ These were likely the similar attractions of running in the West Indies (Graph 6-4), which also offered perhaps a higher chance of joining a merchant vessel on the passage back to Great Britain. Deserting in a port in home waters (Graph 6-5) allowed men to more easily return to their communities and families.

Using the above as a measure of the ability of the navy to build a sense of Britishness among its seamen and marines in the North American context, this would appear to have been less successful among the Irish, and seamen and marines from the colonies, given their higher relative contributions to overall numbers of deserters. The extremely high American proportions are explained primarily by the use of impressment of Americans in both periods to man the vessels of the squadron, and independence after 1783. The high English and Scottish proportions in the 1775-6 sample may also indicate that some of these men may not necessarily have seen themselves as loyal British seamen. Perhaps they saw a chance for a new life in the American colonies or at least higher wages on merchant vessels. They may also have been pressed men, or influenced by concepts of American republicanism, liberty and democracy that would no doubt have been percolating through the squadron with pressed Americans on the lower deck.

Sickness, disability and death

With regard to sickness and disease, Table 6-18 shows the raw rates of men discharged sick, invalided or “unserviceable”, and dead respectively on the books of the ships in this sample. Unfortunately, there is almost no way of reconstructing how many men remained sick on board these vessels at any one time compared to those more serious cases who were discharged sick ashore. The former cases were recorded only in surgeon’s journals and on occasion on weekly accounts, none of which seem to have survived for these vessels. Bi-monthly muster tables and pay books simply record the number of men discharged sick ashore to hospital or hospital ship. Likewise, the type of illness or reason for discharge as an invalid was almost never recorded on the ship’s books. This was unlike the cause of death for men discharged dead, which, depending on the verbosity of the clerk completing the books,

²⁴ Gwyn, *Excessive Expectations*, 35, Table 2.9.

sometimes was noted – although again in the majority of cases no comment or a less than enlightening note such as “his death” was the only information recorded.

For the vessels examined here, men discharged as sick ranged from four to ten percent of the total number of men on the books, while those who died while onboard ranged from two to eight percent. Invalids and men discharged as unserviceable comprised from less than one percent to more commonly around three percent of the total number of men on the books of any of these vessels. Overall, if one combines the figures of men discharged sick, invalided, unserviceable, or dead, the rates range from around seven to over nineteen percent of the men on the books. When calculated as a percent per annum of average complements, the total rates range from almost five to fourteen percent. Once again, it can be seen that small vessels were not necessarily more sickly than larger frigates or battleships, and in some cases were considerably less so. Sickness rates were probably more contingent upon locale, quality and frequency of victualling, and length of time at sea, than on the size of a vessel.

It can be concluded from this analysis that manpower losses due to sickness and disease were in some cases as or more problematic than those from desertion. Yet overall, losses from desertion for the database sample were greater at sixteen percent than those from all types of illness, death, and men surveyed and discharged as invalids, at twelve percent. It is difficult to speculate, but it is probable that if the figures for men sick on board could be factored into such an analysis that disease would challenge desertion for primacy to explain complement shortages. This would particularly have been the case for ships stationed on more disease-prone stations in southern climes such as Chesapeake Bay, off the Floridas, or conducting convoys from North America to Jamaica and other parts of the West Indies.

Summary punishment and desertion

Was there any correlation between punishment and desertion? On an individual, person-by-person basis, summary punishment by a ship's captain may have been a tipping point that aided in the decision-making process as to whether a man would risk running from his vessel, and may also have been a factor onboard those vessels which experienced mass desertion mutinies. At the same time, from the low desertion rates experienced by the vessels in the commission sample, it seems probable that not all captains on the station were harsh disciplinarians, and likely that there were several exemplars of the emerging humanitarian and

professional class of captain identified by Wareham in this period. For example, Captain John Dick of the *Penelope* frigate (36) punished approximately six men per month between April and October 1808, with an average of just over two dozen lashes. Yet he experienced a extremely low desertion rate of just over two percent per annum of his ship's average complement between 1 June 1807 and 26 September 1810 while on the North American station.²⁵

Conversely, Lord William Fitzroy, while in command of the *Aeolus* (32), ordered ninety summary punishments between 7 April 1807 and 4 May 1808, or almost seven per month, with an average number of lashes of close to thirty-five.²⁶ This more severe punishment record seems to have provoked a higher desertion rate of almost eleven percent, some 92 of the 453 men and boys on the books between 1 November 1807 and 31 December 1809.²⁷ Fitzroy, who deliberately omitted most of these punishments from his captain's journals while on the *Aeolus*, with only the master's log books noting the offences, would later be dismissed the service for false reports, cruelty and oppression while captain of the *Macedonian* in 1811.²⁸

Many first-hand accounts of seamen in this period, particularly those of pressed Americans, contain references to the effects of severe discipline. Samuel Leech, a pressed American who served with several officers and boatswains of a tyrannical bent during the War of 1812, noted that while in port, punishments fell off and "...the officers were more condescending, lest their men should desert; but at sea, when this was impossible, they flogged without mercy." The men were "...very unhappy and wretched..." with "...a sword...impending over every head." Leech served with an Irish seaman, one Bob Hammond, who was a notorious drunk as well as a repeat offender under the tender disciplinarian mercies of Fitzroy on the *Macedonian*. Leech described Fitzroy as an excessively proud captain who rarely

²⁵ The minimum punishment was one dozen lashes and his maximum four dozen. Dick's order books for this period reveal few memoranda or letters concerning punishment procedures or desertion. Similarly, his logbooks seem to indicate that he was an "average" disciplinarian for this period compared to other captains in North America – see the punishment analysis below. NMM, LBK 57-1 and LBK 57-2, John Dick, *Penelope*, Order Books, 1805-1811; TNA:PRO ADM 51/1842 Part 2 and ADM 51/1968 Part 2, *Penelope* captain's logs, 7 Apr 1808 to 31 Oct 1808.

²⁶ Minimum of twelve, maximum of sixty. TNA:PRO, ADM 51/1753 Part 4 and ADM 51/1922 Part 2, *Aeolus* captain's logs, 7 Apr 1807 to 4 May 1808; ADM 52/3727, Parts 8 to 11, Master's logs of M. Langdon, *Aeolus*, 12 May 1807 to 10 Jun 1808.

²⁷ TNA:PRO, ADM 37/1890, *Aeolus* muster books, 1 Nov 1807 to 31 Dec 1809.

²⁸ J.T. de Kay, *Chronicles of the Frigate Macedonian, 1809-1822*, (New York: W.W. Norton & Company, 1995).

allowed officers to accompany him on the quarterdeck. He also expected to be addressed as “my Lord” and have orders acknowledged as “yes my Lord” and not “yes Sir”, strongly admonishing sailors who forgot this. On one occasion, Hammond received four-dozen lashes for drunkenness yet bore his punishment without sound. When cut down from the gratings, Hammond “‘...applied himself most lustily to the bottle, and before night was drunk again.’ In such state, he rushed onto the quarterdeck, literally running into the captain with great force that almost knocked him over, hiccuped, and said ‘Halloo, Billy my boy, is that you? You are young and foolish; just fit for the launch. You are like a young lion - all your sorrows are to come.’ Captain Lord Fitzroy called for Hammond to be put in irons. The next morning the Irishman received five-dozen more lashes, but again no sound escaped him.” Hammond later deserted.²⁹ Men who did straggle or desert in this period often later feared returning to their ship because of the punishment that might be inflicted upon them if they did.³⁰ Views on such severe discipline were by no means restricted to the men. At least one officer who served during the War of 1812 also noted the negative effects of severe discipline, and later became an advocate of naval reform.³¹

For the ships in the 1806-7 database sample, summary punishment rates by commander, as a percent of total men on the books during the period that officer was in command, are shown on Table 6-19. These rates vary in range from less than ten percent, in the cases of Lieutenants Atkin Hayman and Henry Goold during their tenure in command of the *Vesta* schooner, to over thirty-five percent, in the case of Thomas J. “Young Tom” Cochrane, commanding the *Jason* frigate. Overall, almost twenty-percent of the men in this sample were whipped, almost double Rodger’s previously discussed estimate of ten percent.³² The frequency of floggings varied radically from approximately one per month, to over thirteen per month, again under Thomas J. Cochrane on the *Jason*, easily the most severe disciplinarian in this sample.

As can be seen here, captains would more often summarily punish men for multiple crimes in one flogging to exceed this customary limit of twelve lashes. Average punishments ranged from just over twelve lashes on board the *Leopard* under Captain S.P. Humphreys, to

²⁹ Leech, *Thirty Years from Home*, 58-64.

³⁰ Account of Samuel Stokes in Baynham, *From the Lower Deck*, 124-5, 127-9.

³¹ See Hodgskin, *Essay on Naval Discipline*, and D. Stack, *Nature and Artifice: The Life and Thought of Thomas Hodgskin (1787-1869)*, (Woodbridge: The Boydell Press, 1998), 36-55.

³² Again, this figure would be higher were commissioned and warrant officers excluded from the analysis.

over twenty-seven lashes on board Cochrane's *Jason*. Every commander, except one, ordered punishments of up to thirty-six lashes, three times the prescribed limit for a single crime, while four commanders exceeded that level, with maximum punishments of forty-eight, sixty, and 120 lashes – the last record again falling to Thomas J. Cochrane, and greatly exceeding the previous known recorded maximum summary punishment in the navy.

The *Vesta*, for example, a vessel which later experienced a mass desertion mutiny discussed in Chapter 8, certainly did not have an overly severe disciplinary record, at least initially. She had a frequency of about one flogging per month overall with three successive commanders, with at least twenty-seven punishments carried out over the twenty-six month period between 16 April 1807 and 11 June 1809. The average number of lashes received for a summary offence was just under two dozen. The minimum number of lashes administered was twelve, and the maximum was thirty-six. Only five of sixteen men punished summarily for any crime subsequently deserted, while three others received unknown punishments for attempting to desert. Punishments aboard the schooner only gained in severity with the arrival of Lieutenant Richard Wales, sometime after the mutiny.³³ Wales, having cut his teeth by establishing himself as a disciplinarian during the aftermath of the *Vesta* mutiny, and a follower of Sir John Borlase Warren, later experienced a mutiny of his own while commanding the *Epervier* sloop during the War of 1812.³⁴

Overall, the frequency and severity of summary floggings are significantly higher and the range more extreme here than in the 1775-6 database sample. On a ship by ship or commander by commander basis, about half of the ships examined here have worse records than those that have been published for ships on other stations in similar time periods.³⁵ Matters only became worse as the century progressed in North America. Malcomson shows that for a large sample of ships, the average summary punishment was around twenty-three

³³ Seven punishments in the logs do not record the names of the men, or the number of lashes received. For purposes of the analysis above it is assumed that these men, and similar cases in other ships, received the standard punishment of twelve lashes. The *Vesta* was too small to rate a master in her complement (with the lieutenant aboard serving as 'master and commander') so no master's logs exist for the schooner. Additional captain's logs when the *Vesta* was under the command of Lieutenant James Gordon from 12 Oct. 1807 to 12 Mar. 1808 do not appear to have survived.

³⁴ Warren made several serious efforts to bring Wales (and other followers) to the attention of the Admiralty for promotion and preferment, it seems unsuccessfully: NMM, WAR/48 J.B. Warren to Pole, 6 Dec 1807; J.B. Warren to Pole, Bermuda, 1 Mar 1808; WAR/41, J.B. Warren to Douglas, Bermuda, 12 May 1808. For Wales' later experience on the *Epervier* see Hubley and Malcomson, "The People", .

³⁵ See the various detailed analyses in Byrn, *Crime and Punishment*, 64-88, 211-38, Slope, "Manning, Training and Development", 34-171.

lashes during the War of 1812 in North American waters, with an average of twenty-six percent of complement punished.³⁶ An examination of a single ship on the South American station in the early nineteenth century indicates an overall average punishment rate of only ten percent, but a much harsher severity of floggings, on average forty-five lashes.³⁷ The dramatic ranges of punishments in this period, beyond what one would expect even in a discretionary legal system, compared to the earlier sample perhaps speaks to a greater number of arbitrary and perhaps tyrannical commanders on the station, a definite change in the nature of discipline aboard ship, and perhaps the extended use of the lash in an effort to enforce order among more poorly trained seamen, many of them conscripts.

Which men were being punished? Table 6-20 reveals that of men flogged summarily, by recorded place of birth approximately forty-four percent were English, fourteen percent Irish, nine percent American, and seven percent Scottish. Over two percent were men from the peripheries of the British Empire, and almost five percent were foreigners. English and Scottish seamen are underrepresented proportionately by about nine percent and seventeen percent respectively. Irish and American seamen who were punished are overrepresented by almost twenty percent and eleven percent based upon national proportions in the sample overall (Table 6-10, discussed above). Foreign and imperial seamen are also significantly under-represented for summary punishments, perhaps indicating the generally higher skill levels of their contribution. While, as seen above, the overall skill-levels of seamen have fallen dramatically for every nationality in the database sample, the overrepresentation of both Irish and American seamen among those summarily punished may comprise a racial or ethnic bias given the aftershocks of the political developments of the period. This is particularly the case given that American seamen in this period remained one of the best sources of skilled seafarers.

By quality on the muster and pay books, as illustrated in Table 6-21, seamen were punished far more often than other crew, in almost identical proportions as for the earlier 1775-6 period. Summary punishments by type of entry are displayed in Table 6-22. Twenty-nine percent of men flogged were volunteers were flogged, roughly thirteen percent

³⁶ Malcomson, "Creating Order and 'Disorder'", 366-9.

³⁷ Vale, *A Frigate*, 34-9, 171-7. This attracted the attention of the Admiralty in the era of quarterly summary punishment reports. The average fell to twenty-four lashes when subsequent captains established that desertion was no longer a flogging offence, was to be regarded as straggling, and punished by the standard fine of £3.

pressed men, and thirty-six percent turned over from other ships, and fourteen percent were men turned over from the civil power. These figures are more accurate than the earlier 1775-6 sample given the much lower proportion of unknown entries in the sample.

Recidivism was again more common than Rodger portrays. There are almost one-third more punishments than men punished, a significant increase over 1775-6 as well, and perhaps a reflection to some extent of the greater proportion of untrained seamen aboard. Table 6-23 provides an overview of the number of floggings received by summary offenders. Twenty percent of men punished received two whippings, almost seven percent received three, near three percent received four floggings, while others received five, six, or even nine whippings during their service. Overall, thirty-one percent of men punished were whipped more than once, compared to the twenty-four percent of the 1775-6 summary punishment sample.

Using the same disciplinary scale as Chapter 4, based simply upon how many men were punished, we can attempt to assess whether any of these captains can be considered as moderate (less than ten percent of men on the books punished), severe (between ten and twenty percent punished) or tyrannical authoritarians (more than twenty percent summarily disciplined). On this scale, James Townshend, Thomas J. Cochrane, and Richard Wales all appear to have been tyrants when it came to summary punishment. Four other captains were severe disciplinarians. Two commanders, Atkin Hayman and Henry Goold, appear to have been moderate in their use of the lash but their periods of command were so brief that this conclusion is very tentative. This result is dramatically different from the 1775-6 database sample, where no tyrants were present, and only two officers barely exceeded punishing ten percent of their men, while another two punished ten percent exactly. Seven of nine captains and commanders punished more than ten percent of their men, and over eighteen percent of the total men on the books under these commanders were flogged, both again contrary to Rodger's belief that flogging more than ten percent of a ship's company was rare.³⁸ The nature of discipline between the two samples has changed dramatically.

In this sample, only thirty-eight men who deserted had received punishment prior to leaving their vessel, out of 216 deserters who ran during the periods of the logs examined for

³⁸ Rodger, *Command of the Ocean*, 439 – an argument also contradicted by the findings of Slope, "Manning, Training and Development", 168, who found summary punishment rates as high as fourteen to sixteen percent on three frigates when commissioned and warrant officers were removed from the analysis. The figures here for North America would be even higher than those in Table 6-19 were officers (and servants) to be excluded.

the commanders in this analysis, or some 17.6 percent. Similarly, Malcomson notes in his study of ships in North American waters during the War of 1812 that only 8.5 percent of deserters had been punished prior to running away.³⁹

Desertion rates for individual commanders in these periods ranged from just under three percent on S.P. Humphrey's *Leopard*, to almost twenty-six percent on board the *Columbine* under Captain James Bradshaw, as a percent of the total number of men on the books in the period of their command examined here. Six commanders had desertion rates under fifteen percent, with only three having rates higher than twenty percent – the two commanders of the *Columbine*, and Atkin Hayman of the *Vesta*, with both vessels experiencing mass desertion mutinies. Hayman, the least severe in his punishments of all commanders examined here (other than Goold, whose period in command is too short for a proper analysis), experienced the worst desertion rate. Thomas J. Cochrane, the harshest disciplinarian in the sample, had a desertion rate of less than ten percent on the *Jason*. That said, Cochrane did experience an unsuccessful mass desertion mutiny, discussed in Chapter 8, and his crew also petitioned the Admiralty regarding their ill-usage under his command. It is of interest to note as well that the squadron flagship, the *Bellona*, with a very low punishment frequency of only one per month, and an average severity of around seventeen lashes, also had a very low desertion rate in the period examined under Captain John E. Douglas. It would seem that at this time in North America there was no strong correlation between receiving summary punishment and desertion, although the vessels with average punishments above twenty-four lashes all experienced mass desertion mutinies discussed in Chapter 8.

Yet the number, frequency and severity of summary and capital punishments are not the only factors that need to be considered in any analysis of a possible correlation between punishment and desertion. The emotional effect on individuals or on the crew as a whole – both short and long-term – of viewing even a single punishment, given the public theatre used to carry out such a sentence (often including deliberate last-moment reprieves or pardons) could be intense. Several first-hand accounts of seamen, particularly those from late in the eighteenth and in the early nineteenth centuries, discuss the emotional and psychological impact that viewing or undergoing such a punishment could have.⁴⁰ Even if relatively rare, the

³⁹ Malcomson, "Creating Order and 'Disorder'", 170. This lack of correlation was also a conclusion of Vale in his study of the South American station. Vale, *A Frigate*, 34.

⁴⁰ See for example Leech, *Thirty Years from Home*, 48-64.

emotional effect of capital punishment such as hangings and flogging around the fleet for creating a sense of terror among the men must have been more intense and longer-term than those created by summary punishments. It was no doubt similar in many ways to the emotional and psychological effects of capital punishment ashore on both the spectators and the criminal being punished.⁴¹ Punishments could also go unrecorded and could be bizarre and humiliating in nature, as we shall see in the case of the *Columbine* in Chapter 8.

Table 6-20 provides an analysis by offence for crimes which were punished by summary punishment onboard the ships and vessels of the 1806-7 database sample. On board these six vessels over a period of one to two years, there were some 880 offences when punishments are disaggregated. Drunkenness (240 offences), Neglect of Duty (214), and Disobedience to a Superior (155) were the three most common crimes for which men faced the cat of nine tails at the gratings, together representing more than sixty-nine percent of all crimes recorded in the logs of the vessels of the sample, in very similar proportions as to the 1775-6 database sample. These are followed by a group of offences each representing four to five per cent of total disaggregated punishments, including Insolence and Contempt to a Superior (forty-four offences), Mutiny and Mutinous Expressions (thirty-three offences), Quarrelling (thirty-one), and Uncleanliness (thirty-one). While Insolence and Contempt was also the fourth most common offence from the 1775-6 database sample, the number of mutiny-related offences more than tripled while growing slightly proportionally. The much higher number of Uncleanliness offences, usually representing repeated dirtiness in appearance at muster or urinating or defecating somewhere aboard elsewhere than the head, perhaps speaks to the higher proportions of inexperienced seamen now found on the lower decks compared to the 1770s. The increased incidence of quarrelling and fighting compared to 1775-6 may also be attributed largely to that cause. The crime of Desertion or Attempting to Desert represented only three percent of crimes which were punished summarily on board, almost identical to the 1775-6 database sample, with Absent from Leave/Post contributing approximately two percent of total offences, down dramatically from the earlier analysis in Table 4-7. The low figures for the desertion categories can be largely explained by the fact that the majority of

⁴¹ Linebaugh, *The London Hanged*, and Gatrell, *The hanging tree*. Linebaugh discusses in detail the particular case of hangings and seamen in London. For a postcolonial view linking the nineteenth century naval reform movement to ban flogging with the "whiteness" and "Britishness" of seamen, in an effort to distinguish sailors from black plantation slaves, see Land, "Customs of the Sea".

deserters in North America were never recovered. It is not known for certain what is behind the decline in what today would be termed “AWOL” offences. Perhaps there was less inclination for men to risk such an offence as the severity of summary punishment grew, or a tendency among commanders to treat these offences as a form of desertion. At least one captain recorded such offences as Neglect of Duty; therefore it is also feasible that a large proportion of that category represents punishments for temporary, unapproved absence of seamen and marines from their duties.

It is useful to compare the offences from the 1806-7 database sample with that of a larger sample of ships in North America during the War of 1812, also shown on Table 6-20. Tom Malcomson’s analysis of the disciplinary record of those vessels indicates that Drunkenness (twenty-nine percent), Neglect of Duty (twenty-five percent) and Disobedience (twelve percent) were also the three most common summary offences between 1812 and 1815 in North America, if in a slightly different order. The next most common offences were Insolence (thirteen percent), Theft (seven percent) and Quarrelling (four percent). Overall it seems not much has changed in terms of frequency of offence, although Mutiny and Mutinous Expressions seems to have been less common as a summary offence during the 1812 war against America.⁴²

The punishment analysis undertaken by Tom Wareham on a sample of eight frigates during the French Wars, while acknowledging that even the best captains suffered from challenges to their authority, underplays the overall degree and effects of summary punishment. The analysis omits the number of total punishments/men punished, lashes administered, minimum, maximum or average lashes. It focuses solely on a smaller subset of crimes which Wareham thought directly challenged the captain’s authority. This conveniently excludes three of the most common offences – neglect of duty, drunkenness and disobedience. Wareham somewhat tenuously views the offence of disobedience as not directly challenging the captain’s authority, arguing that such cases were a lesser form of disobedience to the standing orders (without clarifying how that does not challenge the authority of the officer who issued them). Given the individual characterisation of crimes throughout the service within

⁴² Malcomson, "Creating Order and 'Disorder'", 202-4.

somewhat common categories, it is quite possible that some captains equated any form of disobedience as a direct challenge to their authority, or even as a form of mutiny.⁴³

Criminals turned over from the civil power

Often related to the question of the frequency and severity of punishment, particularly during the period of the great wars against France, is the argument of some historians (and contemporaries) that severe discipline was required to keep the lower deck in line. This was supposedly because much of it was composed of criminals and other dregs of society swept up by the press gangs and Quota Acts. Rodger and others aver that such cases were quite rare, both in terms of the quality of men produced by the Quota Acts, which Rodger sees as being mostly composed of artisans and trades people, and because of the attitudes of naval officers and men towards such criminal intakes. Rodger believes that most captains would frown upon having such men aboard, if not openly oppose it and refuse to enter them into the ships' books. At minimum, every effort would be made to try and get rid of such convicted criminals, perhaps in exchange or in lieu for other men pressed.⁴⁴ Yet, others have clearly shown that such intakes did occur regularly, and it may have been a measure of the desperation of the navy for men that criminals came aboard ship, with all the unfortunate predictable effects on order and discipline that their presence might then imply.⁴⁵ By this period, procedures seem to have been somewhat more formalised in Nova Scotia than what had occurred earlier during the American Revolution.⁴⁶

The musters and pay books vary in their reliability in this area. On the ships in this sample, these men seem to have been often annotated on the musters or pay books as being "from the Civil Power", and rarely with a few more details such as the name of a parish or community. On others they are not noted at all, although rarely in the "Whence" column there will be some indication that the individual arrived on board ship from a prison. Unfortunately the type of crime for which they were convicted does not seem to have been recorded, nor was

⁴³ Wareham, *Star Captains*, 219-27. Unfortunately, Slope does not undertake any form of summary punishment or disciplinary analysis in his thesis, as his chapter on discipline was cut from the final version. Slope, "Manning, Training and Development", 21.

⁴⁴ Rodger, *Wooden World*, 170-2. idem., *Command of the Ocean*, 397-8. Lloyd, *The British seaman*, 125-7.

⁴⁵ See for example N. Rogers, "Impressment and the law in eighteenth-century Britain," in *Law, Crime and English Society, 1660-1830*, ed. Norma Landau, (Cambridge: Cambridge University Press, 2002); King, *Crime, Justice and Discretion*; and idem, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins*, (Cambridge: Cambridge University Press, 2006).

⁴⁶ See the section on criminals entered into the navy from the civil power in Chapter 4.

the period of time they were expected to serve. The fact that some men in Nova Scotia had their sentences commuted in exchange for a prisoner's consent in agreeing to serve "for ever" in the navy implies that even those convicted of serious crimes were accepted, at least on the short-handed North American station.⁴⁷ It is also very possible that such criminal intakes were not recorded in this manner at all on other ships, and may simply have been entered as volunteers, pressed, or with no annotation in the "Whence" column of the ship's books.

This evidence can be fleshed out somewhat in other ways. For example, on at least one ship in this sample, the *Halifax* sloop, the log book records that on a cruise in the Gulf of St. Lawrence, "a refractory Man from the Shore" was taken on board at the village of Percée on Québec's Gaspé Peninsula, likely at the request of the local authorities.⁴⁸ In Nova Scotia, it seems that by 1812, if not earlier, there was a formal procedure whereby prisoners could petition the lieutenant governor begging for their sentences to be commuted in exchange for promising to serve in the army, or more commonly, the navy.⁴⁹ If approved, the provincial secretary would arrange through the attorney general and local magistrates and sheriffs to have prisoners delivered to the navy. There are references throughout official Nova Scotia legislative papers beginning in April 1812 of criminals being handed over to commanders to serve in such instances,⁵⁰ and also cases of petitions for such service being denied because the crime the prisoner was convicted of was deemed by the lieutenant governor to be "too heinous" for naval service.⁵¹

Admiral John Borlase Warren was equally curious about the crimes committed by the men offered to him, some of which were submitted for his consideration in Halifax with no background on their conviction whatsoever. One wonders whether the local authorities may have seen the navy as a useful method for disposing of unwanted criminals. For example, one man who sentenced to death and then offered a pardon on condition of naval service was put

⁴⁷ George to High Sheriff of Halifax County, Halifax, 7 May 1811 in Harvey, ed., *Calendar of Legislative Papers, NS, 1802-15*, 231.

⁴⁸ TNA:PRO, ADM 51/1962 Part 2, Journal of J. Townshend, 9 May to 19 Oct 1807, entry for 21 Jun 1807.

⁴⁹ Petition of W. Lee, [29 June?] 1812, Guysborough, Nova Scotia, in Harvey, ed., *Calendar of Legislative Papers, NS, 1802-15*, 259-60. Lee was convicted of the murder of N. Wright and asked the Lieutenant Governor to grant him mercy, claiming the murder had been an accident, and offering to serve in either the army or the navy if his sentence was remitted.

⁵⁰ For example, see: the case of J. Stewart, Cogswell to Attorney General, Halifax, 23 Apr 1812; P. Cottenburg and S. Fleet in Cogswell to Fawson, Halifax, 4 Nov 1812; and that of L. Parker in Cogswell to Chipman, Halifax, 23 Dec 1812; all in *Ibid.*, 255, 71 and 74.

⁵¹ Cogswell to Congdon and Lothrop, Halifax, 23 Dec 1812, in *Ibid.*, 274.

forward for Warren's consideration, but without the admiral having any information relating to the case. When Warren discovered that the man had been convicted of murder, he replied negatively, noting that he did not "think him a proper person to be received onboard his Majestys Ships."⁵²

Only a relative handful of such individuals have been identified in the 1806-7 database sample, thirty-three men on five different vessels. Only two ships seem to have regularly recorded such entries in a standardised manner. One was the flag ship of the commander in chief, the *Bellona* (74), on board of which the majority of these men, eighteen in number, appear. This implies that the usual procedure in such cases was for the station commander to approve individually the entry of such men at the request of the civil power, and simply for convenience's sake that it is where the majority of them ended up being entered on the books. It may also have been the case that keeping convicted criminals on a 74-gun ship-of-the-line, with its large marine contingent, kept the officers' minds at ease. Nine of these men were English, one Scottish, one Channel Islander, four Portuguese, two of Germanic origin, one Frenchman and one Swede, while the remainder were of unknown origin. The men came from such locales as Mill Prison and the *Montgomery* prison ship in England, and Halifax prison. In the case of the *Bellona*, nine were entered as landsmen, seven as ordinary seamen and two as able-bodied seamen. Their career progress was equally varied, as seven men deserted, three were promoted, and three were summarily punished. Of four men who were discharged normally, one was allowed to leave "for a warm climate" while another was "left on board the *Patty* Transport at sea", strong indications of deliberate attempts to get rid of the men by their captains.⁵³

Once again, the situation here seems to be more complex than portrayed by either side of the historical debate, and it is unclear whether such men represent the tip of an unrecorded iceberg, or the normal proportion of convicted criminals in the naval service. The evidence cited here for Nova Scotia for the use of service in the navy as an alternative punishment, seems to be supported by the evidence studied by Keith Mercer for the Newfoundland station. The navy received on average thirty seamen per year from the civil power on the eve of the War of 1812. There was some incentive as local authorities received financial compensation

⁵² NMM, WAR/42, Warren to Hunter, Halifax, 16 Oct and 20 Nov 1809.

⁵³ TNA:PRO, ADM 35/2607, *Bellona* paybooks, 1 Jul 1805 to 28 Feb 1809.

for their efforts, particularly if the men sent were bred to the sea.⁵⁴ Again, the process seemed to be used by the civil power as a means of ridding themselves of petty criminals and vagrants, as well as trying to foist more serious criminals onto the naval service, a policy which seems to have succeeded less often. As in earlier periods, victims and offenders could also use such a pre-trial process as a method of avoiding the expense of taking cases to trial at all.

This area requires more research in colonial and metropolitan parish records, in Admiralty legal records, as well as in ship's books and other naval and maritime sources. Such research would provide a clearer picture of how common the pardoning and service of criminals was, the authorities able to request or deny such service, and in what numbers criminals were offered to, accepted in, or rejected by the naval service. It would clarify whether the process was a common one across naval stations, or whether each region had its own local process contingent upon local conditions. In addition, questions remain over what the terms of service were (the commission of the ship, the duration of the original sentence, or "for ever"), which criminal records were acceptable for service and which were not, and who had the discretion and authority to make such decisions. Could naval commanders overrule colonial authorities, or vice versa, in such matters? Were such practices common only during the Napoleonic period, or were they also used during earlier conflicts or even during times of peace? It seems that some station commanders such as John Borlase Warren, and perhaps some individual commanders, had veto power over such decisions, at least when they were informed in advance of them. The discretion of both colonial and naval authorities played a major role in putting forth and accepting such men on a case by case basis, based on the circumstances of the crime committed and those of the men themselves, including their own personal circumstances and willingness to petition the authorities asking to serve.

Conclusions

Desertion rates in this period were generally lower on an individual vessel basis than in the 1775-6 database sample, as well as overall for the entire sample. Yet as the nature of naval discipline before the turn of the nineteenth century, more serious incidents of mass desertion occurred, such as those on the *Ferret*, *Vesta*, *Columbine*, and *Jason*. Nevertheless, the relatively low desertion rates do not mean the problem was not considered as important by the

⁵⁴Mercer, "North Atlantic Press Gangs", 307-12.

various commanders-in-chief and colonial authorities than in earlier periods. As in earlier years, the squadron was often under-manned and even the loss of a few highly skilled topmen could greatly affect the operation of a small warship.

Irish, Scottish and American seamen and marines, followed by foreign and imperial mariners, were more likely to desert than their English colleagues. This perhaps indicates two things: that regional and ethnic identities in the British and Irish contexts were still more important than any superimposed sense of “Britishness”; and that naval service was not necessarily an aid in building such a sense of nationality among the multi-ethnic crews of the lower decks of the navy, particularly on foreign stations distant from the metropole. It may also provide an indication that many Irish seamen had little sense of belonging to a British empire following the 1798 uprising given that their proportional desertion rate was almost equivalent to that of foreign mariners. The few Scottish seamen who self-identified or were entered on the books as “North Britons” are also an indication of the tenuous concepts of Britishness even in this relatively late period, as is the complete absence of any “West Britons” in the records examined.

Criminals turned over from various civil authorities, pardoned in exchange for accepting naval service, were on board almost every ship in the 1806-7 database sample, which implies they were likely present on all the ships of the squadron. How many remains unclear given the inconsistencies of how such men were recorded on their entry into a vessel. The very small numbers found herein, some one percent of the total men on the books, might accurately represent the total number, or be the tip of a largely unrecorded iceberg.

Over the longer term, the numbers of men discharged as deserted posed more of a problem in this period than those discharged sick, disabled, or dead combined. That said, in the short term sickness rates may have been as important in terms of creating manning shortages on board than desertion rates, which in general were lower on an individual vessel basis than the 1775-6 period with a few exceptions.

Summary punishment frequencies in this period were generally similar to the 1775-6 database sample, but the average severity of flogging and maximum punishments were much greater. At the same time the use of courts martial were reduced somewhat by more frequent use of courts of enquiry. As in earlier years, there appears to be no clear or strong correlation between summary punishment and desertion, as the percent of men punished who later

deserted is quite small. Those commanders who had low punishment rates could still experience high levels of desertion, while extreme cases, such as Thomas J. Cochrane, with tyrannical frequencies and severity of punishment, likely contributed to higher desertion rates and even attempts at mass desertion mutinies, as we shall see in Chapter 8.

The majority of commanders in the 1806-7 database sample could be considered tyrannical or severe disciplinarians based upon the simple scale of the percent of men punished. Several commanders issued summary punishments of forty-eight lashes or more and at least two captains, Cochrane and James Townshend, challenge the highest identified extreme punishment of a tyrannical commander in this period cited by Brian Lavery. Cochrane's summary punishment height of 120 lashes seems to have set a new tyrannical record for the entire navy. Further analysis of ships such as Lord William Fitzroy's *Aeolus* or *Macedonian* in North America may challenge even that record. The case of Atkin Hayman and equally demonstrates that not punishing at all could be as dangerous for a commander as a high rate or severity of summary punishments. It took the intervention after the *Vesta* mutiny of a more severe disciplinarian and follower of J.B. Warren, Lieutenant Richard Wales, to lower the desertion rate on board the schooner to more acceptable levels. Wales later experienced mutinous behaviour among his crew on the *Epervier* during the War of 1812.⁵⁵

The quality of men recruited into the squadron fell dramatically in this period compared to the earlier sample. Whereas previously almost seventy-two percent of all seamen were able-bodied, petty officers or idlers, and only twenty-eight percent ordinary, landsmen or servants, by the 1806-7 period these overall figures had changed to near forty-two percent and fifty-six percent respectively. This reflects the use of the Impress Service and the Quota Acts to deal with manning of the massively increased fleet. It appears that the thesis that the unskilled seamen in this period were made up largely of Irish conscripts needs to be revisited. While the skill proportions have changed dramatically among Irish seamen in this sample, the largest group of unskilled seamen in this sample are English, with some fifty-seven percent being rated as ordinary, landsmen or boys. The only two categories to contribute more than fifty percent of highly skilled seamen than unskilled mariners were Americans and foreign seamen, so the relatively small numbers of these categories may be balanced by their greater importance in this regard.

⁵⁵ Hubley and Malcomson, "The People".

Finally, the analyses presented here show that the Scottish and Irish contributions to the ships in this database sample, while still substantial, have fallen compared to the 1775-6 database sample. This was particularly the case with the Irish, which was possibly due to a mistrust of Irish seamen following the 1798 uprising, and unwillingness after those events by the Irish to volunteer for the naval service. Spithead and the Nore may also have had some effect here, but if that was the case one would perhaps expect to see a decline in the contribution of English seamen as well, but it has increased. Why this is so remains unclear. There were relatively large numbers of Irish sailors and settlers in Newfoundland and Nova Scotia, close to the usual headquarters of the squadron in Halifax, and elsewhere in America. As we have seen in the preceding chapters, the commanders of the vessels of the North American squadron in Halifax and Québec seem to have often relied on Newfoundland for acquiring seamen, or at least to make attempts to do so, when enough men could not be found locally. Irish seamen who joined the squadron, voluntarily or involuntarily, came predominantly from the regions around Cork and Dublin, but northern counties such as Antrim and Londonderry may have played a larger role in providing seamen for the Royal Navy in the eighteenth century than in the nineteenth.

We will now turn to an examination of how the crime of desertion was treated as a capital offence at court martial. How frequent were courts martial compared to the summary punishments examined above? Were men punished more severely on the North American station at court martial than on other naval stations, and how was discretion exercised by authority figures in this process? Moreover, what effect may this have had upon desertion rates on the station?

Table 6-1 North American squadron desertion rates, 1806-7 database sample

Vessel (Guns) Official Complement	Time Period	Total men on books	Total men run	% of men run	Men run as % p.a. of average complement	Turnover from all causes (D, DS, DSQ, DD, R) as % p.a. of average complement¹	Sources (all TNA:PRO)
<i>Bellona</i> (74) 590	Jul 1805 to Feb 1809	1002	117	12	6	22	ADM 35/2607
<i>Columbine</i> (18) 121	Aug 1806 to Mar 1810	322	101	31	23	47	ADM 35/2706 ADM 37/1096
<i>Halifax</i> (18) 121	Dec 1805 to May 1812	457	74	16	11	54	ADM 35/2272 ADM 35/2849
<i>Jason</i> (32) 215	Nov 1804 to Jan 1808	498	96	19	14	46	ADM 37/705
<i>Leopard</i> (50) 343	May 1804 to Aug. 1807	761	70	9	6	45	ADM 35/2301 ADM 36/16328 ADM 37/1413-4
<i>Vesta</i> (4) 42	Apr 1807 to Apr 1812	176	63	40	36	65	ADM 35/3215 ADM 37/1041
Totals:		3216	521	16	n/a	n/a	

¹ Excluding discharges and turnover to other ships at end of commission on return to England.

Table 6-2 North American squadron desertion rates, 1806-7 paybook sample

Ship (guns)	Paybook Dates	Average Complement	Total men on books	Total men run	% men run	Men run per month	% run p.a. of average complement	Sources (all TNA:PRO)
<i>Bream</i> schooner (4)	16 Apr 1807 to 30 Oct 1807	40	29	1	3.4	0.2	4.6	ADM 35/2147
<i>Bream</i> schooner (4)	1 Nov 1807 to 3 May 1815	40	193	29	15.0	0.3	9.6	ADM 35/4057
<i>Chub</i> schooner (4)	14 Mar 1807 to 14 Aug 1812	50	87	22	25.3	0.3	8.1	ADM 35/3389
<i>Cleopatra</i> (32)	30 Apr 1805 to 31 Jan 1811	215	574	70	12.2	1.0	5.7	ADM 35/2648
<i>Driver</i> (18)	11 Feb 1803 to 8 Jan 1811	121	374	48	12.8	0.5	5.0	ADM 35/2730
<i>Emulous</i> (18)	30 Aug 1806 to 20 Oct 1812	121	346	48	13.9	0.6	6.4	ADM 35/3451
<i>Ferret</i> (18)	1 Apr 1806 to 24 Sept 1810	121	384	89	23.2	1.6	16.3	ADM 35/2806
<i>Horatio</i> (38)	10 Jun 1807 to 31 Mar 1809	292	388	31	8.0	1.4	5.9	ADM 35/2833
<i>Horatio</i> (38)	1 Apr 1809 to 31 Sept 1809	292	290	7	2.4	1.4	5.8	ADM 35/2833
<i>Indian</i> (18)	10 Oct 1804 to 31 Mar 1812	121	469	62	13.2	0.7	6.9	ADM 35/2876
<i>Melampus</i> (32)	14 Aug 1805 to 15 Feb 1812	274	963	61	6.3	0.8	3.4	ADM 35/2924
<i>Milan</i> (38)	1 Nov 1805 to 14 Sept 1810	300	649	55	8.5	0.9	3.7	ADM 35/2934
<i>Penelope</i> (36)	1 Jun 1807 to 26 Sept 1810	264	400	21	5.3	0.5	2.4	ADM 35/3029
<i>Swiftsure</i> (74)	1 May 1807 to 11 Apr 1811	590	1080	33	3.1	0.7	1.4	ADM 35/3135
Totals	n/a	n/a	6226	577	9.3	n/a	n/a	

Table 6-3 Deserters by quality, 1806-7 database sample

Sources: See Table 6-1

Quality	Ship/Vessel						Totals
	<i>Bellona</i>	<i>Columbine</i>	<i>Halifax</i>	<i>Jason</i>	<i>Leopard</i>	<i>Vesta</i>	
<i>AB</i>	46	18	23	19	24	17	147
<i>ORD</i>	17	42	12	33	11	18	133
<i>LM</i>	33	24	19	20	17	20	133
<i>PO</i>	5	2	1	3	3	0	14
<i>Marines</i>	4	6	4	5	4	1	24
<i>WO</i>	0	0	0	3	0	0	3
<i>Mid</i>	3	1	1	1	1	1	8
<i>Idlers</i>	0	1	1	5	4	1	12
<i>Boys</i>	9	7	7	7	6	4	40
<i>Unknown</i>	0	0	6	0	0	1	7
<i>Totals</i>	117	101	74	96	70	63	521

Legend:

AB – Able-bodied seaman

ORD – Ordinary seaman

LM - Landsman

PO – Petty officer

WO – Warrant officer

Mid - Midshipman

Table 6-4 Desertion by group size, 1806-7 database sample

Sources: See Table 6-1

Group size	Vessel (# of groups of that size)						Total (groups)
	<i>Bellona</i>	<i>Columbine</i>	<i>Halifax</i>	<i>Jason</i>	<i>Leopard</i>	<i>Vesta</i>	
<i>Individual</i>	31	31	35	49	29	11	186
<i>2-4 men</i>	15	10	8	18	12	7	70
<i>5-9 men</i>	3	5	2	1	1	1	13
<i>10+ men</i>	0	1	0	0	0	1	2
<i>Not known</i>	0	0	1	0	4	3	8

Table 6-5 Volunteer/Pressed analysis, 1806-7 database sample

Sources – See Table 6-1

Whence and Whether Prest	<i>Halifax</i>		<i>Jason</i>		<i>Leopard</i>		<i>Vesta</i>		<i>Bellona</i>		<i>Columbine</i>		Sample Totals	% of total men on books
	<i>Men on books</i>	%	<i>Men on books</i>	%	<i>Men on books</i>	%	<i>Men on books</i>	%	<i>Men on books</i>	%	<i>Men on books</i>	%		
<i>Volunteer</i>	151	33.1	243	48.8	262	34.4	40	22.7	290	28.9	126	39.1	1112	34.6
<i>Pressed</i>	60	13.2	92	18.5	8	1.1	17	9.7	106	10.6	63	19.6	346	10.8
<i>Turned over</i>	190	41.4	73	14.7	220	28.8	89	50.6	373	37.2	80	24.8	1025	31.9
<i>Civil power</i>	2	0.4	9	1.8	1	0.1	0	0	18	1.8	3	0.9	33	1.0
<i>Not known</i>	54	11.8	81	16.2	270	35.5	30	17.0	215	21.4	50	15.5	700	21.8
<i>Ship Totals:</i>	457	100	498	100	761	100	176	100	1002	100	322	100	3216	100

Table 6-6 Deserters volunteer/pressed analysis, 1806-7 database sample
Sources: See Table 6-1

Whence and Whether Prest	Halifax		Jason		Leopard		Vesta		Bellona		Columbine		Category Totals	% of men on books in category (see Table 5-9)
	Men run	%	Men run	%	Men run	%	Men run	%	Men run	%	Men run	%		
<i>Volunteer</i>	19	25.7	51	53.1	28	40	18	30	32	27.4	44	43.6	192	17.3
<i>Pressed</i>	6	8.1	22	22.9	4	5.7	9	15	20	17.1	12	11.9	73	21.1
<i>Turned over</i>	24	32.4	9	9.5	6	8.6	31	46.7	49	41.9	28	27.7	147	14.3
<i>Civil Power</i>	1	1.4	1	1.0	0	0	0	0	6	5.1	3	3.0	11	33.3
<i>Not known</i>	24	32.4	13	13.5	32	45.7	5	8.3	10	8.5	14	14.0	98	n/a
<i>Ship Totals:</i>	74	100	96	100	70	100	63	100	117	100	101	100	521	16.2

Table 6-7 Age and Time in Ship in days (TiS) of seamen and marines with recorded age, 1806-7 database sample
Sources: See Table 6-1

	Halifax	Jason	Leopard	Vesta	Bellona	Columbine
Avg age	26.1	25.6	25.2	24.3	26.5	25
Min age	12	12	10	12	12	13
Max age	63	60	52	52	67	52
SD age	8.2	8.6	7.3	7.4	9.1	7.7
Avg TiS	555	461	554	377	699	403
Min TiS	1	4	2	7	1	1
Max TiS	2,567	1,878	1,676	1,950	1,458	1,297

**Table 6-8 Age and Time in Ship in days (TiS) of deserters with recorded age, 1806-7
database sample**

Sources: See Table 6-1

	<i>Halifax</i>	<i>Jason</i>	<i>Leopard</i>	<i>Vesta</i>	<i>Bellona</i>	<i>Columbine</i>
Avg age	23.9	24.6	23.2	22.8	24.2	23.4
Min age	14	13	14	14	13	13
Max age	42	47	45	50	46	44
SD age	5.2	6.4	5.1	6	6.6	5.4
Avg TiS	417	266	366	280	430	338
Min TiS	9	4	2	11	1	3
Max TiS	2,085	1,878	1,676	1,950	1,298	1,040

**Table 6-9 Desertion and ethnicity in the North American squadron, 1806-7 database
sample**

Sources: See Table 6-1, *1801 Census*

<i>Ethnicity</i> (by declared place of birth)	<i>No. of seamen and marines on muster and pay books</i>	<i>% of total men on books</i>	<i>No. of deserters</i>	<i>% of total deserters</i>	<i>Deserters as % of same ethnicity on the books</i>	<i>Deserters per 10,000 population</i>
Unknown	879	27.3	54	10.4	n/a	n/a
English	1268	39.4	227	43.6	17.9	0.28
Irish	294	9.1	77	14.8	26.2	0.16
Scottish	213	6.6	53	10.2	24.9	0.33
Welsh	63	2.0	9	1.7	14.3	0.16
American	204	6.3	43	8.3	21.1	n/a
Empire	128	4.0	25	4.8	19.5	n/a
Foreign	167	5.2	33	6.3	19.8	n/a
Total (6 vessels)	3,216	100	521	100	n/a	n/a

Table 6-10 Recruitment by county/region and quality, 1806-7 database sample
 (County/region contributing ≥ 20 seamen)
 Sources: See Table 6-1

<i>County/Region</i>	<i># of seamen (%)</i>			
	<i>PO/AB/Idlers¹</i>	<i>ORD/LM/Boys</i>	<i>Unknown</i>	<i>Total</i>
"London"	67	154	1	222
Yorkshire	56	36	1	93
Hampshire	32	55		87
Lancashire	29	53		82
Kent	46	35	1	82
Devon	40	34	1	75
Northumberland	47	18	1	66
co. Dublin	15	41		56
co. Cork	21	30		51
Middlesex	17	32		49
Sweden	34	16		50
Essex	27	22		49
Cornwall	20	22	1	43
Somersetshire	15	19	1	35
West Indies	12	29	1	42
Germany ²	23	14	2	39
Edinburgh/Midlothian	21	17		38
Cumberland	21	15		36
New York	20	13		33
Surrey	10	21		31
Nova Scotia	10	21		31
Norfolk	16	14		30
Gloucestershire	11	16	1	28
Pennsylvania	13	14		27
Dorset	12	14		26
Wiltshire	11	9	1	26
Angus	10	13		23
Forfar	11	12		23
co. Waterford	10	12		22
Portugal	9	13		22
Channel Islands/Isle of Man	8	11	1	20
Massachusetts	10	10		20

¹ Excluding marines, for whom no county or country of origin is generally indicated in the sources.

² Includes men entered from "Germany", Prussia, Hanover, and "High Germany".

Table 6-10 (continued) - Totals # of seamen (%)				
	<i>PO/AB/Idler</i>	<i>ORD/LM/Boys</i>	<i>Unknown</i>	<i>Subtotals³</i>
England	537 (42.4)	721 (56.9)	10(0.8)	1268(48.4)
Ireland	83 (28.2)	211(71.8)	0	294(11.2)
Scotland	102(47.9)	111(52.1)	0	213(8.1)
Wales	31(49.2)	32(50.8)	0	63(2.4)
United States	111(54.4)	91(44.6)	2(0.9)	204(7.8)
Foreign	86(51.5)	78(46.7)	3(1.8)	167(6.4)
Empire ⁴	36(28.1)	90(70.3)	2(1.6)	128(4.9)
Unknown	102(36.3)	118(42.0)	61(21.7)	281(10.7)
<i>Grand total</i>	1088(41.6)	1452(55.5)	78(3.0)	2618(100)

³ Totals include counties/regions contributing less than twenty seamen and seamen with unknown county/region of origin.

⁴ Includes men born in the Channel Islands and Isle of Man.

Table 6-11 Recruitment by English county or region, 1806-7 database sample
 (Counties producing ≥ 5 seamen)
 Sources: See Table 6-1, *1801 Census*; Lewis, 1960.

England				
County	Total	Per 10,000 pop.	Rank per 10,000 pop.	Lewis rank per 10,000 pop
"London"	222	2.33	5	30
Yorkshire	93	1.08	16	36
Hampshire	87	3.96	2	1
Kent	82	2.67	4	3
Lancashire	82	1.22	12	41
Devon	75	2.10	9	2
Northumberland	66	4.20	1	9
Essex	49	2.16	8	31
Middlesex	49	0.60	27	4
Cornwall	43	2.28	6	5
Cumberland	36	3.07	3	27
Somerset	35	1.28	11	10
Norfolk	30	1.10	14	12
Gloucester	28	1.12	13	32
Surrey	28	1.04	18	20
Dorset	26	2.25	7	6
Wiltshire	26	1.40	10	11
Suffolk	18	0.86	22	7
Sussex	17	1.07	17	15
Durham	15	0.94	20	22
Warwick	15	0.72	25	35
Lincoln	12	0.56	29	38
Buckingham	10	0.93	21	29
Hereford	10	1.03	19	8
Berkshire	9	0.82	23	13
Leicester	9	0.69	26	19
Hertford	8	0.82	24	14
Nottingham	8	0.57	28	26
Stafford	8	0.34	33	18
Bedford	7	1.10	15	n/a
Cheshire	6	0.31	34	34
Cambridge	5	0.56	30	25
Oxford	5	0.46	31	33
Worcester	5	0.36	32	39
<i>Total English</i>	1,268	1.53	n/a	
<i>As % of database sample</i>	39.4			

Table 6-12 Recruitment by Irish county, 1806-7 database sample
(Counties producing ≥ 5 seamen)

Sources: See Table 6-1 and *Census of 1813*; Lewis, 1960.

Ireland			
County	Total	Per 10,000 population	Rank per 10,000 population
Co. Dublin	56	1.95	1
Co. Cork	51	0.87	5
Co. Waterford	22	1.52	2
Co. Kilkenny	13	0.97	3
Co. Down	12	0.42	8
Co. Limerick	10	0.96	4
Co. Antrim	8	0.35	10
Co. Galway	6	0.36	9
Co. Kildare	6	0.70	6
Co. Longford	6	0.63	7
Co. Tipperary	5	0.17	12
Co. Tyrone	5	0.20	11
Co. Wexford	5	n/a	n/a
<i>Total w/county</i>	241	n/a	n/a
<i>Total county unknown</i>	53 (18.0%)	n/a	n/a
<i>Total northern counties</i>	29 (9.9%)	n/a	n/a
<i>Total southern counties</i>	212 (72.1%)	n/a	n/a
<i>Total Irish</i>	294	0.61	n/a
<i>As % of database sample</i>	9.1	n/a	n/a

Table 6-13 Recruitment by Scottish county or region, 1806-7 database sample
(Counties producing ≥ 5 seamen)

Sources: See Table 6-1 and *Census of 1801*; *Census of 1811*; Lewis, 1960.

Scotland				
County	Total	Per 10,000 population	Rank per 10,000 population	Lewis rank per 10,000 population
Edinburgh/Midlothian	38	3.09	2	6
Forfar	23	2.32	4	22
Fife	18	1.92	6	3
Argyll	14	1.95	5	20
Renfrew	14	1.79	7	25
Shetland	11	2.37	3	26
Dumbarton	8	3.86	1	30
Perth	8	0.63	10	12
Inverness	7	0.94	8	27
Ayr	6	0.71	9	21
<i>Total w/county</i>	174	n/a	n/a	n/a
<i>Total county unknown</i>	39	n/a	n/a	n/a
<i>Total Scottish</i>	213	1.33	n/a	n/a
<i>Identified as "North Briton"</i>	21	0.13	n/a	n/a
<i>As % of database sample</i>	6.6	n/a	n/a	n/a

Table 6-14 Recruitment by Welsh county or region, 1806-7 database sample
(Counties producing ≥ 5 seamen)

Sources: See Table 6-1 and *Census of 1801*; *Census of 1811*; Lewis, 1960.

Wales				
County	Total	Per 10,000 population	Rank per 10,000 population	Lewis rank per 10,000 population
Carmathan	13	1.93	1	5
Cardigan	8	1.86	2	9
Anglesea	5	1.48	3	2
<i>Total w/county</i>	54	n/a	n/a	n/a
<i>Total county unknown</i>	9	n/a	n/a	n/a
<i>Total Welsh</i>	63	1.16	n/a	n/a
<i>Identified as "North Wales"</i>	5	0.09	n/a	n/a
<i>Identified as "South Wales"</i>	9	0.17	n/a	n/a
<i>As % of database sample</i>	2.0	n/a	n/a	n/a

Table 6-15 Recruitment of American seamen by state, 1806-7 database sample
(State producing ≥ 5 seamen)

Sources: See Table 6-1

United States	
State	Total
New York	33
Pennsylvania	27
Massachusetts	20
Maryland	10
North Carolina	7
Virginia	6
Delaware	5
<i>Total w/state</i>	118
<i>Total state unknown</i>	86
<i>Total US</i>	204
<i>Total US as % of database sample</i>	6.3

Table 6-16 Recruitment of other British empire seamen by colony or region, 1806-7 database sample

(Colony or region producing ≥ 5 seamen)

Sources: See Table 6-1

Empire	
Region	Total
West Indies	42
Nova Scotia	31
Channel Islands/Isle of Man ¹	20
East Indies/India ²	11
Canada	6
Africa	5
Newfoundland	5
<i>Total Empire</i>	128
<i>Total Empire as % of database sample</i>	4.0

Table 6-17 Recruitment of foreign seamen by country or region, 1806-7 database sample

(Country or region producing ≥ 5 seamen)

Sources: See Table 6-1

Foreign	
Region	Total
Sweden	50
Prussia/Hanover ³	39
Portugal	22
Denmark	10
France	8
Norway	7
Switzerland	7
Italy	5
Spain	5
<i>Total Foreign</i>	167
<i>Total Foreign as % of database sample</i>	5.2

¹ Including 16 men from the Channel Islands and four from the Isle of Man.

² Including ten men from the East Indies and one from India.

³ Including 20 men from Prussia and four from Hanover.

Table 6-18 North American squadron discharged dead (DD), sick (DS/DSQ), and invalided, 1806-07 database sample

Vessel (Guns) Official Complement	Time Period	Total men on books	DD	DS or DSQ	D “Unserviceable” or “Invalided”	# of men (%)		Total discharged for those reasons	Total discharged as % p.a. of average complement	Sources
<i>Bellona</i> (74) 590	Jul. 1805 to Feb. 1809	1002	42 (4.1)	49 (4.9)	31 (3.1)	122 (12.2)		5.6	ADM 35/2607	
<i>Columbine</i> (18) 121	Aug. 1806 to Mar. 1810	322	18 (5.6)	32 (9.9)	9 (2.8)	59 (18.3)		12.2	ADM 35/2706 ADM 37/1096	
<i>Halifax</i> (18) 121	Dec. 1805 to Mar 1812	457	10 (2.2)	17 (3.7)	12 (2.6)	39 (8.5)		5.2	ADM 35/2272 ADM 35/2849	
<i>Jason</i> (32) 215	Nov. 1804 to Jan. 1808	498	39 (7.8)	20 (4)	38 (7.6)	97 (19.4)		13.9	ADM 37/705	
<i>Leopard</i> (50) 343	May 1804 to Aug. 1807	761	17 (2.2)	31 (4.1)	6 (< 1)	54 (7.1)		4.8	ADM 35/2301 ADM 36/16328 ADM 37/1413-4	
<i>Vesta</i> (4) 42	Apr. 1807 to Apr. 1812	176	3 (1.7)	16 (9.1)	0	19 (10.8)		9.0	ADM 35/3215 ADM 37/1041	
Totals:		3216	129 (4)	165 (5.1)	96 (3)	390 (12.1)				

Table 6-19 North American squadron summary punishment analysis, 1806-7 database sample

Vessel (Guns) Official Complement	Captain or Commander (Time Period)	Total men on books in period	Total Men Punished in period (as % of total men on books)	Punishments ¹				Men run in period (per month)	Men punished who later ran (as % of men punished)	Desertion Rate (men run as % of total on books in period)	Sources (all TNA:PRO)
				Total (in period)	Average (lashes)	Frequency (punishments per month)	Min (lashes)	Max (lashes)			
<i>Bellona</i> (74) 590	J. E. Douglas (1 Jan to 31 Dec 1807)	666	113 (17.0)	144	17.4	1	6	36	1 (0.8)	1.2	ADM 51/1756 ADM 52/3734
<i>Columbine</i> (18) 121	J. Bradshaw (19 Aug 1806 to 11 Nov 1808) Geo. Hills (12 Nov 1808 to 19 Mar 1810)	225	27 (12)	38	25.9	1.4	12	48	8 (29.6)	25.8	ADM 51/2227 ADM 52/3817
		198	22 (11.1)	29	23.2	1.8	12	48	6 (27.3)	22.2	
<i>Halifax</i> (18) 121	J. Townshend (9 May 1807 to 29 May 1809)	243	90(37.0)	187	18.5	7.8	6	60	10 (12.8)	14.4	ADM 51/1692 ADM 52/3835
<i>Jason</i> (32) 215	T. J. Cochrane (2 Jan 1807 to 2 Jan 1808)	308	109 (35.4)	160	27.6	13.3	6	120	11 (10.1)	9.7	ADM 51/1965
<i>Leopard</i> (50) 343	S.P. Humphreys (17 Aug 1806 to 29 Apr 1808)	485	61 (12.6)	80	12.5	4	12	36	0	2.7	ADM 51/1702, 1725 ADM 52/3637
<i>Vesta</i> (4) ² 42	A. Hayman (16 Apr to 12 Oct 1807)	68	4(5.9)	5	36	0.8	36	36	1 (100)	65	ADM 51/2935, 1765, 1981
	H. Goold (13 Mar to 31 May 1808)	47	4 (8.5)	4	12	1.6	12	12	0	0	
	R. Wales (13 Dec 1808 to 11 Jun 1809)	50	15 (30)	18	22.7	2.8	12	36	1 (6.7)	8	
Totals		2290	445(19.4)	665	n/a	n/a	6	120	38(8.9)	9.5	

¹ Punishments have not been disaggregated by offence here – i.e. a punishment for “Drunkness & Neglect” of twelve lashes is counted as one offence.

² The number of lashes for seven punishments on the *Vesta*, (three under Hayman, four under Goold), were not recorded and have been treated as the “standard” dozen.

Table 6-20 Summary punishments by place of birth, 1806-7 database sample

Sources: See Table 6-19

Ship	Ethnicity # of men (%)								Totals
	<i>English</i>	<i>Irish</i>	<i>Scottish</i>	<i>Welsh</i>	<i>American</i>	<i>Foreign</i>	<i>Other Empire</i>	<i>Unknown</i>	
<i>Bellona</i>	57(50.4)	15(13.3)	7(6.2)	2(1.8)	4(3.5)	5(4.4)	3(2.7)	20(17.7)	113(100)
<i>Columbine</i>	18(41.9)	3(7.0)	2(4.7)	2(4.7)	4(9.3)	3(7.0)	1(2.3)	10(23.3)	43(100)
<i>Halifax</i>	32(36.0)	18(20.0)	12(13.3)	2(2.2)	5(5.5)	4(4.4)	3(3.3)	14(15.5)	90(100)
<i>Jason</i>	34(31.2)	17(15.6)	4(3.7)	3(2.7)	24(22.0)	6(5.5)	2(1.8)	19(17.4)	109(100)
<i>Leopard</i>	44(72.1)	6(9.8)	3(4.9)	3(4.9)	1(1.6)	1(1.6)	1(1.6)	2(3.3)	61(100)
<i>Vesta</i>	7(43.8)	1(6.3)	1(6.3)	1(6.3)	0	1(6.3)	1(6.3)	4(25.0)	16(100)
Totals	192(44.4)	60(13.9)	29(6.7)	13(3.0)	38(8.8)	20(4.6)	11(2.5)	69(16.0)	432(100)

Table 6-21 Summary punishments by general crew quality, 1806-7 database sample

Sources: See Table 6-19

Ship	Quality # of men (%)				Totals
	<i>Seamen</i>	<i>Idlers</i>	<i>Marines</i>	<i>Unknown</i>	
<i>Bellona</i>	90(79.6)	3(2.7)	20(17.7)	0	113(100)
<i>Columbine</i>	34(79.1)	0	9(20.9)	0	43(100)
<i>Halifax</i>	74(82.2)	2(2.2)	13(14.4)	1(1.1)	90(100)
<i>Jason</i>	82(75.2)	5(4.6)	14(12.8)	8(7.3)	109(100)
<i>Leopard</i>	47(77.0)	1(1.6)	13(21.3)	0	61(100)
<i>Vesta</i>	12(75.0)	0	4(25.0)	0	16(100)
Totals	339(78.5)	11(2.5)	73(16.9)	9(2.1)	432(100)

Table 6-22 Summary punishments by type of entry, 1806-7 database sample

Sources: See Table 6-19

Ship	Type of entry # of men (%)					Total men punished (%)
	<i>Volunteer</i>	<i>Pressed</i>	<i>Turned over</i>	<i>Civil power</i>	<i>Unknown</i>	
<i>Bellona</i>	30 (26.5)	13 (11.5)	46 (40.7)	3 (2.7)	21 (18.6)	113(100)
<i>Columbine</i>	6 (13.6)	9 (20.9)	16 (37.2)	1 (23.3)	11 (25.6)	43(100)
<i>Halifax</i>	31 (34.4)	2 (2.2)	44 (48.9)	0	13 (14.4)	90(100)
<i>Jason</i>	38 (34.5)	29 (26.6)	17 (15.6)	2 (1.8)	23 (21.1)	109(100)
<i>Leopard</i>	15 (24.6)	0	24 (39.3)	0	22 (36.1)	61(100)
<i>Vesta</i>	5 (31.3)	2(12.5)	8(50.0)	0	1(6.3)	16(100)
Totals	125 (28.9)	55 (12.7)	155 (35.9)	6 (13.9)	91 (21.1)	432(100)

Table 6-23 Recidivism in summary punishment, 1806-7 database sample

Sources: See Table 6-19

Ship	Number of floggings received by individuals # of men (%)							Total men punished
	One	Two	Three	Four	Five	Six	Nine	
<i>Bellona</i>	87(77.0)	23(20.4)	2(1.8)	1(0.9)	0	0	0	113(100)
<i>Columbine</i>	28(65.1)	9(20.9)	4(9.3)	1(2.3)	1(2.3)	0	0	43(100)
<i>Halifax</i>	47(52.2)	18(20.0)	11(12.2)	7(7.8)	4(4.4)	2(2.2)	1(1.1)	90(100)
<i>Jason</i>	73(67.0)	26(23.9)	7(6.4)	2(1.8)	1(0.9)	0	0	109(100)
<i>Leopard</i>	49(80.3)	9(14.8)	3(4.9)	0	0	0	0	61(100)
<i>Vesta</i>	14(87.5)	1(6.3)	1(6.3)	0	0	0	0	16(100)
Totals	298(69.0)	86(19.9)	28(6.5)	11(2.5)	6(1.4)	2(0.5)	1(0.2)	432(100)

Table 6-24 North American squadron summary punishment analysis by offence, 1806-7 database sample

Sources: See Table 6-19

<i>Offence</i>	<i>Number of offences (% of total)</i>	
	<i>1806-7 database sample¹ (6 vessels, periods from 1 to 2 years)</i>	<i>1812-1815 sample² (27 vessels, varying time periods) Source: Malcomson 2008</i>
Drunkenness	240 (27)	522 (29)
Neglect of Duty	214 (24)	217(12)
Disobedience to a Superior	155 (18)	446(25)
Insolence/Contempt/Abuse to Superior	44 (5)	242(13) ³
Mutiny/ Mutinous Expressions	33 (4)	51(3)
Quarrelling/Fighting/Assault	31 (4)	65 (4)
Uncleaness/Dirtiness	31 (4)	56(3)
Theft	28 (3)	122(7)
Desertion/Attempting to Desert	28 (3)	62 (4)
Riotous Behaviour/Irregular Behaviour	18 (2)	8 (<1)
Absent from Post/Duty/Quarters	12 (1)	5(<1)
Absent without Leave	12 (1)	26(1)
Selling Clothes/Necessaries	11 (1)	7(<1)
Sleeping on Post/Watch	6 (< 1)	20(1)
Unknown	5 (< 1)	0
Wasting Stores	4 (< 1)	3(<1)
Striking a Superior	3 (< 1)	22(1)
Reproachful Speeches/Infamous Expressions	2 (< 1)	0
Fraud/Embezzlement/Forgery	1 (< 1)	1(<1)
Selling Liquor/Smuggling Liquor/Other alcohol offences	1 (< 1)	17(<1)
Gaming/Gambling	1 (< 1)	4(<1)
Sexual Misconduct	0	4(<1)
Other	0	23(1)
Total:	880 (100)	1823(100)

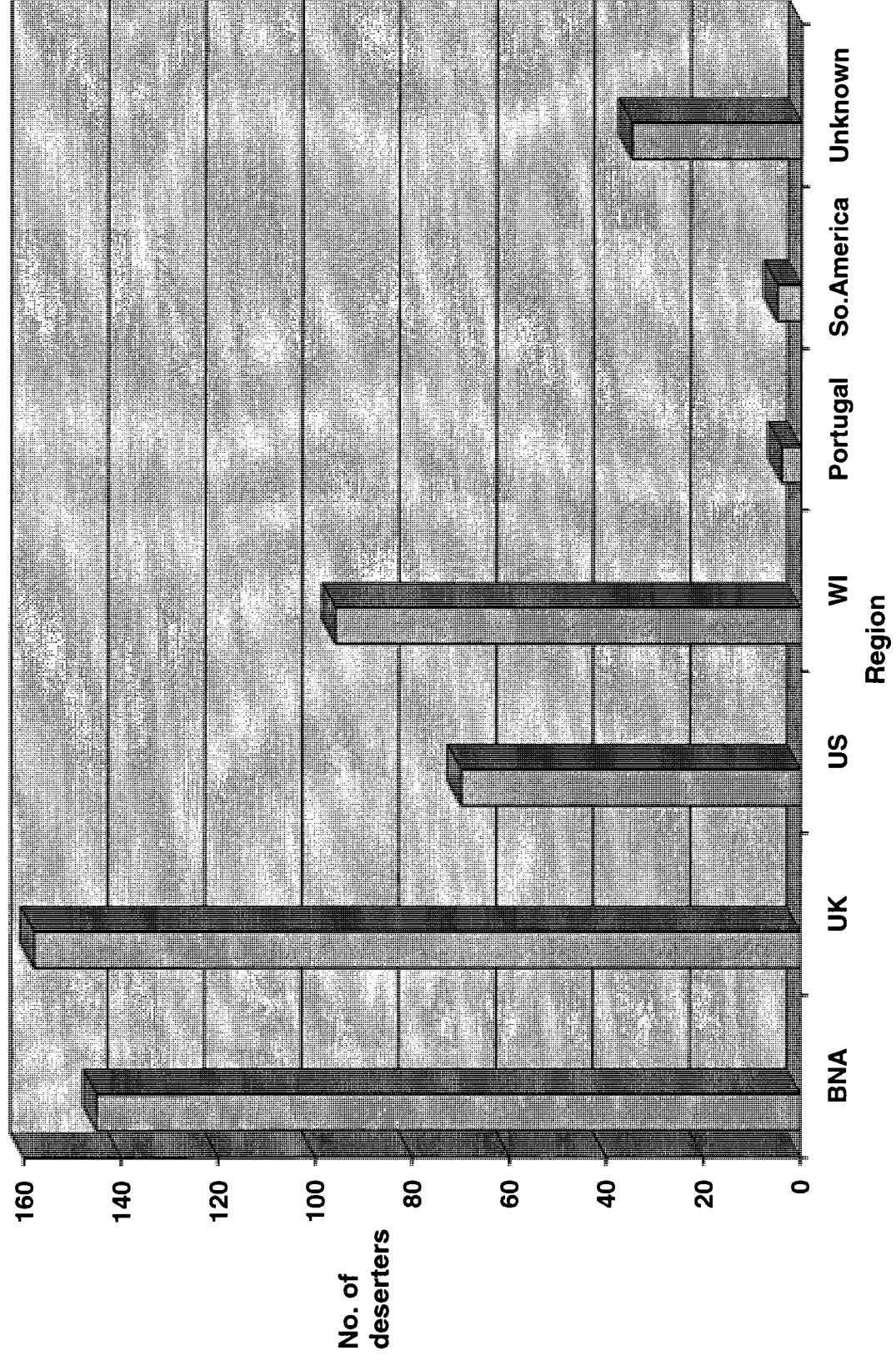
¹ Offences have been disaggregated. Rounded to the nearest percent unless under one percent.

² Malcomson does not disaggregate offences, so comparisons here are approximate, but still useful. The offences of Disobedience of Orders and Neglect of Duty have been separated here, as have Theft and Fraud, and Riotous Behaviour and Quarrelling.

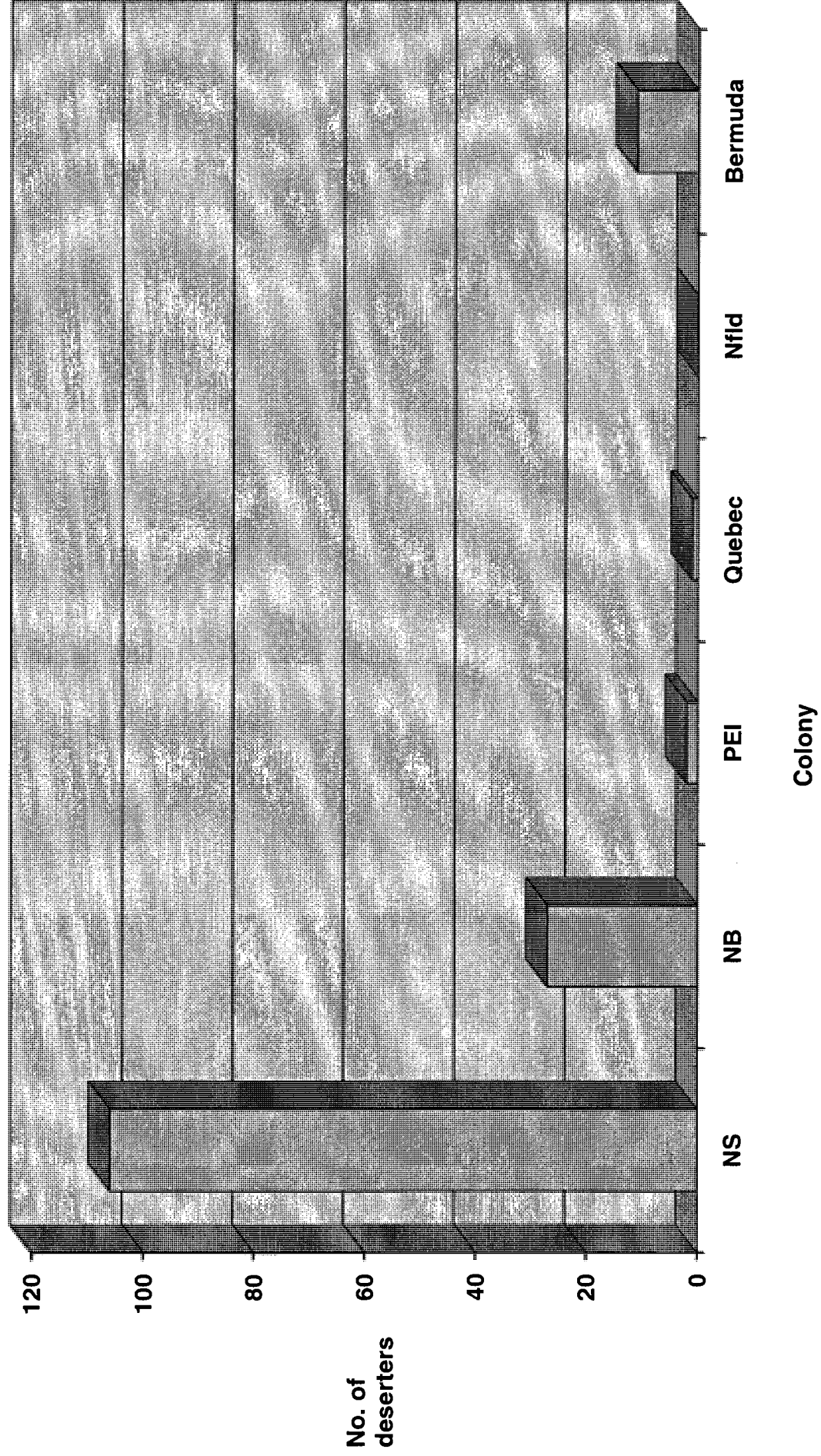
³ Total of Malcomson's three categories of Contempt/Insolence, Contempt/Insolence plus Drunkenness, and Contempt/Insolence plus Disobedience.

Graph 6-1 Deserters by Geographic Region, 1806-7 database sample

Sources: See Table 6-1

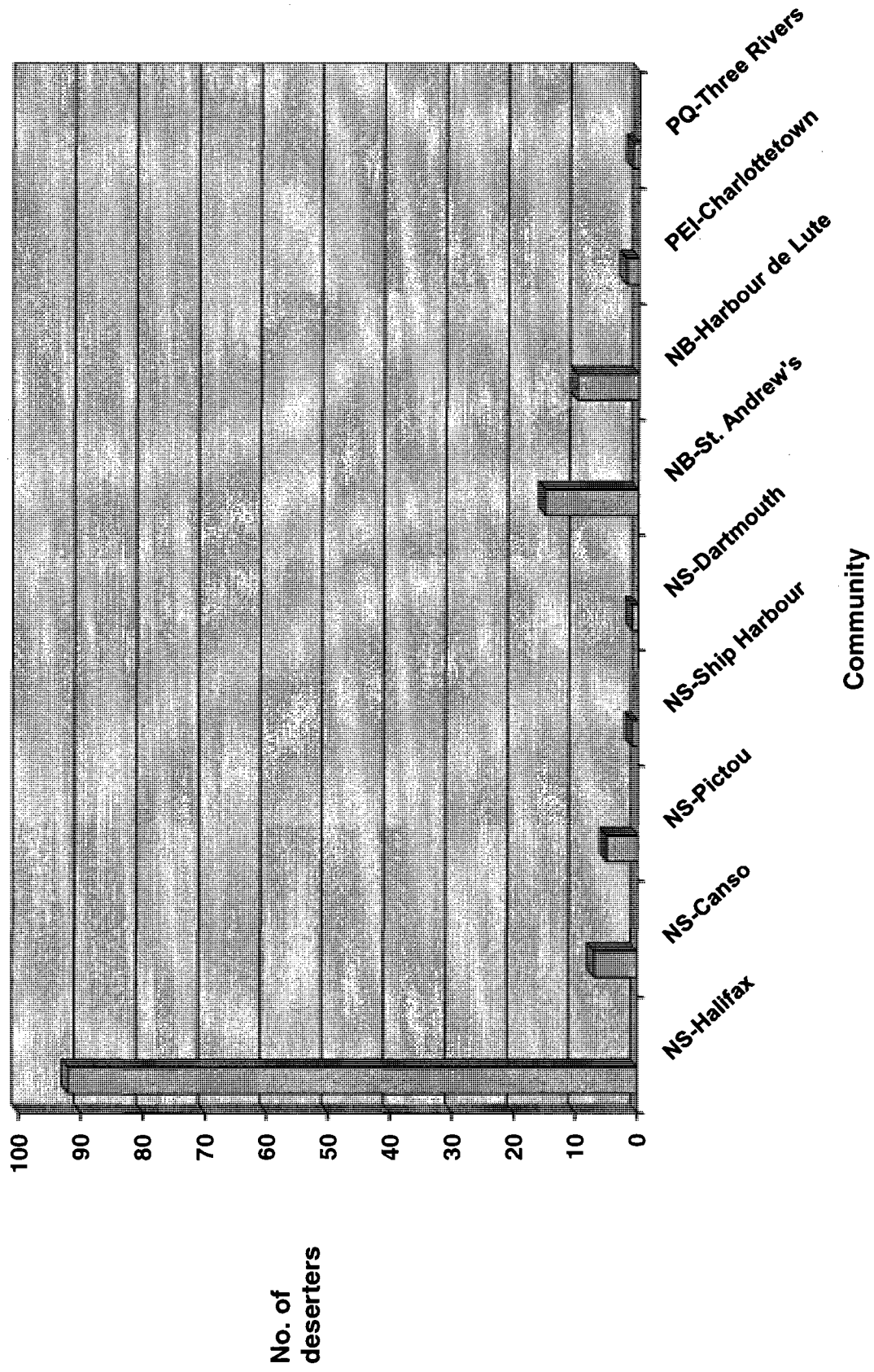


Graph 6-2 Deserters by colony, British North America and Bermuda, 1806-7 database sample
 Sources: See Table 6-1

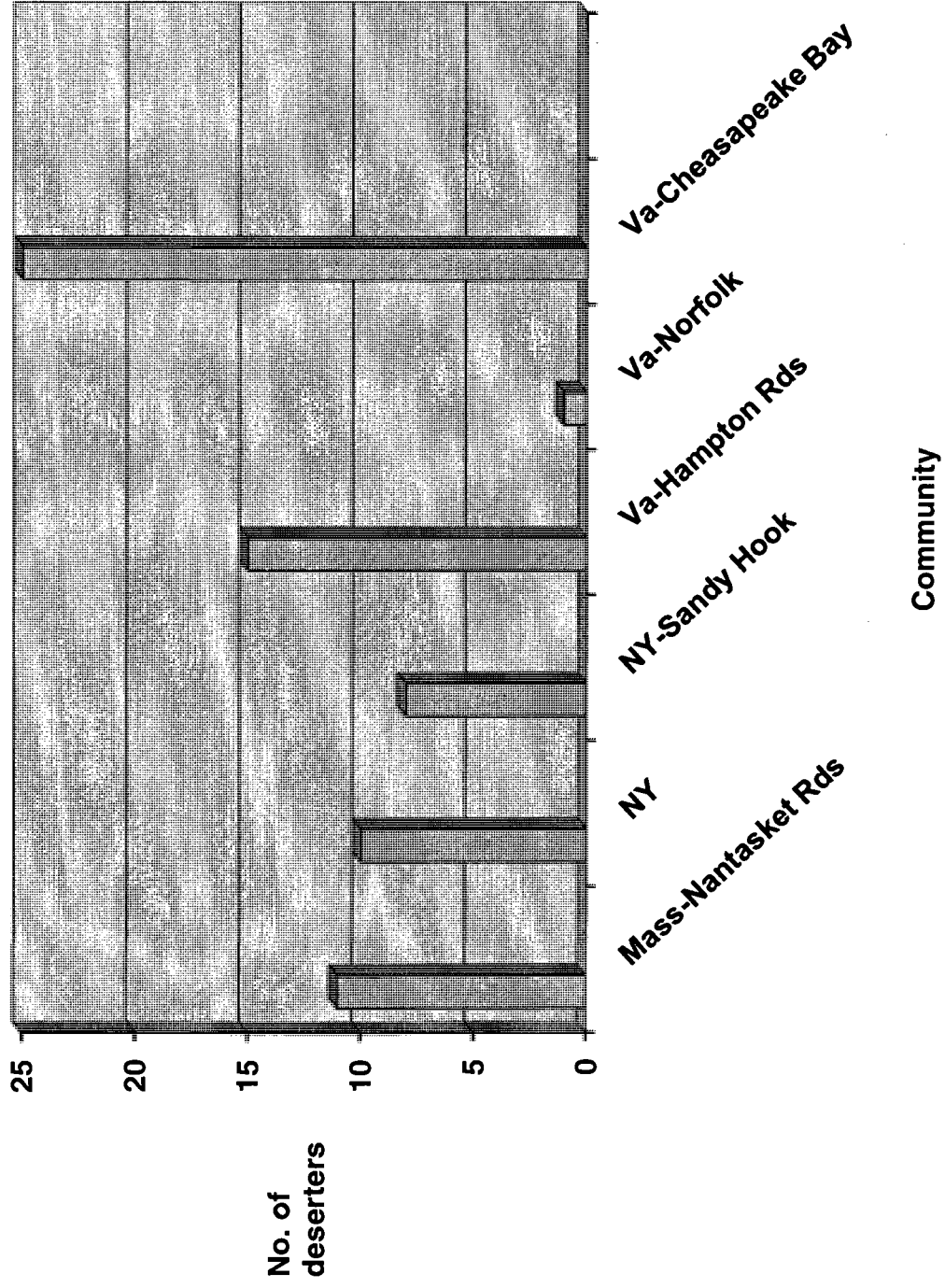


Graph 6-3 Deserters in British North America by community, 1806-7 database sample

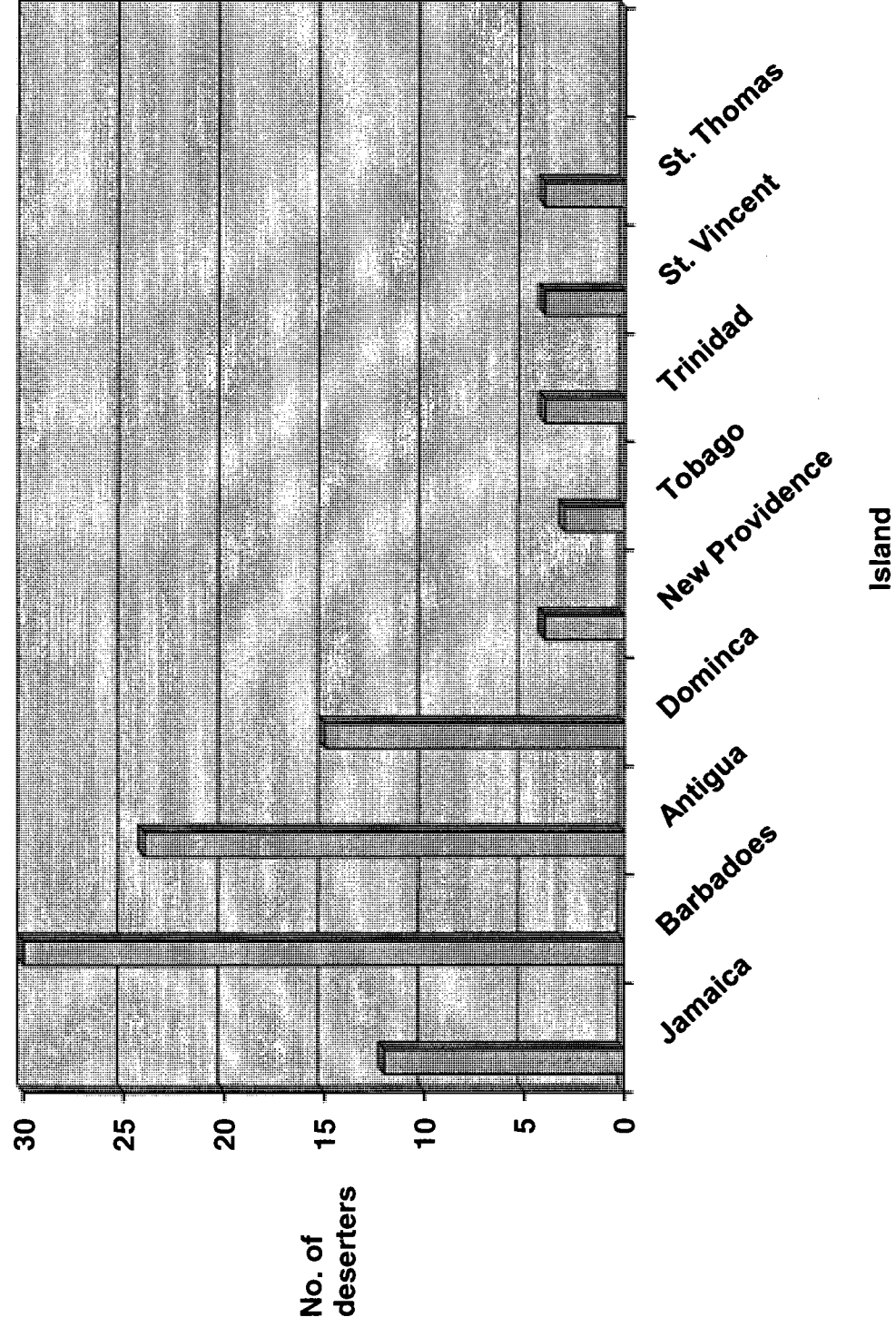
Sources: See Table 6-1



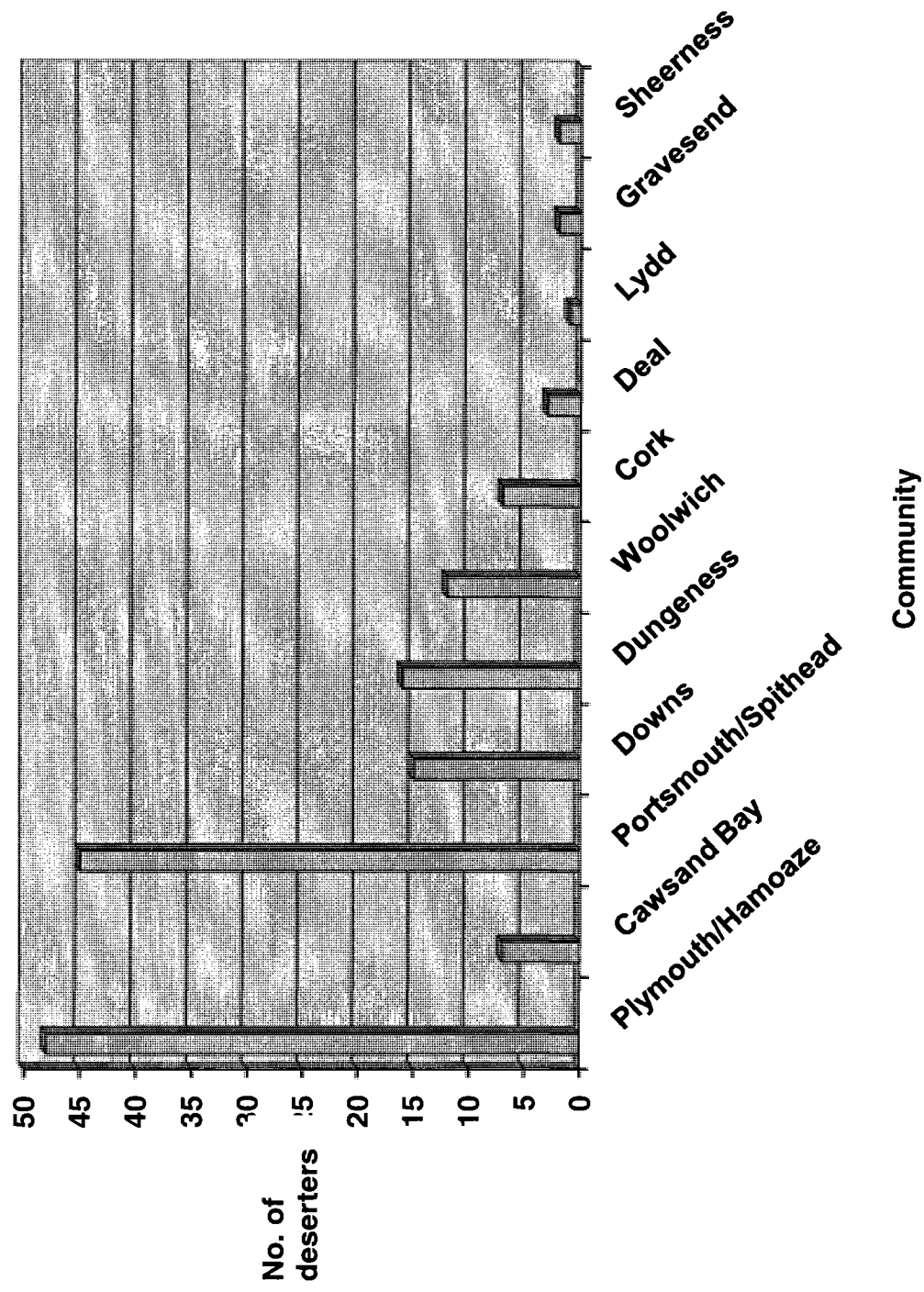
Graph 6-4 Deserters in the United States by community, 1806-7 database sample
 Sources: See Table 6-1



Graph 6-5 Deserters in the West Indies by island, 1806-7 database sample
 Sources: See Table 6-1



Graph 6-6 Deserters in the United Kingdom and Ireland by community, 1806-7 database sample
 Sources: See Table 6-1



CHAPTER 7

“IT WAS THE WHIP ENTERING THE SOUL ANEW”¹: COURTS MARTIAL FOR DESERTION ON THE NORTH AMERICAN STATION, 1755-1812

Near the start of the Seven Years' War, on 1 October 1755, John Billen, a seaman of the *Terrible* ship of the line, was tried at court martial for desertion in Halifax. Earlier that year, he had leave to go ashore at that town but did not return to the ship and was later apprehended “50 miles off in the Country”. The minutes of the proceedings note that Billen had entered voluntarily in England, for which he had received the king's bounty, as well as conduct money from London to Chatham upon his recruitment. The court, comprised of thirteen senior naval officers from the North American station, unanimously found the charge of desertion proved, and voted eleven to two to sentence Billen to death by hanging. In 1806, an unknown Admiralty legal clerk was compiling a digest of all courts martial in the Navy between 1755 and 1806. He noted that in Billen's case “sentiments of Lenity and Compassion alone seem to have influenced the minority in deciding on the punishment”, implying that there were no mitigating factors in the evidence presented.²

In November 1760, another trial was held onboard the *Falkland* at anchor in Halifax where Commodore Lord Alexander Colville was commander in chief. William Read of the *Devonshire* had deserted that vessel while it was at Louisbourg. Read, who had served in the *Devonshire* for over two years, had been given leave to go ashore for a day the previous August but did not return with the liberty boat that evening. It was later learned that he had gone aboard a merchant schooner to Spanish River in Cape Breton,³ then the main source of Louisbourg's wood and coal. A party was sent there to search for Read. When the master of the schooner was confronted, he attempted to offer up other sailors, pretending at first that his pilot and then his helmsman were Read. The hapless helmsman, apparently not looking forward to a new career in the Royal Navy, immediately revealed that William Read was indeed aboard the schooner, hidden amidst the coal filling the vessel's hold. Read was taken back to the *Devonshire* in irons. When asked why he had deserted, Read indicated his personal dislike for

¹ Leech, *Thirty Years from Home*, 106-7.

² TNA:PRO, ADM 12/22, Analysis and digest of court martial convictions, arranged by offence: D-Dis, 1755-1806, Digest of court martial of J. Billen, 1 Oct 1755.

³ Present day Sydney, Nova Scotia.

serving in a man of war. In his testimony, Read revealed that he had previously served as a merchant seaman with the master of the schooner who had seduced him into deserting the *Devonshire*. This claim, true or not, saved William Read's life. The court reduced Read's sentence on the grounds he had been enticed to desert. Instead of hanging from the *Devonshire's* yardarm, he received 400 stripes from the cat of nine tails.⁴

These examples barely scratch the surface in illustrating the wide range of activities that might be covered by the term desertion, as well as the broad array of penalties and discretion available to naval courts martial when trying desertion as a capital case in the long eighteenth century. The purpose of this chapter is not to analyse the motives and reasons behind desertion or desertion rates in North American or other waters *per se*, but to explore three related themes. First, it will provide an initial attempt to extend earlier analyses of military justice in the eighteenth century.⁵ Second, the findings of this chapter will also extend Eder's examination of the use of discretion in the eighteenth-century naval legal system by analyzing its use in courts martial sentencing for the crime of desertion. The naval use of discretion will be contrasted with Peter King's analysis of discretion in the common law system in Britain, and will confirm Eder's conclusions regarding the formality of naval courts martial procedure.⁶ The chapter will also extend Gilbert's and Eder's court martial punishment analysis, showing that for the specific crime of desertion there was no overall pattern of increasing leniency as the century progressed. Within the temporal and geographical context of this study discretion impacted upon numerous areas of the court martial process. These include death sentences and the use of the royal prerogative of a recommendation for mercy by the commander in chief of each station; acquittal rates; flogging and other punishments, including an examination of average punishments for desertion across stations and time period; and the use of discretion by the court martial board in sentencing via the process of mitigated and aggravated sentences as well as other areas. Taken together, these illustrate that despite the widespread application of discretion in mitigating sentences for desertion, the severity of punishment remained at a high level for that crime, particularly in North America.

Third, by analysis of courts martial transcripts and courts martial digests, this chapter

⁴ LAC, ADM 1/5299, Extracts of courts martial papers, 1760, court martial of W. Read, 15 Nov 1760; TNA:PRO, ADM 12/22, Digest of court martial of W. Read, 15 Nov 1760.

⁵ See the preface, and Chapter 1.

⁶ P. King, "Decision-Makers and Decision-Making in the English Criminal Law, 1750-1800," *Historical Journal* 27, no. 1 (Mar 1984): 25-58 and King, *Crime, Justice and Discretion*.

will highlight that although many men marked as run on the books may have been stragglers as defined by Rodger. Such stragglers sent to court martial were often treated and punished as deserters, whether formally charged with that offence or not under the *Articles of War*. Even when tried under a non-desertion article of the legislation, straggling often was punished as severely as desertion, and via the use of discretion was often simply treated as another mitigating factor by naval courts martial. This would seem to indicate that in the eyes of the naval courts, straggling was not much different from desertion as defined under that act. At best it was different only by degree, not kind, and often not even by degree as we shall see. A number of patterns emerge when undertaking such analyses. They indicate that the crime of desertion often was viewed much more seriously in North America than on other stations, and was more harshly punished, probably in an attempt to reduce desertion rates in the often-undermanned North American squadron.

To understand fully how desertion was perceived in North America and in the navy more widely between 1745 and 1815 it is necessary to examine both capital and summary punishments. This involves a hierarchy of unofficial absence from ships, which ranged from the eighteenth-century concepts of rambling, straggling and informal absence at the bottom, to being marked on the ships muster books as “run” once a man was missing three weeks or more, to an official charge of actual desertion and court martial. Yet Eder demonstrates that deserters during the Seven Years’ War represented some forty percent of all naval criminals convicted at court martial, but only ten percent of those punished summarily. For the specific crime of desertion it is therefore in some ways more representative to examine court martial offences than summary ones. This chapter will therefore concentrate solely on courts martial, while other sections of the thesis examine these related themes.⁷

The geographical stations discussed herein include Home Waters (HW), North America (NA), Jamaica (J), and the Leeward Islands (LI), essentially the British Atlantic world at this time excluding Newfoundland which was much smaller in terms of men and ships and was considered a separate station. Graph 7-1 shows a snapshot of the relative size, in seamen and marines, of the naval stations in question for each period, as well as the entire navy. The North American station was, for obvious reasons, more important before 1783 than

⁷ Eder, *Crime and Punishment*, 100. Chapters 4 and 6 examine relationships between summary punishment and desertion in the periods 1775-6 and 1806-7. See Appendix 1 for an overview of courts martial procedures.

afterwards when its size was greatly reduced. Not shown on this graph for reasons of scale is the growth in station sizes during the last years of the century. Although the North American station began to grow in size again during the wars of the last decade of the century, more than doubling in strength to over 2,300 men by January 1806, it was by then overshadowed by Jamaica and the Leeward Islands with 7,500 and 6,000 men by that date respectively. Home Waters ballooned in size by 1806 to 76,000 seamen and marines while the navy itself grew to over 111,000 men.⁸

Digests and indices

In early 1806, the Admiralty compiled a digest of all surviving court martial transcripts for all capital crimes from January 1755 to January 1806, as a record and guide for legal precedence, perhaps for the office of the Solicitor of the Navy. The complete series of digests contains records for all crimes committed in the navy that went to court martial during this period. The series examined here contains 1,053 courts martial for desertion under Articles 15 and 16, representing the offences of 1,636 individuals, almost entirely seamen and marines, and a small number of warrant and commissioned officers. The digests represent what the Admiralty themselves believed in 1806 to be representative of desertion in the eighteenth century. More importantly, they are also reflective of the different attitudes towards this crime on each geographic station, and the degree to which desertion was more problematic on some stations than others.⁹ A second set of digests of courts martial transcripts and sentences was

⁸ TNA:PRO, ADM 8/30, List Book (showing the disposition of Ships, names of Officers, &c.), 1755-1756; ADM 8/41, List Book... 1765; ADM 8/52 List Book ... 1776; ADM 8/61 List Book... 1785; ADM 8/91, List Book... 1806 Jan-June.

⁹ TNA:PRO, ADM 12/22, Analysis and digest of court martial convictions, arranged by offence: D-Dis, 1755-1806. Eder criticises Gilbert for his use of these sources, which the former sees as being incomplete in terms of numbers accused and numbers capitally convicted, as well as for ignoring actual executions versus pardons, and not comparing them with the legal system ashore. See Eder, *Crime and Punishment*, 15-6, 135-6. Comparison with Eder's numbers show five additional accused for North America involving the death sentence during the Seven Years' War not included in ADM 12/22 (compared to thirty-two North American accused in the digests for that period), and sixteen additional accused for the entire navy (compared to 296 in the digest for the Seven Years' War).

My analysis of ADM 12/22 shows thirty-nine death sentences for desertion in home waters at this time, compared to Eder's figure of thirty-five. It is also unclear whether Eder's sources included additional flogging or other sentences to those found in ADM 12/22, but it appears unlikely, as he later agrees with Gilbert's overall lash average for desertion *idem.*, *Crime and Punishment*, 101 note 47.

Even if records of some trials are not in the digests (or in the digests but not in Eder's sources), or if some incidents of desertion on one station were sometimes tried on other stations, these sources still represent a large and near-complete sample of such crimes. They are useful as long as certain deficiencies, such as inutility for

created beginning in 1812 and runs until 1855. It has been analysed in the same fashion here for the period 1812-1816, when any cases from the final year of the Napoleonic wars and the War of 1812 would have been brought to trial.¹⁰

Overall, between 1755 and 1806, 980 men were charged with desertion at courts martial on stations in home waters, 125 in North America, 210 on the Jamaica station, and 148 in the Leeward Islands, as Graph 7-2 illustrates.¹¹ At first glance the smaller number of courts martial held for desertion in North America would seem to indicate that it was a minor problem on that station. In fact, the relatively small number of trials simply meant that it was much rarer for deserters to be recaptured in the expanses of America than in Home Waters or the West Indies. In North America, harsh discipline was also a factor. A.G. Jamieson postulates based on a micro-study of summary punishments aboard three ships during the American War that "...the strain of prolonged overseas service, and the proximity of an enemy with whom crew members would find much in common if they deserted, necessitated a stricter disciplinary regime." The analysis presented here confirms that discipline was harsher in American waters for deserters facing courts martial. This could be a dangerous game as stricter discipline could also provoke more desertion.¹² As Eder points out ships in British waters had a greater ability to recover deserters than other stations, so the difference between stations outlined below may be even more striking given that North American cases of desertion are likely under-represented in court-martial records.¹³

Capital punishment and mercy

As we have seen in the cases described above, the most severe punishment that could be inflicted upon a seaman or marine for deserting from the naval service was the death sentence. In terms of capital punishment sentences for desertion, Graph 7-3 indicates that the

calculating execution and pardon rates discussed below, are kept in mind. Eder's additional capital sentences for the Seven Years' War period have been combined here with the ADM 12/22 numbers.

¹⁰ TNA:PRO, ADM 12/27F, Digests of courts martial 1812-1855.

¹¹ Between 1755 and 1806, another eighty-three men were court-martialled for desertion in the Mediterranean, fifty on the East Indies station as well as forty men on other stations such as Newfoundland, South Africa, and elsewhere. These miscellaneous cases include those of nineteen men in various parts of Africa, seventeen on the Newfoundland station, six accused for whom the station could not be identified in the digest, and six men tried by court martial "at sea". For easy comparison only the larger British Atlantic stations are included in most graphs and tables here, but similar analyses have been completed on these smaller stations, and all these additional cases are included in the summary analyses shown here for the navy as a whole.

¹² See for example Jamieson, "Tyranny of the Lash?", 64 and Gradish, *Manning*, 112.

¹³ Eder, *Crime and Punishment*, 118, 211, 180-6.

most dangerous time for a seaman to risk his life running from the Royal Navy was during the Seven Years' War.¹⁴ This was followed closely by the period immediately after the 1797 Spithead and Nore mutinies and during the early years of the Napoleonic wars. In desertion courts martial held in North America during the Seven Years' War, some twenty-four percent rendered a verdict of death. This was one point below the average for the navy as a whole at that time, and far behind Jamaica and the Leeward Islands with rates of around thirty-seven percent. By comparison, Eder has shown that during the Seven Year's War, the death sentence comprised fifteen percent of all courts martial sentences for all crimes in the navy.¹⁵

In North American waters the death sentence rate for desertion fell sharply immediately preceding and during the American War to between eleven and fourteen percent. Yet despite this decline, these figures represent the highest rate of capital punishment sentences for desertion of any station at that period. This was much higher than the navy-wide average in these periods of just over three percent in the decade before 1776 and almost eight percent during the American War for Independence. The death sentence rate fell again after 1783 to the extent where it was rarely if ever used for desertion in North American waters in later years, when Jamaica and the West Indies as well as Home Waters became stricter in this respect. From 1793 onwards, rates rose sharply at those stations to between six and fifteen percent. The average for the entire navy remained between six and nine percent after 1783. By comparison, Byrn shows that the death sentence was proclaimed for almost eight percent of courts martial for all crimes on the Leeward Islands station between 1784 and 1812.¹⁶ It would seem that deserters had a larger chance of receiving the death sentence for their offence than many other naval criminals tried at court martial, particularly during the Seven Years' War.

Overall, in the entire period, 102 men were sentenced to death by courts martial for desertion in North America under the provisions of Article 16, and fifty-one under Article 15.¹⁷ Another indication of more severity towards the crime of desertion in North America is the fact that mercy in the form of a recommendation for a royal pardon seems to have played a lesser role in desertion cases in North American waters. Between 1755 and 1806, no court

¹⁴ This analysis includes the additional capital cases of Eder during the Seven Years' War and those from the analysis of ADM 12/22 and Nova Scotian courts martial between 1745 and 1763 in the LAC ADM 1/5000 series.

¹⁵ Eder, *Crime and Punishment*, 82.

¹⁶ Byrn, *Crime and Punishment*, 63, 8.

¹⁷ TNA:PRO, ADM 12/22. Fifteen of the cases involving Article 15 were men from the infamous *Hermione* mutiny, who were tried for both mutiny and desertion to the enemy.

martial for desertion recorded in the digest records shows any case where a death sentence was recommended to the King for mercy by a North American station commander. Yet the courts martial digest seems to be lacking in recording the use of mercy. Many of the cases that Eder cites as having been pardoned, while in the digest, are not indicated there as having received the royal prerogative, and very few pardons in general are recorded for any crime. Thus, this section of the chapter relies largely on Eder's analysis of the Seven Years' War, combined with the few additional cases that are present in the digest.

Rates for pardoning the crime of desertion tried under Articles 15 and 16 at that time ranged from forty-three percent of deserters sentenced to hang in Jamaica, to forty-four percent in North America, sixty-two percent in the Leeward Islands, sixty-seven percent of desertion death sentences on home waters stations, and seventy percent in the Mediterranean. The one deserter in the East Indies who received the death penalty also was pardoned.¹⁸ Eder argues that the lower pardon rates on overseas stations were due to the fact that "the mercy-minded king found it more difficult to intervene on behalf of the condemned." Communication difficulties with overseas stations meant that the commander in chief could, and often did, order the execution of men without any royal review, and often even would grant pardons on his own, creating a "gap...between legal obligation and actual practice" and differing practices between metropolitan stations and overseas commands on the periphery of empire.¹⁹

One such case involved Sir James Douglas, a captain at the capture of Louisbourg in 1745, and again in 1759 at Québec, who was later involved as commander-in-chief over a naval court that sat at the Leeward Islands. The court tried Charles Desmith and three other seamen on 13 December 1760, and all were sentenced to be hanged.²⁰ The clerk compiling the Admiralty courts martial digest noted that Douglas, commanding the station, had both ordered the trial, and appended a signed note to its sentence which had condemned all four men to death. This read:

It appearing that Leonard Swise, by his private character, was most notorious, and as it was absolutely necessary for his Majesty's service, and [sic] example should

¹⁸ In actual cases these represent twenty-six of thirty-nine death sentences in home waters, four of nine deserters in North America, seven of ten in the Mediterranean, three of seven in Jamaica and eight of thirteen in the Leeward Islands. Eder, *Crime and Punishment*, 136-9.

¹⁹ Ibid., 138-9.

²⁰ See Chapter 8 for several later examples in North America.

be made on one of the four, I ordered him only to be executed, and took upon me to pardon the other three.²¹

It may well have been true that station commanders often usurped the royal prerogative of mercy. This could be due to operational requirements imposed by distance. Yet it was also the case in North America, as we shall see, that several station commanders believed that more terror was needed in an attempt to reduce the crime of desertion, and thus likely that more men were hanged for that crime as examples *pour encourager les autres*.²²

Pardoning could also occur on a pre-trial basis. In November 1808, John Borlase Warren received a petition from three men of the *Bermuda* sloop, who were being held prisoner as deserters on board the *Bellona*, and were facing probable court martial. The men claimed they had taken the earliest opportunity of giving themselves up. Warren took it upon himself to pardon one of the men, while the other two were to receive five dozen lashes and be placed upon a supernumerary list, “to be disposed of on board any other Ship upon the *Bellona*’s return to England.”²³

Eder also analyses pardon and execution rates ashore, examining conviction and execution rates for six Assize Circuits, Durham, and the Old Bailey between 1755 and 1763. These show an overall execution rate ashore of thirty-nine percent, compared to thirty-three percent for the entire navy during the war. He highlights that this appears lenient at first glance, particularly in comparison with those circuits with higher rates of execution. In fact, in proportion to overall population, for all crimes the navy capitally convicted five to six times more seamen and marines compared to civilians convicted in the Assizes ashore for all crimes. Using King’s figures of four annual indictments per 10,000 inhabitants in Essex of the 1750s and 1760s as a baseline comparison, Eder has calculated a much higher figure for the navy during the Seven Year’s War of 15 per 10,000 men. The actual death sentence rate was lower at sea. Unlike indictments ashore, or trials at regimental as opposed to general courts martial in the army, the possibility of capital conviction could not be downgraded in a naval court

²¹ TNA:PRO, ADM 12/22, Digest of court martial of C. Desmith et al, 13 Dec 1760. Three other courts martial appear in the digest where several men were sentenced to various non-capital punishments, and “recommended to the clemency of the Commander in Chief.”

²² See, for example, the views, likely those of Charles Knowles, in Volunteer in the said expedition, *A Genuine Account of the Late Grand Expedition to the Coast of France Under the Conduct of Admirals Hawke, Knowles, Broderick, General Mordaunt, &c*, (London: R. Griffiths, 1757), entry for 23 Sept 1757.

²³ NMM, WAR/41, Warren to Douglas, Halifax, 22 Nov 1808.

martial. These factors ensured that the naval legal system, while on paper not as strict as its civil counterpart, appears bloodier.²⁴

It is also worth noting that for the crime of desertion specifically, in North America the sixty-six percent execution rate was much higher than the thirty-three percent for all crimes in the navy, and was the highest among all stations. It was also much higher than the thirty-nine percent average rate ashore, and higher even than the dreaded Old Bailey rate of sixty-two percent. In the navy, only Jamaica at fifty-seven percent came even close to North America. This would seem to indicate that those stations which had the greatest problems with desertion and manning also had the highest execution rate for that crime.²⁵ The North American station was faced with high desertion rates, undermanned ships, shortages of trained seamen, and restraints on impressment. Such conditions would seem to indicate that for the crime of desertion, the system of pardoning had become, like the system of pardoning ashore, one where, “instead of choosing an occasional object of mercy, the judges and state officials were choosing objects of terror.”²⁶ As ashore, the law had an element of theatre to it afloat that was used to reinforce the hegemony of the naval officers’ authority. Unfortunately, unlike ashore where “the People” had various options of counter-theatre open to them by protesting at trials, in the wooden world they had little or none, with perhaps the exception of mutiny or repeated attempts at desertion.²⁷

Eder argues that desertion was punished comparatively mildly compared to other crimes during the Seven Years’ War, primarily because he regards the *Articles of War* as 1749 as having provided a liberalization of the naval legal code, by removing the mandatory death sentence for desertion under Article 16.²⁸ Yet as we shall see below, “mild” flogging punishments often were quite extreme, particularly in North America.

Acquittals

Acquittal rates based upon analysis of the courts martial digest are much more accurate and representative than mercy rates as acquittals and the reasons for them were recorded in the

²⁴ Eder conducted this multiple analysis to avoid relying solely on the oft-cited and extraordinarily high London and Middlesex figures of a sixty-two percent execution rate. Eder, *Crime and Punishment*, 146-9.

²⁵ Ibid., and TNA:PRO, ADM 12/22. Other naval station execution rates for desertion in the Seven Years’ War (combining my figures with Eder’s) ranged from zero in the East Indies, thirty percent in the Mediterranean, thirty-three percent in Home Waters, and thirty-eight percent in the Leeward Islands.

²⁶ King, *Crime, Justice and Discretion*, 368 and 297-333.

²⁷ Ibid., 369-70, 34-52. Regarding mutiny, see Chapter 8.

²⁸ Eder, *Crime and Punishment*, 104-5.

courts martial sentences, which were duly noted in the digest. Table 7-1 illustrates how verdicts were rendered in desertion courts martial during this period. The acquittal rate for North American desertion cases during the Seven Years' War was around five percent, just above the 4.7 percent rate for desertion in the navy as a whole.²⁹ These figures are much lower than Eder's analysis of acquittals for all naval courts martial in the Seven Years' War, which comprised almost twenty-two percent of all accused acquitted, while twenty percent had their crimes partially proved. Just over fifty-five percent were fully proved and convicted.³⁰ After that period, generally between one and two percent of all desertion courts martial cases were acquitted. For the entire period, the average acquittal rate for desertion in the navy as a whole was just over two percent, with the North American station somewhat higher. These figures compare to a much higher dismissal and acquittal rate in civil cases in metropolitan Britain. Langbein shows that there was a ten percent dismissal rate in capital crimes at Old Bailey for Surrey grand juries in the period between 1736 and 1753, while trial or petty juries acquitted one-third of all capital cases, and rendered partial decisions in another thirty percent.³¹ Similarly, King's study of all property offences in Essex between 1740 and 1804 indicates a dismissal rate of almost fourteen percent. Nearly thirty percent of those tried were found not guilty, while almost ten percent of offenders received partial verdicts.³² This would again imply that a message was being sent to potential deserters via a low chance of acquittal for that crime. Yet all of this analysis pales when compared to the non-capital sentences imposed by courts martial for desertion during the eighteenth century, which clearly indicates that terror via harsher punishments was being used in North America in an effort to minimize the problem.

Flogging

On 12 March 1755, just before the start of the Seven Years' War, Richard Farrell, a seaman of the *Norwich*, was court-martialled on that vessel for desertion while it was in

²⁹ Based on combining Eder's cases with those from TNA:PRO, ADM 12/22. Gilbert notes that during the American Revolution the acquittal rate for desertion rose slightly from 7.9 to 9.3 percent. Gilbert, "British Military Justice", 82-3.

³⁰ I have followed Eder's example by including a third category of "acquittal from punishment" at almost two percent of all verdicts, where the individual crime was partially or fully proved but the accused avoided punishment entirely due to a mitigating circumstance such as mental illness. Eder, *Crime and Punishment*, 79.

³¹ Langbein, "Albion's Fatal Flaws", 106.

³² King, *Crime, Justice and Discretion*, 232.

Hampton Roads, Virginia. He was found guilty, but the court of senior naval officers presiding found that Farrell did not have the intention of permanently deserting the naval service, and noted that there were no black marks against his previous general character or behaviour. Farrell, for example, was sentenced to receive twenty-four lashes alongside each of his Majesty's Ships then in the roads, not to exceed five, for a total of 120 stripes from the cat of nine tails.³³ Farrell's unfortunate case was typical of the vast majority of capital desertion sentences in this period, which largely were punished by lashing the offender in a process known as "flogging round the fleet". The prisoner would be rowed from ship to ship in harbour, receiving a small portion of the sentence in front of the assembled crew of each (usually from six to as many as fifty lashes at each vessel depending upon the number of ships present and the size of the sentence). For large sentences of over 150 or 200 lashes this process might have been repeated two or even three times, with a week or more between floggings to allow the prisoner to recover.³⁴

For the navy at this time, the overall percentage of desertion sentences that ordered lashes as punishment can be found in Graph 7-4. These ranged from sixty-five percent during the Seven Years' War, climbing to ninety-two percent immediately before the American Revolution, and then remaining between seventy-three and eighty-seven percent for the remainder of the century. Over the entire period between 1755 and 1806, eighty-one percent of all desertion cases that went to court martial received the cat as punishment, a figure that is remarkably consistent across stations. In North America, the lash was used almost exclusively for capital desertion cases after 1783. At first, one would think that a replacement of the death penalty with flogging as punishment might imply a less severe attitude towards this crime. In fact, it was likely more a reflection of both the shortage of skilled seamen on the North American station and the lesser number of ships present in those waters after the end of the American war as Gilbert believes. As an indication of the seriousness with which desertion was treated, Gilbert indicates that lash convictions as a percentage of cases tried for all crimes in the navy was just over fifty-two percent for the Seven Years' War (compared to Eder's fifty-five percent), and slightly higher than forty-seven percent for the American War. These

³³ TNA:PRO, ADM 12/22, Digest of court martial of R. Farrell, 12 Mar 1755.

³⁴ Lewis, *Social History*, 134.

figures are all much lower than the corresponding rate for desertion for all periods under examination.³⁵

Graph 7-5 illustrates how courts martial for desertion on the North American station generally awarded a much higher average number of lashes than any other Royal Navy station. Overall, the average number of lashes across the entire navy awarded for desertion courts martial in the fifty-year period between 1755 and 1806 was almost 200. When examined by specific time period, this average was much higher during the Seven Years' War, at 236, which is very close to Gilbert's overall average, calculated for all crimes in the navy which went to courts martial during the war, of 242.³⁶ The overall desertion lash average remained high until 1784 after which it declines to between 160 and 175.

In America, while the proportion of those who received corporal punishment is very close to the overall average for the navy as a whole, North American waters had much higher lash averages. This was the case for both the period before the American War (332 lashes compared to the navy average of 211) and during the French Revolutionary and Napoleonic Wars (255 to 270 lashes in North America versus an overall average of around 170). In comparison, Gilbert's figure for the American Revolution period for all courts martial offences in the navy was 213.³⁷ Over the entire period from 1755 to 1806, the North American average was substantially higher than that for the entire Navy, 252 compared with 198, the highest lash average for desertion meted out of any geographical station. In fact, this average is over what Gilbert argues should be the limit as a rough guide for excessive punishment in the navy, 250 lashes, and it remained above that level in almost every period except during and immediately after the American Revolution. This was a period during which Gilbert contends punishments in excess of 250 lashes were on the decline in the Royal Navy overall. He believes the average whipping sentence for desertion throughout the fleet had fallen to 222, while this analysis indicates it was 230, and in North America 223 for the 1776-83 period.³⁸ This brief decline during the American War and immediately afterwards was short-lived, as we can see that the later French wars brought with them an increase in the average desertion punishment in North America to above Gilbert's excessive punishment figure of 250.

³⁵ Gilbert, "British Military Justice", 82 and Eder, *Crime and Punishment*, 82.

³⁶ Gilbert, "British Military Justice", 82.

³⁷ Ibid..

³⁸ Ibid.: 82-3.

Discretion and mitigated sentences

While the Crown retained exclusive control to pardon deserters sentenced to death, station commanders could remit corporal punishments inflicted by courts martial in whole or in part.³⁹ This seems to have been rare in North America, and it was much more common for punishments to be reduced (or increased) by the discretion of the court itself when deciding upon sentencing, based on the circumstances of the case.⁴⁰ In February 1764, Captain Thomas Hayward of the *Senegal* sloop at Halifax asked for a court martial on Morris Shaw who had taken the sloop's boat from alongside and tried to desert near Louisbourg. The court, on discovering that the prisoner was only sixteen years old, was:

...of opinion that the said Maurice Shaw is not of an age, nor could have experience sufficient to have digested or understood the Laws of His Majesty's Naval Service, when he committed the Offence, from which circumstances, we do not think him fit to be tried at a Court Martial. But that we may not be understood to exculpate him from his crime, we refer him to be punished by his Captain agreeable to the practice of the Navy.⁴¹

It is unclear what punishment Shaw received, but common practice was a dozen lashes for any summary offence.

In Halifax on 22 May 1766, John Bassley and Daniel Jackson of the *Canceaux* armed vessel were tried under Article 16 for desertion. Both men had entered the service as volunteers, Jackson at St. John's, Newfoundland in October 1765, and Bassley at Louisbourg in "the latter end of April". Both had previously worked as fishermen. Their commander, Lieutenant Henry Mowatt, noticed that the men were missing on 11 May. Making enquiries, he discovered they had been engaged on a merchant brig carrying provisions in the local trade along the coast to Halibut Bay, near Cape Sambro, Nova Scotia. A boat was sent to retrieve the men, who did not resist arrest. At his trial, Jackson "pleaded his age and long service having been in the King's employ 40 years and produced certificates of good behaviour in former ships he had been discharged from and that he had been discharged Unservicable by Capt Suckling from the *Dreadnought*..." He would not again have entered the navy "...but was forced to it by exceeding ill usage from the Master of the *Diadem* [the vessel on which

³⁹ Byrn, *Crime and Punishment*, 62.

⁴⁰ Again, it may also be the case that the digest does not record, or consistently record, this information.

⁴¹ TNA:PRO, ADM 12/22, Digest of court martial of M. Shaw, 2 Feb 1764.

Jackson had previously been employed] at St. John's. Both threw themselves on the Mercy of the Court." They had circumstances in their favour, including the fact that Bassley had never been read the *Articles of War*. They also feared being discharged from the navy and being returned to their previous fishing masters, whom they claimed had mistreated them. In these circumstances, the court imposed a lenient sentence, and both men were to receive 50 lashes.⁴²

In late 1777 a seaman of the *Chatham*, T. McCarty, was tried in Rhode Island harbour for desertion from his ship at New York, but was completely forgiven. McCarty claimed he had been enticed to desert "while in liquor" by the master of a merchant vessel, "and she having sailed from New York the next day it was impossible for him to return to his own ship." Later taken prisoner by the rebels, witnesses testified that McCarty had refused very considerable offers to switch sides that were made to him while being held in Boston. The minutes note that he "evinced a steady determination to return to his ship in defiance of threats and ill-usage by the Rebels."⁴³

In January 1781, the *Avenger's* quartermaster was tried for a desertion that had occurred off of New York. It was deemed that he had deserted "for a very short time" and he was sentenced to receive only fifty lashes. In August 1802, John McLauchlin was tried at Halifax for an earlier desertion there. There not having been enough officers present in Halifax to form a court when he had first been recaptured, he suffered from a long confinement until a court martial could be arranged. For this reason, his sentence was reduced to one hundred lashes.⁴⁴

These cases, along with that of William Read with which we began, serve to indicate the importance of discretion in reducing sentences in the naval legal system. As King notes, although sentencing options at this time were rather limited, discretion could be used to reduce or increase the punishment meted out to a convicted criminal. In his recent study on early modern English criminal law, King shows the high level of discretion available within the legal system ashore. He identifies five main areas where discretion was exercised in judicial decision-making, including: the youth and health of the prisoner; previous good character or

⁴² LAC, ADM 1/5303, Extracts of courts martial papers 1765-67, court martial of J. Bassley and D. Jackson, 22 May 1766. This case does not appear in the TNA:PRO, ADM 12/22 digest.

⁴³ TNA:PRO, ADM 12/22, Digest of court martial of T. McCarty, 21 Jan 1777.

⁴⁴ TNA:PRO, ADM 12/22, Digest of court martial of H. Andrews, 9 Jan 1781.

conduct; prospects for employment or reform; the level of poverty of the prisoner's family; and whether the criminal came from a respectable social background.⁴⁵

The officers of naval courts martial also had a high degree of discretion. Eder's study has also provided insight into the use of discretion overall in sentencing for all courts martial offences in the navy during the Seven Years' War. His analysis indicates that overall, the main eight reasons for leniency in sentencing included provocation; lack of knowledge regarding the rank of the wronged person; punishment having already been carried out summarily; the age of the accused; seduction by another person; long service; bravery on previous occasions; and lack of intention to desert.⁴⁶

There are obvious similarities between King's factors and those used as mitigating circumstances by naval courts martial for desertion cases throughout the century in deciding upon their sentences. It also can be seen by examining desertion that the most important mitigating circumstances for specific crimes would vary, compared with Eder's overall most common factors. The most common mitigating factor in the recorded desertion cases is that of a man's good character, followed by youth or old age, having no intention of deserting, ignorance of the *Articles of War* or the naval service, and lengthy time to trial or confinement prior to trial, as Table 7-2 demonstrates. Other important factors include if the accused had voluntarily surrendered, or if he had long service in the navy. The use of discretion in this manner seems remarkably consistent with naval experiences from station to station, which implies that there were recognized and formal grounds for such practice throughout the navy. The compilation of the courts martial digest by the Admiralty in 1806 was perhaps one step in monitoring and ensuring consistency of sentencing and judicial procedure at naval stations around the globe. Perhaps it was also a precursor to the preparation of the new 1806 *Articles of War*, and could be viewed as part of the early reform movements of the nineteenth century.

In some ways the most interesting naval mitigation factor that does not appear in King's analysis of crime ashore, or of Eder's afloat, is what could be called "ignorance of the law", which we are often told is no excuse. In the eighteenth-century Royal Navy it would seem that ignorance of the law was an excuse, at least for the first few weeks a man was onboard ship. In many cases, if a man who joined a King's ship had not yet heard the *Articles*

⁴⁵ King, "Decision-Makers", 56 and idem., *Crime, Justice and Discretion*, 291-333. The latter includes specific favourable and unfavourable factors in terms of number of cases.

⁴⁶ Eder, *Crime and Punishment*, 81-4.

of War read - something which usually occurred at weekly musters on board, along with the reading of abstracts of any new acts of Parliament - his sentence would be mitigated, often to a great extent. In at least five cases, sentences were reduced for ignorance even though the deserters had been read the *Articles of War*. This was because the men involved understood no English. The courts concluded that lack of language ability meant the men had little or no understanding of events in which they had participated.⁴⁷ In a similar fashion, youth and limited time aboard ship often was accepted as a mitigating factor. In contrast, experienced men who had been on board for some time and who were aware of the regulations of the service were generally treated more harshly. Yet very long service was itself sometimes accepted as a mitigating circumstance. There are many such examples but one from the digest will suffice. On 6 June 1779, Thomas Wilton and another man attempted to desert the *Salisbury* by swimming from the ship while it was in Port Royal harbour, Jamaica. Recaptured, they were court-martialled on the fifteenth of the same month. Wilton, an “old sailor” was punished more severely and received one hundred lashes, while his compatriot, newly entered into the service, received only twenty-five stripes.⁴⁸

A few men of foreign birth, who were neutrals or who had been improperly pressed into the service while holding protections, were also subjects of mitigated sentences. Such cases often were forgiven completely and the men released from the service. One example of this was the case of G. Lawson and one other man who ran from the *Rainbo*. Tried in Halifax on 3 December 1776, the court considered Lawson “a Foreigner” of good character who had been “forced out of a Transport ship onto the *Rainbow*.” He was released with no punishment, while his colleague received one hundred lashes.⁴⁹

Two other mitigating factors which led to more lenient sentences, and which Eder does not discuss, are also of interest. These are procedural error on the part of the court and mental illness. Procedural error of the court often resulted in an acquittal or a reduced sentence. In most cases, this could be as simple an error as recording the date of a man’s desertion in the charge. It could also involve charging a man with desertion from a specific ship on a specific date, when he had never been recorded on the ship’s muster books, was not on the books at that

⁴⁷ TNA:PRO, ADM 12/22, Digests of court martial of H. Holland, 26 Feb 1756; and W. Hunter et al, 28 Oct 1793.

⁴⁸ TNA:PRO, ADM 12/22 Digest of court martial of T. Wilton et al, 15 Jun 1779.

⁴⁹ TNA:PRO, ADM 12/22 Digest of court martial of G. Lawson et al, 3 Dec 1776.

time, or had been discharged from the ship due to sickness or some other reason prior to the date upon which he had supposedly deserted.⁵⁰

In addition to sickness playing a role in reducing a desertion sentence, it is useful to note how mental deficiency or mental incapacity played a role in mitigating a deserter's punishment. Men in these cases often were described as being lunatics, or being "afflicted with Idiotism."⁵¹ They were usually discharged from the service. In two cases, despite having been shown to be a lunatic, both men were still punished, and one was even returned to his ship afterwards. This latter incident occurred in Halifax in February 1764, when one John Cook, a seaman of the *Senegal*, was tried "for running away from the Hospital... whither he was sent for cure." The court was presided over by Captain Charles Antrobus of the *Maidstone*, and also comprised captains Joseph Deane, William Harris, the Honourable Henry St. John, and James Ferguson. Unfortunately, only the sentence of this case has survived, yet it still indicates the harshness of sentencing on the North American station in the matter of desertion. Hayward appeared to the court "so void of reason and understanding and so unfit an object, not only for a general example, but indeed for the King's Service, the Court do only adjudge him to receive 100 lashes in the most disgraceful manner that can be." This usually involved lashing the man while he was wearing a halter around his neck. The compiler of the digest added a note to his summary of the trial, explaining that in his opinion "This sentence gives no very high idea of the logic of its authors. The only conclusion, or punishment, which the premises warranted, was a dismissal of the prisoner from His Majesty's Navy as unserviceable."⁵²

This case serves to indicate two points. First, the North American station was so short of seamen at times it seems possible that those who were mentally unfit for service were still employed onboard ship. Second, in contrast to other stations where such a circumstance would result in the court using its discretion to reduce the sentence, if not to completely acquit the man and release him from the service, in North American waters punishment would still be ordered and inflicted. This was perhaps more as a message to the other seamen and marines of the squadron observing it, than to a mentally deficient seaman who might not even have been

⁵⁰ For the former see TNA:PRO ADM 12/22 Digest of court martial of A. Knox, 2 Nov 1778; for the latter, that of R. Taylor, 30 Aug 1785.

⁵¹ TNA:PRO, ADM 12/22 Digest of court martial of J. Paul et al, 12 Jan 1759.

⁵² LAC, ADM 1/5302, Extracts of courts martial papers, 1763-4, court martial of J. Cook, 2 Feb 1764, and TNA:PRO, ADM 12/22 Digest of court martial of T. Hayward, 2 Feb 1764.

capable of understanding what was happening to him or why. It may also be an indication of the existence of more tyrannical officers serving in the North American squadron.

Mitigated sentences for desertion under Article 16 usually were reduced from death to a large number of strokes of the cat, or from a high number of lashes to a lesser amount.⁵³ Only two mitigated cases appear in the digest noting specifically that the court had reduced the sentence from death to flogging due to the circumstances involved.⁵⁴ One of these was that of Daniel Coggan, a seaman onboard the *America* (64), Vice Admiral Sir William Parker's flagship on the North American station. The *America* arrived at Halifax on 18 August 1800. Along with another seaman and two marines, Coggan attempted to swim from the ship and desert, and was charged under Article 16 on 29 September 1800. In consideration of their former good characters, Coggan and two of the men were adjudged to receive "only" 500 lashes. The high number of strokes awarded implies that the death sentence was considered in this case. The other man received only fifty lashes as the "proof was defective" in his case.⁵⁵ In later years, with one exception all after 1784, mitigated sentences comprised a reduced number of lashes (usually between fifty and 150) and were often combined with a loss of pay for the period of time the man was absent from the service. This would seem to imply that the end of the American War represents a turning point of sorts for disciplinary matters, at least in cases of capital desertion.

For the navy overall, the percent of desertion courts martial sentences that were mitigated as a percent of all desertion sentences is displayed in Graph 7-6. These ranged from twenty percent between the Seven Years' War and 1775, to almost sixteen percent during the American Revolutionary war, back up to twenty-one percent after American independence, and then between thirteen and fifteen percent during the French Revolutionary and Napoleonic wars. At first glance, this would seem to indicate that the overall rate of mitigated sentences

⁵³ Unlike desertion to the enemy under Article 15, which carried a mandatory death penalty, which could not be mitigated other than by the royal prerogative of mercy.

⁵⁴ TNA:PRO, ADM 12/22, Digest of court martial of Z. Ilson et al, 31 Mar 1757 and of J. Morris, 18 May 1761.

⁵⁵ TNA:PRO, ADM 12/22, Digest of court martial of D. Coggan, 29 Sept 1800. Of interest is that Parker himself was also subjected to a court martial due to events during his time on the Halifax station. He was recalled to England in 1801 for having dispatched two battleships, including the *America*, from the North American command to the West Indies, always a more profitable cruising area for prize money, contrary to orders. Parker demanded a court martial, was tried, eventually acquitted of any wrongdoing, but was reprimanded by the court for having issued "indiscreet" orders. Douglas, *Flag Officers*, 44; Gwyn, *Frigates*, 96-7; K. Breen, 'Parker, Sir William, first baronet (1743-1802)', *Oxford Dictionary of National Biography* (hereafter *ODNB*), Oxford University Press, Sept 2004.

generally goes up in times of peace and down in times of war when the attraction of high merchant seaman wages meant that the navy desperately needed sailors.

In North American waters, mitigation rates ranged from twenty-eight percent during the Seven Years' War, to a high of thirty-five percent in the years immediately before 1775. They then fell back down to rates of around nine percent until the Napoleonic Wars where the mitigation rate rose to fifty percent. Only the Leeward Islands, where manning difficulties were also pronounced in later years, comes close to these high mitigation rates, at thirty-one percent before the American Revolution and again prior to the start of the French Revolutionary wars. This unusual rate of mitigation in North America could indicate that there was either less desertion in North America at that time, or that American courts martial were being more lenient than elsewhere when it came to punishing this crime.

Yet upon closer examination, neither is the case, for two reasons. First, Neil Stout and others have indicated that there were often major difficulties manning the ships of the North American station and keeping men from deserting, to the extent that vessels would often be completely immobilized in port for lengthy periods – issues discussed in more detail separately in the preceding chapters.⁵⁶ Second, the average punishment for a mitigated desertion sentence in North America was much higher than for other stations of the navy, as can be seen on Graph 7-7. Between 1764 and 1775, analysis of courts martial shows that while thirty-five percent of desertion cases received mitigated sentences in American waters, the seamen and marines involved received an average of 350 lashes. This is more than triple the mitigated flogging average for desertion sentences on home waters stations, ninety-six lashes, and more than double that for the entire navy at this time, 143 lashes. Earlier during the Seven Years' War the average mitigated punishment in North America was also substantially higher than any other station, at 234 lashes. In both periods it was almost equal to, or substantially higher than, the average non-mitigated lash averages for desertion discussed above. This would imply that many cases at this time may have been mitigated from a sentence of death to one of a very high number of lashes in the same range as a "normal" unmitigated sentence.

⁵⁶ Stout, *Royal Navy in America*, 63-6, 138-9; idem., "Manning," 174-85. See also the case in Gwyn, "Shipbuilding".

This would change in later years when sentences were mitigated from high numbers of lashes to smaller amounts, usually fifty percent or less of the average flogging sentence.⁵⁷

The use of discretion to mitigate sentences also involved punishments other than flogging, and mirrored that of the legal system in Britain as the century progressed, where an extended range of secondary punishments became available and were imposed more frequently.⁵⁸ In naval punishments, confinement both on board and to a prison ashore, as well as the withholding or mulcting (the imposition of a fine, usually in the amount of the deserter's pay in arrears for his time absent) became the most common non-corporal punishment inflicted for capital desertion cases in the latter half of the century. The first incident recorded in the digest of pay being forfeited for capital cases of desertion occurred in 1775, but it became much more common from 1784 onwards, with some sixty cases in all. This is yet again an indication of a turning point from that year onwards in the matter of capital desertion punishments.⁵⁹

Confinement or imprisonment was also used to punish deserters, but much more rarely, much later in the century, and often still in combination with flogging. The first case using such punishment in the digest for desertion occurred in December 1794, and only twelve such cases appear in total. The usual procedure was for the prisoner to be sent to solitary confinement in the Marshalsea prison for periods of from one to two years, commencing from the first day after they had been flogged. For a few lesser offences, including for having given false evidence at a desertion trial, three to six months' imprisonment was imposed, usually combined with lashing.⁶⁰

⁵⁷ Similarly, in North America between 1798 and 1806, the mitigated average of 400 lashes was ahead of Jamaica at 142 and the Leeward Islands at 170 lashes, and greater than the navy average. Yet this represents only one mitigated case out of eight total accused in North America, compared to eight of ninety-seven in Jamaica and six of thirty-two in the Leeward Islands, and is statistically unrepresentative.

⁵⁸ King, *Crime, Justice and Discretion*, 259-96, 355.

⁵⁹ TNA:PRO, ADM 12/22. Eder records a very small number (around three percent) of courts martial for all crimes imposing fines during the Seven Years' War. Eder, *Crime and Punishment*, 82.

⁶⁰ See, for example, TNA:PRO, ADM 12/22, Digest of court martial of J. Pidgeon et al, 10 May 1799. Eder's rate of confinement for all courts martial sentence in the navy during the Seven Years' War was just over one percent. The number of cases from 1755 to 1806 for desertion is slightly under that rate. Ibid., .

Discretion and aggravated sentences⁶¹

On 6 February 1764, William Medlon of the *Romney* (50) was tried under Article 34 “for deserting from the Hospital at Halifax whither he was sent for cure, and endeavouring to make his escape from three of the Midshipmen who were sent to apprehend him.” He was punished with 600 lashes, mainly because he had twice previously attempted to desert. Almost a year to the day earlier, Medlon had been charged onboard the *Romney* in Halifax, with several other men for absenting himself from duty and attempting to desert. They had all received 300 lashes under Article 16. Medlon obviously wanted out of the navy, for whatever reason, and that desire was to result in his demise. In July 1765 he was court-martialled for a third time at Halifax, again under Article 16, found to be an incorrigible offender, and sentenced to hang. His colleague in crime, one John Stone, also a repeat offender, received 600 lashes.⁶²

In a similar manner to the use of discretion in mitigating the sentences of deserters, courts martial for desertion often used discretion to increase the sentences of repeat offenders, those deemed of bad character, or those who had committed other past or current transgressions. A breakdown of the number of mitigated versus aggravated sentences for desertion by period for the entire navy is illustrated on Graph 7-8. It can be seen that in general, aggravated desertion cases were more common in times of war, while the number of mitigated desertion sentences appear to be relatively constant from the Seven Years’ War until after the end of the American War, at which point they fall off dramatically.

King illustrates how the most common unfavourable circumstances that could influence the sentence of an accused in the judicial system ashore included the need for an example against a specific type of crime; previous bad character; use of violence in committing a crime; betrayal of trust; or repeat offences.⁶³ Eder indicates that the three most common aggravating circumstances for all courts martial in the navy during the Seven Years’

⁶¹It is crucial to examine the use of both positive and negative discretion. Sugden, in his comprehensive recent biography of Nelson, takes issue with Byrn’s analysis of Nelson’s summary punishment record. Sugden contends that to provide a full picture of Nelson’s disciplinary record, it is necessary to take into account how often Nelson used mitigating circumstances to reduce the sentences of men tried at court martial. Yet he then fails to note whether or how often Nelson used negative discretion and the presence of aggravating circumstance to increase sentences. Sugden, *Nelson*, 356-62.

⁶² LAC, ADM 1/5302, Extracts of courts martial papers, 1763-1764, court martial of W. Medlon, 6 Feb 1764; TNA:PRO, ADM 12/22, Digest of court martial of W. Medlon, 6 Feb 1764 and that of W. Medlon and J. Stone, 22 Jul 1765.

⁶³ King, *Crime, Justice and Discretion*, 299.

War included ringleadership; repeat offences; or the failure to provide a good example to the young or inferior ranks.⁶⁴ Again, these vary somewhat when a specific crime such as desertion is examined, but remain comparable to offences onshore. Undoubtedly, the need for an example was ever present in the minds of the court when it came to desertion, particularly on stations where it was most problematic, but was likely rarely recorded in trial minutes. The case of T. Hayward discussed below and one or two others specifically mention the need for an example in the trial minutes.

The most commonly recorded circumstances in the digest resulting in the use of discretion to increase a sentence for desertion are outlined in Table 7-2. In order of frequency, the top five include: deserting with stolen property;⁶⁵ deserting to enter another Royal Navy ship or another service such as the army or marines; deserting to enter an outward-bound merchant vessel or transport; previous bad character; or enticing others to desert. Other important factors included: being a repeat offender; deserting immediately after having taken the King's bounty as a volunteer;⁶⁶ deserting to the enemy (but charged under Article 16, not 15); changing ones name after deserting; and the length of time absent.

Deserting to the enemy was the most severe aggravating circumstance, but as it was tried separately under Article 15 it is not considered here unless tried under Article 16. Forty-one courts martial in this sample were tried under Article 15, thirty-nine of them for some form of desertion to the enemy, and four cases for desertion with royal property. Interestingly, the cases that specifically mention theft of a ship's boat as an aggravating circumstance usually were tried under Article 16, allowing the court to avoid the automatic use of the death penalty for that desertion with royal property under Article 15 would require. Eder argues that this was a result of the liberalization of the 1749 code compared with the *Articles of War* of 1661. The latter imposed a mandatory death penalty for both Articles 15 and 16. He sees it as similar to the process whereby trial juries at Assizes would show mercy towards the

⁶⁴ Eder, *Crime and Punishment*, 85-6.

⁶⁵ Either materiel belonging to the ship, such as a boat, weapons or powder: or private property that belonged to other seamen or officers.

⁶⁶ As well as those who deserted to receive a single volunteer's bounty elsewhere, these cases include several men who received multiple bounties over a period of time. Such men would often receive their initial volunteer's bounty from a parish as a quota man or from the ship they joined, then desert and receive additional bounties from another ship, the Marines, the Army, and/or the East India Company. This "multiple bounty" desertion seems to have been more common later in the century, and such cases were usually punished severely. See, for example, TNA:PRO, ADM 12/22, Digest of court martial of P. Begley, 19 Dec 1795 and those of S. Williams, 10 May 1796; J. Jacobs, 27 Mar 1797; W. Gilbert, 25 Sept 1804; and S. Jakes, 5 Jun 1805.

most frequent offence heard at trial, larceny, by undervaluing the worth of stolen goods to avoid a mandatory death penalty.⁶⁷

It would seem that the character of a man would make an immense difference in the sentence received. The Admiralty themselves seemed to approve of this use of discretion, in either direction in which it might influence the sentence. This was noted formally in the case of Thomas Price and Joseph Truscot, two seamen who were tried for desertion onboard the *Camilla* at Port Royal, Jamaica on 8 November 1785. While not a North American case, it is important as the unknown compiler of the Admiralty digest recorded it as a precedent, noting that:

This Case affords a good illustration of the principle on which the variations in the Sentences of Courts Martial, against Deserters, usually proceed... On their Trial, it was proved by the testimonies of the said Ship's Officers that Price formerly bore the character of a well-behaved orderly person... Truscot, on the other hand, was proved to have come into the Service merely to make a convenience of it, to enable him to recover his wages; and that his behaviour while on board the *Camilla*, was disorderly and troublesome. On that account, as the sentence also bears, the Court adjudged Prescott, tho' his offense in reality was not greater than that of Price, to receive 250 lashes or five times more severe punishment than was inflicted on Price.⁶⁸

Theft also made a man's sentence for desertion much more severe. In particular, if a man deserted with what was deemed to be royal property, or if private property of another sailor had been stolen, he was generally treated much more severely by the court. Desertion with royal property should have been charged under Article 15, but commanding officers generally seemed to use their discretion to request charges under Article 16 in most cases. The circumstances of the theft of royal property were then used as an aggravating factor, generally to avoid imposing the mandatory death penalty required by Article 15.

Such a case occurred on 20 November 1764, when five men from the Admiralty hydrographic survey team led by Lieutenant J.F.W. DesBarres, a protégé of James Cook working on the coast of Nova Scotia, were tried in Halifax for desertion under Article 16 from the Royal Navy tender *Dispatch*. They had deserted in August that summer, "...carrying off one of the tender's boats and Several materials belonging to the Survey." They were apprehended near the coal mines of Cape Breton, likely near Spanish River, and were confined

⁶⁷ Eder, *Crime and Punishment*, 102-3.

⁶⁸ TNA:PRO, ADM 12/22, Digest of court martial of T. Price, 8 Nov 1785.

onboard the *Romney* in Halifax Harbour. Two of the men, William Morris and Bryan Diggins, escaped their confinement and attempted to desert again, this time taking a ship's boat from alongside the flagship. As there were "No circumstances...in the character of the Prisoners, or otherwise, to alleviate their offence..." Morris and Diggins were sentenced to death by hanging. The three other men, being of former good character, and having been seemingly enticed to desert by the two ringleaders, received sentences of 700 lashes each, and escaped the death penalty which they would have received had the legal code been followed to the letter.⁶⁹

It seems likely that the nature and attitudes of the individual officers of the court also had much to do with to what degree an aggravating circumstance would affect the sentence of a deserter. An extreme case is that of Daniel McPhersal and John Phillips, two seamen of the *Malabar* tried for desertion on 13 June 1796 in Jamaica. They had attempted to gain their freedom by swimming on shore. After they were apprehended and put in confinement on board awaiting trial they were extremely noisy, and abusive. "McPhersal in particular set no bounds to his opprobrious language...seasoned with frequent effusions of swearing, and blasphemous expressions." For this behaviour, McPhersal was sentenced to hang, while Phillips was to receive 400 strokes of the cat. Again, this non-North American case is important due to the legal views compiled for posterity by our unknown Admiralty clerk. He noted (perhaps with some astonishment) that "Nothing else appears in the minutes to account for the severity of the sentence."⁷⁰

In a similar fashion, on reviewing the records of another trial, our anonymous compiler observed how the individual attitudes of the officers comprising the court could play a major role in doling out excessive punishment for desertion. On 6 October 1771, William Hobson, a marine of the *Gibraltar* (20) deserted while at Halifax when the sloop was alongside the wharf. Hobson had been given leave for the day on a Sunday "as the People generally had leave on Sundays" but was missed on Monday morning. The master's mate undertook a search, and advertisements were posted offering rewards for his return. Hobson made no defence at his trial, but it was noted that "...he had some little Money, and was induced by the Soldiers of his Acquaintance to go with them which he did and that he was Drunk for sometime and was afraid to return." Hobson was found guilty at a trial aboard the *Lizard* in Boston Harbour on 2

⁶⁹ TNA:PRO, ADM 12/22, Digest of court martial of W. Morris and B. Diggins, 20 Nov 1764, and that of J. Evans et al, 20 Nov 1764.

⁷⁰ TNA:PRO, ADM 12/22, Digest of court martial of J. Phillips et al, 13 Jun 1796.

January 1772. The Lieutenant of Marines Richard Pulford, the master's mate, and the gunner of the *Gibraltar* all testified on Hobson's behalf, declaring he had "always behaved well", "behaved as well as any Man I ever saw", and "was remarkably attentive to his Duty". Despite having been enticed by others, and the court concluding he had a "very good character as a sober, diligent, Marine", Hobson was sentenced to receive 500 lashes. The digester noted that there were no aggravating circumstances to be found in the minutes of this case, and that it "therefore may be considered as a case where the character of the Court had some effect upon its decision."⁷¹

It is unclear what our observant clerk is referring to exactly, but it is notable that the court consisted of only the minimum five officers, including a president who had only the rank of captain. It may have been the small size of the jury or possible lack of experience on the part of its president, Captain Charles Inglis, which prompted the Admiralty reviewer to record this note.⁷² It may also have been the fact that the officers of the court seemed to ignore a number of mitigating circumstances – enticement, good character, and drunkenness - at a time when desertion was rampant at Boston, as noted in Chapter 3. This suggests one or more harsh disciplinarians being present among their number, or the court being instructed to make an example of a marine who himself was responsible for maintaining discipline aboard his Majesty's Ships. One could also speculate about whether there was a personal conflict with the marine lieutenant and his naval counterparts, something not uncommon at this time.

Finally, it is worth mentioning the most severe flogging sentence imposed on a deserter that is in these sources, and the very late date on which it occurred. On 18 May 1804, William Smith, a seaman of the *Indefatigable*, was tried in home waters:

...having been ordered by a Court Martial to be flogged, after receiving part of his punishment, was sent to the Royal Hospital at Plymouth whence he deserted; and on being pursued by some persons in order to apprehend and bring him on board, he endeavoured to defend himself with a drawn knife. Afterwards, when brought to undergo the remainder of his punishment, he affected to brave his officers, stuck flowers in his hat, and endeavoured to make a jest of the business. Upon the whole he clearly proved himself to be a very hardened and dangerous person in the ship. The Court sentenced him to receive one thousand lashes and thereafter to be

⁷¹ TNA:PRO, ADM 12/22, Digest of court martial of W. Hobson, 2 Jan 1772.

⁷² The other four officers on the court, all captains, were G. Talbot, E. Medows, T. Symonds, and J. Linzee. Sir T. Rich was the commander of the *Gibraltar* both at the time of desertion and trial. TNA:PRO, ADM 1/5305 Courts martial papers, 1771-2, court martial of W. Hobson, *Lizard* at Boston, 2 Jan 1772.

imprisoned in solitary confinement for two years.⁷³

This case more than any other clearly indicates how the nature of the crime itself , the circumstances of individual cases and the use of discretion by the officers of the court meant that desertion was more severely punished at court martial throughout the eighteenth and into the early nineteenth century than some recent works have suggested.

Discretion and straggling

On 10 February 1756, John Pitts, Thomas Heard, and William Houldman were court-martialled together onboard the *Eagle* at anchor in the Hamoaze near Plymouth. Houldman was a seaman of the *Ipswich*, while Pitts and Heard belonged to the *Eagle*. Interestingly, they were charged with “desertion or straggling their duty without leave.” The *Eagle* had gone into dock on New Year’s Eve in 1755, after which Pitts and Heard left her without leave. A search party recaptured the men and brought them back as prisoners from Tavistock about four days thereafter. According to testimony, it appeared that at the time of leaving the ship neither had intended to desert, but they both had been drunk “and their intentions afterwards were more suspicious.” Twelve members of the court believed Pitts was guilty of desertion, and only one of being absent from duty without leave. Seven voted that he should receive 200 lashes, while six of the officers voted for a sentence of less than 200 lashes. The minutes noted that Heard was “quite a youth” and Pitts insisted that he and a marine had enticed Heard to leave, “when in liquor”. Upon sobering up, Heard was returning to the ship when recaptured. In view of these circumstances, the court was unanimous that Heard had only absented himself without leave, falling under Article 27, and he was sentenced to receive sixty lashes. Houldman, a previous offender for this crime, was acquitted. The unknown compiler of the digest added a note to his summary, remarking how other courts martial had found that Heard’s offence usually fell under Article 36, and he noted that the phrase “without leave” was not actually used in the text of Article 27, rather “forsaking a station”. It appeared the clerk believed that cases of straggling should have been dealt with under Article 36, and presumably that in his legal mind “forsaking a station” did not imply actually leaving a ship and Heard had been sentenced incorrectly.⁷⁴

⁷³ TNA:PRO, ADM 12/22 Digest of court martial of W. Smith, 18 May 1804.

⁷⁴ TNA:PRO, ADM 12/22, Digest of court martial of J. Pitts et al, 10 Feb 1756.

On 25 October 1805, William Daniels was tried for desertion under Article 16 at Port Royal, Jamaica. He had been sent ashore as part of a wooding party at Cumberland Harbour, Cuba, where he became drunk and “straggled into the Country.” On becoming sober, and wishing to return to his ship, he boarded a merchantman which he had been told was bound for Jamaica. The merchantman turned out to be an enemy privateer. Daniels claimed he requested to be considered as a prisoner because he would not fight against his countrymen. Upon this declaration, the privateer’s captain put Daniels on board a prize brig, later recaptured by the British, and in which he was found. The court, noting that there was not complete evidence that the prisoner had intended to desert to the enemy, or that he had served in an enemy vessel in action, sentenced Daniels to receive 700 lashes and to suffer solitary confinement in the Marshalsea prison for two years.⁷⁵

The cases above are examples of what N.A.M. Rodger would consider a straggler, not a deserter.⁷⁶ Rodger cites many other court martial cases as examples of men who, in his view, had straggled from their vessels or as cases that illustrate how the navy allowed leave, contrary to popular assumptions. Yet for many of these cases, he does not indicate the punishments inflicted upon the men, or what Article they were tried under. One often is left with the impression that all stragglers brought before a court martial simply were acquitted of their crimes. Yet as we have seen above, and as we shall see shortly, this was simply not the case, particularly on the North American station.

On 1 October 1755 David Smith, a seaman of the *Litchfield*, part of the recently arrived squadron of Vice-Admiral Edward Boscawen, was tried at court martial in Halifax. At first glance, although charged under Article 16 for desertion, his case appears to be that of a straggler. His captain deposed that in July 1755 he had given Smith leave to go on shore in the barge. Smith disappeared, only to be recaptured some weeks later. In his defence, the seaman testified that he had had no intention to desert, but that having money in his pocket and not having been on shore for a long time, he went about and became drunk “with many people”, which was the cause of his not returning to the boat. It was also noted at his trial that Smith did not think the ship was to sail again so soon, and that he never hid himself while staying in the area. Captain Barton admitted that the *Litchfield* had sailed suddenly and unexpectedly. Such

⁷⁵ TNA:PRO, ADM 12/22, Digest of court martial of W. Daniels, 25 Oct 1805.

⁷⁶ Rodger, “Stragglers and Deserters”, 56-79 and *idem.*, *Wooden World*, 188-201.

circumstances would seem to indicate a minor case of straggling, which, in Rodger's view, would be punished lightly, usually with a fine from the man's pay, if punished at all. Yet the court found by a majority of nine to four that the charge of desertion was proved, and by a majority of ten to three that the prisoner fell under Article 16. Smith was unanimously sentenced to receive ten lashes alongside every ship in Halifax Harbour (as many as seventeen vessels at that time).⁷⁷

Rodger uses the court martial of Robert Finnie and others from the *Blast* bomb vessel as an example of men who did not intend to desert the naval service.⁷⁸ Finnie and three other men ran from the *Blast* by rowing away in the ship's boat, but were recaptured and tried at Portsmouth on 20 October 1760. Rodger neglects to mention that Finnie, as the ringleader believed to have seduced the others into deserting, was sentenced to 600 lashes as punishment. The three other men received sentences of 400 lashes, and all four cases were also considered aggravated due to the fact that the men had taken the ship's boat in their attempt. Rodger notes that their captain testified that he did not believe the men intended to desert the service, yet the members of the court found otherwise.⁷⁹

Rodger clearly illustrates how crimps and other middlemen swooped on stragglers to entice them into joining the merchant service, privateers or even other arms of the British military.⁸⁰ Yet, as elsewhere, he neglects to mention the punishments inflicted in the courts martial examples he cites. One such was the case of J. Owens, a seaman from the *Arc en Ciel*, who deserted and then enlisted in the British army.⁸¹ On 11 February 1758, Owens was tried for desertion onboard the *Terrible* in Halifax Harbour. The testimony from his trial indicates that he had previously deserted for some weeks. Owens was recaptured and brought back in consequence of an advertisement for reward. He deserted a second time, and again was recaptured. Owens was tried under Article 16, charged by Captain John Rous of the *Arc en Ciel* "for having absented himself sundry times from his Duty for weeks together without leave, and that after being brought back in consequence of an Advertisement, for having again deserted and enlisted in the 48th Regiment". Owens called no evidence in support of his case,

⁷⁷ TNA:PRO, ADM 12/22, Digest of court martial of D. Smith, 1 Oct 1755. TNA:PRO, ADM 8/30, List Book... 1755-6, Monthly ship list, 1 Oct 1755.

⁷⁸ Rodger, "Stragglers and Deserters", 61-2.

⁷⁹ TNA:PRO, ADM 12/22, Digest of court martial of R. Finnie et al, 20 Oct 1760.

⁸⁰ Rodger, "Stragglers and Deserters", 62-3.

⁸¹ Ibid., 63 note 54.

and the court was unanimous in sentencing him to receive 300 lashes. These were to be awarded at two separate times “on board of his Majesty’s Ships in this Harbour at times and in such manner as the Commander in Chief shall think proper to direct.”⁸²

Another of Rodger’s examples, a seaman named Holden,⁸³ was convicted of deserting and enlisting in the Queen’s Royal Regiment at Plymouth and was court-martialled on 28 June 1762. He was sentenced to 500 lashes for his crime.⁸⁴ If these were examples of cases where men, as Rodger puts it, “could not realistically be thought of as deserters”, the naval courts obviously determined differently, both on the legal basis of the charges under the *Articles of War*, and on the punishments inflicted. The only mitigation they may have received was escaping the death penalty.

Although several of the “straggling” courts martial discussed by Rodger resulted in acquittals or pardons,⁸⁵ others he discussed did not, and several cases were not even brought forward under desertion or related charges.⁸⁶ Rodger is correct in indicating the difference in motive or events between straggling and desertion cases, and for bringing to light the phenomena of straggling and rambling and its treatment by naval officers. Perhaps he goes too far in making the case that stragglers rarely were punished. There are two important aspects to note regarding cases of straggling that came before a court martial: the punishment was often as severe as for a case of desertion; and the formal charge by a captain was often one of desertion. Even if mitigated through the discretion of the court for straggling or other circumstances, sentences remained harsh, often well within or above the bounds of the average lash rates indicated above for men found guilty of desertion. The psychological effects, let alone real possibility, of a possible death penalty and throughout the theatre and ritual of the trial process was omnipresent and hanging over the heads of the accused throughout. This would seem to indicate that, at least in the minds of the officers presiding at courts martial, there was often little difference between straggling and desertion.

Rodger also does not discuss any courts martial related to rambling, straggling or

⁸² LAC, ADM 1/5297, Extracts of courts martial papers, 1758, Court martial of J. Owens, 11 Feb 1758; TNA:PRO ADM 12/22, Digest of court martial of J. Owens, 11 Feb 1758.

⁸³ Rodger, “Stragglers and Deserters”, 63 and note 54.

⁸⁴ TNA:PRO, ADM 12/22, Digest of court martial of G. Holden, 28 Jun 1762.

⁸⁵ For example, the four cases discussed in Rodger, “Stragglers and Deserters,” 63 and notes 56 to 9, and that of TNA:PRO, ADM 12/22, Digest of court martial of W. Howson, aka W. Hustin, 24 Jul 1759 and *idem.*, “Stragglers and Deserters,” 60 and note 35. Eder shows that Howson and some others Rodger mentions, such as most of the men from the Kingspear case, were pardoned for their crimes. Eder, *Crime and Punishment*, 182.

⁸⁶ For example, the two cases mentioned in Rodger, “Stragglers and Deserters”, 69 notes 98 and 99.

desertion under Articles 27 (forsaking a station), Article 34 (desertion ashore in His Majesty's Dominions), Article 35 (desertion ashore on foreign soil) or Article 36 (all other crimes not capital mentioned in the Act) of the *Articles of War*. The naval legal system recognised a difference between straggling and desertion at the court martial level. Believing that "absence without leave or straggling was less severely punished than desertion", Eder finds that absence without leave was normally punished under Article 27, and straggling under Article 36. This implies that absence without leave corresponded to those cases where it was deemed that a man intentionally left the ship without permission but had no intention to desert the navy, while straggling followed Rodger's pattern of inadvertent absence due to delays in transport, drunkenness, or literally missing the boat and the like.

Eder cites only one straggling case, that of John Lepeize, who was sentenced to 24 lashes on every ship at Fort William in Bengal in 1757. Another man who deserted with Lepieze, considered absent without leave, was sentenced to forty-eight lashes on every ship, while a third was sentenced to death for desertion under Article 16. In January 1757 seven ships were assigned to the East Indies station, so these whippings could have equated to 168 and 336 lashes respectively. The latter is much higher than the average flogging sentence for desertion in the navy of 236 lashes and the former almost equivalent to the average for the East Indies station of 175 lashes in this period, both of which we have seen above.⁸⁷

One would think that most straggling cases would be handled under Article 27 or 36, the lesser offences, not under Articles 15, 16, 34 or 35. Desertion was also sometimes punished as part of an indictment for a completely different Article if the offender was being tried for several crimes, and listed in the digest under this other offence. A few additional examples from North America will show that they were often as harshly punished there as Articles 15 and 16, and indeed, that stragglers were also sometimes punished under the desertion articles and often received severe punishments.

Another case of what might have been considered as rambling or straggling occurred in Halifax on 14 July 1755. Daniel Foster and Jonathan Dinman, two seamen of the *Alcide*, a recent French prize, were tried under Article 27 for "Desertion from the *Alcide*...to which they were Lent." This court martial occurred onboard the *Monarch* ship of war in Halifax Harbour.

⁸⁷ Eder, *Crime and Punishment*, 100-1. The digest records Lepieze as J. Lepierre. TNA:PRO, ADM 12/22, Court martial digest of S. Hay et al, 9 Aug 1757; ADM 8/31, List Book... 1756-7, Monthly ship list, Jan 1757.

Several witnesses testified that the men had been absent without leave at the weekly muster. In his defence, Foster testified that he had gone ashore in one of the *Alcide*'s boats to visit a relation and had been left on shore. He was then taking "a Walk in the Woods" with Jonathan Dinman when they were captured by the Rangers. Foster called upon his messmate and two of the crew of the launch of the *Alcide* to prove that he went on shore as he had stated. But these witnesses, under oath, apparently contradicted Foster's testimony. The court, unanimous in its opinion that the prisoner fell under Article 27, ruled that Foster should receive twelve lashes alongside twelve of his Majesty's Ships, a total of 144 strokes of the cat. Dinman, being of "very good character", received seventy-two lashes throughout the fleet.⁸⁸ This case also indicates that some cases formally were charged with desertion under Article 27, not Articles 15 or 16. Despite its less severely worded provisions regarding forsaking a station, crimes heard under Article 27 could still be punished with death.

After the same fashion, Simon Kelso of the *Terrible* was court-martialled in Halifax on 18 February 1758 under Article 27, "for leaving the Cutter when ashore on Duty without leave". After being absent for more than two months, he was found by two midshipmen and brought back to the ship. He called no evidence on his behalf, and was sentenced to receive 200 lashes. Although absent for longer than three weeks, he was charged only with leaving his duty, not desertion, but received nearly equivalent punishment had he been so charged.⁸⁹

James Nax and Jeremiah Ryan, seamen of the *Senegal* sloop, who had come with that ship to North American waters from England, were tried in November 1764 at Halifax "for absenting themselves from their Duty without leave and being taken out of an outward bound Vessel at Maugher's Beach" under Article 27. The prisoners apparently ran after being sent ashore with a work party to assist in returning a cable in a boat. The two were brought back on board two or three days later. A midshipman of the *Senegal* testified that when he mustered the work party on shore and discovered them absent, he was told that "the Purser had given [the men] ... a Shilling and they were gone out of the Gate [of the naval yard] to drink it." The midshipman proceeded to town to search for them without success. Another midshipman of the *Romney* was sent later with the *Pakenham* schooner to bring up an outgoing merchant brig

⁸⁸ LAC, ADM 1/5295, Extracts of courts martial papers, 1755- June 1756, court martial of D. Foster and J. Dinman, 14 Jul 1755; TNA:PRO, ADM 12/22, Digest of court martial of D. Foster and J. Dinman, 14 Jul 1755.

⁸⁹ LAC, ADM 1/5297, Extracts of courts martial papers, 1758, court martial of S. Kelso, 18 Feb 1758; TNA:PRO, ADM 12/22, Digest of court martial of S. Kelso, 18 Feb 1758.

and search her. The naval party discovered the two men hiding below decks, while the master of the brig claimed to be unaware of their presence onboard. The prisoners claimed that while off drinking, they met with an old acquaintance who belonged to the merchant vessel and went on board it with him. Upon sobering up the next morning, the men asked for the brig's boat to carry them on shore but were told the master had sailed up the Northwest Arm of Halifax Harbour with it. Before the boat could return, the naval party arrived, and Nax and Ryan claimed that they immediately told its lieutenant that they belonged to the *Senegal*. Here again, when a claim of straggling was advanced, it apparently did these men little good other than acting as a mitigating factor on their sentencing. Despite the fact that their captain indicated that "they in general behaved like other Seamen, and he never had any suspicion of their Deserting" and several officers testified to the good character of both seamen, both still received one hundred lashes each.⁹⁰

It seems to have been quite common for seamen and marines to run from the hospital at Halifax before it was moved to George's Island, and some of these cases fell under Article 36.⁹¹ On 11 October 1757 a court martial was held on board the *Northumberland*. Captain William Parry of the *Kingston* had made an accusation against William Beverly, a seaman of that ship, "for running away from the Hospital at Halifax, whither he was sent for Cure..." After hearing the evidence, "The Court was unanimously of Opinion that he falls under the Thirty Sixth Article... he having absented himself from the Hospital almost a month, During which time he was loytering around the Town and at last found skulking in an Old rotten Vessel on the Beach." Beverly was a straggler charged and sentenced under Article 36 to be flogged around the fleet for 130 lashes, at such times and in such proportions as the commander in chief deemed appropriate.⁹²

As we have seen, some men charged with desertion were actually stragglers, and received lesser punishments or acquittals. Yet it is equally clear that others such as those above, also perhaps viewed as stragglers, were often treated and punished as deserters, even when not formally charged as such under the *Articles of War* of 1749. Whether this was the

⁹⁰ LAC, ADM 1/5302, Extracts of courts martial papers, 1764-5, court martial of J. Nax and J. Ryan, 19 Nov 1764.

⁹¹ The first formal naval hospital in Halifax was established in 1750, before it was moved to George's Island in the harbour in October 1776. This site was useful for both isolating disease and preventing desertion. Gwyn, *Ashore*, 43-4; In addition to the cases discussed here, see also *idem.*, *Ashore*, 47-8 and Chapter 3.

⁹² LAC, ADM 1/5296, Extracts of courts martial paper, 1756- 7, court martial of W. Beverly, 11 Oct 1757.

case only in North America, where it may be yet another example of harsher discipline being imposed to prevent the loss of men due to the temptations of desertion, simply left to the discretion of the captain or commander in chief pressing the charges, or was more widespread throughout the navy requires further research. The cases above clearly show that deserters under Article 16 and men who were considered absent without leave under Article 27 or Article 36 could receive the same severe floggings, even when tried by the same court martial board.

One such case was that of Thomas Sage and two other men tried at court martial for desertion in the Leeward Islands on 28 April 1758. Two of the runaways were found guilty of being absent without leave, the other of desertion. All received one hundred lashes. There seems to have been some legal confusion on this issue, as our digester notes that while these men were tried “for Desertion”, the court found that the charge was only partially proved. Our compiler noted that “...as the fact charged was what may be called in-dividium quid, it is difficult to imagine, or to form a distinct idea of the offence to which that individuum only in part proved would amount. If the Prisoners were proved to have deserted, they were guilty; if they were not proved to have deserted, they were, in the eye of Law, innocent.” He goes on to note that the men should have been acquitted in this case, as had occurred in a similar non-desertion trial, or alternatively, that the acquittals in the other case were incorrect.⁹³ Based upon the above, both Eder and Rodger might have an incorrect impression of the leniency of punishments awarded to stragglers who faced court martial.

Conclusions

The capital punishment analysis detailed above of stragglers and ramblers reveals that at best, in front of a naval court straggling was seen simply as another form of mitigating circumstance. As the Admiralty itself noted in comments on particular cases during its review of court martial sentences in 1806, there was no set practice for how to handle men who had been straggling if tried at court martial. The distinction between straggling, rambling, absence without leave, leaving a post, neglect of duty, disobedience of orders, and desertion became blurred, often to the disadvantage of the straggler. Some courts technically misused their discretion, sentencing men charged as stragglers as deserters, while other courts properly used

⁹³ TNA:PRO, ADM 12/22, Digest of court martial of T. Sage et al, 28 Apr 1758.

it to impose less severe sentences on straggling seamen, or recommended cases to the station commander or the king for mercy. At worst, stragglers who reached the court martial level were treated and charged exactly as any other more highly motivated deserter regardless of the Article used to charge them, and received equally harsh, or sometimes harsher, punishments. Punishments received for straggling were often the equivalent of what a deserter might receive if his punishment was mitigated for any reason.

Discretion was the cornerstone of the naval judicial system. Its exercise was largely unregulated by London, if reviewed from time to time, and left largely to the good judgement of the officers on the court and the station commander. Station commanders maintained lists and details of legal precedents established in conjunction with the leading common law authorities in London.⁹⁴ This could provide the appearance at times of an extemporised judicial system. The analyses presented above support Eder's contention that the Georgian system of naval law was more complex, formal and organised than the informal, ad hoc system outlined by Rodger. They also illustrate how reasons for the use of discretion varied with the nature of the specific crime tried. Seamen facing naval justice in the eighteenth century confronted a legal system much like the one their civilian counterparts encountered in the common law system ashore. This judicial process was one that shared many of the same characteristics outlined by Beattie – the maintenance of social order and the prevention of criminality. Enough discretion was allowed in the system so that those in positions of authority could exert their influence to enhance their reputation among “the People” by offsetting its violent nature, in a system that was seen to be fair and acceptable as a dispute settlement mechanism (even if at times it was neither).⁹⁵

In defence of British interests, one of the navy's primary goals was to keep ships well manned and seaworthy. To do so, the use of terror was a deterrent in the naval legal system, using what Beattie terms “judicial violence”.⁹⁶ This characteristic of criminal law may have had longer staying power afloat than it did ashore, if cases of desertion are a suitable indication. When tried at court martial, it would seem that the use of terror in the naval justice system as a factor in deterring desertion was more common in times of war than in peace,

⁹⁴ M. Hubley, "'By the Laws of this Realm': Legal Precedents, Discretion, and Courts-Martial in the Royal Navy, 1746-1805," *Trafalgar Chronicle*, no. 17 (Fall 2007):16-30.

⁹⁵ Beattie, *Crime*, 622.

⁹⁶ *Ibid.*, 74-5.

when numbers of ships in the navy were relatively small and a glut of discharged seamen became available. Even when the members of the court or the station commander used their discretion to mitigate desertion sentences, severe punishments remained the norm and acted as a powerful deterrent in North America, and later in the West Indies, in an effort to prevent loss of sailors through desertion. Mitigated punishments for capitally tried deserters in America remained more severe than elsewhere.

How can we imagine the workings of the *Articles of War* from the viewpoint of the lower deck? King puts forth the notion that the system of discretion in the legal system ashore can be compared to a system of rooms and corridors, where at every stage, pre-trial, during trial and sentencing, and post-trial, there was a door leading away from punishment, and other doors leading to varying degrees of lesser or greater punishment.⁹⁷ Valle notes that the early American navy's justice system, one drawing heavily from the British model, was perceived by the common sailor of the time as being scattered with rocks and shoals of harsh discipline and punishments that men had to avoid while navigating it.⁹⁸ In the case of the eighteenth-century Royal Navy, perhaps the judicial system at sea can be viewed as one of interconnecting channels and narrow waterways. Some lead away from punishment, while others lead to varying degrees of mitigated or aggravated punishment. Within these waterways, the discretion and personalities of the station commander, court members - as well as the Admiralty and the king in dealing with pardons and mercy - represented sometimes fair or fickle winds, calms, or even gales. An accused seaman or marine had to navigate these carefully to avoid running aground on the rocks, shoals and lee shores of the varying degrees of punishment.

Seamen were part of a face-to-face community aboard ship, in which as Beattie and King reveal for communities ashore, character and reputation were "measurable" factors when deciding the innocence or guilt of an individual. Such characteristics were crucial elements in determining the severity of punishment in a transitory age that at certain times and in certain places still clung to a harsh disciplinary regime for those who toiled in his Majesty's Service on the high seas.

⁹⁷ King, *Crime, Justice and Discretion*, .

⁹⁸ J.E. Valle, *Rocks and Shoals: Order and Discipline in the Old Navy, 1800-1861*, (Annapolis: Naval Institute Press, 1980).

Table 7-1 Verdicts in individual desertion cases, January 1755 to January 1806

Source: TNA:PRO ADM 12/22 "Analysis and digest of court martial convictions, arranged by offence: D-Dis, 1755-1806."

Date	Fully Proved	Partially Proved	Acquitted	Acquitted from Punishment	Total Acquitted (%)
1 Jan 1755 to 31 Dec 1763	280	2	9	5	14 (4.7)
1 Jan 1764 to 31 Dec 1775	252	0	4	1	5 (1.9)
1 Jan 1776 to 31 Dec 1783	295	1	2	2	4 (1.3)
1 Jan 1784 to 31 Dec 1792	157	0	1	2	3 (1.9)
1 Jan 1793 to 31 Dec 1797	162	1	3	0	3 (1.8)
1 Jan 1798 to 1 Jan 1806	448	2	7	1	8 (1.7)
1 Jan 1755 to 1 Jan 1806	1594	6	26	11	37 (2.3)

Table 7-2 - Use of Discretion in Sentencing for Desertion, 1755-1806¹

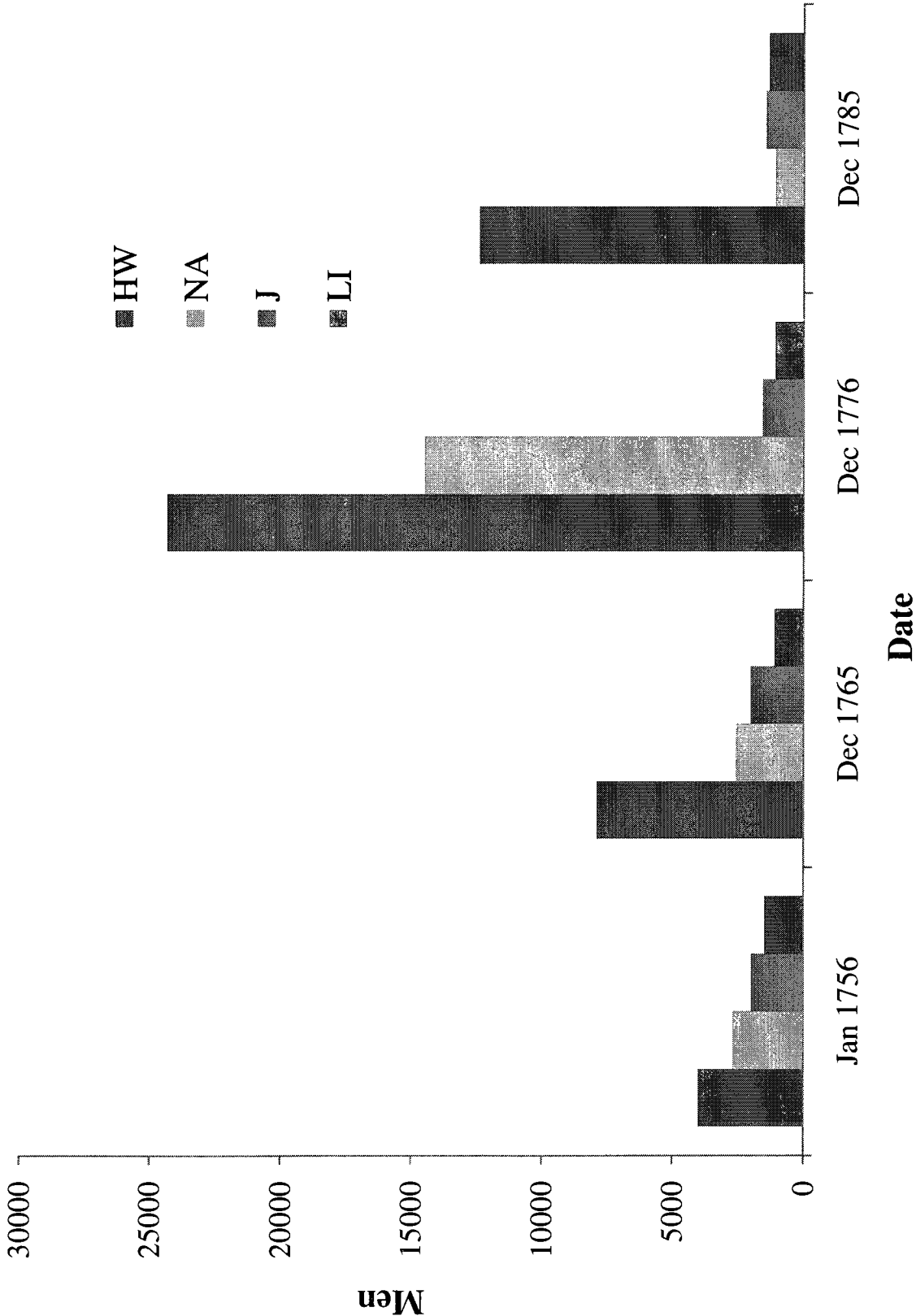
Source: TNA ADM 12/22 "Analysis and digest of court martial convictions, arranged by offence: D-Dis, 1755-1806."

<i>Mitigating circumstances</i>		<i>Aggravating circumstances</i>	
<i>Circumstance</i>	<i># of cases</i>	<i>Circumstance</i>	<i># of cases</i>
Good or favourable character	186	Theft and desertion (under Article 16)	59
Age	35	Entered another navy ship/service (army or marines) or denied being in the naval service	31
Enticed by another to desert	26	Entered outward bound merchant or transport	29
Unspecified "Favourable circumstances"	23	Bad character	27
No intention of deserting the service	22	Enticed others/ringleader	24
Ignorance	21	Repeat offender	21
Length of time/long confinement prior to trial	20	Took bounty and deserted	15
Voluntary surrender	21	Deserted to the enemy (under Article 16)	15
Long service	9	Changed name	10
Procedural error	8	Length of time absent	10
Drunkenness or Liquor	7	Deserted while sentinel	8
Mental illness/deficiency or insanity	6	Used violence in making their escape	6
Sickness	5	Blasphemous or abusive language	6
Prest or other Foreigner (neutral or certificate)	5	Resisted arrest	6
Entered another navy vessel	3	Entered friendly privateer	5
Family situation or Sick relative	3	Also charged with another crime	3
Previous gallantry in action	3	Accessory to another's desertion	3
Infirmity	2	Unfavourable conditions (unspecified/not known)	3
King's pardon for desertion	2	Seditious or mutinous language/manner	2
Non-violent or no resistance to arrest	1	Higher quality	2
Previously punished	1	Lying	1
Seduced to enter service	1	Sold clothing	1
Unfit for service (non-health)	1		
"Misidentity"	1		

¹ A case is considered mitigated if it has one or more explicit mitigating factors, but no aggravating factors, and vice versa for aggravated cases. Article 15 cases of Desertion to the Enemy (forty-six cases) or with Royal Property (four cases) are excluded from the aggravated analysis for those specific circumstances. The cases discussed in the text also follow this methodology. The thirty-four cases in which the court used both mitigating and aggravating factors to decide upon a sentence are not shown here. It is more difficult in such examples to determine which factors lent greater weight to the sentence.

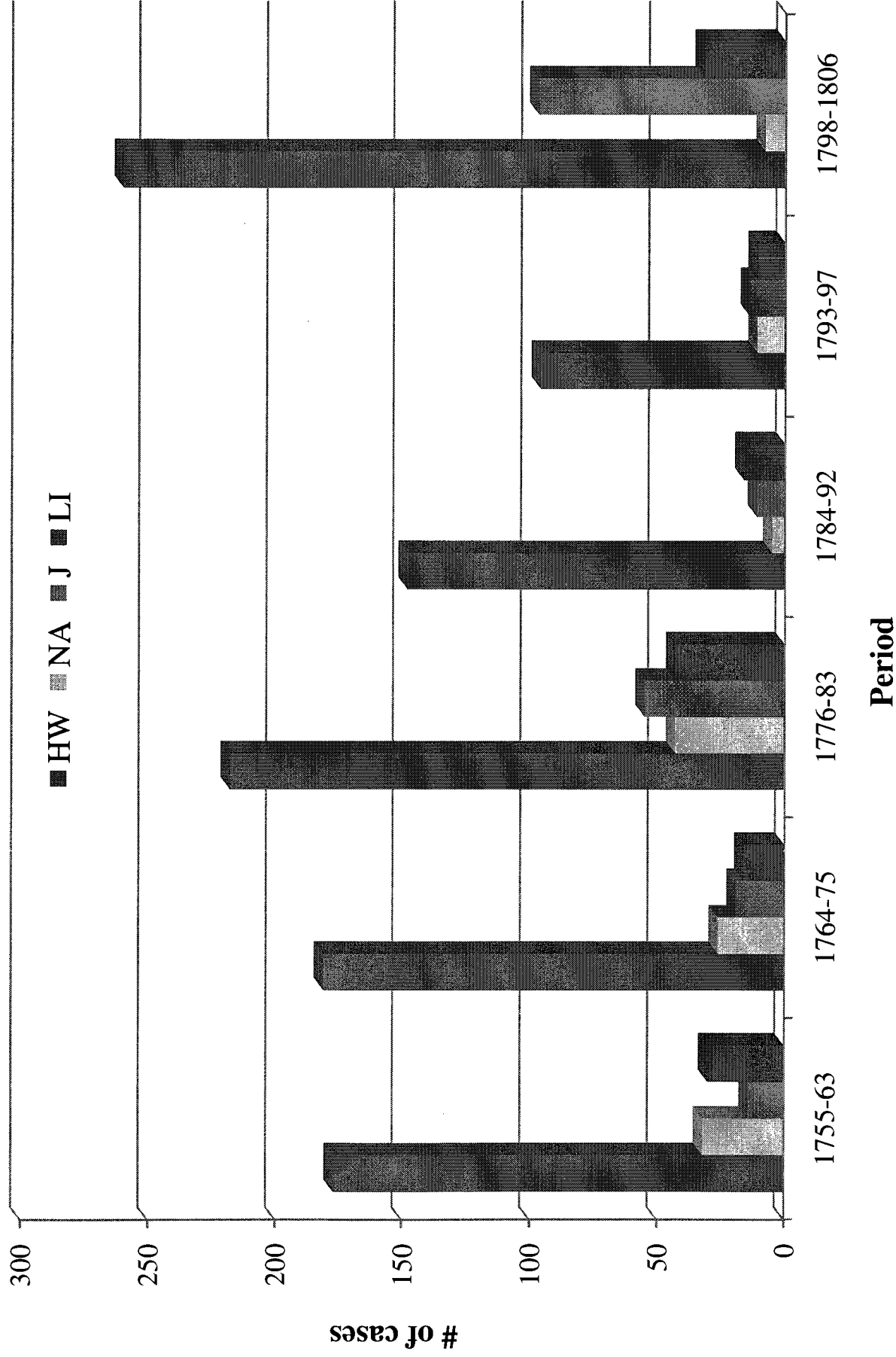
Graph 7-1 Royal Navy Station Strength - Snapshots

Sources: TNA:PRO ADM 8/30, 41, 52, 61



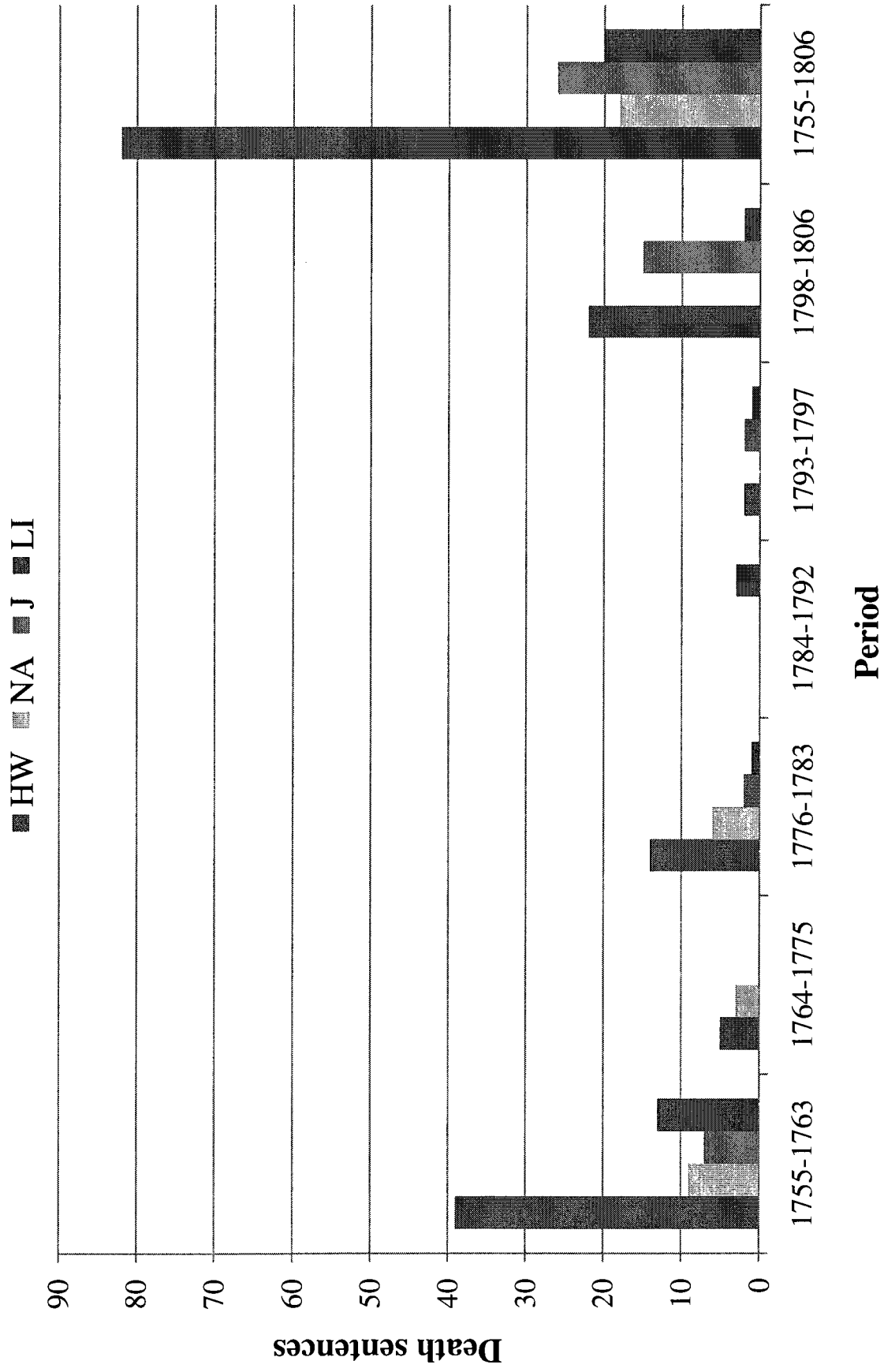
Graph 7-2 Deserters court-martialed by station and period

Source: TNA:PRO ADM 12/22



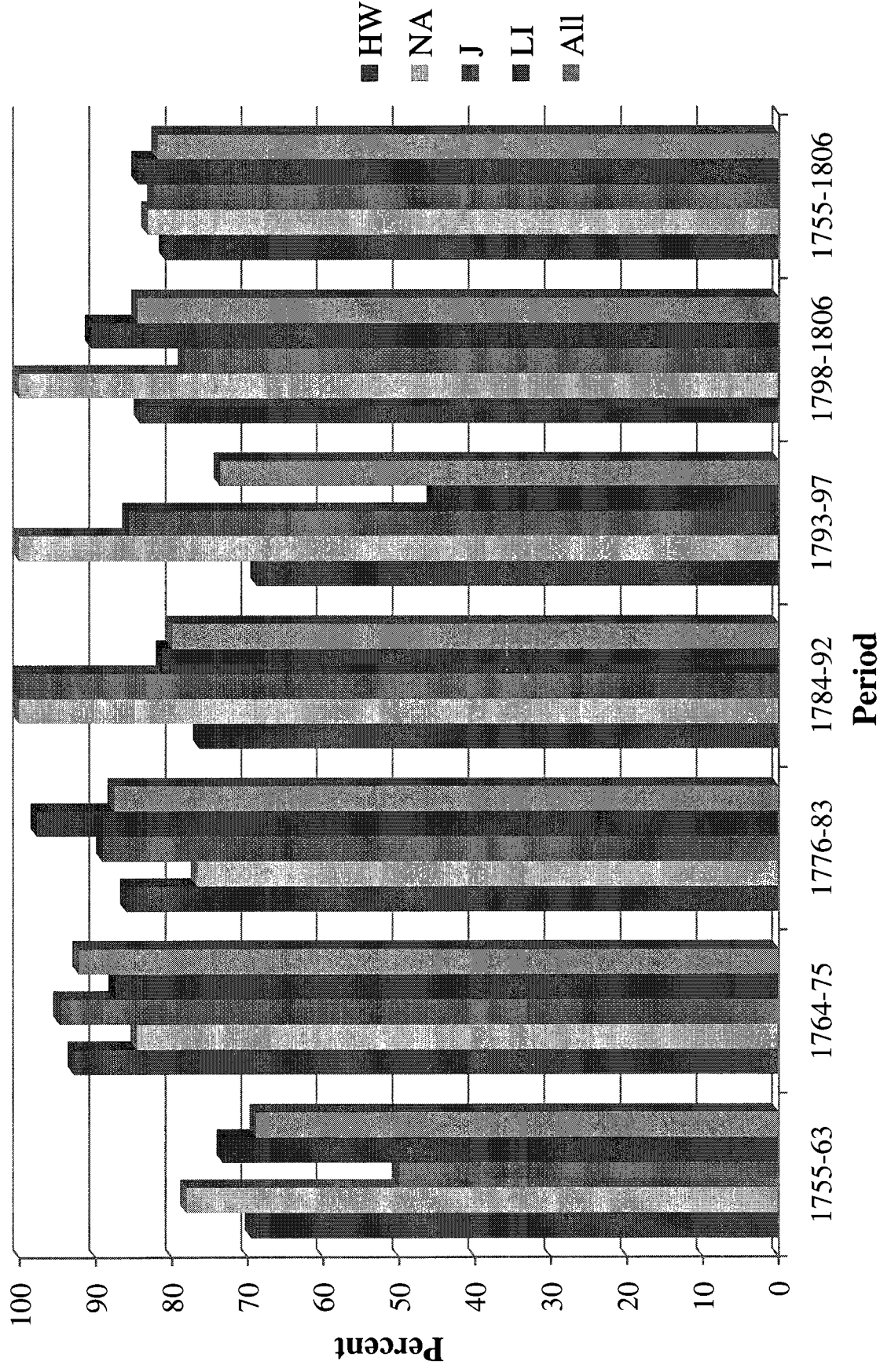
Graph 7-3 Death sentences for desertion by station

Sources: TNA:PRO ADM 12/22 and Eder (2004)



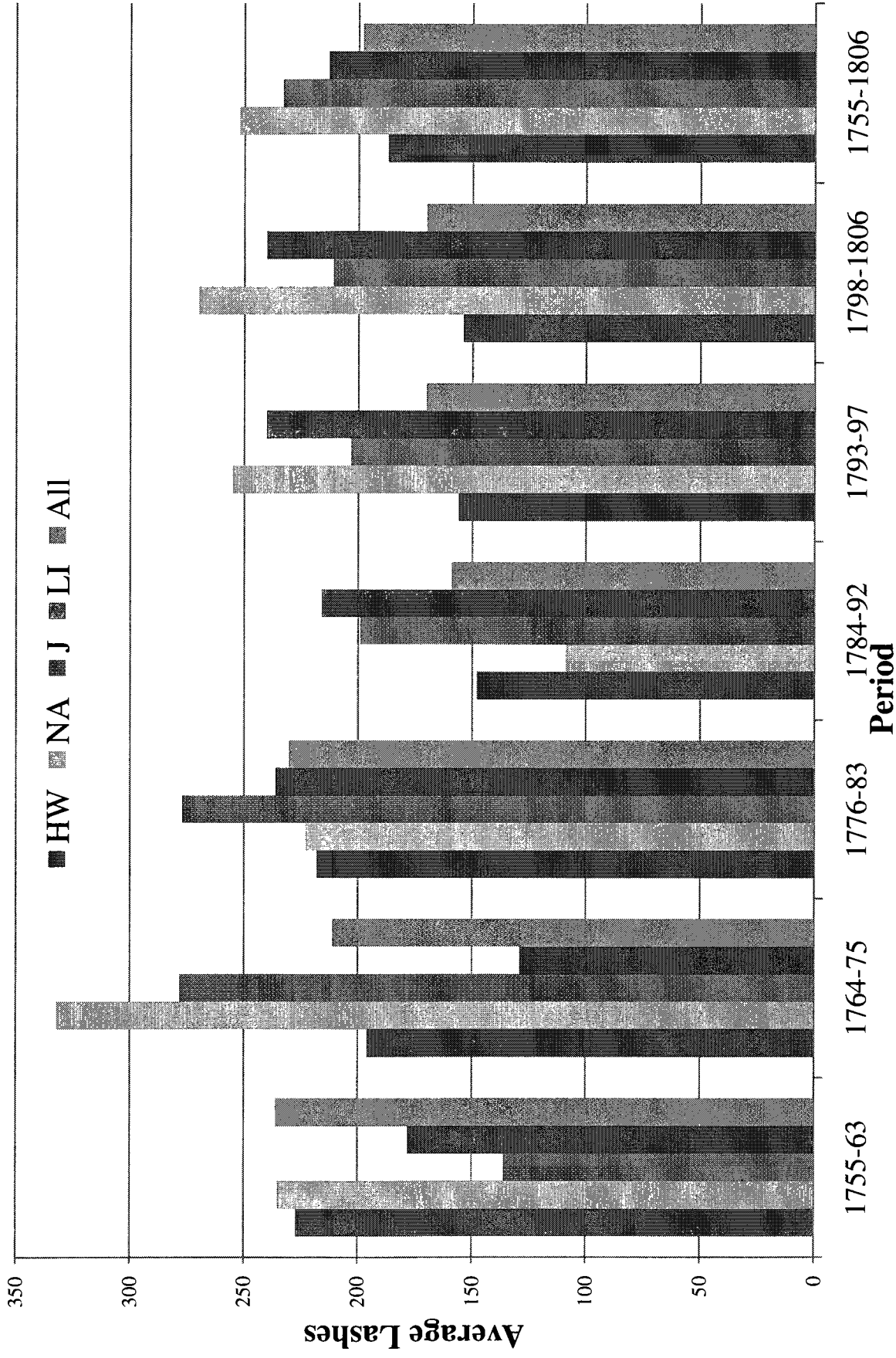
Graph 7-4 Percent of desertion courts martial sentences flogged

Source: TNA:PRO ADM 12/22



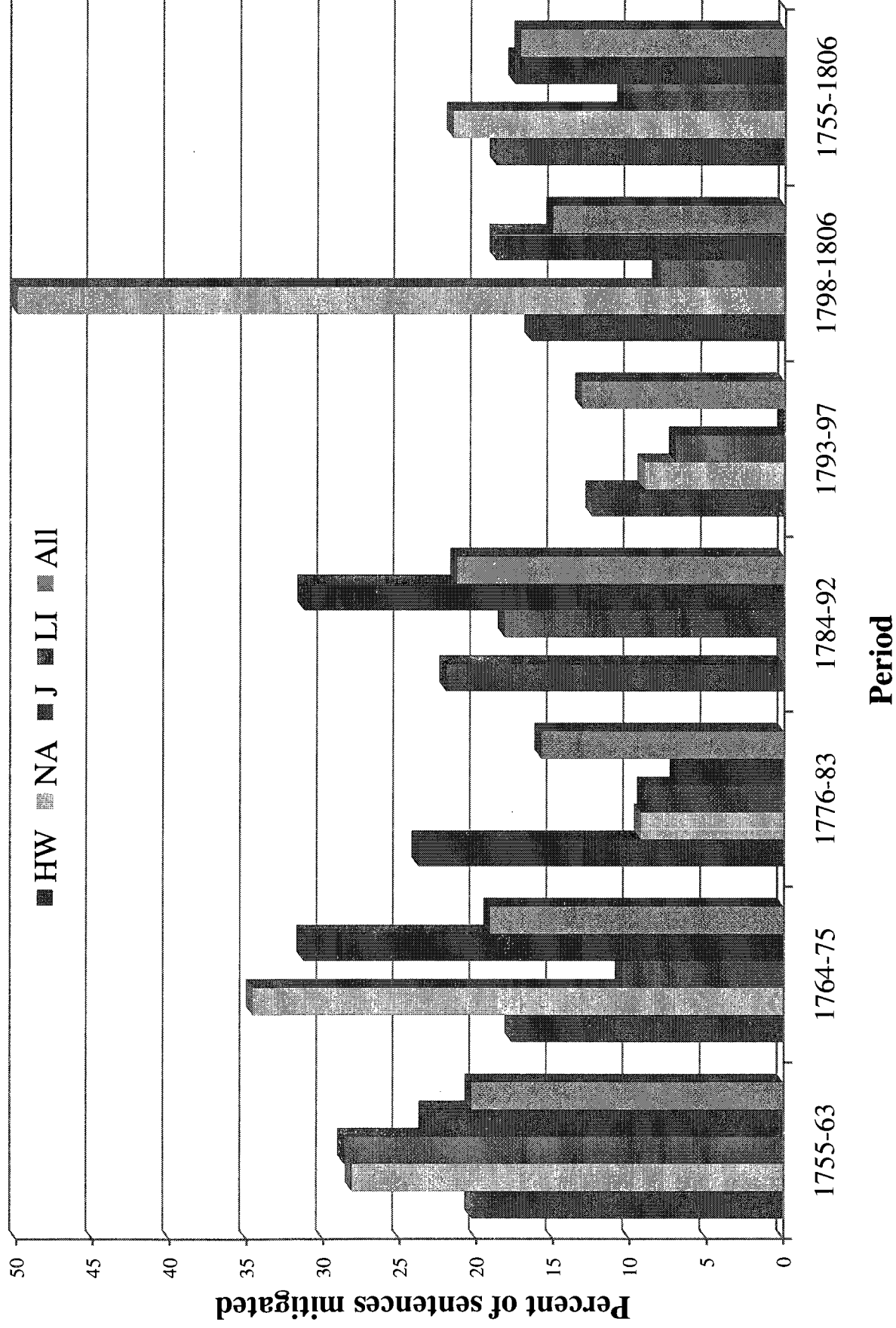
Graph 7-5 Average lashes for desertion courts martial by station

Source: TNA:PRO ADM 12/22



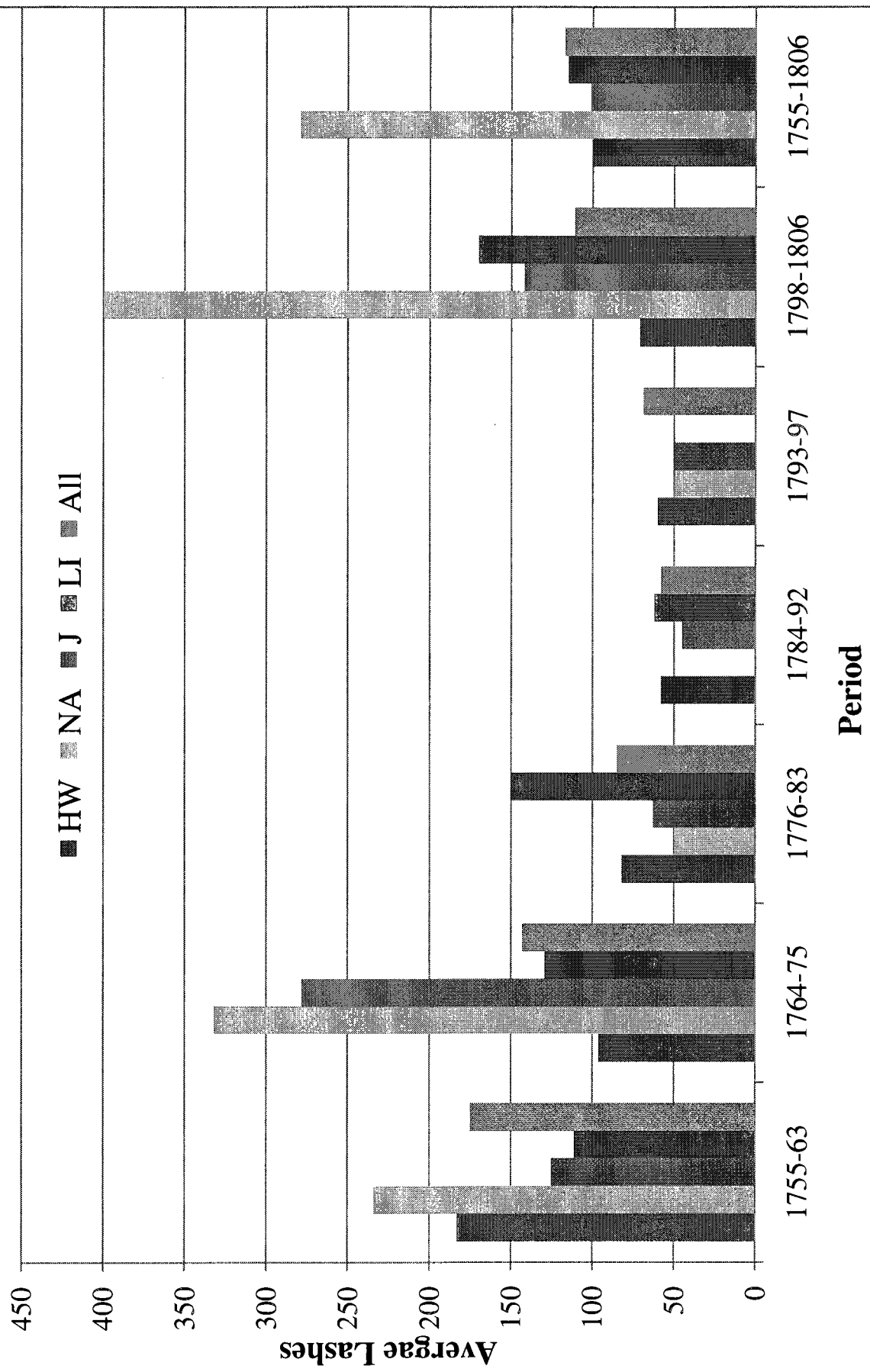
Graph 7-6 Rate of mitigated desertion sentences by station

Source: TNA:PROADM 12/22



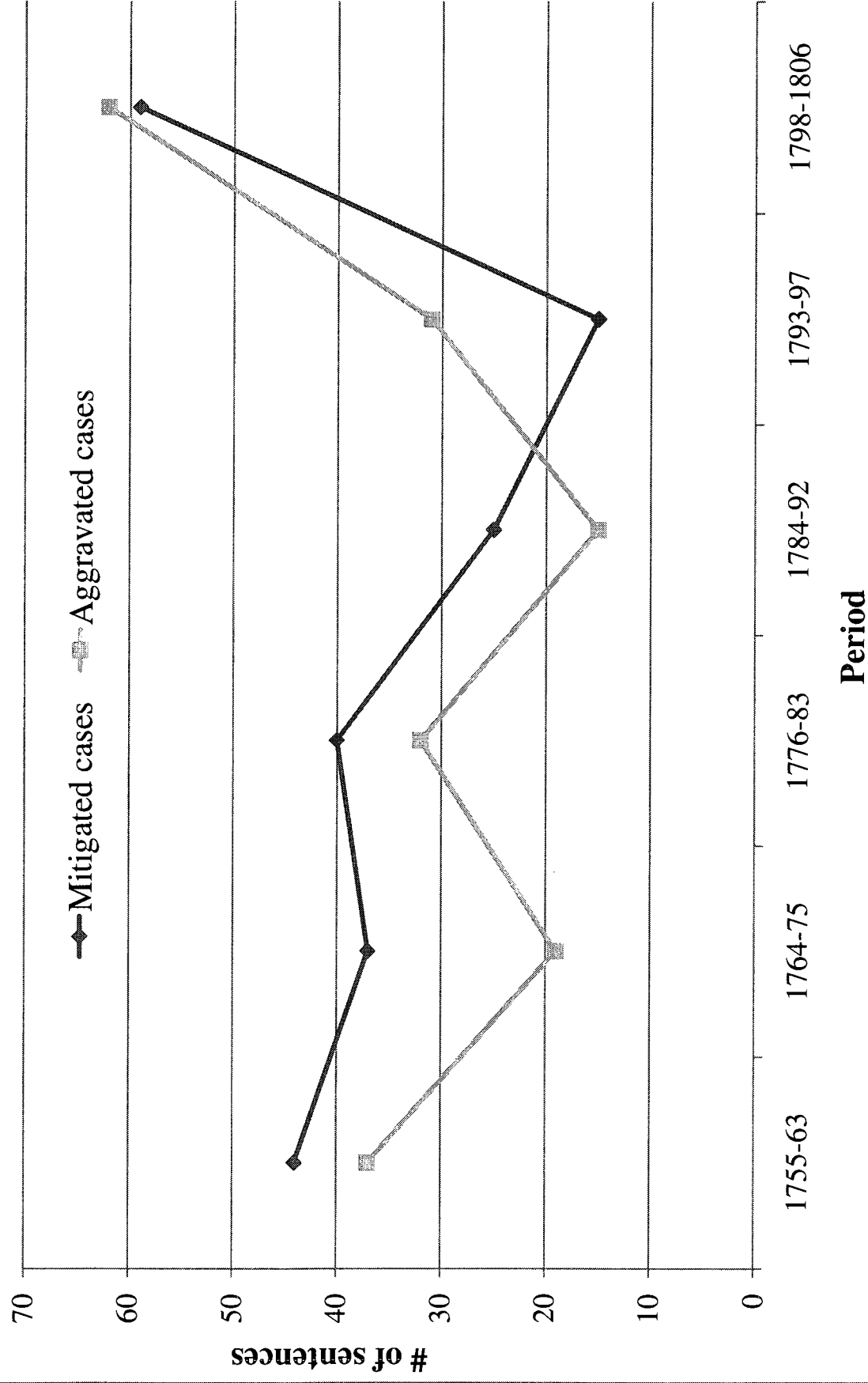
Graph 7-7 Mitigated desertion court martial sentences

Source: TNA:PRO ADM 12/22



**Graph 7-8 Mitigated vs aggravated desertion sentences by period, all
naval stations**

Source: TNA:PRO ADM 12/22



CHAPTER 8

“THIS WAS THE LAND OF LIBERTY BEFORE THEM AND NOW WAS THE TIME TO GET RID OF SLAVERY”¹: MUTINY AND DISOBEDIENCE ON THE NORTH AMERICAN STATION, 1745-1812

In the eighteenth century, Royal Navy officers applied the word “mutiny” to describe individual acts of seditious or mutinous language, as well as those of collective resistance, and rarer collective acts involving violent seizure of vessels, in which officers were overthrown or even killed.² The various forms of mutiny itself, and the punishments for it, were defined in Article 19 of the 1749 *Articles of War*, and made no distinction based on whether justifiable grievances for these acts of insubordination existed:

If any Person in or belonging to the Fleet shall make or endeavour to make any mutinous Assembly upon any Pretence whatsoever, every Person offending herein, and being convicted thereof by the Sentence of the Court Martial, shall suffer Death: And if any Person in or belonging to the Fleet shall utter any words of Sedition or Mutiny, he shall suffer Death, or such other Punishment as a Court Martial shall deem him to deserve...³

The third section of Article 19 concerned charges of contempt to a superior, which are not examined here. There were no significant changes to this article in the 1779, 1806 or 1810 revisions of the *Articles of War*. The *Articles of War* actually recognized five types of mutiny: Article 19, as above; Article 20 dealing with “concealment of mutinous designs”; Article 21 for disturbances concerning victuals and provisions; Article 34 for the act of mutiny onshore in British dominions; and Article 35 for mutiny onshore in foreign dominions. In practice, most serious cases were charged under Article 19. Striking or attempting to strike an officer, covered by Article 22, was commonly viewed as equivalent to mutiny as well, although not codified as such. All of the above were offences punishable by death or lesser sentences at

¹ TNA:PRO, ADM 1/5399, Courts martial papers, Aug to Sept 1809, court martial of J. Hitch et al, *Pompee* at Halifax, 12 and 13 Sept 1809.

² For an overview of the types of disaffection in the armed services and a broader theoretical examination of the types of disobedience and resistance possible, leading to mutiny as an extreme, see C.L. Mantle, ed., *The Unwilling and the Reluctant: Theoretical Perspectives on Disobedience in the Military*, (Kingston, ON: Canadian Defence Academy Press, 2006).

³ 22 Geo III c.33 (1749), Part II, Article 19.

court-martial. Mutiny could be punished summarily as well but this was usually done for more minor cases of disobedience or insubordination.⁴

The concept of naval mutiny has been well established in popular culture by the Hollywood image of the *Bounty* mutineers and their rebellion against a purportedly tyrannical Captain Bligh⁵ as well as well-known bloody incidents involving the forcible takeover of a vessel by its crew and murder of officers such as occurred in the *Hermione* mutiny.⁶ Yet, the reality of naval mutiny in the eighteenth century was generally different from this popular and largely inaccurate image. Violent mutinies with the aim of killing officers and seizing control of a ship were not unknown in the service during this period but may have been more common in North America, for reasons soon explained. Mutiny was generally more likely to take the form of a labour stoppage over grievances affecting working conditions such as bad food, lack of or delays in pay, or harsh treatment by petty, warrant or commissioned officers. The sociologist Cornelius Lammers defines this type of “promotion of interests” mutiny as “a collective action to improve or maintain the position of the group with respect to its income or other work conditions.”⁷

Gilbert also argues that the legal definition of mutiny was broad and general enough that it could “include actions that might readily be labelled disobedience, disorderly conduct, striking an officer or dereliction of duty.” All of these could be punished under other Articles of the legal code, and Gilbert maintains the blurred boundaries between offences were used deliberately to keep seamen uncertain as to how serious an offence they might be charged with. Gilbert sees the discretionary power of the captain as key in providing a means to control his ship’s company. “If he thought his men were not behaving according to his standards, he could set an example by transmuting disobedience into mutiny.” Yet he neglects the fact that if there were favourable circumstances in a man’s case, the captain or the members of a court martial could use their discretion in the opposite manner to charge him with a less dangerous offence, or to reduce his punishment – so any blurred boundaries worked in both directions. As we shall

⁴ See Lavery, *Nelson's Navy*, 141-3; Byrn, *Crime and Punishment*, 17-8; Eder, *Crime and Punishment*, 47-8, 69.

⁵ More recent scholarly analysis of the *Bounty* mutiny has shown that one of its primary causes was Bligh’s bad language. Denning, *Mr. Bligh's Bad Language*.

⁶ D. Pope, *The Black Ship*, (New York: J.B. Lippincott, 1963).

⁷ C.J. Lammers, “Mutiny in Comparative Perspective,” *International Review of Social History* 48 Part 3 (2003): 477. On the rarity of violent mutinies to seize a vessel, see Rodger, *Wooden World*, 237-44; L.F. Guttridge, *Mutiny: A History of Naval Insurrection*, (Annapolis, Maryland: Naval Institute Press, 1992), 5-11; and L. James, *Mutiny in the British and Commonwealth Forces, 1797-1956*, (London: Buchan & Enright, 1987), 12-3.

see, Gilbert was also incorrect in his argument that with the exception of the *Defiance* mutiny, all of the mutinies of the 1790s occurred in home waters.⁸

Building upon the Lammers typology, Christopher M. Bell and Bruce Elleman outline four basic types of mutiny, which they classify as minor, major (or political), seizure of power and secession. Minor mutinies essentially are equivalent to the Lammers “promotion of interest” variety and were “isolated incidents prompted...by conditions unique to a particular ship.” Major mutinies occur when the grievances of the men manning an entire squadron, fleet or navy cannot be met by naval commanders, and represent “a desire by the participants to engage in their nation’s political process by openly protesting decisions that adversely affect their interests.” Mutinies that involve outright large-scale rebellion against a state, in which demands cannot be met without altering the existing political system, are classified as seizure of power mutinies. Finally, secession mutinies are defined as those in which “...sailors physically seize control of a warship in order to obtain mobility and firepower, both of which may be use to escape entirely from the state’s authority and to avoid punishment.”⁹

Minor “promotion of interest” mutinies, which generally involved a minimum of violence, had a long history in the eighteenth-century navy and were tied to a similar tradition of Thompsonian “moral economy” protest and crowd action ashore at this time.¹⁰ Rodger posits that before the 1780s, large-scale violence generally only occurred when one side or the other violated three main informal “rules of mutiny”:

1. No mutiny shall take place at sea, or in the presence of the enemy.
2. No personal violence may be employed (although a degree of tumult and shouting is permissible).
3. Mutinies shall be held in pursuit only of objectives sanctioned by the traditions of the Service.¹¹

As Rodger points out, the “rules” governing the level of violence and reactions to such mutinies were rewritten after 1797, which had immediate consequences on board vessels serving in North American waters. Yet as we shall see hereafter, they were also “rewritten” somewhat earlier and in similar fashion by events that occurred during the American

⁸ A.N. Gilbert, “The nature of mutiny in the British Navy in the eighteenth century,” in *Naval History: The sixth symposium of the U.S. Naval Academy*, ed. D.M. Masterton, (Wilmington: Scholarly Resources 1987), 111-4.

⁹ Bell, “Mutiny,” 88- 90.

¹⁰ See Rogers, *Crowds*, for an excellent historiographical discussion of this field.

¹¹ See Rodger, *Wooden World*, 237-9 and idem., *Command of the Ocean*, 403-4.

Revolutionary War. Traditional mutinies began to be suppressed harshly by a navy desperate to keep ships in service, and men serving on the North American station began taking the opportunity to flee *en masse* to the new republic, sometimes by seizing vessels in order to do so. In North America in this period, and again in the post-1797 context, the unwritten “rules” of mutiny were often ignored.

During this period, it would appear that while “promotion of interests” mutinies did occur in North American waters, another form of mutiny was almost equally common, and perhaps more frequent than on other stations of the navy, particularly after 1775. This was the takeover of a ship or a prize in order for the crew of a vessel to desert *en masse* to the American colonies or later the United States. These can clearly be categorised as “secession” mutinies. Such mutinies were different from small group desertions in that they involved large numbers of the crew, and the use of violence to seize one or more of the ship's boats, a prize, or to take over the vessel itself. Their origins were often distinct from other forms of more traditional mutinies by being centred on men's ethnic or national identities, the legitimacy of authority aboard the ship, or both. The testimony presented when such cases were brought to trial often provides much insight into the negotiated nature of the experience of authority on board the vessels of the squadron, as well as the importance of identities within the overlapping grids of power that structured that authority.

Lawrence James makes the case that these type of mass desertion secession mutinies were becoming “alarmingly frequent” in the ships of the Royal Navy by the late eighteenth and early nineteenth centuries.¹² While earlier promotion of interest mutinies drew upon traditions of the “moral economy” ashore and may have been motivated by men's sense of natural justice, mass desertion mutinies were concerned with concepts of identity, liberty and freedom from the constraints imposed by service in naval vessels, the authority of their officers, and occasionally that of their government.

Brian Lavery estimates that between 1793 and 1815, twelve to fifteen formal courts-martial for mutiny, of all types, occurred annually.¹³ Between January 1755 and January 1806, there were 352 courts martial involving charges laid under Article 19 for mutiny, mutinous language, mutinous behaviour, incitement to mutiny, or similar charges – all

¹² James, *Mutiny*, 13.

¹³ Lavery, *Nelson's Navy*, 141-3.

classified as mutiny by the Admiralty clerk compiling the digest of courts martial in 1806.¹⁴ Thus, the frequency over this fifty-two year period was less than seven trials per annum. Some 324 (ninety-two percent) of these trials considered charges which fell solely under Article 19, while the remainder considered charges against prisoners which fell under Article 19 and one or more other provisions of the *Articles of War*.

The examination in this chapter will focus primarily on these themes using cases from the North America. There appear to have been only eighteen (five percent) courts martial on the North American station and one on the Newfoundland station where thirty men in total were charged with mutiny under Article 19. For thirteen of these cases, including the Newfoundland incident, the charges fell solely under that provision.¹⁵ Thirteen men were sentenced to be hanged from the yardarm until dead,¹⁶ twelve men were severely flogged around the fleet,¹⁷ three warrant officers were broken (dismissed from their position) and made to serve before the mast as seamen, while three commissioned and warrant officers were dismissed from their ship and made incapable of ever serving the king again.

Between January 1806 and December 1811, an additional ten courts martial for charges were brought under Article 19 in North American waters.¹⁸ Thus between January 1755 and December 1811, there were at least twenty-eight trials for mutiny, in its various permutations, in North America. Of these, seven before 1806 were “secession” mutinies involving mass desertion, as were another seven trials between 1806 and 1811. Therefore, fourteen (fifty percent) of cases of mutiny brought to court martial in North America between those dates were “secession” mutinies revolving around the seizure of a ship for the purpose of mass desertion. Among cases tried¹⁹, such mutinies seem as common in North American waters as the disobedience/mutinious language cases which Gilbert views as the most common form of mutiny in the British navy, or the Thompsonian moral economy “promotion of

¹⁴ This number excludes the courts martial for those men charged with mutiny at the Nore. The clerk or clerks compiling the court martial digest classified cases of contempt which fell under Article 19 separately from mutiny, so all of these cases represent trials which had charges laid under the first two sections of that article.

¹⁵ TNA:PRO, ADM 12/24, Analysis and digest of court martial convictions, arranged by offence: J-N, 1755-1806.

¹⁶ Three of them recommended for the royal prerogative of mercy, or about twenty-three percent of the whole.

¹⁷ With an average of 317 lashes, a minimum sentence of 150 and a maximum of 500.

¹⁸ Second only to courts martial for desertion, of which 19 occurred in that period. Again, one of the mutiny cases was tried in Newfoundland. TNA:PRO, ADM 1/5371 to 5421, Courts martial papers, Jan 1807 to Dec 1811.

¹⁹ Each case could include charges against one or many men.

interests” mutinies which Rodger believes were the most frequent variety experienced in the navy.

The occurrence of cases over time is as depicted in Graph 8-1. Gilbert’s analysis that mutinies occurred most commonly during times of war applies to North America, where the majority of trials before 1797 occurred during the Seven Years’ War and the American War of Independence - periods when the most ships were on the station. There is a marked upswing in mutiny trials from 1797 onwards, with the period from 1806 to 1811 seeing the highest number of trials on the station. As we shall see, many of these cases were mutinies designed to seize smaller warships, prizes, or cartel ships and sail them into American ports where men planned to desert. This again follows a larger pattern identified by several historians.

By comparison, between January 1755 and January 1806, there were twenty-five courts martial held on board of ships in North America for disobedience under Article 22, compared to the eighteen trials for mutiny under Article 19. In the case of eighteen of these trials, all charges fell within the provisions of that Article, while seven trials included charges under other sections of the Articles of War, including four courts martial for disobedience and being absent without leave. There was one additional case of disobedience tried on the Newfoundland station in this period.²⁰ From January 1807 to December 1811, there were only four cases of disobedience (three of them combined with a charge of being absent without leave) and two cases of striking a superior charged under the first part of Article 22, compared to the ten trials for mutiny. This changing balance between mutiny and disobedience charges is perhaps another indication that the former was becoming more common on the station.²¹

In addition to the classification of the forms of mutiny discussed here, Elihu Rose has outlined a sociological framework for undertaking the analysis of these collective acts of disobedience. Focusing on the origins, or source of the discontent; the act of mutiny itself, and the aftermath, Rose believes a better understanding of such incidents can be gained.²² He identifies three general categories of discontent, sometimes overlapping, which can be seen as the grievances behind most mutinies – working conditions, demobilization concerns, and legitimacy, or the “belief by the troops that an aspect of their service is unacceptable for

²⁰ TNA:PRO, ADM 12/22.

²¹ TNA:PRO, ADM 1/5371 to 5421.

²² E. Rose, “The Anatomy of Mutiny,” *Armed Forces and Society* 8, no. 4 (1982): 565-74. Rose’s model was developed to examine twentieth century mutinies, but is general enough to be applicable to this period also.

ethical, moral, intellectual or political reasons.”²³ While most “promotion of interest” mutinies can be seen as having some form of working conditions at their origin, several of the secession mutinies examined in the pages which follow contain elements of legitimacy as a core concern of the seamen and marines involved.

This is particularly true in those incidents involving pressed seamen, particularly Americans and Irish, who believed their liberty and rights were being denied them arising from their coerced service in the navy, particularly in times of war. English and other seamen could also question the legitimacy of their officers’ authority from the violation of traditional custom, ill-treatment (perceived or real), and extremes of discipline such as excessive “starting” and extremes of summary punishments, either in frequency, severity, or both.

Although sociological categorisations of mutiny such as those of Lammers, Rose and Bell focus primarily on the events of the twentieth century, they are useful when studying similar events in the eighteenth and nineteenth century navy. It is primarily minor and secession mutinies with which we are most concerned in our analysis of the phenomenon on the North American station, although the effects of the major mutinies at Spithead and the Nore in 1797 on the navy more broadly and the ships in North America specifically will also briefly be addressed. This chapter will use Rose’s model where possible to shed light on the nature of mutiny in North America by examining in detail several major case studies, including mutinies on board the *Sutherland* in 1746, the *Vesta* schooner and *Jason* frigate in 1807, and the *Columbine* brig in 1809, among others.

The *Sutherland* mutiny

As early as 1745, serious incidents of mutiny occurred on some vessels of Sir Peter Warren’s Louisbourg squadron, soon to be known as the North American command.²⁴ In 1746, at least three distinct yet interrelated mutinies occurred on board the *Sutherland* that year, which had been at Louisbourg as part of Warren’s squadron.²⁵ These complex events centred on a dispute over the sharing of prize money between ships of the squadron, and

²³ Ibid., 566.

²⁴ LAC, ADM 1/5288, Extracts of courts martial papers, 1745 to Jul 1746, court martial of E. Stow, 7 Nov 1745.

²⁵ Unless noted otherwise the following account is drawn from TNA:PRO, ADM 1/5163, Letters from the Privy Council to the Admiralty Board, 1748 to June 1755, 30 June 1748. The *Sutherland* mutiny is not represented in the figures in Graph 8-1, as it was not tried in North America. Although some causes of her mutinies originated on the North American station, the court martial occurred after she had been reassigned to the Irish station.

whether Warren, the Nova Scotia station commander and a “Man of Fortune”, should himself be the ship’s prize agent. They also involved the negotiated relationships of power and authority between Warren and the other captains of the squadron, between the commissioned and warrant officers of the *Sunderland* themselves, and between her officers and men. Official attempts to alter traditional customs or rights allowed the seamen of the lower deck were also central to the disputes. The complexity and duration of the events that occurred on that ship also demonstrate how questions of discipline brought to court martial could sometimes take years to resolve, and leave lingering causes for further unrest among those involved. It also illustrates how they often crossed station boundaries, and hence the avenues of authority between station commanders, and between the latter and the Admiralty.

The captain of the *Sutherland*, Brett, and some of her officers, desired prize sharing between all the ships of the squadron at Louisbourg and preferred that Warren act as their prize agent. The *Sutherland*’s first lieutenant, George Kerly, and the petty officers, seamen and marines vocally desired a more independent approach to both their prizes and the monies gained from them. The men were concerned by threats of possible ill-treatment by their captain if they did not agree to Brett’s choice of prize agent and arrangements with the squadron, and “...As near as a third of the Ship’s Company... [were in] fear of being treated like Slaves or worse than they had been before.” The result was that the ship’s company gave in to the demands to have Warren represent their earnings, at least temporarily. When the ship returned to Plymouth from Nova Scotia, the men and Lieutenant Kerly immediately revoked their agreement with Warren, and chose another agent by letter of attorney. Captain Brett then refused the ship’s company leave to go on shore, and kept them strictly confined on board ship. Those who did not sign the letter revoking the prize agreement were given liberty to go on shore when they pleased. The remaining crew petitioned the Admiralty and informed them that they desired either a new ship or a new captain. The Admiralty Board ordered a court of enquiry, infuriating Brett, who was replaced by Captain John Crookshanks.²⁶ Brett’s last act of

²⁶ Crookshanks was dismissed from the service in 1748 after being court-martialled by Charles Knowles for another failure to engage the enemy while in command of the *Lark* in June 1747. In October 1759 the Admiralty Board restored him to his rank and half-pay, and in an exchange of public pamphlets Crookshanks accused Knowles, who was commanding the Newfoundland and then the Jamaica stations during the period of Crookshanks trial, with influencing in several ways the outcome of the court martial because of his personal dislike of Crookshanks. These included purposely delaying a trial while the two men and the ships and captains involved were all present at Louisbourg. According to Crookshanks, favourable witnesses would have been available to him at that time for his defence. Instead, Knowles cited the priorities of the service, and waited to

revenge on Kerly was to discharge many of the *Sunderland*'s men. When the ship was ordered back to sea, many of the remaining men deserted and she sailed short-handed. Crookshanks, a friend of Brett, blamed Kerly for the men's intransigence and subsequent problems, and for failing to recover stragglers and deserters in a timely fashion before the ship sailed.

Setting out on a cruise on 2 July 1746, off Kinsale, Ireland, the *Sunderland* chased three French sail which the captain believed to be men of war of great force. According to Kerly, the officers on deck believed otherwise. Crookshanks, who already had a questionable reputation for failing to engage the enemy, thinking himself badly outnumbered, ordered the *Sunderland* to stand away from the chase, "...upon which some of the Crew of the *Sunderland* came in a tumultuous manner towards the Quarterdeck." Another deponent stated that the men had made three cheers when they went on deck. Kerly approached the crew and asked what they wanted, but received no answer, so "...drove them off in sight of the Captain... who retired to his Cabbin just as the People were dispersed." The men supposedly intended to confine the captain and give the ship to Kerly so they could return to fight the French warships. Crookshanks later claimed the other officers, not Kerly, had quelled the mutiny, and that the latter had actually abetted it. Kerly testified at his trial that central to the cause of the disturbance which followed was the fact that Crookshanks had been overheard questioning the courage of his seamen in conversation with the officers. One seaman cried out to the quarterdeck during the first mutiny "Who is afraid to fight?" Two days later, the men assaulted a marine sentry and broke into the ship's stores of beer. When Kerly was leading three men ordered summarily flogged for this offence to the gangway for punishment, the men mutinied again, rushing to free them and crying "Whip One, Whip All". Kerly beat off the crowd, while

convene the court at his new command at Jamaica, where the primary actors involved in the episode were not available to be called on Crookshank's behalf. In 1772 Crookshanks again attempted to restore his reputation by publicly attacking Knowles' secretary, the judge advocate at the court martial, in similar fashion. His biographer believes no evidence was presented in these exchanges to indicate that the original verdict was anything but correct and just, and that Crookshank's "...manner and temper towards both men and officers seems to have been harsh and overbearing." J.K. Laughton, 'Crookshanks, John (1708-1795)', rev. Richard Harding, *ODNB*, 2004; JCBL, S.C. Knowles, *A Refutation of the Charge brought against Admiral Knowles; in a late Pamphlet, intituled The Conduct and Treatment of John Crookshanks, Esq; &c*, (London: A. Millar, 1759); JCBL, R. Erskine, *The Falsehood of the Facts and Accusations Set forth in a late Pamphlet, intituled the Conduct and Treatment of John Crookshanks, Esq; Proved to be False and Groundless*, (London: S. Bladen, 1759); JCBL, A Gentleman in the Country, *A Letter from a Gentleman in the Country, to a Member of Parliament in Town, Containing Remarks upon a Book lately published, intituled "The Conduct and Treatment of John Crookshanks, Esq; late Commander of His Majesty's Ship the Lark"*, (London: 1759); JCBL, Anon., *The Conduct and Treatment of John Crookshanks, Esq; Late Commander of His Majesty's Ship the Lark; Relating to His Attempt to take the Glorioso, A Spanish Ship of War, in July 1747...* (London: J.Scott, 1759); and D. Syrett and R. DiNardo, eds., *The Commissioned Sea Officers of the Royal Navy, 1660-1815*, (Aldershot, U.K.: Navy Records Society, 1994), 106.

Crookshanks ran to his cabin and returned with his pistols, demanding that the men receive punishment. Some of the men again openly accused Crookshanks of cowardice, with one ringleader shouting ““Damn you...you dare not show the pistols to the French.””²⁷

Crookshanks then ordered the entire ship’s company to assemble aft and read them Article 19 of the *Articles of War*. The captain emphasised that it allowed the death penalty to be inflicted, and asked them the reason for their behaviour. The seamen replied that the cooper had removed the bungs from several of the butts of beer in order to sour it “...that they might not Drink it, that the Purser refused to change their bad Bread, that the Petty Officers had the choice of their Meat”. Kerly believed the latter complaint, over the denial of traditional customs granted the men, was the main reason for the mutiny. When the captain asked why the men had not complained about these grievances to him rather than rioting, they answered that “...the Officers always beat and prevented them from complaining and that the Centinel on the Cabbin Door would never let them go in.” One man was eventually whipped for breaking into the stores, while two who had been cut loose by the crowd were released without punishment. The cooper, responsible for the beer, could not be sure they were “...concerned with the Man who was whipt”, i.e. had actually been involved in breaking into the stores. Such incidents, indicate that men receiving summary punishment were sometimes subject to an informal type of trial before hand in front of the captain, officers, and the assembled crew, with evidence and witnesses presented. This indicates that not all men accused of crime onboard ship were summarily punished, nor was naval law and punishment completely arbitrary.²⁸ While there were undoubtedly cases where abuse of this system occurred, as can also be seen in the manipulation of witnesses at Kerly’s trial, it is important to note the contrary evidence as well, and the complexities of life aboard ship and the negotiation of power and authority, which included avenues of appeal, which in this case functioned well.

A week or ten days later, the *Sunderland* put into an Irish port where Crookshanks wrote a complaint about Kerly to the Admiralty regarding his supposed involvement in the mutiny onboard the *Sunderland*. Crookshanks requested a court martial on Kerly and several ringleaders of the event. Yet the captain did not inform Kerly of the charges, nor did he order

²⁷ Laughton, ‘Crookshanks, John’.

²⁸ As implied by authors such as Denning, *Mr. Bligh's Bad Language*, 41, 64. For the existence of summary “trials”, which one seaman compared to a Court of Judicature, see the journal of Robert Wilson Mercer in H.G. Thursfield, *Five Naval Journals, 1789-1817*. Vol. 91, (London: Navy Records Society, 1951), 124, 133.

the lieutenant confined. Kerly argued at his trial that the charges against him were false and malicious, and noted that Second Lieutenant Harrison had transferred men into other ships, men who would have provided beneficial testimony for Kerly's defence if only they had been available as witnesses. Harrison also brought damaging testimony to bear on Kerly. The latter pointed out in his petition to the king for reinstatement after the trial that Harrison had been denied prize money due to the revocation of the original prize agency. The second lieutenant had been on a cruise with another ship of the Nova Scotia squadron at the time the *Sunderland* took her prize, and was thus ineligible for any gain under the new prize agreement. Kerly believed Harrison's court martial testimony was in revenge for this financial loss.

Other witnesses seemed to confirm not only the dispute over prize money and Crookshanks' purported cowardice, but also that the men's grievances over beer and provisions and their brutal mistreatment by their officers were at the heart of the unrest. Testimony on behalf of Kerly indicated that the second mutiny had occurred among "the Foremast men", the most skilled sailors aboard the *Sunderland*. A few days before the mutiny, the purser's steward, Thomas Jones, had received orders to serve brandy instead of beer to the ship's company even though there were eleven and a half butts of beer remaining. He testified that the bungs of the last eleven butts were ordered taken out to sour and spoil the beer. The men supposedly had drunk more than their allowance, and had broken into the hold to get at the beer, requiring a sentry to be posted over it. This led to the scuffle with the sentry and ensuing mutiny. Jones admitted that in the days leading up the mutiny, the crew had neither their daily allotment of brandy or beer, nor had they received short allowance money for drinking water. When they asked the purser for the latter, they were told to ask for it from the captain, but they were afraid to do that as they might be charged for mutiny. Some months after the trial, all the *Sutherlands* were turned over to other ships, still lacking their short allowance money.

Jones frequently heard the men talking about their poor provisions and the fact they had been very ill-used by Second Lieutenant Harrison, the acting third lieutenant, a Mr. Watt, and the second lieutenant of marines, Mr. Prosser, who had a "remarkably cruel disposition." Prosser had horsewhipped the surgeon's mate "as he lay naked and defenceless in Bed" while the ship was at Hull. He had also beaten one of his own private marines so badly that the man lost one eye and almost lost the other. The other officers frequently beat by the men "out of

Sport". Watt was particularly cruel, often cutting and beating their faces. Three separate boatswain's mates whipped the seaman John Dyer, each using a new, very stiff, cat o' nine-tails, for two dozen lashes.²⁹ This punishment was inflicted for Dyer's having denied, when presumably asked at a summary "trial" for another man due to be flogged, that the latter was "a quarrelsome man". Men repeatedly tried to make their grievances known to the captain, but were prevented violently by one or the other of the lieutenants if it happened during their watches, or by the captain's servant forbidding them access to his cabin.

Despite the context of the events outlined at his trial, Kerly was found guilty and dismissed from the service. The outspoken ringleader of the mutiny who questioned Crookshanks' fighting character was hanged, while others received 250 lashes 'round the fleet for their troubles.³⁰ Kerly, unlike the unfortunate seamen, had an avenue of appeal. He wrote to the Admiralty and the King, and was later reinstated in the service by George II by means of an Order-in-Council.

The Age of the American Revolution

Unrest similar to that which occurred on the *Sunderland* also afflicted ships of the squadron through the conflict with the French during the Seven Years' War. John Payne, a seaman of the *Jamaica* sloop, was tried for mutiny at Halifax on 10 October 1755. Payne was charged with "...frequently guilty of uttering words of Sedition and mutiny. In particular that he swore he would be the death of some of the Officers; for he had made his Will to the Devil and signed with his own blood. He particularly threatened the Master's life, because it was on his account, he said, that he had been put in Irons." A midshipman of the *Jamaica* testified that "...when they were rowing the Sloop up the Delaware, he, Mr. Fuller, cheered the men to pull away - on which the Prisoner said 'Damn my blood, if all the men were of my mind, the Sloop won't be rowed up tonight.'" Payne was sentenced to be hanged at the yard arm of the *Jamaica*.³¹ There was no appeal for mercy.

Before and during the American War of Independence, several incidents of serious mutiny of various forms occurred in the North American squadron. It seems to have been at

²⁹ Some captains allowed special whips of this type to be used aboard ship, and newer cats were known to cause more damage than those that had been "broken in". Some even allowed whips to be soaked in brine to worsen the damage and pain caused to the prisoner – see Claver, *Under the Lash*, 107.

³⁰ Laughton, 'Crookshanks, John'.

³¹ TNA:PRO, ADM 12/24, Digest of court martial of J. Payne, 10 Oct 1755, f.277.

this time that the nature of mutiny experienced within the squadron, at least among the cases brought before a formal court martial, began to change, while more “traditional” mutinies continued apace. Both could include serious disputes over authority of warrant and petty officers. For example, on the morning of 15 March 1774, the purser’s steward of the *Tamer* sloop came on the quarterdeck to complain to the master William Mead that the boatswain, John Pendergast, had beaten him. When Pendergast was questioned by the master as to why he had beaten the steward, he replied that it was due to his impertinence, and he would do it again if necessary. The master noted that the steward’s duty did not fall under the authority of the boatswain. Pendergast replied passionately “...‘That he know where he was, that he was speaking to William Mead, whom he would let know that he, the Boatswain, was Master of the Quarter deck;’ at the same time shaking his stick over the Master’s head, and calling him repeatedly ‘a fat gutted bugger and rascal.’” The master then ordered Pendergast off the quarterdeck, but the latter refused and went onto the Forecastle and cried out “‘Mead, you bugger, I have a Quarter deck of my own, let me see you or any other bugger belonging to the ship come here.’” Pendergast then went onto the main deck, and called out to Mead in the same manner to man the boat, and that he was going below to dress in preparation for going ashore. As soon as Pendergast was in his cabin, Mead placed two marine sentries over him and confined him there. Pendergast then drew a knife, “...and swore he would murder any bugger that offered to put his feet in the cabin, and particularly the Master.” On 23 April 1774, John Pendergast was tried by court martial in Boston under Article 19 for mutiny. Pendergast was condemned to death by hanging but in consideration of “appearance of Insanity” sworn to by the ship’s surgeon and in light of his conduct, was recommended to the station commander for royal mercy.³²

On 4 June 1777, the *Swan* sloop, Captain James Ayscough, was lying in Huntington Bay. Ayscough's log records, in a very prosaic manner, the occurrence of what was likely some form of “minor” promotion of interest mutiny: “At 12 turn'd all hands up to prevent a Mutiny in the Ship. Fir'd 21 guns it being the Anniversary of the King's birth Day.”³³ No other mention of this mutiny appears in any other correspondence related to the *Swan*, no court-martial for mutiny or mutinous behaviour seems to have been held on any of its crew,

³² TNA:PRO, ADM 12/24 Digest of court martial of J. Pendergast, 23 Apr 1774.

³³ TNA:PRO, ADM 51/960 Part 2, captain's log of James Ayscough, *Swan* sloop, 4 June 1777.

and no men appear to have been punished summarily or court-martialled for those crimes. No desertions were recorded from the sloop around this date, and none at all after 19 July 1776. It appears likely that this event may have followed the pattern of many eighteenth-century mutinies, and been a short-lived strike or protest over working or living conditions, victualling or pay, which was resolved quickly by the captain without need for disciplinary measures. The fact the men later took part that same day in the firing of a ceremonial salute for the birthday of King George III would seem to indicate the matter was quickly resolved, and that this was by no means a violent mutiny. Such attempts would likely be deterred by the presence of the *Swan*'s marine detachment of twenty-three men. Considering the size of the sloop's official complement of ninety, this represented a rather large deterrent force for any mass actions on such a small vessel. That said, many of the original marine complement, as well as some of the *Swan*'s seamen, had little taste for staying on the vessel and deserted while in America. It is not known how many other such mutinies remain hidden in the unread logs of the ships of the North American squadron, or which failed to be recorded by their commanders for fear that station commanders or the Admiralty might consider them to have lost control over their vessel.

More serious secession mutinies became more common in the squadron after 1775, when emerging concepts of American identities now overlapped with British ones, as well as with questions of legitimacy aboard ship. Before and after this early date, several commanders of the North American station noted the requirement to keep their marines on board ship in order to maintain order aboard and prevent the risk of unrest given the large proportion of American seamen among their complements. As we have seen in earlier chapters, small group desertions, and even larger mass desertions, often never brought to trial, had occurred with regularity among ships in North America since the mid-1760s, often completely immobilizing vessels of the squadron. Such events were increasing in frequency as the unrest in the American colonies continued. By 1775, commanders in America had genuine concerns about the addition of violent mutiny to the mix.

James Murdoch, boatswain's mate of the *Savage* sloop, was tried at court martial with two other men at Halifax on 23 November 1778, and was "...convicted of attempting to stir up a combination with some American prisoners, apparently with a view to seize and carry off the sloop..." Murdoch was sentenced to be flogged around the fleet and to receive 500 lashes, and

the two other men a similar punishment of 400 lashes each.³⁴ In 1779, a midshipman on the *Culloden*, one A. Murphy, was sent to England from America on her, with many French and American prisoners on board. He "...formed a plot for seizing the ship, murdering the Captain, the officers, and all who opposed, and carrying the ship into some port of France or Spain." He was tried by court martial on 10 June 1779 and sentenced to be hanged.³⁵

Also in 1779, upon the *Culloden*'s return from the North American station, her crew mutinied. They had apparently been incited by Americans and other foreigners, including seamen taken from the prison at Halifax.³⁶ Earlier that year, the *Invincible* (74), the crew of which had pay in arrears, had mutinied when the crew was informed they were heading for that conflict. In March 1779 three seamen of the *Egmont* were sentenced to death for the same crime after a line of battle ship was brought alongside with gun ports open and broadside ready to fire at point-blank range in order to restore order aboard the mutinous warship; four others were severely flogged.³⁷ In December 1779, Richard Kempenfelt noted four other large-scale mutinies had occurred, one in the summer of 1777 aboard the *Prince*, and three others on board the *Defiance*, *Valiant* and *Cumberland*, and described how he had experienced the same "undisciplined, audacious spirit" when he had first gone on board the *Victory*. As he wrote to the Admiralty, "All these disorders arise from a defect in discipline."³⁸

On the North American station itself, at least one attempt was made to seize a warship, when the lower deck of the *Narcissus* plotted her capture and planned to sell her to the rebels at Philadelphia. On 25 May 1782 at New York, eight men of her complement, (six seamen and two marines), were court-martialled on board the *Assurance*. They were charged with "...making mutinous assemblies, and endeavouring to persuade the brother Seamen of the *Narcissus*, to which they belonged, to rise on Captain Edwards and his Officers, to seize the Command of the Ship, and carry her into some Rebel port." All six seamen were sentenced to

³⁴ TNA:PRO, ADM 12/24, Digest of court martial of J. Murdoch et al, 23 Nov 1778.

³⁵ TNA:PRO, ADM 12/24, Digest of court martial of A. Murphy, 10 Jun 1779. Several similar "secession" mutinies occurred on board smaller ships and vessels on the Leeward Islands station involved in the fighting in American waters at this time, - see Gilbert, "The nature of mutiny," .

³⁶ Hannay, *Naval Courts Martial*, 122-5.

³⁷ W.L. Clowes et al., *The Royal Navy: A History from the Earliest Times to 1900*, 7 vols., (London: Chatham Publishing, Reprint 1997), Vol. 4, 50-1 and note 2; TNA:PRO, ADM 12/24, Digest of court martial of J. Carr et al, 1 Mar 1779. Clowes has this incident occurring in September 1779 and all seven seamen being sentenced to death - it is unclear if there were two mutinies or if his account is in error.

³⁸ Kempenfelt to Middleton, 28 Dec [1779?] cited in Laughton, *Letters and Papers of Lord Barham*, 304-6. None of these mutinies appear in the TNA:PRO, ADM 12/24 courts martial digests.

be hanged, and fourteen others were flogged. The man deemed to be a ringleader, Hamilton Wood, was to be gibbeted in chains after his execution as an example to other seamen "in the most conspicuous place the Commander-in-Chief may direct." The two marines were sentenced to be flogged 'round the fleet, with sentences of 500 and 200 blows of the cat respectively. Several other men were also tried and acquitted.³⁹ Gilbert believes that "...ambivalence over colonials as "enemies", in the sense that the French and the Spanish were traditional enemies, may have made a plot to dispose of the ship more acceptable..." and that "...the uniqueness of the American Revolution, with Englishmen fighting recent Englishmen, may have made possible a mutiny like that of the *Narcissus*."⁴⁰

Just before the Battle of the Saintes, William Cornwallis' *Canada* (74) experienced a traditional work-stoppage mutiny over their pay being in arrears. Her crew sent a deputation to Cornwallis telling their captain they would not fire a shot until they had received what was due to them. Cornwallis mustered the ship's company, and informed them that "'My lads, the money cannot be paid until we return to port, and as to your threat, I have only to say that I will put you alongside the first enemy's ship I fall in with, and I am certain that the devil himself will not then keep you from fighting her.'" This apparently quelled the unrest.⁴¹

The 1790s, Spithead and the Nore

By the 1790s the fears expressed by earlier North American station commanders during the American War of Independence regarding possible unrest by pressed American in their complements, and the need for marine contingents to be ever ready to maintain or restore order on board ship, were now becoming a self-fulfilling and regular reality. This was particularly the case on board the smaller sloops, brigs, and schooners of the squadron. It remains difficult to gauge which of several factors were most important in this new wave of unrest. There may have been a sense of republican leveling spirit brought on by the events of the French Revolution, Spithead and the Nore, and the Irish uprising of 1798; or perhaps simply the individual agency and the opportunity provided by being on a ship stationed off the American coast sufficed. More likely there was a combination of all these factors. It is of

³⁹ TNA:PRO, ADM 12/24, Digest of court martial of H. Wood et al, 25 May 1782. See also Claver, *Under the Lash*, 102.

⁴⁰ Gilbert, "The nature of mutiny", 115.

⁴¹ Cornwallis-West, *Life and letters*, 108-9.

interest to note that unrest at Halifax began before the events of the Spithead mutinies, and was more common and widespread than earlier historians have noted.

Two seamen of the *Bermuda* sloop, George Harvey and William Gleason, were tried by court martial at Halifax on 27 May 1796, as they had "...formed a plot for rising upon the Officers, taking the command of the Sloop, and navigating her into an American port, that they might desert. They communicated their plan to eight other of their fellow Seamen, whom they endeavoured to incite to join in their conspiracy. Some of these men disclosed the plot to their Officers, and Harvey and Gleeson were confined..." On being tried by court martial, it was found that the two men fell under the 1st part of the 19th Article, and were sentenced to be hanged. In consideration "of their former good character and Zeal in the Service" the court recommended them to the King "...as proper objects of Mercy."⁴²

The events at Spithead and the Nore radically changed the attitudes of both seamen and officers in the Royal Navy and this legacy that would remain present in the fleet after 1797.⁴³ In the short-term, weaker officers lost their nerve in the face of the new excitement on the lower decks, while stronger officers used severe discipline as an immediate response to the smallest indication of unrest.⁴⁴ Over the longer-term, the Admiralty realised that the concessions made at Spithead called into question the ability of officers to command as they desired, and was determined to ensure that the new seamen's "rights" acquired at Spithead did not extend to questioning techniques of command or expelling officers. The Board even sought to deny sailors the rights granted to them at Spithead after the more troubling experience of the republican, in perception if not in fact, mutiny at the Nore. Captains and

⁴² TNA:PRO, ADM 12/24, Digest of court martial of G. Harvey and W. Gleason, 27 May 1796.

⁴³ Excellent summaries of the events of the 1797 mutinies include Guttridge, *Mutiny*, 44-73; James, *Mutiny*, 33-75; Rodger, "Mutiny or subversion?" and idem., *Command of the Ocean*, 441-52. Lengthier scholarly accounts include C. Gill, *The Naval Mutinies of 1797*, (Manchester: Manchester University Press, 1913) and J. Dugan, *The Great Mutiny*, (New York: G.P. Putnam's Sons, 1965). Neale, *Cutlass and the Lash*, focuses largely on earlier single-ship mutinies in the 1790s. Three categories of works dominate the historiography. First, those such as Neale, which tend to have a Marxist viewpoint of Irish republicans and other radicals dominating the organization of the mutinies. These portray striking seamen as a radicalised proto-proletariat. Second, those such as Gill and Dugan who believe that while there was minimal radical influence, seamen were aware of new concepts of human rights that influenced their actions. Third, those such as Rodger tend to see no radical involvement and little awareness of the rights of man, but whose "rules" of mutiny are influenced by concepts such as "orderly disorder" and the moral economy of the crowd in English society in the eighteenth century, as expressed in such works as Thompson, *Customs in Common*, 16-96, 185-351. Guttridge and James tend to follow the middle path. See also Brown, "The Nore Mutiny".

⁴⁴ Rodger, *Command of the Ocean*, 450-3.

station commanders were now much more concerned with detecting and disrupting any perceived protest against authority on board their vessels, and punishing it more severely.⁴⁵

The *Latona* mutiny in St. John's, Newfoundland in July 1797 provides an example of how this changing social world and the new reliance on the marines and brute force to maintain authority, in lieu of leadership and negotiation, even for traditional "promotion of interest" mutinies, were transferred to North America.⁴⁶ Petitions from crews, rather than being ignored as many had been in the past, often were treated now as mutinous behaviour.⁴⁷ The ship's company of the *Pluto*, which, perhaps with other vessels of the Newfoundland squadron, had been at least tangentially involved in the mutiny at St. John's. She had been sent home from that station shortly afterwards as her men had not been paid for more than five years. Her company subsequently refused to return to Newfoundland when they learnt that St. John's was again to be the destination of the *Pluto*'s next commission, and petitioned the Admiralty begging to serve elsewhere. Their act was considered mutiny, and two of the men who drafted the letter were hanged.⁴⁸ Petty officers and long-serving seamen were often the usual leaders of mutinies, as seamen would only follow those whom they respected and admired. Yet, they also were viewed as the "natural aristocracy" of the lower deck and key to its discipline, that is, as the interface between officers and seamen. As Rodger and others note, allowing marine landsmen to usurp this role, which undermined the mutual respect between sailors and officers, meant that the naval world of the lower deck was turned upside down and its long-term stability eroded.⁴⁹ Yet such a process had been underway in North America since at least 1775, as we have seen.

The effects of the 1797 mutinies were felt almost immediately in Halifax. Events took place in the following months that belied the bland promises of the commander in chief there, Vice Admiral George Vandeput. The admiral reassured the Board of Admiralty that there was no sign of the "tendency" which had affected ships at home and in Newfoundland among those assigned to his squadron, and historians have simply taken his statement at face value

⁴⁵ James, *Mutiny*, 63-5, 74.

⁴⁶ Hubley and Malcomson, "The People".

⁴⁷ Many of the petitions from the lower deck, which survive from the 1790s in Admiralty files, simply have a one-word minute on the back – "read". See, for example, TNA:PRO, ADM 1/5125-7, Petitions to the Admiralty.

⁴⁸ James, *Mutiny*, 65 and TNA:PRO, ADM 1/5345, Courts martial papers, June-July 1798, 14 Jul 1798. This incident also belies Gilbert's contention that no multi-ship mutiny other than the 1797 events ever occurred.

⁴⁹ Rodger, *Command of the Ocean*, 450-3 and Gill, *Naval Mutinies*, 52.

thereafter.⁵⁰ Vandeput had been informed by an Admiralty letter of 3 May of the events at Spithead, and reassured the Board that "...lest any wickedly inclined person should attempt to excite any disturbance amongst them, I shall be upon my guard...to frustrate their intentions by every means in my power."⁵¹ In this aspect of his report, Vandeput was certainly truthful.

Thomas Mulroney, a (probably Irish) seaman of the *Resolution* (74), Vandeput's own flagship, was found guilty of "...endeavouring to excite Mutiny in the Ship's Company". He was sentenced to be hanged at his trial for mutiny on 26 October 1797 in Nova Scotia.⁵² The court recommended that because of "...some Alleviating Circumstances..." that Mulroney be referred via the Admiralty to the King for royal mercy. Vandeput disagreed with their recommendation. He suspended Mulroney's sentence of pardon until the views of his Majesty on the case could be considered.⁵³

Meanwhile, murmuring broke out on board the *St. Alban's* (64) which was cruising on the station in April 1798, with one seaman grumbling:

'*St. Alban's* ought to be in the Channel Fleet, we ought to be with the Britons at home - but we are not - we are with the Tyrants of the Seas. Let those who are ignorant and have not eyes open come to me, and I will show it them in print.' Despite his claim this sailor possessed no radical literature and when facing sentence for mutinous language, wisely avowed his loyalty to the King.⁵⁴

The reference to the "Tyrants of the Seas" is particularly of interest given that there had been numerous disciplinary problems on the Halifax station following the peace of 1783, many of them stemming from the behaviour and poor quality of officers and station commanders. These problems continued into the 1790s as tensions grew with the American authorities over British efforts to track and engage French warships in American territorial waters, and the Irish uprising of 1798 generated new concerns.⁵⁵

In October 1798 John Haig of the *Diligence* brig was found guilty of creating discontent and inciting her crew to mutiny in Nova Scotia, but managed to escape the yardarm,

⁵⁰ G.S. Graham, *Empire of the North Atlantic: The Maritime Struggle for North America*, (London: Oxford University Press, 1950), 225-6; Gwyn, *Frigates*, 95-6.

⁵¹ TNA:PRO, ADM1/494, Vandeput to Nepean, *Resolution* at Halifax, 6 Jul 1797, f. 44.

⁵² TNA:PRO, ADM 12/24, Digest of court martial of T. Mulroney, 26 Oct 1797.

⁵³ TNA:PRO, ADM1/494, Vandeput to Nepean, Halifax, 30 Oct 1797, ff. 80-2.

⁵⁴ TNA:PRO, ADM1/5345, Court martial papers, Jun-Jul 1798, court martial of men of the *St. Alban's*, 18 June 1798, cited in James, *Mutiny*, 38.

⁵⁵ As we have seen in Chapter 5.

and received 150 lashes.⁵⁶ There was an “ethnic panic” at Halifax in 1799 over the (inaccurate) fear of United Irishman involvement in attempts to burn and destroy naval careening yard facilities there.⁵⁷ It is unclear how widespread such sentiment was within the North American squadron. It is certain it lasted for many months, if not years, and that other seamen on the station shared the sentiments of these men. Some invoked republican sentiment, and a different sort of British patriotism and identity in light of their treatment on board the vessels of the squadron.

The motivations behind many of the secession mutinies that occurred on the North American station after the turn of the nineteenth century were many and varied. They included the attitudes of seamen such as those expressed in the above cases; the political context of the period; the presence of pressed Americans on board the vessels of the squadron; the proximity of the squadron’s headquarters close to the United States; the new democracy and republican views of the latter; and the higher maritime wages in America. This was particularly the case in the early nineteenth century due to the increased threat of war and poor relations with the United States.

In addition to mutiny aboard warships, seamen of the squadron also often attempted to take over prizes or prisoner cartel ships and run with them into American waters to desert. As we saw in Chapter 4, men often deserted *en masse* with prize vessels before and during the American War. Prizes usually had very few or no marines aboard, and only a handful of seamen led by a trusted petty officer or two, and a junior lieutenant or midshipman in command - the bare minimum necessary to navigate them to the closest friendly port. Mutinies on board prizes often occurred in collaboration with the original crew of the vessel, such as what transpired aboard the Swedish merchantman *Dygdens* in 1805.

The *Dygdens* mutiny

George Vernon Jackson, much later an Admiral, served as a midshipman on the *Cleopatra* from April 1805 in North America, and was sent aboard the *Dygdens* as her prize master.⁵⁸ Jackson, who served as a midshipman and junior officer on several ships on the

⁵⁶ TNA:PRO, ADM 12/24, Digest of court martial of J. Haig, 16 Oct 1798.

⁵⁷ See Chapters 2 and 5.

⁵⁸ According to the *Cleopatra*’s muster and pay books, Jackson entered the service on 20 Apr 1805, first appearing on board her as a Volunteer Boy of the First Class on 1 May 1805, after being turned over from the *Busy* sloop. On

North American and Newfoundland stations, had already deserted the service because of the treatment he had received under one tyrannical captain earlier in his career.⁵⁹ He had been the subject of personal persecution by the “oppressive”, duplicitous and vengeful first lieutenant of the *Cleopatra*, Abraham Bowen,⁶⁰ since entering on board the frigate. Perhaps this was because of the discovery of Jackson’s earlier desertion, or due to the young midshipmen’s efficiency and ability to get along with the captain, John Wight.⁶¹ Jackson believed his assignment to the prize was redemption for his ongoing mental and physical torture, and believed the dispute with Bowen was ended.

Little did Jackson know what Bowen had in store for him on board the prize. The first lieutenant sought his revenge by providing a crew of the “...greatest scoundrels he could find. They consisted of two refractory marines, two blacks lately discharged from the York Rangers, and two seamen from the waist and afterguard who had been respectively a fisherman and a cook - all men of questionable antecedents.”⁶² Jackson was ordered to take the prize into Halifax to the agent for disposal. Out of the six men assigned to him, four were incapable of doing their duty without continuous instruction and supervision, and even then they “worked sullenly and with reluctance”. Jackson was required to prod them at all hours to ensure his orders were followed. The Swedish captain and original crew took no part in the work, and night watches were Jackson's greatest trial, as he “...had frequently to put the ropes into the men's hands and compel them by threats of every kind to do my bidding.”⁶³

26 Jun 1805 he was discharged onto the main ship’s books and rated as a midshipman, before being discharged on 30 Apr 1808 into the *Porgey* schooner. He re-entered the *Cleopatra*, again rated as a midshipman, on 29 Jun 1808, before being discharged again on 5 Nov of that year to the *Swiftsure*. Jackson’s sojourn on the *Dygdens* does not seem to have been noted on the musters or the pay book, presumably because he was still considered to be receiving wages as part of the *Cleopatra*’s complement. TNA:PRO, ADM 35/2648, *Cleopatra* pay books, 30 Apr 1805 to 31 Jan 1811; ADM 36/16193, *Cleopatra* muster books, Jan 1806 to Feb 1807.

⁵⁹ This was on board the *St. Lucia* in the West Indies, the same sloop and captain complained of by Jacob Nagle in Chapter 2. For the mutiny on that sloop see Hannay, *Naval Courts Martial*, 131-2 and TNA:PRO, ADM 12/24, Court martial of R. Barry et al, 21 Jul 1781.

⁶⁰ Unnamed in Jackson’s memoir but easily identified on the muster and pay books. Bowen entered the *Cleopatra* per commission on 28 Apr 1805, and was discharged to the *Driver* on 28 Feb 1807. See note 51.

⁶¹ Again, Wight is unnamed in Jackson’s memoir, but entered the *Cleopatra* per Admiralty commission on 5 May 1805 before being discharged as an invalid on 24 Aug 1806. Wight was replaced by Acting Capt. William Love on 26 Aug 1806, who was himself discharged on 21 Feb 1807, being superceded by Capt. Robert Simpson, who remained in command of the frigate until June 1808. See note 58 and H. Burrows, ed., *The Perilous Adventures and Vicissitudes of a Naval Officer, 1801-1812; Being Part of the Memoirs of Admiral George Vernon Jackson (1787-1876)*, (Edinburgh and London: William Blackwood and Sons, 1927), 86-90.

⁶² *Ibid.*, 90.

⁶³ *Ibid.*, 91.

After a week of these tribulations, Jackson was informed by the Swedish captain that the latter had formed “a very high opinion” of Jackson “as a seaman and a gentleman” so felt obliged to warn him to be on guard against treachery from Jackson's own men. The Swede advised Jackson not to go on deck at night if he could avoid doing so. The cocky midshipman simply thanked his prisoner for the advice. While Jackson was aware of the poor quality of his men, he did not believe they were intent on mutiny. That same night, Jackson examined his pistols and discovered that their priming had been removed. Startled, he asked the marine on watch for some powder. Having replaced the priming, Jackson immediately changed tone, informed the marine why he needed the powder, and swore that if he ever found his pistols in such condition again he would blow out the marine's brains on the spot - something the “young gentleman” only later realised could be difficult with an unprimed weapon.⁶⁴

Jackson kept his pistols on his person from that point forward, as he realised that if “...the marine was open to conviction, his comrades were not equally impressionable; they had a game to play and were not to be deterred by trifles.” Going on deck the following night, Jackson was surprised to see the Swedish mate and one of Jackson's seamen at the helm of the prize. The two were taken aback at his presence, and the mate left the deck, at which point Jackson noticed the prize was steering for America. The midshipman “...could not resist the first impulse that rose on detecting this piece of villainy, but seizing hold of the man Davis I grasped a stout rope's end and belaboured him until the traitor yelled again.”⁶⁵ Jackson then called his other hands, and remained on watch for the remainder of the night.

Jackson did not have enough men in his prize crew to put the mutinous seaman in irons, and could not use the Swedes as they refused to assist in navigating the vessel. The midshipman began to believe his life was in jeopardy, and “It certainly appeared doubtful whether I should ever reach Halifax. There, in the middle of the ocean, with a mutinous crew, away from all hope of succour and at the mercy of overwhelming numbers, the chances were decidedly not in my favour. The constant anxiety, watching, and unremitting exertions made me long most eagerly for the termination of the voyage.”⁶⁶ The midshipman's anxieties were well placed. During a stiff wind Davis refused to come on deck, and when Jackson went to

⁶⁴ Ibid., 92-3.

⁶⁵ The seaman William Harris is referred to as Davis in Jackson's account, and the merchant vessel as the *Dryden* and also the *Dugden*. Ibid., 93.

⁶⁶ Ibid., 94-5.

look for him, the seaman leaped from hiding out of the ship's boat and tried to overpower his commander. Jackson drew his bayonet, which caused the man to flee aft, until some of the other crew seized him:

I had him brought before me, and the wretch began to whine and beg pardon, swearing with a peck of oaths that it was an accident, that he did not know it was me and so forth, winding up by asserting that as he hoped for glory, he had never harboured a single ill-feeling against me. He was interrupted at the conclusion of another confession by the Swedish Captain, who, in a fit of irrepressible rage, stalked up to him, and shaking his fist in his face, cried, 'You something son of a something, hold your lying tongue, will you. Why, it is not a week since you came to me and offered to murder Mr. Jackson if I would take charge of the vessel.'⁶⁷

Jackson, having experienced excessive discipline and cruelty himself on two different vessels early in his career, seems to have shown signs of being a member of Wareham's emerging professional class of more humanitarian, man-management oriented officers, and less of a disciplinarian than those officers he had served under to date. The midshipman had Davis confined aft, but believing he might be able to reform the seaman, informed the latter that his crime would be forgiven and he would be released, on condition that Davis "...showed his regret by performing his duty efficiently." Yet even this concession did not reform the mutineer. As they neared Halifax, Davis became more unmanageable. When working into the harbour, Jackson was in the midst of an angry tirade, berating the mutineer for yet more dereliction of duty, when the captain of the fleet pulled alongside in a boat, came aboard, and inquired as to the reasons for the loud disturbance. When Jackson described the events that had transpired over the past weeks, the captain immediately lost his temper. At the mention of the murder attempt, Davis was seized in irons, and a court martial applied for.⁶⁸

The man Jackson referred to as Davis, whose actual name was William Harris, was court-martialled at Halifax on 2 October 1805 for mutiny.⁶⁹ Jackson recorded in his memoirs that during Harris' trial:

...it was elicited that, failing to gain the Swedish Captain's authority for summarily disposing of me, he had resolved to act independently of him, and that on the occasion of his attack from the longboat he had meditated my destruction by throwing me, in the confusion, over the side of the vessel. This purpose he had communicated to one of the marines, whom he also threatened to murder if he

⁶⁷ Ibid., 95.

⁶⁸ Ibid., 95-6.

⁶⁹ TNA:PRO, ADM 12/24, Digest of court martial of W. Harris, 2 Oct 1805, f.521; ADM1/5370, Courts martial papers, June to Nov 1805, Court martial of W. Harris, 2 Oct 1805.

refused to aid and abet him. His sentence of death disarmed me of all resentment, and I would gladly have recalled the past to save the criminal. I had never been concerned in the death of a fellow-creature, and the sensation of horror I had experienced at being accessory to his execution is beyond expression...

Sir Andrew Mitchell, the station commander who ordered the trial, "...also passed a resolution reprimanding the Captain of the *Cleopatra* for having sent away a prize so improperly appointed."⁷⁰

As with executions at Tyburn in London, naval hangings in Halifax followed similar ritualistic, formal procedures that emphasised the power and authority of the monarch and the social order over the convicted. The entire garrison would be paraded to watch executions of mutineers and deserters, while seamen and marines looked on from the decks and yards of the ships of the squadron, and other public onlookers took in the scene from small boats.⁷¹ In his memoirs, Jackson described Harris (referred to again as Davis) being led out to execution in Halifax for the crimes of mutiny and attempted desertion in 1806. The account is worth quoting at length, not only for the details it provides on the nature of the ritual and theatre of naval punishment (seen as emotional torture by Jackson), but also due to the insights provided by his observations on both the emotional effects of punishments and last minute reprieves. His account illustrates the face-to-face nature of authority between officers and men, (which, as ashore, could range from violence to complete deference), the importance of roles, as well as the young midshipman's humanity.

When the day and hour arrived, the deck of the ship upon which he was to suffer became a seat of deep interest to everybody in the fleet. The rules of the service prescribed that on such occasions the Officers and men should turn out in full costume, and the glitter of gay uniforms and the picturesque garb of the sailors contrasted strangely with their solemn countenances, and the unbroken silence that prevailed....All the ceremonies on board a man-of-war connected with any momentous event are conducted with the same strict formality and decorum whether the circumstance at issue be a public flogging, a burial, or an execution.

The means adopted for a naval execution are few and simple. A rope is run through a single block at the yard-arm with a sliding noose at one end, above which, at the distance of a few feet, a small piece of wood called a 'toggle' is securely fastened. The purpose of this is to create a check to the body when being drawn upwards rapidly, which causes it to spring into the air above, and fall with a violent jerk that breaks the neck.

⁷⁰ Burrows, ed., *Perilous Adventures*, 96-7.

⁷¹ Linebaugh, *The London Hanged*; D. Foster, *A History of Hangings in Nova Scotia*, (Lawrencetown, NS: Pottersfield Press 2007), 42-3.

Our suspense was short. As the bell struck the appointed hour, Davis appeared up the after-hatch - instead of the forecastle ladder, as we had expected - in charge of a guard of marines, who slowly conducted him forward. As he passed the gangway where I was standing, he halted for a second or two and took my hand, saying as he shook it gently, 'Good-bye, Mr. Jackson.' I felt sick and giddy, and before I could summon up enough courage to utter a word in reply he had moved on. He was very pale, but quite self-possessed and resigned to his fate. I wished I could have turned and fled. I was spellbound, and remained staring vacantly at the figure of the man as he submitted himself into the hands of the executioners. On reaching the fatal spot his eyes were blindfolded and his arms pinioned. The collar of his shirt was then rolled back and the noose adjusted. These preliminaries having been observed, the Captain advanced and read out the finding and sentence of the Court-martial. At its conclusion, with a loud voice he inquired of the First Lieutenant how many men were on the ropes to run the body aloft. The number was reported. 'Put on half a dozen more.' This order was obeyed. He then asked, 'Is the gun ready to be fired?' 'Quite ready, sir' was the answer. All the while this torture was being inflicted, the miserable culprit continued ejaculating to himself in an audible tone, 'Oh God, I am going - I am going - I am going,' until he repeated the words so hurriedly as to be hardly coherent. The signal only was required now to banish him into eternity, when the Captain, taking a survey around and being satisfied with the impression produced, coolly drew another paper from his pocket and read a reprieve - certainly not more to the surprise and transport of the victim himself than to my own unfeigned delight. Davis did not immediately realise his good fortune, but stood motionless for some time, evidently perplexed, still unconsciously muttering the same words. This clemency was owing to the entreaties of the Admiral's ladylove, who was to be married to him on this very day, and who wished for no such dismal memorial of her wedding as that so nearly established.⁷²

Sir Andrew Mitchell, the station commander in Halifax at the time, married Mary Uniacke, daughter of Richard John Uniacke, the Attorney General of Nova Scotia, on 3 May 1805. But as Harris' court martial occurred in October of that year, so it seems that Jackson's memory was in error with regard to the reason for the reprieve.⁷³ Mitchell apparently took it upon himself to deliver the prerogative of royal mercy. This public theatre, with spectators in boats and on shore, and the sight of the execution and of one of his dead sailors hanging from the yardarm of the *Cleopatra* for an hour afterwards in accordance with naval tradition, would indeed perhaps have ruined the moment for a marriage to the station commander. There may

⁷² Burrows, ed., *Perilous Adventures*, 97- 100.

⁷³ NSARM, Uniacke fonds description. It is possible that another seaman named Davis was court-martialled for events on the *Dydden* and tried and sentenced for execution earlier than Harris, and the records of that trial simply have not survived. The description in Harris' court martial details matches Jackson's description of Davis and events so closely that this is unlikely.

have been something to Jackson's description of the reprieve and his intimation of social events affecting sentencing or punishment. Some of the "better sort" of people in Halifax, while recognizing the necessity for such sentences to maintain social order, evinced distaste for the after-effects when they were actually carried out. This can be seen after the trial of the *Columbine* mutineers, discussed later in this chapter. Jackson may also have been simply trying to indicate how celebrations of important political or social events were used by those in power to justify the issuance of a royal pardon for a crime. Such an act of theatre would both demonstrate the clemency of the king while reinforcing his sovereign power.

The case of Davis/Harris illustrates the often violent nature of the face-to-face relations between officers and men on board ships of the North American squadron, but also how more humanitarian (and perhaps naive) officers such as Jackson were willing to let such episodes pass without formal charges being laid or even a summary punishment. It was only through serendipity and the intervention of a more senior officer that the man was brought to court martial at all.

In addition to problems on board British prizes, French vessels carrying British prisoners from captured warships also saw British seamen sometimes mutiny against the French and then desert to the American shore. On 29 July 1804, the *Lilly* sloop (14), with a crew of seventy-six, had been taken by the French privateer *Dame Ambert*. Her complement, imprisoned on another prize vessel, mutinied at St. Mary's, Virginia, where twenty-three seamen and one marine immediately deserted and disappeared.⁷⁴ Most had been born in the American colonies, or were noted as being mulattos, blacks, Irish, Welsh or Scots in descriptions circulated to the Admiralty and other captains, or as having "dark" or "swarthy" complexions, perhaps indicating that some were creole or of mixed race.⁷⁵ Such incidents were only precursors to the more severe mass desertion "secession" mutinies that would shortly percolate through the ship's companies of the vessels of the squadron.

The nineteenth century

The early nineteenth century witnessed the squadron's most frequent number of mutinies for which courts martial were held. While many of these incidents seem to have been

⁷⁴ TNA:PRO, ADM1/495, Mitchell to Marsden, Halifax, 24 Aug 1804, ff. 572-4; ADM1/495, Norcock and Head to Mitchell, off New York, 29 Jul 1804, ff. 584-5.

⁷⁵ TNA:PRO, ADM1/495, Norcock and Head to Mitchell, off New York, 29 Jul 1804, ff. 589-91.

encouraged by the events which transpired between the *Leopard* and the *Chesapeake* in June 1807, and the forcible recovery of British deserters from the American warship, other mutinies occurred on vessels which did not come to court martial for the simple fact that the mutineers had successfully deserted. In February 1807, there was a mutiny on board the *Cambrian* under Captain Nairne. Some of its men ran to the American shore, while others took refuge on an American merchantman which was then detained by another British warship. Some of the men were charged with mutiny, piracy, and an attempt to murder an officer, but their trial seems to have been prevented by American diplomatic protests. President James Madison himself formally demanded their return under the Treaty of 1794, claiming that there was no legal basis for their return to British hands unless they had actually committed murder or forgery. Nairne was sent back to England in order to “answer the charges of the Americans” for the methods used in his failed attempt to recover the men, but was acquitted. Afterwards the Admiralty ordered Berkeley to discharge all Americans and other neutrals from the squadron’s vessels. While perhaps removing one source of potential unrest and mutiny, such discharges likely caused other problems for the already short-handed squadron, as there was no ready source of seamen to replace the men discharged without impressing others.⁷⁶

The *Vesta* mutiny

On 16 July 1807, while cruising in Chesapeake Bay where the American frigate *Chesapeake* was refitting at Norfolk, Virginia, after its violent encounter the previous month with the *Leopard*, the *Vesta* schooner experienced a mass desertion mutiny, led by pressed Irish and American seamen who “wanted their Liberty.” The men originally planned to run the *Vesta* aground, but instead transferred aboard a passing American schooner instead after the commander of the schooner and the only commissioned officer aboard, Lieutenant Atkin Hayman, gave his oath that he would not fire upon the men. Hayman was torn between his duty to suppress the mutiny and the bleak reality of his situation. He was also fully aware of the tense relations between the United States and Britain due to the latter's insistence on the right to search neutral shipping and to press British subjects off of American merchant vessels, and

⁷⁶ TNA:PRO, ADM1/497, Berkeley to Marsden, Bermuda, 2 Feb 1807 ff. 25-30.

the effect that firing upon an American merchant vessel might have in the aftermath of the *Leopard-Chesapeake* affair.⁷⁷

Lieutenant Hayman perhaps had more and better political sense than his commanding officer, who had issued orders to the squadron allowing them to use force to search American warships for deserters. George Cranfield Berkeley's political masters, due to his aggressive attitude and actions towards the Americans, eventually recalled him as commander of the North American squadron.⁷⁸ Hayman may also have been wary of the fact that Captain Henry Whitby of the *Leander* had been court-martialled for "violating the Neutrality of a State in Amity with His Majesty" and for wilful murder, after the *Leander*, tasked with gathering information off New York, had fired upon American vessels, killing at least one American seaman.⁷⁹ Sadly, neither Hayman's prudent sense nor the events of the mutiny aided the officer's career. He was never promoted beyond lieutenant, and died in 1817 still holding that rank.⁸⁰

Upon the return of the *Vesta* to Halifax, Berkeley reported the incident to London, noting that of the mutineers, "...only eight pretended to be Americans. The Others were Irishmen and subjects of His Majesties Islands in the West Indies."⁸¹ In fact, the musters and paybooks of the *Vesta* note that of the men marked as run on 16 July 1807, eleven were Irish, seven American, and one each from England, Africa, the West Indies, Norway, and what was

⁷⁷ TNA:PRO, ADM 51/2935, *Vesta* captain's log, entries for 15-16 Jul 1807; ADM1/497, Hayman to Berkeley, 27 July 1807, ff.251-2. The log records that they "hailed in for the Delaware." For a full account of the *Vesta* mutiny see M. Hubley, "The most outrageous Set of People that ever lived": desertion, identity and Irish seamen of the Royal Navy in North America, 1745-1815," in *The British Empire and its Contested Pasts*, ed. Robert J. Blyth and Keith Jeffery, (Dublin: Irish Academic Press, 2009).

⁷⁸ Toronto Public Library Special Collections (hereafter TPLSC), Sir George Cranfield Berkeley papers, 1806-1812, Pole to Berkeley, 27 Nov 1807. In 1783, when Berkeley commanded *Le Pegase* (74) with the Channel fleet, the ships of that squadron were ordered into various English ports to be paid off. A widespread "spirit of mutiny" occurred at Spithead, where crews insisted on being paid off at Portsmouth. Due to Berkeley's "...attention and spirit...the most perfect order and discipline were preserved..." on *Le Pegase*. In 1795 Berkeley had been appointed to the *Formidable* (98) where "his discipline and conduct" would result in his receiving the thanks of the Admiralty Board, particularly that of Admiral Viscount Duncan under whom he served in the North Sea at the time of that squadron's mutiny in 1797. BL, "Biographical Memoir of the Hon. George Cranfield Berkeley, Rear Admiral of the Red Squadron", London: I. Gold, 1804.

⁷⁹ TNA:PRO, ADM1/5380, Courts martial papers, Mar to Apr 1807, court martial of H. Whitby, *Gladiator* at Portsmouth, 16 Apr 1807. The *Leander* had been off the lighthouse at Sandy Hook, and was attempting to bring incoming ships to by firing her guns, so as to board them. The charges were not proved and Whitby was acquitted, yet the trial and the risks of such activities were undoubtedly well known among the officers of the squadron.

⁸⁰ Hayman was only promoted lieutenant on 25 June 1808, after the mutiny. Yet his logs before and at the time of the *Vesta* mutiny are signed as "Lieutenant", and he appears on her muster and pay books in that rank, so it is probable that he had been promoted by the station commander and not yet confirmed by the Admiralty in that rank. Syrett and DiNardo, eds., *Commissioned Sea Officers*, 211.

⁸¹ TNA:PRO, ADM1/497, Berkeley to Marsden, 27 July 1807, f.250.

referred to on the books as “Canada.”⁸² It would appear that none of the ringleaders or other deserters from the *Vesta* ever were recaptured or punished.⁸³ The mutiny on board the *Vesta* may have been the result of a combination of conditions that provided a “perfect storm” of unrest. These included the fact that of forty-four men on board at the time, Irish seamen, when combined with pressed Americans, made up fifty-six percent of the lower deck. If there was any discontent at all among the Irish contingent, the *Vesta* would have been in for serious trouble at a time when Anglo-American relations had almost completely collapsed, and encouragement to desert was constantly provided from American soil. The schooner had a very small number of commissioned and petty officers in her complement, and apparently only a single marine private aboard at the time of the mutiny (a man of unknown ethnic origin), giving potential mutineers a significant advantage.⁸⁴

From all types of discharges – desertion, sickness, transfer to other ships, deaths, release of improperly pressed men, the *Vesta* had an annual turnover rate of almost sixty-five percent of its complement. Together with the fact that at least five commanders passed through the vessel in this five-year period, high turnover was a likely contributor to the volatility aboard the schooner. On average, a member of the *Vesta*’s crew would spend just over one year aboard before being discharged from her books. Few small group loyalties among messmates could be established under such circumstances. Such loyalties, and those between men and their petty and commissioned officers, or to a commander, were the required building blocks of any larger sense of unit cohesion aboard ship, let alone any broader sense of “Britishness.” It is of interest to contrast the events and experience of mutiny on the *Vesta*, which had a successful outcome to its mutiny, with those which occurred shortly afterwards on the *Jason* frigate. Though both shared some commonalities of secession mutinies, events on the *Jason* had different origins, and an entirely different outcome.

⁸² Two of the mutineers *cum* deserters had no place of birth recorded.

⁸³ TNA:PRO, ADM 1/5382-5, Courts martial papers, Jul 1807 to Feb 1808.

⁸⁴ Based on an examination of the pay books and musters of the *Vesta*, in October 1807 the number of marines on board was increased to four privates, and in June 1808 to five privates and a corporal. Finally, in July 1811 the detachment was increased in size again to six privates and a corporal. TNA:PRO, ADM 37/1041, *Vesta* muster book, 31 Dec 1811; ADM 35/3215, *Vesta* pay books, 16 Apr 1807 to 29 Apr 1812.

The *Jason* mutiny

On 5 September 1807, the *Jason* frigate, Captain Thomas J. Cochrane, was riding at anchor in the Narrows of New York harbour. Cochrane had recently delivered dispatches at Halifax from his assigned station in the Leeward Islands, and then to the British minister at New York at the behest of the North American station commander.⁸⁵ The *Jason* had spent the first three months of 1807 escorting merchant vessels from the Barbadoes, including slavers, across the Atlantic to Surinam on the west coast of Africa and back again. She then spent the next few months cruising in the Caribbean before arriving at St. George's Road at Bermuda on 16 August. On 19 August, Cochrane sailed for Halifax, arriving off the harbour there after five days of sailing. There he rejoined the better part of his father's squadron which was refitting at the naval yard in Nova Scotia. One day before the *Jason*'s arrival, Berkeley finished his report to the Admiralty regarding the execution of Jenkin Ratford following the *Chesapeake* affair, and had dealt with the aftermath of the *Vesta* mutiny.⁸⁶ The *Jason* had little respite in Halifax. With diplomatic relations between the United States and Britain frayed following the events of the summer, and with both countries naval forces preparing for war, she stayed in Halifax only long enough to receive provisions, before making sail within forty-eight hours, as Berkeley ordered her to New York with dispatches for the British diplomatic minister.⁸⁷ Captain Cochrane was obviously under pressure to make good time as he had the *Jason* towed out of Halifax Harbour by the ship's boats rather than waiting for more favourable winds and tide.

During this period the *Jason*'s disciplinary record, as measured by the summary punishments administered under Thomas Cochrane, was perhaps the worst of any vessel examined in this study. Summary punishments on board the frigate were extreme in nature. In the space of one year, between 2 January 1807 and 2 January 1808, 109 men, almost exactly fifty percent of the official complement of the ship (215 men), were punished with 160 separate floggings on board the frigate. The severity of the floggings seems erratic and unpredictable, but they were often incredibly harsh, far greater on several occasions than the

⁸⁵ Cochrane had first joined the service on 14 July 1805, and had entered the *Jason* as a lieutenant on 25 July 1805. On 24 October 1805, he was discharged into the *Nimrod* sloop of war on promotion, by order of his father, Rear Admiral Sir Alexander Cochrane. By 23 March 1806 "Young Tom", as he became known in the sea service, had re-entered the *Jason* as post-captain, again by order of his father. TNA:PRO, ADM 37/705, *Jason* muster table for 31 Jan 1808.

⁸⁶ TNA:PRO, ADM1/497, Berkeley to Pole, Halifax, 31 Aug and 1 Sept 1807, f. 286 and 291.

⁸⁷ Berkeley reported that the *Belleisle*, *Ramillies*, *Jason* and *Curieux* from Sir Alexander Cochrane's squadron had arrived in Halifax from Barbadoes. TNA:PRO, ADM1/497, Berkeley to Pole, Halifax, 2 Sept 1807, f. 323.

worst summary punishment by any captain in the navy that has been identified to date. The average number of lashes received was just under twenty-eight.⁸⁸ Some men received from four to ten dozen lashes for individual offences such as desertion and “mutinous attempts”. Men deserted while the frigate was in the Surinam River despite the risks of disease and death from both sickness and other causes in that inhospitable climate. Such a level of summary punishment was more than double what generally is acknowledged as the uppermost limit for a “tyrannical” captain in this period by one eminent naval historian.⁸⁹

The occasion of the *Jason*’s visit to the United States was the catalyst of events that followed. Combined with her previous duties in the harsh and sickly environments of the West Indies and the west coast of Africa, as well as lengthy mistreatment of her men by their captain and perhaps by other commissioned, warrant and petty officers, a “perfect storm” of unrest formed on board the frigate. A mass uprising occurred, during which the men attempted to take over the frigate, and seize the opportunity to desert and disappear in North America.

By 3 September 1807, the *Jason* was anchored in the Narrows between Governor’s and Staten Islands. That same day, three marines were punished summarily, Richard Smout and Patrick Hussey with five dozen lashes each for sleeping on their posts, and Thomas Mitchell with three lashes for disobedience of orders. Gilbert Johnson, a seaman, also was flogged with two dozen stripes for “dirtiness.” On the morning of 5 September, the frigate’s gig was lowered into the water to allow her men to wash their clothes, and probably also to take Thomas Cochrane ashore. Six men deserted from her at some point that morning, likely when the boat was at the wharf in New York. At twenty minutes past noon the gig returned from the town and all the boats were hoisted in. The captain’s log then relates the events which occurred that evening as follows:

At 7:35 the Ship’s Co. came aft to lower the Boats down. An alarm was given to the Officers whose presence on the Quarter Deck startled them and they all rushed forward immediately. In their flight Thos. Martin and Edwd. Jones were wounded by Lieut. Pringle. Found the hatches secured and the ship in a state of Mutiny, got the Officers and Marines under Arms. Secured Emanuel Cayton, J.G. Murphy, John Eakins, Thos Martin, M. Tinning, John Ross on Suspicion.

⁸⁸ Unless noted otherwise, details of the *Jason*’s service and her summary punishment records are taken from her captain’s log books, TNA:PRO, ADM 51/1965 Parts 3-5, 2 Jan 1807 to 2 Jan 1808.

⁸⁹ Lavery cites forty-eight lashes as the harshest summary punishment encountered in his research, for attempted buggery with a boy - Lavery, ed., *Shipboard Life*, 376.

On the 6 September, the log notes the return of Cochrane from New York “in a Shore Boat”, and the mustering of the Ship’s Company by divisions to discover who was wounded, noting only two men, Thomas Martin and Edward Jones, were in that state. Cochrane’s official journal also recorded that Peter Bond was found “stowed away in the Larboard Wing” and that he was secured on suspicion of being a ringleader. Cochrane immediately summarily punished two men that morning. These were George White, a marine who turned king’s evidence, and Dennis Sullivan, an Irish able-bodied seaman who received ninety-six lashes, both for “mutinous attempts.” White received 120 lashes and Sullivan ninety-six. It also appears that Sullivan did not testify at the court martial so he may also have been an informer or king’s evidence. That afternoon, the *Jason* unmoored and moved further out of the harbour off Sandy Hook, to make it more difficult for any additional potential deserters to reach shore.

Cochrane was no doubt furious both at the mutiny and of the indignity to his honour by having had to return to the frigate in a hired boat from shore rather than with his own gig and crew. When the *Jason*’s gig, under the command of a Lieutenant John Jordan Arrow and a midshipman, Mr. Henry Freer Willoughby, had tried to attend him on the shore, with eight men, they encountered difficulties:

...immediately on landing a great crowd was on the Wharf in New York. We shoved off and laid off at an American schooner. Laid there about two hours when we observed a Man on shore beckoning to us, we pulled in and immediately on the Boat touching six men jumped out the Mob run from where we first landed to where we landed the second time, cheered us when they saw the Men had jumped out of the Boat. Lieut. Arrow desired the Boat to be shoved off which George Wilson the Prisoner did, we pulled off as we could and made sail...

Arrow testified that “...the Mob opened and made a lane for [the deserters], and then closed again, giving three Cheers and some of them calling to the two people left in the Boat to come on shore, now was the moment for their liberty.”

The *Columbine*, which later experienced a similar violent takeover and mass desertion mutiny in the Bay of Fundy in 1809, was also in New York harbour at this time. The *Jason* supplied her with provisions and water shortly after the mutiny at New York, and on 9 September the two vessels made sail in company for Halifax so the mutineers could be tried by court martial at the headquarters of the North American squadron. The *Columbine* no doubt provided extra security in the event another attempt was made to seize the frigate. It is unclear exactly why Thomas Cochrane decided to proceed to Halifax instead of returning to his station

in the Leeward Islands. It is possible that he knew there would be enough captains and commanders at Halifax to form a court martial on the men, while this may not have been the case at that time in Antigua. Ships from the Leeward Islands station were also present refitting at the Halifax yard with their own station commander, Sir Alexander Cochrane. On her arrival on 16 September, the *Jason*'s log notes that twenty-two of the frigate's men were discharged into the *Ramillies* "for better Security" and another twenty-three into the *Belleisle*, "they being suspected to have been concerned in the Mutiny."

The court martial of the *Jason* mutineers, ordered by the North American station commander Vice Admiral George Cranfield Berkeley on 17 September, convened on board the *Acasta*. The court sat every day, excluding Sundays, for twelve days. Although Alexander Cochrane was second senior officer at Halifax, which allowed him the authority to hear courts martial called by the station commander as president, he recused himself from this case. Thus, it was presided over by Captain Francis Pickmore of the *Ramillies*, the third senior officer present. Six other captains from both the North American and Leeward Islands stations formed the court.⁹⁰ Forty-four seamen and one marine were charged with having "...made or endeavoured to make a mutinous assembly, and for concealing the same, also for attempting to take possession of the Ship from the Officers for the purpose of Deserting." So many men were tried that the court was held under the half-deck of the *Acasta* instead of in its captain's cabin as normal practice dictated. The officers of the court used the latter only for private deliberations. When the trial was underway, Berkeley reported the events of the mutiny to the Admiralty in London.⁹¹

The proceedings of the trial relate a slightly different version of the mutiny than the captain's log, and provide additional details on events on board the *Jason* that night and in the days that followed. According to the first lieutenant of the *Jason*, George Pringle, in the evening on 5 September, Cochrane was ashore at New York and Pringle was in command of the frigate. At about ten minutes before eight o'clock some sixty to seventy seamen and marines (out of an official complement of 215) went aft as a group to lower the frigate's boats. Horatio James, a Welsh quartermaster's mate apparently had the watch on deck. James

⁹⁰ These were William Charles Fahie, Philip Beaver, the Rt. Hon. Lord William Fitz Roy, Edward Hawker, John Shortland, and Nathaniel Day Cochrane. The latter was not related to Sir Alexander Cochrane.

⁹¹ Berkeley noted that the *Jason* had returned from New York, where her captain had quelled a mutiny by a "great number" of her crew. TNA:PRO, ADM1/497 Berkeley to Pole, Halifax, 20 Sep 1807, f. 357.

testified that had seen a number of men walking aft, so went after them and enquired what they wanted, but got no reply. He then observed two men, one of them Peter Bond, in the gig on the starboard quarter, in the process of lowering it down to the water, and ordered them out of the boat. Bond climbed out of the gig and walked forward on deck where James grabbed him by the frock, and asked what his name was. The seaman turned round and pushed James' hand away, telling the mate that he was "a friend." James then ran to the frigate's gunroom to warn her officers. James also noted that he had "... never before since the arrival of the Jason on this Coast observed those Men with so much Cloathes on a Blue Jacket..."

Pringle then "...immediately went on Deck and called to Arms. I took hold of a boarding Pike, and ran on the Quarter Deck. I found a number of People just by the After Ladder on the Quarter Deck. I made a push at them with the pike, they ran forward on the Starboard Gangway. I followed them and wounded two just by the [Chest] calling out for every Man to go below, they all ran down the fore hatchway. I came aft on the Quarter Deck where I found the Marines under Arms, and all the Officers on Deck. I found that the Grates were on, and shot boxes on them, there were a number of waistcoats on mustering which I did first one Watch then the other, that had two Suits of Cloaths on, Frock and Trowsers..."⁹² The fact that the men had put on two sets of clothing was normally a sign that they were intending to desert and take as many of their possessions with them as possible. Such dress also provided another set of clothing to wear once disposing of their easily identifiable seamen's slops, or uniform, provided by the navy. When asked why they were wearing extra layers, several of the men replied that it had been very cold on deck, and Pringle confirmed in his testimony that "the People" were told to wear their warm clothing, as it was cold working topside.

The situation remained tense for some hours after Pringle's actions. Marine sentinels were placed at the main hatchway with loaded pistols over the men confined below, and all the marines were kept under the half deck under arms throughout the night. The *Jason's* officers, armed with loaded pistols and side arms, were distributed about her decks and patrolled the lower deck. The marine at the fore hatchway had orders to only allow one man to come up at a time, to allow him to go to the head, and then to see him below again. The marines also had

⁹² Unless otherwise noted, details of the *Jason* mutiny are taken from the testimony and evidence provided in TNA:PRO, ADM 1/5383, Courts martial papers, Aug to Oct 1807, court martial of T. Campbell et al, 18 to 29 Sept 1807.

orders that if Peter Bond⁹³ came on deck during the night to secure him, as he had been one of the few men actually identified and had been seen in one of the boats. All other arms were secured on the quarterdeck, with sentries posted over them to allow none but the officers to access the weapons. The gratings were kept on, with shot boxes on them. This was done to aid in confining the unruly men below, although the men had fixed them in the first instance just before the mutiny began, as a means of preventing easy access by the marines and officers below decks. Cochrane himself finally returned on board the *Jason* near midnight, although he testified he was unsure of the exact time, and it was then that he first learned of the mutiny.

Some men involved in the mutiny were identified that evening, and some the following morning. This was done by the perhaps inaccurate method of identifying all men who had been wounded by Pringle, other officers, or the marines, by mustering the men ordering them to strip. At least eight men were confined immediately, either for being wounded or for having two sets of clothes on. These included the armourer, who was discovered injured when Pringle ordered him to pass up pikes and muskets from under the half-deck to assist in putting down the mutiny, while the log notes that six men were confined the following morning. At daybreak, Captain Cochrane informed the mustered men "...any one that would go forwards that would inform him who was the ring leaders [sic], he would assure them of free pardon..." Two men immediately stepped forward, including Joseph Martin, a twenty-three year-old American able-bodied seaman born in North Carolina, and captain of the forecastle, who voluntarily turned King's evidence.

Martin named all those he knew who had been involved in the affair, and provided Cochrane with the names of the ringleaders, but Peter Bond could not be found immediately. At least fifteen more men were confined.⁹⁴ He testified that the men had actually made an attempt to desert *en masse* early in the morning of Saturday the 6 September, but something happened which caused them to put off the attempt until after the men had been piped to dinner. That morning, the New York Customs House boat had approached the *Jason*. At least one man took the occasion to have letters delivered to his wife ashore, while the men in the boat apparently told Martin and several others there was "good encouragement" for sailors

⁹³ Bond does not appear on the *Jason*'s muster book.

⁹⁴ Martin himself, perhaps unsurprisingly given his role as an informer, was a rather shady character. He had deserted at St. Vincent on 13 September 1805, but had re-entered the *Jason* on 5 May 1807 from the *Northumberland*. He apparently went unpunished, although it was noted that he used the alias Thomas Campbell.

ashore in New York. Martin recounted that during the afternoon, just before “grog time”, or half past four, the captain’s gig returned from the town, with only an unnamed officer and two seamen on her oars. One man tried to convince Martin to jump into the boat to desert, but Martin made no reply, and Pringle ordered all the boats hoisted in immediately. After they were up, Mounsey Turning approached Martin and asked if there was now no means of getting away from the ship. Again, Martin did not reply, but went aft, where he saw Robert Dinen. Martin told Dinen that there was no point in making any attempt to desert, as all the boats were now inboard. Dinen replied that “...by the great God that he had the Arms under his charge & the Boat tablefalls clear, that the black boy Isaacs had his masters two Pistols by the great God boys & all are willing to go.” Martin observed that there were “...a parcel of Musquets against the Hammock netting on the Quarter Deck”, and when he remarked to Dinen that all seemed well, the latter noted that George White, a private marine, was involved and that White had claimed “...he could soon have a great many more Marines under his Command.”

After sunset that evening, after the bags of hammocks were piped below decks, Martin went above deck, and saw a group of people assembled on the starboard side of the *Jason*. William Caton approached Martin and asked the latter what he thought of the Jasons’ plan. Martin remained non-committal and told him “I did not know what was best.” At two bells before eight o’clock in the evening, all the men went onto the forecastle. There, Caton proposed that Martin select three parties of men, one to go onto the quarterdeck, one to secure the sentries, and one to go to the gunroom and tie the officers, while Martin himself was proposed to take charge of the main deck. When Martin asked why he was being chosen for this task, Caton claimed “he did not think himself sailor enough” for such work or “he would as soon do it as not.” Martin testified that it was Caton’s role to go to every mess aboard the ship earlier that day and ask if they were ready. Caton also requested that he supply the watchword that would allow the mutineers to identify one another during the attempt, “Will You?” Martin had also been asked by another conspirator to lead the men in three cheers at the moment the mutiny commenced.

The mutineers approached Martin repeatedly on several occasions either to involve themselves in their plans directly, or to discuss them. Such approaches makes one believe that either Martin was a ringleader, who turned king’s evidence to save himself from the yard arm by spinning a tale which minimised his own role in the events that evening, or perhaps he was

an informer working for the master at arms or ship's corporal, a common practice, even among humanitarian commanders.⁹⁵ The latter often used other seamen to eavesdrop on the men and report any plots. Some of the men likely did not trust Martin, and may have been "feeling him out" to determine where his sympathies actually lay, or in an effort to discover the leanings of those petty officers towards the plan. One man even remarked to Martin during the day that "...you like the Service too well to leave it." Either way it was clear that many men had been planning to flee the *Jason* and plans were well advanced to do so, and that no obstacles were going to prevent their effort from being made. Eventually the men divided themselves into three groups without Martin's direction, and began putting on the ship's gratings. Martin then seated himself on a carronade when a man came and attempted to thrust a cutlass into his hand. Martin supposedly did not recognise the man, and told him "I will have nothing to do with that...." The mutineers, comprising most of the ship's company save twenty or thirty seamen and marines, went to the forecastle and called out for Martin. Peter Bond then led them at the starboard gangway in an attempt to lower the boats, until Pringle appeared on deck ordering the "damned Rascals and Scoundrels" to get below. At this point Martin fled below decks, and attempted to hide under a mess table, along with several other men and boys, some armed with cutlasses, as the officers and marines of the *Jason* drove others below decks at the points of their pikes, cutlasses and bayonets.

The court martial testimony of both officers and men, with its narrow focus only on the actual events pertaining to the moment of the mutiny, makes no mention of the immediate summary punishments ordered by Cochrane or the previous disciplinary record of the *Jason* or other events which may have occurred on board ship. After Martin had completed his testimony, the court adjourned so that he could read the recorded version and correct any errors. All forty-five prisoners were then allowed to question him as they thought necessary, but were cautioned "...against bringing forward any new matter, or what might effect [sic] themselves." This would seem to be an indication that the court had no desire or will to look into or hear of any past events on board the *Jason* other than the immediate ones that had occurred during the mutiny. Many of the prisoners took this occasion to question Martin on fine points of detail concerning when they had been seen or heard by the king's witness, or whether they or those men they had been speaking to had been clearly visible or recognisable

⁹⁵ See, for example, Wareham, *Frigate Commander*, 243 and Masefield, *Sea Life*, 114-7.

to Martin as he had claimed in his testimony. One man forced Martin to concede that he had had been on duty in the foretop. Martin admitted that another seaman was seen in a boat during the first failed attempt that morning only because the carpenter had ordered the man to replace a thwart and the stern sheet. Fourteen men did not take this opportunity to question Martin, including Emanuel Cayton, a Portuguese seaman who spoke poor English and understood little of the proceedings. Similarly, Lewis Morceau, a French prisoner, was called in and sworn, but "...could not speak or understand English the Court would not take his Evidence."

On the 22 September, John Croxford, a boy belonging to the *Jason*, also testified on behalf of the prosecution, confirming many of Martin's claims and fixing William Caton as the main ringleader. Caton attempted to have Croxford's testimony made inadmissible when Croxford was being sworn in, as the latter supposedly had the reputation of "a Liar and a Thief". While even the prosecutor admitted this was true, Caton's objections were overruled. Croxford testified that, after Martin and Caton had fallen out, Croxford's role had been to go from mess to mess and ask the men if they were ready to rise up. Croxford was evasive when questioned as to whether the men had discussed putting the officers to death if the latter resisted the mutiny with force.

Three main themes emerge from the testimony and defence statements presented at the trial. First were the strong views of the American seamen on board concerning their service in the British navy and entitlement to their liberty. The second was the erosion of the officers' legitimacy of authority thanks to cruel and severe ill-treatment of the men. This included the fear of unwarranted punishment for supposed neglect of duty among the seamen. Finally, the smuggling of valuable freight meant there was a lack of hammock space for the men on the lower deck.

Several men gave evidence for the prosecution regarding the planning of the mutiny and the impetus given to it by American identity. Joseph Martin conducted many one-on-one conversations with other seamen and marines while at the ship's head (a location where several men testified they were during the actual event, another commonality among many mutinies). For example, on the day before the uprising, Martin approached George White, a private marine, and asked White where he had been born. White replied:

...in New York but brought up in Ireland, he asked me if I had any friends there in New York, I said a Sister in the Town & an Uncle near New York, that I had left it at the age of two years. He said it was a pleasant Country & that it was a pity for

me to remain on board as I was. I left him at that time. In the afternoon between 7 & 8 o'clock I was on the Forecastle. Joseph Martin came to me & asked if I were willing to go to New York. I said yes, but that I could not swim, he said there would be better means got then by swimming, he said he was determined to see the Boats clear against 8 o'clock & that I might go in the Boats, he asked me if I would go to the Marine Centinel, to join. I asked him to go himself I would not.

The defence statement of William Lang noted that Martin had been approaching the Americans onboard the *Jason* and attempting to use their nationality to persuade them to join the mutiny. Martin approached Lang below decks and told the latter that he, Martin, "...was going on Shore for Breakfast, I told him he had better stop and go for Dinner, when he replied by God if I go for Dinner I shall not come back for Supper." Lang declined Martin's approaches, at which point the captain of the foretop told Lang:

...you are an American born, and you will never get clear otherwise. I told him if I could not get clear by my protection that I would take another opportunity of swimming away from her, he said by God he could swim as well as a great many and that he would go on shore that Night in a Boat.

Lang was one of several men who claimed they fled to the head when the mutiny commenced, and stayed there until it had ended. The seaman concluded his defence by arguing :

I am a real American, Born in Portsmouth New Hampshire and never was in His Majesty's Service before I was pressed on Board the *Jason*, and am unacquainted with the Rules of British Men of War, and I was never contented in my mind since I have been on board in consequence of the ill treatment that was carried on board of her.

Similarly, several other American seamen with protections against impressment threw themselves on the mercy of the court, with one of them, Peter Bond, noting "...that I would never get my Liberty without I took it then."

Others unable to use American nationality and impressment as motivation for their involvement, used legitimacy of authority and ill-treatment on board the *Jason* to make their defence. Both Thomas Campbell and William Caton attempted to implicate Martin directly as the ringleader and planner of the mutiny. Campbell noted that he had served in several other ships and had never considered deserting the King's service:

...but since I have been on board the *Jason*, I have never been Contented in my Mind in Consequence of the Inhumane treatment I daily saw and felt myself. I was born on board the old *Blonde* Frigate, Captain Afflick, and has been brought up in H.M. Service since I was born, and I do declare that I never should have been brought into this trouble if it had not been by inticement [sic] of Joseph Martin...

Caton, meanwhile, made a similar statement, noting:

I never was against fighting for my King and Country, I have been doing duty in the Militia in the Island of Trinidad under the Command of Colonel Parke, and in the Island of Saint Vincent under the Command of Colonel Hassey and was doing it at the time I was press'd on Board of the *Jason*, but since I have been on board Her, I never could make myself happy, nor never had a moment of pleasure: I cannot say but What I ought to be punish'd for not informing the Officers of what Martin had said to me, but I was afraid to mention it to any Person as some of them Concerned with Martin might afterwards do me some private injury. I am a Young Man of Twenty Years of Age and never at Sea before I was on board the *Jason*, and never was so innocently brought into a Scrape before in my Life, and most humbly Pray of the Court to take into Consideration those Circumstances I have mentioned and leave it to the Mercy of the Court.

Other men noted their fear of punishment for mistakes and errors in seamanship they might have made while on board, which normally would not have been punished. For example, the yawl had been in need of repair and had apparently fallen from its davits some days before the mutiny. John Jones had discussed the repairs with the carpenter, John Smith, a former shipmate, and noted in his defence "...that he was afraid he would be flogged as he put the Bolt in and it had drawn..." Jones also noted that while working on the repairs in the yawl with two other seamen, that their topic of conversation "...was about the Brig *Columbine*, having lost some of her hands [to desertion] the Night before, I said it was a bad Job..." William Caton, apparently desperate by this point to avoid a death sentence, gambled and called Captain Thomas Cochrane as a witness, asking the captain if Cochrane had ever had occasion to punish him. Cochrane replied noncommittally that he did not recollect whether any complaint had been made against Caton and that in any case, Caton worked primarily under the authority of the first lieutenant – perhaps an indication that Cochrane was simply approving the summary punishments recommended to him by a tyrannical subordinate.

Several of the men also noted that when they were below decks following the mutiny and the officers asked them why they were not in their hammocks, they pointed out that they had no place to hang them. One man noted "...I could not hang it up in Consequence of a Log of Mahogany that was trussed up in it." It would appear that the *Jason's* trips to West Africa and the various islands of the West Indies might have been profitable for officers willing to violate regulations and smuggle such cargoes. Presumably, it would have been difficult to undertake such a task and conceal mahogany logs below decks without the knowledge of the

captain although none of the testimony directly implicates him. One or more commissioned, warrant or petty officers, or even some of the men, may have been involved.

Reading the various defence statements, one gains the impression that many of the men did not know their fellow seamen and marines on board the *Jason*, beyond their messmates and those petty and warrant officers in charge of their watch, division, or specific duties. Perhaps this was because men were not willing to name names during a trial, an act that could implicate others and result in the death of those charged, but also revenge attacks after the trial, yet the impression seems stronger than that. Along the lines of Kempenfelt's proposed use of the divisional system for maintaining order and discipline aboard ship, perhaps, along with watches and messes, it could be used as a means of preventing men from easily communicating with each other on board ship, a form of divide and rule. It is also possible that the *Jason* simply had many new men or a number of men turned over from other ships, whom had not yet had the occasion to get to know each other in a more familiar manner.

After hearing the final defence witnesses and questions of previous testimony, the court adjourned to discuss its sentence. Reading the trial minutes, the defendants appear more believable than Martin. Their testimony was generally given in great detail, and it would likely have been difficult for them to arrange their stories overnight after Martin's testimony, and then keep them straight. It is not known whether the men could have communicated with each other while they were in confinement on the voyage from New York to Halifax, or when they were held on the *Ramillies* and *Belleisle* in Halifax Harbour during the course of the trial. On 29 September, the sentence was then read "in Open Court on the Quarter Deck" of the *Acasta*, with "...the evidence being present and a Boats Crew from each of His Majesty's Ships & Vessels in Port sent for by direction of the President to hear the same..."

The charges against six men - William Caton, Mounsey Tinning, Peter Bond, Thomas Campbell, and the only marine to be formally charged, Patrick Brown were fully proved in the opinion of the court, and they were sentenced to death by hanging. The six condemned men were transferred to the *Cleopatra*, as both the *Belleisle* and the *Ramillies* sailed from Halifax Harbour on 5 October. The *Jason*'s logbook prosaically notes in the entry for 10 October:

PM ½ past 3 recd from HMS *Cleopatra* the 6 men that were sentenced for Death by a Court Martial", and on 12 October 1807 "AM Made the signal 257 at 8:15 was Executed Wm Caton and Morrissey [*sic*] Tinning (Seamen) according to Sentence passed upon them by Court Martial for Mutiny. PM Arrived HMS *Bellona* and Leopard and HM Brig *Columbine*.

Even though all six men were led out for execution, four received last-minute reprieves, and only Caton and Tinning were executed. According to the *Jason*'s muster and pay books, Berkeley ordered Campbell, Dinen and Brown discharged into the *Leopard* on 14 October.⁹⁶ These men, along with Peter Bond, had their sentences commuted and were confined aboard a prison hulk in England.⁹⁷ Charges were proved only in part against five other seamen, all of whom had also been sentenced to death, but in consideration of circumstances, the court recommended them to the king for royal mercy.⁹⁸ The remaining thirty-four men had been acquitted. Most were dispersed among the other vessels of the North American station, including the *Leopard* and the *Star* sloop, by Berkeley's order.

The remaining ship's company of the *Jason*, meanwhile, petitioned the Admiralty Board on the 7 October, even though they knew this was risking yet another charge of mutiny and a horrible death at the yardarm. They complained of the tyranny of their unnamed captain and contrasted his conduct "...with the behaviour of his Father the Admiral..."⁹⁹ As with most other petitions after 1797, little or no action seems to have been taken in response to the letter from the men of the *Jason*. The men behind the petition were lucky not to have been identified and brought to trial for mutiny as had occurred to the authors of many other "anonymous" petitions by ship's companies after the mutinies of 1797. The petition could not have arrived in London before the sentences on the condemned men were carried out on 10 October, but it may have had some effect with regard to the granting of pardons to those sentenced to death by the station commander.

The trial and the executions seemed to have little effect in deterring desertion in the North American squadron. Seamen and marines continued to run from their ships. Within

⁹⁶ But do not appear on her pay books: TNA:PRO, ADM 35/2884, *Leopard* pay books, 1 Sept 1807 to 31 Aug 1811. There also seems to be no mention of the transfer of the condemned men (nor of the executions of Campbell and Dinen) in the *Leopard*'s captain's log, ADM 51/1725 Part 4, Log of S.P Humphries, 17 Aug 1807 to 12 Feb 1808. Bond does not appear on the *Jason*'s muster so his fate is unclear..

⁹⁷ TNA:PRO, ADM 12/127, Digest 28.3 Courts Martial, *Jason*, 24 Nov 1807, Sec of State.

⁹⁸ The five were John McNeil, William Lang, Edward Milton, Joseph Molena and Thomas Martin. All were discharged into the *Leopard* by order of Vice Admiral Berkeley on 14 Oct 1807, but again do not appear on her pay books, nor are they mentioned in the ADM 12 correspondence indices for the *Jason*.

⁹⁹ Unfortunately, the petition of the *Jasons* does not seem to have survived in the Admiralty files, only references to it in the indices to correspondence. TNA:PRO ADM 12/127, Digest 23.2 Complaints, *Jason*, 7 Oct 1807, 27, Petitions. It is not present in ADM 1/5127, Petitions to the Admiralty 1805-1810.

days, on 16 October, the *Jason* received on board three deserters from the *Bellona*, the flagship of the squadron, for confinement, after the men were recovered by the *Mullet* schooner. According to her musters, there were 238 seamen and marines on board the *Jason* at the time of her mutiny in New York.¹⁰⁰ Eighty-four seamen were English (thirty-five percent), forty-seven were of unknown nationality, twenty-nine were Irish (twelve percent), thirty-two were American (thirteen percent), sixteen Scottish (seven percent), fifteen men of foreign birth (seven percent),¹⁰¹ seven men from other parts of the British empire,¹⁰² and five Welsh. The proportions were somewhat reversed among those charged with mutiny at the court martial. Although the English made up roughly thirty-five percent of the ship's complement at that time, they only comprised fifteen percent of the mutineers. These were led and comprised predominantly by American (twenty-one percent), Irish (thirteen percent), Scottish (eleven percent), and foreign and other non-metropolitan imperial seamen (nineteen percent), as well as one sole Irish marine.¹⁰³ Another marine involved was the American George White; he turned king's evidence and was not court-martialled. Once again, the proportions of non-English seamen making up the mutineers and the reasons cited for their actions highlights the difficulty of stressing the forging of any sense of Britishness on the lower decks of ships in North America at this time, as can be seen in subsequent mutinies on the station as well.

The *Bream* mutiny¹⁰⁴

On Saturday, 8 February 1808, the *Bream* schooner was resting at single anchor in Hampton Roads, Virginia. Bartholomew Day, the schooner's master's mate, had been left in charge of her while her commander, Lieutenant George Miall, was on board the *Statira*, also

¹⁰⁰ Very unusually, the marine contingent also had their places of birth recorded on the *Jason* musters, which was not normally the practice in the navy or among ships in North America at this time. Roughly sixty percent of the marines on board at the time of the mutiny (twenty-eight in total, including a drummer, a marine boy, twenty-three privates, a corporal, one sergeant and a lieutenant) were all born in England, with the exception of the Welsh sergeant, nine Irish, one Scottish and one American private marine, the latter born in New York. This latter was George White, who figures prominently in the events surrounding the mutiny.

¹⁰¹ The foreign contingent comprised seven Swedes, one Dane, one Frenchman, four Germans, and one man from Russia and another from Venice.

¹⁰² Four men from the West Indies, one Jerseyman, and a man each from Bombay, India and Botany Bay, New South Wales.

¹⁰³ Of the forty-five men formally charged with mutiny and the two others summarily punished by Cochrane before the trial, ten were American, seven English, six Irish, five Scottish, three Swedish, two Welsh, two Germans, one Canadian, one Nova Scotian, and one Portuguese. Nine mutineers had no place of birth recorded.

¹⁰⁴ Except as noted otherwise, the following account is taken from TNA:PRO, ADM 1/5386, Courts martial papers, Mar-Apr 1808, Court martial of W. Stock et al, *Driver* at Bermuda, 3 Mar 1808.

moored in the roads nearby. Between six and eight o'clock that evening, the weather turned foul, and Day went below and turned all hands up from below decks to strike down the foretopmast and the foresail yards. Returning to the schooner's deck, he noted that one of the men, William Bradley, was "in a passion." Day ordered the man onto the topsail yard to unbend the gear in the rigging there. Bradley climbed to the yard, promising loudly "...there would be a blue Watch for some of us to Night." Day immediately ordered him down from the rigging, and aft into the schooner's cockpit. Once the topmast and yards were safely down and stowed, a midshipman told Day that he had overheard Bradley calling some of the other men "damn'd infernal Robbers" and threatening to "tell all I have heard." At this, the master's mate took Bradley aft to one of the few private locations on the schooner, its main cabin, to query him with regard to his outburst and comments. It turned out that for the previous two nights, Bradley had heard men in their hammocks conspiring to desert. Bradley initially refused to provide their names, but eventually gave in to Day's persistent questioning.

Apparently at least fourteen men of the schooner's complement of forty men were considering cutting her cable, and running the vessel ashore to desert in Virginia. They had spent the previous two nights carefully feeling out other seamen on their attitude towards such an action. Day quickly questioned a few of the men named by Bradley, bringing them aft individually one at a time. Once he had confirmation that a potential mutiny was afoot, he immediately armed himself with a musket and a pistol, ordered the men he had questioned confined to the schooner's cockpit, and made the emergency signal for assistance to a vessel in distress to the *Statira*. After two attempts to attract the attention of the larger ship by firing his weapons, a boat eventually came across to the schooner carrying her commander. Miall immediately sent the two men seen as being most implicated in the plot across to the *Statira* where they could be held more securely. The next morning, Day discovered that the schooner's anchor cable, which was holding her in place, had been cut with a knife.

Nine of the men were charged with mutiny and tried on board the *Driver* sloop at Bermuda on 3 March 1808.¹⁰⁵ Several testified that William Stock, one of the men Bradley

¹⁰⁵ The nine were William Stock, Robert William, George Fulkinson, Abraham Gerrard, Corey Scofield, Lewis Lewinge, Eliza Nantz, Thomas Mitchell, and Michael Hampton. The President of the Court was President: Captain Sir Robert Laurie Bart., commanding the *Milan* and second officer in command at Bermuda, while the captains and commanders of the court included John Conn, the Right Honourable Lord William Fitz Roy, William Henry Byam, and John Evans – a minimum court of five officers of command rank. Byam and his crew had been court martialled and acquitted for the loss of the *Bermuda* sloop some months earlier, save for five men

had identified, had approached them, but almost to a man they insisted that they did not intend to leave the *Bream*. One seaman, Henry Charming, noted that when Stock was told of this reply, the ringleader promised Charming “anything he wanted in the world” if he would not mention the previous conversation. Charming also testified that he had heard one man say that he would take the life of anyone who opposed the mutineers, but then claimed not to know exactly which man had threatened violence. Bradley’s testimony stated that there had been some concern that another warrant officer, Thomas Green, was going to punish some of the hands to “...gain satisfaction” for some previous misdeed.

Elias Parry, the Welsh-born quartermaster, testified that on the Sunday morning following the failed mutiny attempt that he had heard a man say that the mutineers would have done much better on Saturday night if only they had called Mr. Carter, the midshipman, below decks, “...to treat him to a Glass of Grog.” This would presumably have been in an effort to get the young boy drunk. One of the officers of the court asked Parry whether Robert Williams, one of the seamen who had been accused of cutting the cable, had spoken to Parry the night of the mutiny “...in Welch, saying you are a Quarter Master, as bad as the rest, and drawing the Knife at the same time?” Parry replied that he and Williams had spoken in English, and Williams had simply been complaining that as a quartermaster Parry was able to get more sleep while the *Bream* was at sea. He also noted that Williams had drawn his knife to emphasise the point that things were so bad for him aboard the schooner “...that very little would make him cut his own throat.”¹⁰⁶

In their written defences, several of the men, noting that they had no intention of deserting, remarked that they would have had ample opportunity to desert at Halifax if they had desired to do so as the *Bream* had lain close inshore as a guard vessel there searching ships for deserters and pressing men. In similar fashion, others submitted for the consideration of the court that they were trusted men who had belonged to the schooner’s boat crew for some time, and had not run previously. Of nine written defence statements, only two were signed by the men in question. The other seven had the men’s mark witnessed upon them. This would seem

who had deserted after the sloop had run aground. TNA:PRO, ADM1/5388, Courts martial papers, Jul to Aug 1808, Court martial of W. H. Byam, *Milan* in Halifax Harbour, 19 Jul 1808.

¹⁰⁶ It was certainly not unheard of for men to maim themselves in an attempt, usually futile, to avoid a punishment or duty, or even to commit suicide while onboard a vessel. With regard to the former, cases of self-mutilation could themselves be punished, and even brought to a court martial.

to imply that even in this late period, many able and ordinary seamen were illiterate, which undermines the contention that literacy was common aboard ship at this time on the lower deck.¹⁰⁷

The case of the *Bream* illustrates that while men were obviously willing to desert in the United States, it is certain that others, particularly petty and warrant officers who had a vested interest in a career in the naval service, were not always so inclined. The men may have protested too much their lack of intention to desert as certainly Virginia and the Chesapeake was much more attractive than Halifax for such an act. The quick action of Day had undoubtedly saved the *Bream* from a fate similar to that of the *Vesta* schooner, the *Jason* frigate, and the *Columbine* gun brig, to which we now turn.

The *Columbine* mutiny revisited

A succinct and fairly accurate summary of the events of the *Columbine* mutiny was published by H.F. Pullen in 1978.¹⁰⁸ The account presented here provides a somewhat more detailed and nuanced version of the event than that presented by Pullen, or indeed by Captain George Hills of the *Columbine* in his reports to Sir John Borlase Warren, the station commander at Halifax, after the event. Both these accounts focused primarily on the enticement of British naval seamen to the United States by higher wages aboard merchant vessels there, and the role played by pressed seamen. While financial inducement was a factor, the mutiny was more complex than portrayed in either version. It included an outspoken desire

¹⁰⁷ Rodger, *Command of the Ocean*, 212.

¹⁰⁸ H.F. Pullen, "The Attempted Mutiny onboard HM Sloop *Columbine* on 1 August 1809," *The Nova Scotia Historical Quarterly* 8, no. 4 (1978):309-18. Pullen's account, while objective, accurate, engaging, and sympathetic to both the officers and the men of the *Columbine*, is in some ways too succinct. It appears to rely primarily on the captain's logs and sentences of the courts martial related to the events, rather than the minutes themselves, some of which are over one hundred copperplate manuscript folios in length. Because of this Pullen misses the significance of other motivations behind the mutiny. These include the behaviour of Hills, and that the president of the court in Halifax for the main trials of both the deserters and the mutineers, which sentenced several men to death, was Sir Alexander Cochrane. Captain George Cockburn, his flag captain, sat on the court as well. Pullen also did not discuss the overall ethnicity of the ship's company despite his use of the *Columbine*'s muster books, beyond the backgrounds of the individual mutineers themselves. Nor did he make use of the extensive John Borlase Warren papers. Finally, he does not note that Hills later had his first lieutenant court-martialled upon return to England in 1810. Unless noted otherwise, the account herein is drawn from: TNA:PRO, ADM 1/5399, Courts martial papers, Aug to Sept 1809, court martial of A. Gilmore, *Pompee* in Halifax Harbour, 5 and 6 Sept 1809; that of W. Coates, *Pompee* in Halifax Harbour 5 Sept 1809; of J. Hitch et al, *Pompee* at Halifax, 12 and 13 Sept 1809; and of R. Norris et al, *Pompee* at Halifax, 6 to 12 Sept 1809. Details of the backgrounds of the seamen and marines are drawn from the musters and pay books of the brig. ADM 37/1096, *Columbine* muster tables, 19 Aug to 31 Oct 1806; ADM 37/1097, *Columbine* muster tables 11 May to 30 Jun 1809; and ADM 35/2706, *Columbine* pay books, 9 Aug 1806 to 16 Mar 1810.

for liberty among several pressed seamen, but there was also an equal reluctance among others to engage in such an attempt. Several pressed seamen, including Americans, hesitated to join the planned mutiny, and some refused even to discuss secretly such plans. Among the ship's company, there was also dread of mistreatment and cruel, arbitrary and humiliating summary punishments inflicted by Captain Hills which had undermined his legitimacy of authority and that of his officers. Such punishments had occurred in the past and were again looming over the immediate futures of many of the men, perhaps over the objections of his more humanitarian first lieutenant, Thomas Robinson. Questions of American, French, British, and black identities were also central to the unfolding mutiny on the multiethnic and multiracial decks of the gun brig. In addition, once again, senior petty and warrant officers formed the core leadership of the revolt.

The minutes of the testimony of these men reveal that there had been several half-hearted and ill-planned attempts to seize the sloop, kill some of her officers and desert to the American shore before the actual and unsuccessful mutiny itself. The attempt began on 1 August 1809, while the brig was at Campobello Island in the Bay of Fundy, within a mile of the American shore, awaiting merchant vessels to escort to the West Indies. Yet in the month before that date the *Columbine* had suffered heavily from desertion while cruising in that region. Since American independence, the region around Campobello and Passamaquoddy Bay had been problematic for both the officers of the Halifax squadron and for colonial officials.¹⁰⁹ The imprecise boundaries between New Brunswick and Maine were in dispute, and customs officers on both sides of the frontier were prone to cooperate with both smugglers and deserters from the British navy and army.¹¹⁰ In May 1808, the American sloop of war *Wasp*, in company with a squadron of six gunboats, had taken possession of Moose Island, near Campobello, which had been adjudged to remain English territory by the peace commissioners, and erected a fort on it. The naval commander in chief in North America, George Cranfield Berkeley, immediately sent the *Cleopatra* frigate to Saint John, New Brunswick, to report on the American activities and to support the army detachment there.¹¹¹

¹⁰⁹ Lester, "Anglo-American Diplomatic Problems".

¹¹⁰ J.M. Smith, *Borderland smuggling : patriots, loyalists, and illicit trade in the Northeast, 1783-1820*, (Gainesville: University Press of Florida, 2006).

¹¹¹ NSARM, MG1, R. George papers, Letter No. 191, S.H. George to R. George, Halifax, 29 May 1808.

The problems in the Bay of Fundy led first Berkeley and then his successor J.B. Warren to recommend to the Admiralty that the convoy rendezvous for the West Indies be changed to Saint John, New Brunswick, or Shelburne, Nova Scotia, to make use of army garrisons and geographic location to prevent such incidents. Yet it was only after the experience of the *Columbine* in July 1809 that the Admiralty finally agreed. Even then, they forwarded the request to the Navy Board for its approval as many of the vessels in the convoys were composed of vital mast ships.¹¹²

Captain Hills wrote to Warren on 6 July, informing him that due to the very high bounty and wages of \$40 per month offered by American merchants in New England to British seamen, he had been losing many of his men to desertion. On 4 July, while at anchor in Harbour de Lute, he had sent a boat with six men and four officers to St. Andrew's, New Brunswick. There four of the men ran away, while he lost two other men that day who had deserted from the jolly boat.¹¹³ That night, thirteen seamen and three marines cut away the jolly boat from the stern of the brig and rowed off to the American shore. Hills sent his cutter manned and armed in hot pursuit.¹¹⁴ As Hills explained:

I have been fortunate enough to secure the Principal leaders and another who was compelled with many others by the quick discharge of musketry to Jump overboard; but the little distance that we lay off the Shore at this Anchorage favoured the escape of the rest that were not either Killed or drowned. Among the number of Deserters were the Centinels on the Gangway. I have yet only heard of Six of them who were seen on the American Continent.¹¹⁵

At least thirty men of the *Columbine* had originally planned to desert by hoisting her boats out from alongside at night and running them ashore. One boy had been tasked with letting down the jolly boat. He made ten attempts to do so but had to stop each time as he was at risk of being noticed by the officer of the watch. On the evening of 4 July, the men went aft. Instead of sticking to their plan, the men noticed the pilot boat alongside and some began to jump into it. Henry Coffee, a black marine sentinel, initially attempted to stop the men from fleeing. Nevertheless, when he saw how many were involved he quickly joined them. The men overloaded the pilot boat, which was already in such poor condition that it was at risk of

¹¹² TNA:PRO, ADM1/497, Berkeley to Marsden, Halifax, 14 Aug 1807, ff. 256-7; ADM1/499, Warren to Pole, 18 Aug 1809, ff.160-1.

¹¹³ TNA:PRO, ADM 51/2227, captain's log of HM Brig *Columbine*, Capt. George Hills, entry for 4 Jul 1809.

¹¹⁴ TNA:PRO, ADM 51/2227, entry for 5 Jul 1809.

¹¹⁵ TNA:PRO, ADM1/499, Hills to Warren, *Columbine*, Harbour de Lute, 6 Jul 1809, ff. 210-1.

foundering without them on board. Swamping it, they climbed back on board the sloop. Some then went to the stern and lowered the jolly boat, loaded as many men in it as possible, and rowed ashore. One Private Wilson, another marine sentry, shouted that if the men did not return for him, he would sound the alarm.

A few men were actually in the process of rowing the boat back to the *Columbine* so that more men could desert when they heard the gunner on deck enquiring into what was going on. They quickly turned the boat around and rowed back to shore, leaving the other would-be deserters stranded on the brig. At this point Coffee realised the danger of his and Wilson's situation, for in the eyes of the officers they would have at best been seen to have "failed" in preventing the men from running, and at worst to have collaborated with them in intending to desert. Finding himself left behind, the marine ran up the deck and came back with his musket, firing it in the general direction of the fleeing boat and sounding the alarm, while the remaining would-be deserters fled below decks. Both the gunner and sergeant of marines then came on deck with muskets and began firing, without success. Coffee would later tell the mutineers he only fired to clear himself, and not with any intention of hurting the deserters. From that night onward, the marine was very afraid that Hills would learn of his role in the desertions at Harbour de Lute, which continually motivated him to press the other men to move their plans forward to take over the gun brig.

After recovering the jolly boat, Hills decided that due to the length of time it would take to receive a response from Halifax and the likelihood that he would lose more men by staying in place at Campobello Island, he shifted to an anchorage at St. Andrews. This was a location where all vessels heading to that port must pass, and where a number of vessels from Europe were expected shortly. In his correspondence with Warren, Hills also noted how he intended to replenish his ship's complement:

I hope I shall soon be able to redeem my loss as many of the *Columbine's* Men may be soon at offer in the Trade from Boston and it being probable that some of the Halifax cruizers may board a great many of them.¹¹⁶

Hills then enclosed a list of names and descriptions of all the deserters and mutineers so that Warren could distribute them to all ships.

¹¹⁶ TNA:PRO, ADM1/499, Hills to Warren, *Columbine*, Harbour de Lute, 6 Jul 1809, ff. 210-1.

The captain obviously was not going to rely entirely on the other ships of the squadron, many of which were also short-handed, to recover his seamen. Instead, Hills promptly sent all his boats on the impress service, pressing fourteen men out of merchant vessels at St. Andrew's immediately after his arrival there on 13 July.¹¹⁷ Yet this filling out of some of the empty hammocks of his complement was short-lived. On the afternoon of Sunday 16 July, after mustering his crew, Hills again observed his jolly boat once again making a run for the American shore, this time with seven men aboard. The cutter again was ordered manned and armed to pursue the deserters but the men escaped. On the 17 July, Hills recovered his boat once more, and discharged two recently pressed men as being unsuitable. He then spent several days in efforts to recover back wages from the masters of the men he had pressed. On the 31 July, yet another man deserted while on this service.¹¹⁸

While at St. Andrew's, Hills also wrote to the American magistrate in Maine on 30 July, remarking how he had reports of six of his men on Moose Island, three of them working as labourers "...and walking about the Streets nearly naked." Possessing information about where they were residing, he desired that one of the magistrate's officers apprehend the deserters. Hills provided their names and descriptions and offered a bounty of three pounds for the return of each deserter to the men employed by the magistrate, noting that two other of his men were reported to be at liberty on Campobello Island.¹¹⁹ Yet the Americans proved uncooperative. In replying, magistrate John Burgin of East Port noted "...a Magistrate has no authority to arrest a deserter from any Vessel without the Ship is known in the Waters of the United States", but offered his assistance to find them – noting that none of the men were then on the island.¹²⁰

Hills wrote a similar letter to the British consul in Boston, also enclosing a list of seven men who had deserted from the *Columbine* while it had been in Halifax. Hills, with information that three of these men had recently sailed from Machias for Boston, exhorted the consul "...that every Energy should be made and exertion used to stop the frequent desertions

¹¹⁷ TNA:PRO ADM 51/2227, entry for 13 Jul 1809.

¹¹⁸ TNA:PRO, ADM 51/2227, entries for 16 to 31 Jul 1809.

¹¹⁹ TNA:PRO, ADM1/499, Hills to Burgin, St. Andrews, 30 Jul 1809, f.220; Treacher to Hills, HM Schooner *Holly*, 30 Jul 1809, f. 221.

¹²⁰ TNA:PRO, ADM1/499, Burgin to Hills, East Port, 5 Jul 1809, f. 218. The Americans perhaps were more cooperative with the British army, as the provincial secretary of Nova Scotia noted in June 1808 that the American commanding officer of Moose Island "...is very friendly and peaceable, he has taken up two deserters from the 101st Regt and sent them to Genl Hunter at New Brunswick." NSARM, R. George Papers, Letter No. 191, S. H. George, to R. George, Halifax, 19 Jun 1808.

from our Men of War to the States of America.”¹²¹ The diplomat reported that he was unable to find any trace of the men in Boston, while stressing that the “...present high price of Wages in the United States is a great temptation to desertion and sorry I am to say that neither the Civil or Military Power will lend their aid to detect Deserters.”¹²²

Hills’ plan of moving to a safer anchorage did not proceed entirely as he had hoped. The next day, the captain discovered that a plot was underway to kill him and his officers and to take over the brig. In a second letter of 11 August to Warren, the captain informed the admiral that the *Columbine*’s shift in anchorage to St. Andrew’s had been made all the more urgent by the mutinous feeling in the brig. Hills believed that just ten men of his ship’s company of 121 remained unaffected. He also sought assistance from the British army detachment at St. Andrew’s as all of his marines but three had been implicated also. Hills hoped to take soldiers on board to act as sentinels over his unruly crew and prisoners on his passage back to Halifax, but the commander at Saint John could not spare the men for the voyage.

An armed party of twenty-seven New Brunswick Fencibles went aboard the *Columbine* on 3 August at Saint John to act as marines while another party of seven Royal Artillerymen came on board on 5 August for the same purpose. Hills noted he had twenty prisoners confined, with many more implicated whom he was unable to confine “...for the want of Irons and Centinels to guard them ...” The embattled captain therefore did not feel it was prudent for the *Columbine* to sail, as:

without having either a Superior escort, or some military to act as Marines, being well assured that the whole of the Ships Company with but few exceptions are concerned in the mutiny and would yet if the opportunity offered be rash enough to attempt the rescue of the Prisoners and their own release notwithstanding the Severe example they have had before them in the Death of the Ringleader whose determined refusal to come upon deck when I ordered him left me no room to hesitate in the Propriety of Shooting.¹²³

¹²¹ TNA:PRO, ADM1/499, Hills to Skinner, St. Andrew’s, 6 Jul 1809, f. 219.

¹²² TNA:PRO, ADM1/499, Skinner to Hills, Boston, 15 Aug 1809, f. 222.

¹²³ TNA:PRO, ADM1/499, Hills to Warren, *Columbine*, St. Johns [Saint John, NB], 11 Aug 1809, ff. 212-3; ADM 51/2227, entries for 3-5 Aug 1809. There were 103 men borne for pay on the *Columbine* in July 1809, and it had an official complement of 121. Well over half of the ship’s company, some fifty-seven of the men, were pressed, and seven were born in the United States. Pullen, “Attempted Mutiny”, 310.

Hills went on to inform Warren that the boatswain and carpenter, as well as three French black men in the crew, also had acted as ringleaders, with the intention of killing the officers, then seizing the boats or the brig itself and running to America.

Between 12 and 26 August, the *Mullet* and *Bream* schooners, the *Plumper* brig, and the *Observateur* sloop (18) had arrived from Halifax or Annapolis Royal, allowing Hills the opportunity to disperse the mutineers, and replace his army guards with twenty-two marines brought for that purpose. Three mutineers were sent aboard the *Mullet*, thirteen prisoners were confined on board the *Observateur*, and fifteen others on the *Columbine*, reducing the chance of another uprising. At last, on 29 August, the *Columbine*, in company with the *Observateur*, sailed for Halifax.¹²⁴

Upon entering Halifax Harbour, Hills discovered that Admiral Alexander Cochrane had again arrived from the Leeward Islands station in his flagship the *Pompee* to make use of the naval facilities there. This made Cochrane the second senior officer present, and hence he held the duty to convene courts martial on the orders of the station commander. It again provided him the opportunity to preside over a major mutiny trial involving dozens of men, and the prospect of perhaps hanging some of them. A neutral observer, Samuel Hood George, the Nova Scotia Provincial Secretary and son of a former North American station commander, Rupert George, wrote to his father about the frosty relations between Cochrane and Warren, "...the two Admirals I believe look very blue at each other."¹²⁵

The fate of the mutineers, particularly the ringleaders, effectively was sealed at their trial when two petty officers of the brig turned King's evidence and testified against their messmates in return for immunity from prosecution.¹²⁶ According to their accounts the men, led by William Stock, Henry Lloyd and two black French seamen, Pierre Francoise and Jacques L'Oiseau, met secretly over several days in small groups in various locations

¹²⁴ TNA:PRO ADM 51/2227, entries for 12 Aug to 2 Sept 1809; Ibid.: 312

¹²⁵ NSARM, MG1, R. George papers, Letter No. 231, S.H. George to R. George, Halifax, 31 Aug 1809; Letter No. 199, S.H. George to R. George, Halifax, 1 Aug 1808; Letter No. 203, S.H. George, [to Mother], Halifax, 24 Aug 1808.

¹²⁶ These were Richard Lamb, and Edward Milton, along with Thomas Wright. Lamb was a 24-year-old Londoner who entered the brig at Port Royal, Jamaica on 8 Jan 1808. He was promoted to coxswain on 20 Feb 1809, then to boatswain's mate on 1 May 1809. Milton, also from London, entered on 22 Oct 1807 as an able-bodied seaman, before being promoted to captain of the foretop on 1 Feb 1809. Wright was a 21-year-old ordinary seaman from Manchester who volunteered at Port Royal on 4 Jan 1808. Immediately after the mutiny on 1 Aug 1809, Milton and Lamb were demoted to able-bodied seamen.

including the galley and the storerooms of the carpenter and boatswain.¹²⁷ The ringleaders spent this time feeling out the views of various uncommitted seamen and marines towards life on board the *Columbine* and their willingness to flee to America.

The ringleaders also spent much time and effort in discussing other matters. These included the best way to take over the vessel, who should be assigned to specific tasks (to the extent of drawing up a watch list for the actual mutiny, a perhaps fatal error) and whether the officers (and which of them) should be killed, confined, or met with violence should they actively resist. There were also concerns about whether the carpenter, Alexander Gilmore, and boatswain, William Coates, would be supportive (or at least non-committal) when the attempt was made, and which other seamen and marines might be untrustworthy or might actively resist when the plan was put into action.¹²⁸ Over the midsummer weeks of July, several of the men spent time in the carpenter's cabin drinking with him and "talking about their own Country", while the plan was repeatedly delayed and re-envisioned as the men argued over its details. Henry Coffee, wary of his earlier involvement in the mass desertion at Harbour de Lute, repeatedly and unsuccessfully pressed the ringleaders to take action before it was discovered.

The motivations of the men behind the mutiny were mixed. They included American, French, and black identities, high wages for seamen in the United States, vendettas against the officers for previous unspecified events, and mistreatment of men through degrading punishments and unnecessary duties inflicted upon them by Hills. By the end of July, a somewhat concrete plan had emerged. Lloyd, L'Oiseau, Françoise and Stock were to go aft between decks, where Edward Kelly, a private marine third class, was guarding prisoners confined after the previous attempts at mass desertion.¹²⁹ Kelly was to release the prisoners, and then together with the captain's steward proceed into Hills' cabin.¹³⁰ Other men were

¹²⁷ Stock, a 27-year-old ordinary seaman born in Timsbury, England, volunteered to join the brig at Port Royal on 8 Jan 1808, and received a bounty of £2.10s. Lloyd, a 44-year-old born in Philadelphia, had been on the brig almost since she was commissioned last. He entered as an ordinary seaman on 9 Sept 1806 from the army depot at Cowes Rendezvous on the Isle of Wight, before being reassigned as a member of the carpenter's crew four days later. Françoise, a 19-year-old landsman, and L'Oiseau, a 24-year-old ordinary seaman, were both from Guadeloupe, and entered in early September 1806 from the Cowes RV.

¹²⁸ Gilmore joined the brig on 25 Jun 1808, while Coates was turned over from the *Leopard* into the *Columbine* on 30 Oct 1807.

¹²⁹ Kelly had joined the *Columbine* as part of her initial complement of marines on 30 Aug 1806 at Portsmouth from the 151st Company.

¹³⁰ The identity of the captain's steward is unclear. In the court martial minutes the man is never named, but different men seem to imply that Kelly may have been fulfilling that role, and Kelly's testimony and access to the

stationed to go to the after ladder and secure two blunderbusses kept there, while another group would go on deck, wielding cutlasses, tomahawks and pistols secretly pilfered from their storerooms and chests over the previous days, to confine the officers on watch.

Lloyd, Françoise, L'Oiseau and Stock were the men most interested in killing Hills. L'Oiseau also had a vendetta against the brig's surgeon, indicating that the "doctor" would not be leaving the vessel alive. The latter told the men he would be quite willing to "pram pram" the captain at quarters that evening. When asked by other men what he meant, the Frenchman demonstrated with the aid of some unsuspecting seamen on deck how he would use a large carving knife to run up silently behind Hills on tiptoe and stab him. The gunner, the sergeant of marines, the surgeon, and a favourite marine of the captain, were all to be killed if they resisted.

Others tried to persuade the men not to think of committing murder. Edward Coughlan, a thirty-five year-old Dubliner, exclaimed "...he understood there was Murder to be committed, and hoped for the love of God we would not do any such thing..." Coughlan advised the mutineers to wait until the Water Flat came alongside and to use it to confine the officers without hurting them, and to let them go adrift. After the water flat did not come at the appointed time, the plan was put off until after supper. After assembling at quarters that night, the men continued to quarrel in small groups over the level of violence to be used, and details such as whether the hatch gratings should be nailed in place prior to the attempt to prevent the officers below from reaching the main deck. They again eventually returned to their hammocks without carrying the plan into action.

L'Oiseau and Françoise tried to encourage the wavering seamen by appealing to their sense of British identity, contrasting it with their own courage and identities as Frenchmen and blacks. They pleaded with the men "...that although they were Frenchmen they had better hearts than us, and if we stopped until we got to Sea they would discover on every man." Françoise similarly exclaimed that although he was black, he had more heart and courage than any of the other men for carrying the mutiny forward, with he and Lloyd both remarking that they could "bear hanging" as well as any of the others. After a dispute with the surgeon onshore at St. Andrew's earlier in the month, L'Oiseau exclaimed "...he was born a Frenchman

captain's cabin imply likewise. There is no man with the quality of captain's steward on the musters or pay books, and the sole clerk had been discharged months before the mutiny.

and would die one..." On the morning of 1 August, Lloyd and Françoise stated that if another ringleader Edward Milton, refused to participate as planned, Lloyd's "...black Boys would soon do the business."

Edward Kelly told the men that after the first desertions had occurred, he had seen a list of names on the captain's table. Hills apparently meant to punish these men as soon as the *Columbine* went to sea, or was joined by another British man of war. The captain intended to give each man from one to ten dozen lashes to encourage them to provide the names of those who had been involved in planning the mass desertion attempt at Harbour de Lute. As one man confessed and provided another name, Hills proposed to tie up the newest conspirator and whip him until another was given up. Kelly and Lloyd were both on this list, and the former believed that Hills planned to place all the suspected conspirators in irons shortly. Kelly, who also was keen on murdering the captain, remarked on several occasions that if Hills got the sloop out to sea, he would "...use us worse than ever he did before." The marine had also overheard a conversation between Hills and Robinson, where the captain asked his first lieutenant if he was not afraid of the men. The lieutenant replied that he did not fear for his own safety, while Hills feared what the ship's company might do to his own person. The mutineers generally agreed that Robinson had no reason to be afraid.

Captain Hills, on the other hand, had invoked the wrath of his men due to the nature and severity of some of his summary punishments. Apparently he believed that humiliating the men was the best way of keeping them in line and on their toes, and his favourite technique of summary punishment was to flog them "on the Breech" while they were tied bent over the cannon in his cabin. Alexander McKinley, a 29-year-old from Newcastle, England who had recently been demoted from able-bodied to ordinary seaman, testified in his own defence that the captain was well known for giving out this punishment for very slight offences. McKinley, who had been involved in the theft of powder and shot for the pistols used by the mutineers, had received forty-eight lashes in this manner simply for having tar on his hands from working aloft when mustered for inspection. The seaman also testified how he and other men had been "very ill used" on board the *Columbine*.

Joseph Gasden, a thirty-nine year-old volunteer able-bodied seaman from Northampton, England, with some fifteen years in the service, noted that he had been flogged twice on the backside for "very trivial offences" when he was captain of the foretop. The first

punishment, for not answering the call of the boatswain's mate immediately, had been thirty-six lashes. The second offence, for hailing some of the foretop men to come up and assist him with the sails, resulted in forty-eight lashes. Gasden believed at the time of this latter "crime" he was carrying out his duty, and had been punished without cause.

Edward Kelly also begged the forgiveness of the court on similar grounds. In his defence, he related how Hills had a French cabin boy who waited on him, and that Kelly was obliged by Hills to attend to the boy's orders. The latter frequently referred to Kelly as "his Slave, and was otherwise Insolent". One day when provoked beyond the point of reason, Kelly lashed out and struck the boy. Hills threatened to punish Kelly severely if the latter did not beg the boy's pardon, but the marine refused to do so. Hills struck the man on the head, and ordered him seized up on the gun in the captain's cabin. Lieutenant Robinson saw Kelly tied there, and told the marine that he should not be punished if it could be proved that the French boy had been insolent. Robinson, satisfied of this by Kelly, went to the captain to try to have the flogging remitted, but his attempt was unsuccessful. Upon returning, Robinson informed Kelly, still tied over the breech of the gun, that Hills had ordered "...he should receive three Dozen on the Backside."

After the first twenty-four blows, Kelly was in such dangerous shape that Robinson sent for the brig's surgeon, William Cumming, who ordered Kelly cut down. The lieutenant told the "doctor" that the captain had to be informed before this could occur. When informed of the intervention of the surgeon, Hills ordered the entire punishment inflicted. In his court martial defence, Kelly "...begged the Court would for a moment reflect how degrading a thing it must have been to the feelings of a Man to be punished for so trivial an Offence and in a manner in which generally none but the worst of Characters are treated."

Captain Hills himself questioned Robinson at the trial with regard to Kelly's punishment. Robinson noted that Kelly could have deserted at Halifax because of this incident, but did not, and that Hills had forgiven him for being absent without leave at that port. While testifying that it was not Hills' "general mode" of punishment to flog men in such fashion, peculiarly the first lieutenant could not recollect how many men had received such treatment. Prompted by Hills, Lieutenant Robinson also told the court that with regard to the ship's complement, their "...indulgences were greater than at the time Captain Bradshaw commanded the Ship, by their Breakfast and Dinner hours being prolong'd and the

Punishments less frequent.” Robinson, with nearly twelve years experience in the service, stated he had never seen more comforts for the men or less frequent punishment than on the *Columbine* under Hills. The lieutenant also remarked that the characters of the men who had been punished at the gun were generally bad. Lieutenant Robinson, despite his apparent humanitarian intervention on behalf of Kelly and the testimony given under King’s evidence that he was not at risk from the ship’s company, had provoked the ire of several of the men. A few days before the mutiny, he had ordered the men to sling clean hammocks. While carrying out the work in the July heat, McKinley remarked to his brother seamen that it was a damn shame to be doing such tasks. The Geordie seaman thought the *Columbines* could have gone forward with the mutiny instead, and expressed the desire to shoot Robinson, if only he had a pistol to do so.

The lure of America also motivated several of the crew. Hills had previously publically humiliated Richard Norris, the pilot, and had ordered him off the quarterdeck. The captain had wrongly accused Norris of mistaking the land and putting the brig at risk. Since then, the pilot had made subtle references to the high wages of forty or fifty dollars per month available to seamen in the United States. Norris also implied he had connections ashore able to move men across the frontier undetected. At the time of the first mass desertion at Harbour de Lute, one of the men had cried out “...this was the land of Liberty before them and now was the time to get rid of Slavery.” The main ringleaders, in their discussions with other seamen, took up this same discourse, and often pointed to the shore during their conversations so the uncommitted men could see how close the “land of Liberty” was. Some pressed foreigners were also in favour of the effort. It was recorded in the minutes that Marinius Brooks, a thirty year-old able-bodied seaman born in Emden, had frequently told the men that they were being treated like slaves, and that he himself did not belong in the British service, as he had not been pressed out of a British ship. Brooks also noted that in his defence that if he had wished to leave for America, he could have as he had a wife there and a protection against impressments, which Hills had refused to even examine, let alone honour.

Motivations for not participating in the mutiny were equally diverse. These were centred primarily around the risk involved – personal, as well as to career, family, and status. The delay in deciding upon a plan and then putting it into action was also a major obstacle, as it greatly heightened the risk of discovery. Lamb, one of the turncoat mutineers who presented

king's evidence, testified that he had put the names of several newly pressed men on the mutineer's station list without their knowledge as he assumed they would automatically want to participate. When these men learned of this, some asked him to have their names removed, refused to talk to him, or remained non-committal. One, Richard Shippard, a Londoner who had been pressed at St. Andrew's, New Brunswick on 13 July 1809, told Lamb "...a still Tongue kept a wise head." Shippard had to support a wife and family ashore, and desired Lamb not to discuss any such plans with him. John Solmes, the captain of the foretop, listened to an outline of the plan and then turned away, as "... he did not think he should have anything more to say." Several newly pressed men also asked that the ringleaders not speak to them, as they were unsure of the gravity of the potential offence, and whether they would come to harm in any future trial.

Meanwhile, the number of men concerned over the delay and the near-open disputes over planning grew, with several indicating that if an attempt was not made immediately, they would take no further part in any effort. Prompted by L'Oiseau, the men agreed to mutiny while at quarters that evening. Milton, very uneasy at the thought of a deck strewn with the corpses of officers, now went to the quartermaster James Stewart, and informed his superior of what was about to occur. Stewart testified that Milton had been afraid of going to the captain, for fear of what punishment might be meted out for having been involved in the plans. Even then, Milton only came to Stewart when he was convinced of the mutineers' intention to murder some of the officers. Stewart reassured the man of his safety and then immediately reported the information to the captain. Unfortunately, the minutes do not reveal the actions taken by Hills in light of this information. It seems likely he would have armed his officers and marines, yet he appears to have taken no overt action until after the men had been mustered, and dismissed from quarters that evening.

At quarters, all seemed ready for the mutiny but no man was now willing to take the lead. Milton was told by a newly pressed man that the other mutineers had learnt that one of Lloyd's messmates (Milton was one and Stewart the other) had informed the officers of the plan. The captain now knew that eight or ten of the mutineers were armed and intending to cut down any man who resisted. Sometime shortly thereafter, once the men had again returned to their hammocks without taking any action, the captain ordered Archibald Wallace, the brig's gunner, to bring Lloyd up on deck. Wallace went below, where Lloyd "...swore by the Holy

Ghost he would not go up on Deck alive...” and immediately called out for assistance to his fellow mutineers by name, calling them “cowardly Buggers” when they made no effort to assist him or rise up. Wallace’s testimony provides the full account of the struggle that eventually resulted in Lloyd’s death:

...Stock moved as I thought to get out of his Hammock, I presented a Pistol at Stocks and told him if he stirred, I would blow his Brains out, he laid down immediately; at the same time Lloyd laying hold of the Pistol I had in my hand, with an intention of taking it from me, which I prevented by dragging him out of his Hammock; in the Scuffle we got into the Carpenter’s Cabin, I told him to go on Deck immediately to the Captain, his answer was ‘no, I will have your life and the Captain’s first’ at the same time taking knife from the Carpenters Cabin he cut me on the back of the hand which was over the Guard of the Pistol, singing out for the same Men he had called before, and saying he had got the Pistol. I said that the first man that came before the Coppers I would blow his Brain out...Captain Hills sang out to me not to shoot him; I dragged him out as far as the Flags in the Galley still holding the Pistol...

The captain himself then climbed down the ladder, calling out to Lloyd that he did not wish to hurt him. Lloyd again replied that “...you shall never get me on Deck alive” After several repeated exchanges of this nature and with Lloyd and Wallace still violently grappling for the loaded weapon, Hills raised his own pistol over the gunner’s shoulder and fired, hitting Lloyd in his left shoulder and apparently ending any attempt at mutiny by the ship’s company. Lloyd, who later succumbed to his wounds, fell to the deck, again “...calling the People, cowardly Buggers”.

John Borlase Warren reported the incident to London on 14 September 1809, noting that after the *Observateur* had escorted the *Columbine* back to Halifax, some twenty-three seamen and marines were court-martialled, nineteen for mutinous assemblies, and four others at a separate trial for attempting to desert earlier at Harbour de Lute. In addition, the carpenter and boatswain were also court-martialled separately. The boatswain, William Coates, as well as Jacques L’Oiseau, Alexander McKinley, William Stock, Edward Kelly and Henry Coffee were all sentenced to be executed by hanging immediately for making mutinous assemblies. The bodies of L’Oiseau, McKinley, Stock, and Kelly were to be gibbeted “in such conspicuous place as the Commander in Chief shall think fit”, which in the case of Halifax was Mauger’s Beach in the harbour approaches.

Again, as with the *Dygdens* mutiny above, the public ritual and theatre of capital punishment, and the supposed penitence and redemption of the prisoners, was present. The report of the execution in one Halifax newspaper noted how:

From the time of their condemnation to the period of their execution, the prisoners evinced the most penitent and contrite spirit; by the sincerity of their confession, and by their tears and humiliation in their devotional services.

Previous to their ascending the scaffold, they expressed a desire publicly to declare the deplorable state of their feelings, and the justice of their sentence, and as they could not be an example of virtue, they trusted that the punishment they were now to suffer might deter others from the commission of like crimes – They at this awful moment earnestly wished to prevent any misconception in the public mind, which might operate to the disadvantage of their Captain, or the Officers of the ship to which they belonged: as they never received any treatment, correction or punishment; other than what was justly due, and consistent with the rules and regulations of his Majesty's Navy.

At the same time they requested that they might exchange mutual forgiveness, and part in piece with their shipmates, on the testimony of whose evidence they had been convicted.¹³¹

These declarations supposedly had been made in the presence of the three clergymen who had attended upon the prisoners in their last hours.¹³² Yet its format matches so precisely the desired penitent behaviour of condemned prisoners in the English justice system, that one wonders how much of it was based on their true feeling, and how much extracted from them at a moment of severe stress, or if it was simply composed by Warren or another naval official for public consumption. Men's religious beliefs were clearly used as a means of supporting social order and authority in the ships of the squadron (and ashore in Halifax as well). It is very difficult to accept that a condemned man would be able to forgive those messmates who had testified against him – particularly if the latter had done so to save their own skins. It also flatly contradicts most of the testimony from the court martial regarding the bizarre punishments inflicted by Hills, and the fear the crew had of arbitrary punishment for trivial acts.

Pierre Françoise, being a "most miserable and ignorant wretch" in Warren's view, was to be confined pending views on royal mercy from London. James Jackson, Edward Coughlan, Thomas Herne, John Sheridan and Joseph Gasden were all to be transported to some part of his Majesty's foreign dominions, in irons as convicts, for seven years, after being flogged through the fleet for good measure. They were to be kept in irons and used as convict labour in any

¹³¹ *The Nova-Scotia Royal Gazette*, 19 Sept 1807.

¹³² Robert Stanser, Edmund Burke and George Wright.

place desired by the commander in chief until their ultimate destination was made known.¹³³ Four others also were flogged through the squadron.¹³⁴ The charges of participating in mutinous assemblies were not proved against the carpenter, Alexander Gilmore, but the charge of “concealing mutinous designs” was fully proved; he thus was dismissed from his position and transported as a convict in irons for fourteen years. The four men who had attempted to desert at Harbour de Lute and who had been recaptured were also to be flogged through the fleet at Halifax.¹³⁵ Finally, Warren considered the three seamen who had given King’s evidence to be “...improper people to be kept upon this station...” He had them sent them home to England in the *Squirrel*,¹³⁶ while also forwarding copies of Hills’ correspondence with the various American authorities relating to the problem of desertion and recovering deserters in the Bay of Fundy.¹³⁷

On 29 September, Samuel Hood George informed his father of the proceedings of the court martial, remarking that it was now:

Ten days since some unfortunate seamen were executed for mutiny onboard the *Columbine*, a Brig of War, you will of course hear of it in England, and of course as in every other instance of a similar nature the Capt’n will be very much blamed, which he does not deserve, for had he not shot the Ringleader at the instant he discovered the insurrection, he and his Officers would all have been murdered, and it is universally acknowledged that there never was a ship worse manned than Capt. Hills’. Our worthy Admiral is by some supposed to have been rather too hard-hearted in... [pardoning only?] ...one out of the six, two would undoubtedly have been quite sufficient for example. However he knows best. Four of them are hanged in chains on Majors beach, which is very disagreeable as it is hardly possible to sail anywhere below George’s Island without being offended at the sight of those unfortunate sufferers.¹³⁸

¹³³ TNA:PRO, ADM 1/499, Warren to Pole, Halifax, 14 Sep 1809, f. 208. Prior to being transported, Jackson and Herne were sentenced to receive 400 lashes, and Coughlan and Sheridan 300 lashes, all with a halter around their necks. Gasden was flogged with 300 lashes without a halter.

¹³⁴ William McGrath and Thomas Kelly with 300 lashes each, while charges were partly proved against Marinius Brookes, who received via the court’s discretion, for circumstances unknown, the harsher sentence of 500 lashes. William Selburne was also flogged for 200 stripes. Charges were not fully proved against Richard Shippard and Nicholas Corisco. They were still punished, as they had some knowledge of the mutiny going forward, but because of unspecified favourable circumstances were sentenced only to be admonished.

¹³⁵ The charge of enticing others to desert was not proved against John Hitch, but for attempting to desert he received 150 lashes, a reduced sentence due to his previous good character. For attempting to desert James Kennedy was to receive 300 blows of the cat, Jacob Smith and James Gray 200 each.

¹³⁶ TNA:PRO, ADM1/499, Warren to Pole, Halifax, 30 Sep 1809, f. 214.

¹³⁷ TNA:PRO, ADM1/499, Warren to Pole, Halifax, 7 Oct 1809, ff. 216-9

¹³⁸ NSARM, MG1, R. George papers, Letter No. 235, S.H. George to R. George Halifax, 29 Sept 1809.

Alexander Cochrane, meanwhile, took the opportunity of being in Nova Scotia to extend his stay there. He sailed to Pictou with his flagship the *Pompee* to inspect his recent land grant there. Several of his boat's crew took the opportunity to desert.¹³⁹

A postscript to the *Columbine* mutiny involves her First Lieutenant William Robinson and Captain George Hills. On 26 February 1810, another court martial sat onboard the *Thisbe* at Greenwich in the River Thames, to examine charges brought against Robinson by his captain for disobedience of orders, unofficerlike conduct, disrespect and insolence.¹⁴⁰ The charges stemmed from three separate occasions in October 1809, while the brig was at Halifax and later while cruising between Halifax and Cape North in the Gulf of St Lawrence. On the first occasion, Robinson apparently violated a standing written order that Hills had established in the brig's order book, which forbade any boat to come alongside after the firing of the gun marking the setting of the sun.¹⁴¹ On 5 October 1809, Robinson came alongside fifteen minutes after gunfire, returning after having been delayed while on some unspecified duty ashore. The brig's new master, Nathaniel Prynn, who had the watch, asked Hills if he should allow the first lieutenant to board, and Hills denied permission. Robinson returned ashore and did not return to the *Columbine* for two or three days after this incident. Robinson's absence resulted in him missing the flogging around the fleet of six of the men who had been court-martialled, as the next morning, the *Columbine* sent her boat manned and armed to attend their initial punishment alongside of the *Penelope* frigate.

The second incident occurred on 19 October, while on a cruise. Robinson relieved Prynn during the evening watch while Hills was also on the quarterdeck. Calling Robinson to him, the captain remarked that the ship seemed to be losing her headway and was no longer in the wind. Hills then accused the lieutenant of not finding out the state of the ship when he took over his watch and for not correcting this problem immediately when pointed out to him by the captain. Hills testified that an insolent Robinson had replied in "unofficerlike" manner, had disobeyed orders by attempting to speak after Hills had ordered him to be silent, and had not touched his hat in salute when he came onto the quarterdeck and was first was called over to speak with the captain. It is unclear from the testimony what their conversation actually

¹³⁹ NSARM, MG1, R.George papers, Letter No. 237, S.H. George to R. George, Halifax, 8 Oct 1809.

¹⁴⁰ Unless noted otherwise, the account which follows is drawn from TNA:PRO, ADM1/5402, Courts martial papers, Feb to Mar 1810, court martial of T. Robinson, *Thisbe* at Greenwich, 26 Feb 1810.

¹⁴¹ The order book was produced at the court martial, but unfortunately, like most of its kind, it does not seem to have survived. See Chapter 1.

entailed, and whether any of this occurred, as the main witnesses, the master and the seaman at the helm, both seemed to suffer from severe memory loss at the trial, and bad hearing at the moment of the incident. After a short discussion, Hills ordered Robinson confined below in his cabin, and informed him he would be facing a court martial for his behaviour. According to Hills, the lieutenant petulantly threw his speaking trumpet onto the deck towards the master when storming from the deck, but the witnesses implied that Robinson calmly left the deck after setting it on the capstan by the master and properly handing the watch over to him.

The third, and final, contretemps between the two men occurred on 30 October. Hills, realising that he did need Robinson to help him navigate and run the brig, ordered him to return to his duty through the mediation of a third party, Lieutenant Thomas Jackson. Robinson noted he had been removed from his duties by the captain and was under sentence of an upcoming court martial. He then politely indicated that the only possible manner in which he could return to his duties would be once said court martial had fully acquitted him of all charges. This reply only infuriated Hills. Despite cajolements, threats and probably the appeals of others aboard, Robinson held his ground and refused to come on deck. Hills at this point took away the previous privilege the lieutenant had of being able to come up on deck for exercise and fresh air, and restricted his movements, placing an armed marine sentry over Robinson at all times. The only occasion the first lieutenant was allowed to leave the gun room or his cabin was to go to the “Round House”, or head, and even then he was escorted by his marine guard.

The court quickly dismissed the first two charges, but found that the third charge of disobedience was fully proved. The sentence ordered William Robinson dismissed from the service, and made incapable of serving the king again. Unfortunately for Robinson, as with other trials the court only concerned itself with the specific circumstances of the charges. It ignored other possible background or context such as the previous events of the mutiny or Robinson’s possible humanitarian tendency to try to moderate Hills’ tyrannical behaviour. Yet it seems obvious that both played a role in the deteriorating personal relationship between the two men, and that Hills’ authority as captain, even if sometimes exerted in a tyrannical and arbitrary fashion, ultimately defeated Robinson, and was not of any concern to the other officers deciding the case. Hills also waited until the *Columbine* was in the Thames under Admiral Stanhope to apply for court martial on 17 February 1810. This was perhaps a sign that the captain wished to avoid the chance of other officers being on the court who might have had

knowledge of the testimony from the mutiny courts martial or personal knowledge of his own character, behaviour, or past performance. The entire incident may have been due to Robinson's testimony at the earlier mutiny courts martial, which Hills may have seen as denigrating to both his authority and his personal honour.

The incidents also highlight the critical importance of roles and small acts of theatre and deference in maintaining, or threatening, such authority. Robinson's supposed failure to touch his hat to his captain on the sacrosanct territory of the quarterdeck in the presence of other seamen, and the discarding of the speaking trumpet, a symbol of an officer's authority on board ship, threatened Hills' personal authority and hence his ability to maintain order on board ship. The conditions that led to such a situation unfortunately were considered irrelevant by the court. It was simply the maintenance of the captain's authority, symbolic of that of the monarch himself, which had to be maintained at all costs.

Pullen's conclusion that no court martial for mutiny or desertion occurred at Halifax after the *Columbine* trials until 17 September 1810 is incorrect.¹⁴² It also seems to imply that all trials for such crimes on the station would occur at Halifax, which is also inaccurate, and that the executions of the Columbines were such a deterrent that no serious offences, or perhaps even any desertion at all, occurred for more than a year following that event. Immediately after the *Columbine* trial, a marine of the *Squirrel* was tried onboard the *Milan* at Halifax on 15 and 16 September 1809 for desertion and theft.¹⁴³ At least one other man was subsequently court-martialled for being absent without leave,¹⁴⁴ a crime that was treated almost as seriously as desertion when it was brought to court martial in North America. Furthermore, courts martial on North American squadron seamen and marines in this period often occurred at Bermuda, at other ports in North America, or even on other stations depending upon the availability of ships and captains to form the minimum required court of five captains and a president. In March 1810, a deserter from Halifax faced court martial at Bermuda for a repeat offence.¹⁴⁵ That June, a man from the *Bermuda* sloop, stationed in North America, was tried for attempting to desert, with his court martial occurring in the Downs, on

¹⁴² On four men from the *Chub* schooner on board of the squadron flagship *Swiftsure*, for running with the schooner's boat: TNA:PRO, ADM1/5409, Courts martial papers, Sept to Oct 1810, 17 Sept 1810.

¹⁴³ TNA:PRO, ADM1/5399, Courts martial papers, Aug to Sept 1809, court martial of J. Burton, *Milan* at Halifax 15-16 Sept 1809.

¹⁴⁴ TNA:PRO, ADM1/5399, court martial of A. Baker, *Milan* at Halifax 18 Sept 1809.

¹⁴⁵ TNA:PRO ADM1/5403, Courts martial papers, Mar 1810, court martial of W. Davis, *Melampus* at Bermuda, 29 Mar 1810.

board the former North American station flagship, the *Bellona*.¹⁴⁶ In September, five men from the *Chub* schooner were court-martialled for desertion at Halifax.¹⁴⁷ The next month, the captain's steward of the *Diadem* deserted at that harbour with a sum of money, and was recaptured. John Borlase Warren had him returned to England "...to be disposed of as the Admiralty saw fit."¹⁴⁸

It is also possible that other courts martial minutes and sentences may not have survived. Finally, the numbers of courts martial, particularly for desertion, although an important indicator of the scope and breadth of the problem in the squadron, may not be the best gauge of the phenomena, as the vast majority of the seamen and marines who deserted in North America never were punished as they were never recaptured.¹⁴⁹ It was only the unfortunates who were caught who risked the fate of the hanged mutineers of the *Columbine*.¹⁵⁰

The mixed motivations of the men who chose to participate, or not to participate, in the attempt to seize the brig demonstrates the ever-changing interactions between the face-to-face experience of authority, identities, and the agency of individuals. While there were elements of racial and national identity and "Othering" similar to the reporting of the *Vesta* mutiny, the testimony of the *Columbine* trials reveals that this could also be used in reverse to motivate British seamen to participate with "Others" in such attempts by challenging their courage as Britons, whites, or both. The lack of clear leadership, which was often weak and disputed, led to delays, which, combined with the unwillingness of men to commit fully to the enterprise unless it was clear it was going to succeed, ultimately led to the failure of the mutiny.

¹⁴⁶ TNA:PRO, ADM 1/5406, Court martial papers, Jun 1810, court martial of W. Gatreath, *Bellona* at the Downes, 15 Jun 1810.

¹⁴⁷ See Appendix 1.

¹⁴⁸ NMM, WAR/48, Warren to Croker, Halifax, 23 Oct 1810.

¹⁴⁹ For example, within weeks of the *Columbine* executions men from the *Aeolus* were deserting. NMM, WAR/42, Warren to Wood, Bermuda, 16 Dec 1809. Men continued to desert from the *Columbine* brig itself while at Halifax in September and December of that year.

¹⁵⁰ Several mass desertion mutinies did not come to trial, and more may yet to come to light. In addition to the *Cambrian* mutiny mentioned above, unrest of some sort may have occurred on board the *Eurydice* at Saint John, New Brunswick as well. Warren twice wrote to her captain immediately following the *Columbine* mutiny, demanding to know why he had delayed sailing with the Bay of Fundy convoy for England, and had returned to Saint John to provision despite fair weather and winds. NMM, WAR/42, Warren to Bradshaw, Halifax, 30 Aug and 3 Sept 1809. There was also a mass desertion mutiny on board the *Bream* schooner while pressing men off Pictou, Nova Scotia for which no men were brought to trial: TNA:PRO, ADM 51/2150 *Bream* captain's journals, 17 Apr 1807 to 3 May 1815 and ADM 51/ 1692 Part 2, *Halifax* captain's journals, 9 May to 19 Oct 1807, entries for 8 and 9 June.

Conclusions

The experience of mutiny in the North American squadron was based strongly upon experiences in home waters that were coloured by the events of the French Revolution, at Spithead and the Nore in 1797, and the Irish uprising of 1798. Most historians argue these events contributed to a change in the definition of discipline and led to a more heavy reliance on the marines to support authority onboard, overturning the previously accepted social and authority relationships that existed between senior petty officers and long-serving seamen and their officers. Yet all of these changes began to take hold in the ships of the North American squadron much earlier, from the 1770s. This was largely because of the presence of the ideas of a revolutionary republican society drawing men away from the navy from 1775, if not earlier, and then by the presence of a fully independent, republican United States after 1783.

Non-violent “promotion of interest” mutinies, following the unofficial and unwritten “rules” of such protests, were a common way in the eighteenth century for seamen to let off steam and for intelligent officers to reach a negotiated settlement over grievances before the pressure-cooker of the lower deck blew-up in a more violent and aggressive manner. Yet in North America, fully one-half of the cases of mutiny brought to trial at court martial were of the mass desertion/secession variety, involving the takeover of an entire ship with the aim of deserting *en masse* to American soil, and often the use of violence against officers or threat thereof. Legitimacy of authority on board ship was also a strong element behind such mutinies, in combination with the complexities of concentric identities and loyalties.

When the “rules” began to change, and violence on both sides became more common, the navy often still tried to avoid using the term mutiny in its larger sense. It is possible that many mutinies such as that which occurred on the *Swan* sloop in 1777 went entirely unrecorded, or perhaps are still lying undiscovered in obtuse, passing references in unread logbooks. Captains likely tried as many of these cases summarily as they could to avoid them having to be considered officially by a court-martial, which could reflect badly on their own leadership.

As Rodger argues, this also could lead to accusations of external influences being behind such events. Such unwillingness to face the reality of mutiny in North America often took the form of using ethnicity and race to “Other” mutineers, to minimize their disloyalty and somehow portraying them as abnormal and different from a true British Jack Tar. This

perhaps could occur even to the extent of inventing swarthy and dark complexions in descriptions of white English seamen. This would somehow make them more suspect, and associate them with Black, mulatto, creole, pressed Irish and Americans, or Scottish or Welsh seamen, all of whom could be perceived more easily as being beyond the bounds of both civility, and Englishness portrayed as Britishness. In the development of the caricature of “Brother Jonathan” for American seamen, a similar process can be observed. As with riots and mob actions ashore, such “Othering” of mutineers served another purpose. It relieved the officer in command of any responsibility for the incident for obviously such “motley crews” were not real seamen, certainly were not civil, and therefore were beyond the control of a gentleman, as defined within the service. In some cases, such men were a mutinous powder keg waiting for the right moment to explode, as can be seen in the *Vesta* mutiny. In all cases, legitimacy of authority was central to maintaining order and control aboard a vessel. If this legitimacy was undermined, or temporarily absent, men could literally seize the opportunity to escape from a shipboard situation that they did not view favourably, for whatever reason.

Even when such crimes were brought before a court-martial, the navy often avoided the use of the word “mutiny” itself to deny seamen agency. By doing so, it would always appear as if the officers had remained in control of the situation. As we saw in Chapters Four and Six, men were regularly lashed for “mutinous expressions,” “insolence to a superior officer,” “striking a superior,” “disobedience of orders”, “contempt”, “seditious language” and other offences that could be used as a pseudonym for mutiny itself. Some cases of mutiny tried at court martial in North America fell into these categories.

The reality was often quite different, with the most experienced and capable petty officers and senior able-bodied seamen usually being the organisers. Yet it seems that in general, courts martial were usually reserved for dealing with the more complex and threatening forms of mutiny, the minor and secession cases from the Bell typology, or mutinous language cases involving senior able-bodied seamen or petty and warrant officers, the usual ringleaders of mutiny on board ship. The position of such men in the hierarchy of shipboard power as an avenue of authority between common seamen and the officers meant that often played multiple roles – conspirator and informer, ringleader and defender of order – and that their position was often ambiguous, as can be seen in the case studies above.

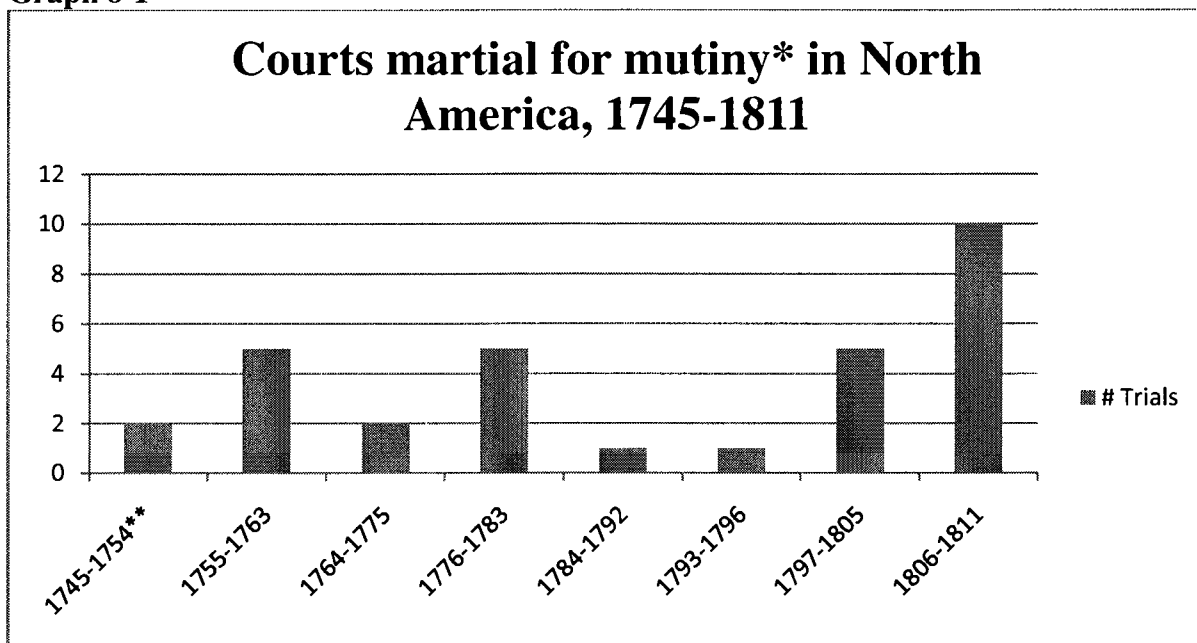
On smaller vessels, the role of petty officers was even more crucial to maintaining order. Such vessels had few commissioned and warrant officers and small (if any) marine contingents, greatly increasing the relative authority of petty officers and higher rated seamen. When warrant and petty officers began to question the authority of their officers, the result was often courts martial for disobedience or mutinous expressions, desertion, or both. It is probable that many seamen followed the example of this floating “middling sort” with regard to whether they should accept the legitimacy of authority of their commissioned officers, and it is unclear whether punishing the men who comprised the main channel of authority between the lower deck and the quarterdeck was beneficial to the maintenance of a commander’s power.

Yet as the nature of discipline changed from a concept of efficiency and training to one of control and punishment for deviance or disorder, arbitrary or tyrannical captains such as Thomas J. Cochrane or Lord William Fitz Roy could abuse their discretion and power and apply excessive summary punishments in an effort to maintain control. They could even conceal them from the Admiralty, at least for a time, while seamen and marines could be intimidated by officers attempting to prevent them from bringing charges to the court martial level, as occurred on the *Macedonian* in 1811.¹⁵¹ These forms of disciplinary efforts were often more detrimental than positive, as can be seen from the case of the *Jason* and *Bream* mutinies.

The main factors in preventing mutinies thus remained that of the captain’s leadership, his legitimacy of authority, relationships with his commissioned, warrant, and petty officers (particularly the first lieutenant), his empathy with the crew, and a discretionary, appropriate balance between informal negotiation and more authoritarian methods based upon the context of each situation. In North America, there seemed to be relatively few of the “Star Captains” who could manage such a task.

¹⁵¹ See TNA:PRO, ADM 1/5414, Courts martial papers, Mar–Apr 1811, court martial of C. R. Norman *Macedonian*, 11 Apr 1811.

Graph 8-1



Notes:

* Represents all cases charged under the first two parts of Article 19 and tried in North American waters, excluding cases of contempt which fell under the third part of that article. It is highly probable that some North American mutiny cases were tried on other naval stations, and these are not included here.

** The 1745-1754 column represents cases tried in Nova Scotian waters only.

Sources:

TNA:PRO ADM 12/24, Analysis and digest of court martial convictions, arranged by offence: J-N, 1755-1806; ADM 1/5305-6 Courts martial papers, Jan 1771 to Dec 1774; ADM/1 5322-24 Courts martial papers, Dec 1782 to Aug 1785; ADM 1/5371-5421 Courts martial papers Jan 1806 to Dec 1811; LAC, ADM 1/5285-5303 excerpts of courts martial papers of trials occurring in Nova Scotia, 1745 to 1767.

Table 8-2 HM Brig *Columbine* complement analysis 9 Aug 1806 to 16 Mar 1810

Sources: TNA:PRO, ADM 35/2706, ADM 37/1096

Official Complement: 121 Total men on books: 322 English: 130 Irish: 34 Scottish: 27 Welsh: 4 American: 21 Swedish: 9 Other Foreign: 14 Other Empire: 16 Ethnicity unknown: 67	Deserters: 101 Desertion rate: 31% Desertion as % p.a. of average complement: 23% Turnover rate: 47% Average age: 25 Min age: 13 Max age: 52 Average time in ship: 404 days Minimum time in ship: 1 day Maximum time in ship: 1297 days Volunteers: 126 Pressed: 63 Turned Over: 80 From the Civil Power: 3 Unknown: 50

Table 8-3 HM Brig *Columbine* complement analysis following mutiny, 2 Aug 1809

Sources: TNA:PRO, ADM 35/2706, ADM 37/1096

Total men onboard: 86 English: 32 Irish: 7 Scottish: 7 Welsh: 2 American: 5 Foreign: 7 Other Empire: 3 Ethnicity unknown: 22	Official Complement: 121 Average age: 26 Min age: 13 Max age: 49 Average time in ship: 725 days Minimum time in ship: 79 days Maximum time in ship: 1297 days Volunteers: 31 Pressed: 24 Turned over: 14 Unknown: 17

CHAPTER 9

“A HARD LIFE, AN UNKNOWN GRAVE, AND THE RESPECT AND BARED HEADS OF THOSE WHO FOLLOW”¹: CONCLUSIONS

The importance of desertion to the ideological causes of the American Revolution, and after 1783 as an issue in Anglo-American relations, is unquestionable. Unlike its role as a primary cause of the deterioration of Anglo-American relations in the years leading to the War of 1812, desertion was not the solitary spark that set off the Revolution. Yet its indirect effects were a major irritant in relations. Desertion was certainly one of several elements in the mix of grievances that led ultimately to revolt, particularly as on every occasion elicited the need for press gangs, whose actions were so odious to the colonists.

Before 1783, the Admiralty seemed unaware of the attraction of America to many of its seamen, or uncaring at the losses of men suffered, possibly because so few senior officers were actually familiar with the station and North American society. They ignored the pleas of commanders in the 1760s who not only lost dozens of men to desertion every time they went alongside a wharf in America, but who had no legal means of replacing them when runaways could not easily be recovered and volunteers were scarce. The Admiralty largely ignored the requests of station commanders in the 1770s not to send marines on shore to work with the army at Boston and New York, instead of leaving them onboard where they were needed to maintain order, given the large proportions of American seamen on the lower decks. Impressment was used when other means of manning failed. Before 1775, London seemed satisfied with an unofficial and irregular ‘impressment if necessary but not necessarily impressment’ policy. Station commanders paid lip service to a ban on impressment of American colonists, while their captains used the press out of necessity to replenish losses from desertion and sickness and to keep their ships operational. This often was done with the personal, if not official and legal, approbation of the commander in chief of the squadron. Even the Admiralty turned a blind eye to unauthorised impressment and other dubious means for manning and maintaining naval strength in North America. This is yet another illustration of discretionary authority in station commanders and captains which could trump

¹ Masfield, cited in W. Robinson, *Jack Nastyface : memoirs of an English seaman*, (Annapolis, Md.: Naval Institute Press, 1988), 12.

parliamentary legislation and central regulation, until such actions became international incidents jeopardising colonial or diplomatic relations. As early as 1770, if not before, the problem of desertion, combined with new concepts of identity and republican ideals brought forward by the American Revolution, influenced the changing definition and nature of discipline in the naval service, leading to proposals for more centrally-controlled, stricter and fleet-wide systems of surveillance and order. While proposals for divisional and disciplinary systems had some similarities with the contemporay thought of penal and other reformers ashore, such as with regard to the total institution, they maintained very public, theatrical and ritualised forms of corporal punishment afloat long after justification for their usage had been eroded ashore.

After 1783, desertion was a major thorn in the side of Anglo-American relations. Attracted by the higher wages and attachments to American ways of life found on the shores of the new republic, seamen, including pressed Americans, were constantly running from vessels. Efforts to recover such men led to volatile incidents resulting in the *Leopard-Chesapeake* affair in June 1807, which came close to outright war between the United States and Great Britain. The changing nature of discipline, by now firmly in place in the service, also spawned a transformation in the nature of mutiny in North America. The informal “rules” of mutiny were renegotiated and reconfigured by the lower deck, to allow for secession mutinies involving seizure of vessels to flee to the United States in the case of mistreatment, perceived injustices, or simply due to political unrest among naturalised American seamen, their Irish colleagues, and other marginalised seamen and marines, all of whom were often portrayed as ‘Others’ in official accounts of such incidents.

The social environment for Royal Navy sailors had some remarkable similarities to those experienced ashore by members of communities in early modern England. N.A.M. Rodger, John Byrn and others note some of these similarities,² yet there is a larger picture that can be portrayed of these inter-actions. Parishes and ships were face-to-face communities of compromise and negotiation, where the agency and discretion of both seamen and their superiors (the rulers and ruled) was crucial, and both were bound by legal systems based upon custom and precedent. All systems of authority required individuals to adapt to the system in some form or another, or to be convinced to do so. The exercise and experience of this

² For example, Byrn, *Crime and Punishment*, 121-53.

authority varied depending on many factors, including the nature of the community, the individuals in positions of power, the nature of neighbouring communities, and the proximity to the surveillance of central authority.

At times, such a system allowed extremes explored by Marcus Rediker or N.A.M. Rodger to occur, but the majority of cases were far more complex. Michael Braddick and John Walter's "grids of power" offers a more nuanced and accurate description of authority on board ship than any class or status-based binary oppositional framework.³ While the relationship between officers and men was unequal, authority could be, and, as can be seen in the case studies and incidents discussed in this thesis, often had to be, negotiated, renegotiated, and compromises made. When negotiation failed, visible and violent acts of resistance could occur in the form of individual protest, mass desertions, or secession mutinies.

Moreover, as this discussion has illustrated, in some important ways, a naval station too was much like a parish - a world of face-to-face relations. Even though there was central authority in the form of the *Articles of War*, the *Regulations and Instructions*, and the oversight and orders of the Admiralty and Navy boards, and other central administrative institutions, all of which grew throughout the century, the station commander's authority and discretion varied, and was often supreme. His discretion depended upon whether it was a time of war or of peace, the distance of the station from home waters, and the nature of the local context, society, customs, and the composition of his squadron, officers and men.

Similarly, the authority and discretion of a ship's captain would also expand and contract, and was affected by those same conditions. Again that discretion was based upon the distance the ship was from the station commander, the nature of the captain's orders, the abilities and character of his officers, the composition and quality of the men on the lower deck, and factors such as the disciplinary and provisioning conditions experienced by the crew and local climate. When the exercise of authority reached extremes, and men perceived that their officers or the legal system they embodied was not treating them justly, they resisted. This resistance could take many forms, and in the navy, one of the most common was desertion. The responsibilities of the North American squadron (including prevention of smuggling and trade enforcement, prevention of rebellion, protection of trade, and war-fighting operations, often in support of the army, during the War of Independence and the

³ Braddick and Walter, "Grids of power".

French wars) were complicated at the best of times, and severely disrupted by the persistence of, and the pressures precipitated by, desertion.

In addition to sharing the characteristic of discretion permeating all levels of its legal system, naval administration in the eighteenth century shared comparable methods of surveillance to those used by local and emerging central authorities in early modern Britain. Similar to parish and other registers, muster, pay and description books onboard ship recorded detailed information on individual seamen. This was not only for pay purposes, but also for recording their efforts at desertion, fines owed because of straggling, and descriptions of men to aid in their recovery if they did run. Ship logbooks recorded details of summary punishments so that the character of repeat offenders could be utilised against them, with some captains maintaining their own private black books of offenders separate from the official logs. Court-martial minutes served a similar function for capital crimes, while the Admiralty maintained a formal system of “black books” for warrant and commissioned officers who had been punished by court martial and regularly reviewed individual sentences.⁴

The experience of authority on the lower decks of the squadron was also affected not only by the changing nature of discipline that was evolving in the navy at this time, but by the changing composition of crews as well. As the overall quality of seamen aboard ship became diluted towards the end of the eighteenth century, less skilled complements with large proportions of pressed and quota men no doubt required a more formal, controlling discipline to organise, train, and to prevent disorder. Such crews may have been more prone to the types of secession mutinies experienced in North America.

Yet, too much should not be read into the prevalence, or not, of open acts of resistance, collective or otherwise, given the many challenges regarding the evidence of the primary sources. Just as one scholar argues that food riots ashore “...should be seen more as a gesture of displeasure at exploitation and malpractice and within the context of their particular communities rather than part of a generalised statement of a ‘plebian culture’”, the same could

⁴ It was quite common at this time for the authorities to monitor, note, record, measure, and compare the behaviour of individuals, for a variety of reasons related to governance. For a summary of surveillance in this period in England, see E. Higgs, “The Rise of the Information State: the Development of Central State Surveillance of the Citizen in England, 1500-2000,” *Journal of Historical Sociology* 14, no. 2 (June 2001):175-97. For details on the information maintained in musters, pay books and description books, see Rodger, *Naval Records for Genealogists*, and for logbooks see Wilkinson, “British Logbooks”.

apply to mutinies on board the vessels of the North American squadron.⁵ The causes behind mass desertion mutinies or other unrest were often related to specific circumstances within the community of an individual vessel. These involved the ethnic, national or racial composition of the lower deck, the official and unofficial disciplinary regimes put in place by individual commanders and their subordinates, the violation or maintenance of traditional customs and privileges of the lower deck, the composition of the crew in terms of pressed men and volunteers, and local circumstances particular to the area in which the vessel was operating.

The changing nature of discipline can be seen to some extent in the summary punishment analyses for all offences.⁶ In the 1775-6 database, the average punishment was consistently around a dozen lashes on each ship, with a minimum of four lashes and a maximum of twenty-four. Punishment frequency ranged from less than one flogging per month to a more typical 1.5 to three punishments per month. Overall summary punishments for all offences also seem proportionally much higher in North America in the 1775-6 database than for Eder's larger sample of ships from all stations during the Seven Years' War. The overall number of all summary offences from 1775-6 is much greater proportionally than those in the 1806-7 database.

But as the latter sample demonstrates, the average number of lashes was far greater than the earlier sample, ranging dramatically from just over twelve to thirty-six. There were also much higher minimum (six lashes) and maximum (120 lashes) punishments.⁷ The frequency of punishment on vessels ranged from less than one man per month to a much higher three, six or even thirteen punishments per month. This level of punishment was a constant threat hanging over the head of men who were considering attempts at desertion or other crimes.

Courts martial sentences for cases of desertion were more severe in the North American squadron throughout the Seven Years' War and the American War and at times after than on other naval stations. Cases with increased sentences resulting from aggravating circumstances and the exercise of the negative discretion by officers peaked in North America during the Age of the American Revolution, and then again from 1797 onwards. In the latter

⁵ J. Stevenson, "The 'Moral Economy' of the English Crowd: Myth and Reality," in *Order and disorder in early modern England*, ed. A. Fletcher and J. Stevenson, (Cambridge: Cambridge University Press, 1985), 238.

⁶ Tables 4-6 and 4-7 for the 1775-6 database sample and Tables 6-19, 6-20 for the 1806-7 database sample.

⁷ Although maximum punishments on board ship of forty-eight to sixty lashes were more common.

period, cases with mitigating circumstances, where courts usually exercised positive discretion, while avoiding death sentences, still regularly received higher numbers of lashes. Patterns of capital and summary punishments and desertion rates combined seem to indicate that stricter notions of discipline and organisation along the lines outlined by Richard Kempenfelt were taking hold in North America by the mid to late 1770s, if not earlier, and were well in place by the turn of the century, if not before. Additional research will build upon these analyses and reveal even more clearly when and why such a shift towards “Prussian discipline”,⁸ so abhorred by humanitarian commanders, took hold on the North American station.

Cutting across the problem of desertion throughout this period was the capacity to exercise authority. Greg Denning contends that the diversity of justifications for which a man could be summarily flogged was a sign of total subordination and degradation of the individual to the institution. As such, the right to negotiate the meanings of words and actions was taken out of the hands of the participants and placed in the arbitrary hands of an officer.⁹ Yet such diversity could equally be a sign of a discretionary and an experiential system of law, and herein lies a difficulty in the analysis of summary punishments and even courts martial. In many cases, where one observer notes discretion and even negotiation (in the form of informal courts held by some captains before summary punishments, for example, or in defence statements or testimony by officers offering mitigating circumstances for a man’s offence at court martial), another can perceive arbitrary exercise of power, or the abuse of such discretion. Similarly, while courts martial would consider mitigating circumstances related to a man’s character and service and his involvement in the circumstances of the immediate offence being tried, they generally would not consider other external circumstances prior to the offence which might have influenced men’s behaviour, making these legal procedures to some extent fundamentally different from law courts ashore. Discretionary authority without central regulation, precedents or oversight can easily become arbitrary.

The men of the North American station experienced both discretionary and arbitrary authority. Arbitrary authority always resulted in the failure of negotiated solutions to shipboard problems, and ultimately to the loss of the legitimacy of power and further

⁸ Journal of Captain (later Admiral Sir) Graham Moore, RN, *Melampus* frigate, North American station, 4 March 1800, cited in Wareham, *Frigate Commander*, 214.

⁹ Denning, *Mr. Bligh's Bad Language*, 118.

resistance and disorder aboard ship. As Dening suggests, desertion can ultimately be viewed as a form of negotiation between officers and men. It could represent the result of a failed negotiation over shipboard grievances, or simply a realisation that attempted negotiation would be unsuccessful – the exercise of agency on the part of the ruled. By leaving a ship or the service, seamen and marines could, in turn, use their agency to force the hand of authorities to act, in pressuring them to resolve the underlying issues or risk losing men in larger numbers. Yet this seems rarely, if ever, to have occurred in North America. More probably, desertion there was often a realisation that future attempts to negotiate grievances were bound to fail. Rodger's analogy of desertion as a form of game played by unwritten rules "...in which the recruits' object was to regain their liberty, and the Navy's was to keep them long enough to win their loyalty..."¹⁰ may not have been as apt in North America as elsewhere. There, it was often a lottery: if a man won he achieved a chance at a new life and liberty; and if he lost gained emotional and psychological distress through worrying over the risk of possible punishments and their after-effects, ranging from death, severe flogging round the fleet, minimal to cruel summary punishment, fines, possible mistreatment by superiors thereafter, and harsher penalties for any sort of future offence.

When such extremes were reached, some individuals re-evaluated their identities, with their "Britishness", superimposed or not, often being cast aside in a quest for fairer, more equitable treatment elsewhere, in the form of a local or other national identity. What seems to have emerged in the naval service between 1770 and 1812, particularly after 1797, was in many cases a rapid growth in brutality directed against the lower deck in direct contrast to the gradually improving situation of slaves. While some seamen may still by 1812 have been largely illiterate, they knew when they were being sorely mistreated by their commander, and lacked the capacity to petition the Admiralty safely or with effect. When some complained of slavery, or expressed their desire for liberty, they used such language as a metaphor for the impossibility of achieving just treatment under some officers, and to draw attention to the arbitrary nature of punishment they were experiencing aboard ship.

It did not help that the overall quality of officers in North America, particularly between 1784 and 1812, but also to some extent earlier, may not have been comparable to those in home waters with regard to their organisational, management and authority skills. The

¹⁰ Rodger, *Wooden World*, 201.

proportion of “Star Captains”, or successful commanders with similar humanitarian philosophies, or those following emerging concepts of professional man management in the early nineteenth century, were often few in numbers on the North American station. Brutal captains such as Thomas J. Cochrane, Lord William Fitzroy, George Hills, Lord James Townshend, Richard Wales and others certainly would have found Graham Moore’s musings on the need for a more humanitarian approach to discipline and man-management both misguided and ineffectual, if not offensive to their notions of status, deference, honour, and civility. This is a subject that requires yet more exploration in its broader imperial contexts, including an examination of the origins, quality and career progression of commissioned and warrant officers serving in North America compared to those on other naval stations.

While Wareham and others have focused on the role of the first lieutenant, and the importance of that officer in representing the authority of the captain on board a vessel and in maintaining order aboard, petty officers and warrant officers were also extremely important in the system of authority aboard ship and the negotiation of authority. Acting as the “middling sort” in the social order, they were both receptors and providers of authority, and central to maintenance of order, or the creation of disorder and challenges to authority. This was because of the multiple roles they could play with both officers and men to maintain or undermine the legitimacy of the power and authority of the commissioned officers. When the quality and skills of these men was lacking, or they were punished, or deserted, or undertook covert or overt acts of resistance, order throughout the ship was threatened, because of the respect generally held for them by common seamen and marines.

Throughout the period examined here, both the experience of authority and questions of identity motivated deserters. To bring diverse peoples together often accentuated differences based upon other shared assumptions and experiences, including the experience of local conditions, and the exercise of authority by commissioned, warrant and petty officers. Accentuating differences of ethnicity, race, nationality, language, status and other hierarchical “grids of power” resulted in less possibility of the construction of any overarching sense of being British by a ship’s officers, or of its success if such construction was initiated at all.

Table 9-1 summarizes the number of deserters from the 1775-6 and 1806-7 sample years as a proportion of their own ethnicity noted on ships’ books. Perhaps unsurprisingly, Americans often represented the largest number of deserters. They are followed generally by

foreign, Irish, and Scottish seamen. This, combined with relatively high and constant desertion rates among all ethnicities in the North American squadron, would cast in doubt the views of historians who believe that the Royal Navy was always successful in building a sense of being British among its men. That said, desertion was not always linked to larger questions of identity or even allegiance. It also had more to do with the individual agency of men and individual decisions based on local conditions and context within that community whether it was an individual ship itself, or a squadron or station, or even more broadly within the naval service as a whole. The construction of a British identity or “Britishness” among many seamen in the North American squadron of the navy was likely as imaginary or illusive after 1763 as before, and remained so even into the early nineteenth century. Similar to what Andrew Mackillop portrays with regard to Scottish soldiers in this period, the core concentric identity of a seaman may have been to the community where he was born, or the ship upon which he was serving, and possibly even the division, watch, or mess within which he belonged in that floating community. This may have been particularly in the case on the frontier of empire in North American waters. Men there often fought effectively, or at all, not out of loyalty to a commander or any sense of British patriotism, but because it was the only way for them and their messmates to survive their predicament.¹¹

What of desertion itself? Many factors could persuade a man to run from a vessel. Most important were likely the ‘pull’ factors of higher wages in the merchant service and eventually the American navy, the lure of prize money on privateers, or the opportunity of a new life ashore. At the same time, the ‘push’ factors of overall discipline and working conditions aboard a British warship, specifically those imposed by sometimes tyrannical commissioned or warrant officers, could also have a deciding role to play along with the shifting identities and cultural mobility of seamen. This analysis also suggests that the importance of mass desertions, often viewed by contemporaries as mutiny, is inadequately stressed in the current historiography of the early modern maritime world.

In terms of actual desertion rates, a rate of twenty percent¹² and higher was often much worse than a “manageable irritant” given the fact that desertions were not equally spread throughout a ship’s commission and often happened in small and large groups within a short

¹¹ Baynham, *From the Lower Deck*, 3.

¹² Whether per annum of average complement or as a percent of the total number of men on a ship’s books.

period of time. The evidence presented herein shows that being marked as run with an “R” on the ship’s musters or pay books meant that a man was to be treated as a deserter, not a straggler, both in terms of the theory of the *General Printed Instructions* and the reality of shipboard operation in this time period. Thus, the methods used to prevent desertion seem to have been largely composed of authority-based measures, not on negotiation or understandings with crews. Yet, it was not these methods, but how crews were administered that had the primary bearing on the problem of desertion. Certain commanders could create a sense of community, concentric identities, or loyalty that was more durable as opposed to those who created a sense of discipline through fear, intimidation and arbitrary brutality. In either circumstance, desertion was still a major concern of officers in North America because of the culture of mobility present among the seamen, who, based upon the transnational nature of their trade in a fluid maritime world of employment, possessed more opportunities and more positive circumstances for other maritime employment in North America. Such competition for able seamen provided more agency to Royal Navy sailors than histories have hitherto acknowledged.

This thesis is both a broad and deep exploratory study of numerous thematic areas which embrace and cross traditional historiographical boundaries. The areas discussed here, and those below which have been excluded by lack of both space and time, all deserve more detailed research, for which extensive under-utilised sources are available. To select a single ship or small group of ships and then to trace the origins ashore and careers of each individual aboard, as well as any career after leaving the navy, would provide a rich overview of the experience of maritime life.¹³ Promotion and demotion rates of seamen and marines remain to be analysed and correlated with desertion and ethnicity/identity, and discipline. Information on time at sea/time in port, divine service, the various forms and frequency of mustering (by complement, watch, division or at quarters), the exercise of great guns and small arms, and of making sail, make work tasks such as “working up junk”, and other subjects could be drawn from ship logbooks to examine how such tasks were used to maintain order aboard ship, and if there was any relationship to desertion, discipline and order aboard a vessel. A more detailed wage and prize analysis could be undertaken for North America and correlated with desertion rates over time. The existing study could be extended to include larger ship and officer

¹³ As has been done most recently with Clayton, *Tars*.

samples, and backwards in time to examine station ships in North American waters before 1745.

It would also be worthwhile to compare the experiences of men on the North American station with those on another foreign station on the peripheries of empire, such as the East Indies command, with regard to experience of authority, identity and cultural mobility. A penetrating examination of courts of enquiry, courts martial, and the largely untouched Admiralty legal correspondence for this period would be a dissertation in its own right. Another topic worthy of investigation is to examine in more depth whether the materialist psychology of penal reform (or slavery abolitionists) drew upon the experience of the navy, connections between the two, and the influence of such on the naval reforms of 1806 and after. More research is needed in colonial civil legal records ashore, ships' books and central naval records to determine the processes used for turning criminals over to the navy, the numbers actually accepted for service, the skill levels of such offenders, and what career path, if any, they may have had. The work presented here, along with other recent studies, has shown the utility in examining (or re-examining) these and other questions. The findings here could be refined, verified and expanded upon by other researchers, and if that is the sole result of this research it has been worthwhile.

The immensely complex power relationships that existed in the North American squadron and in the Royal Navy more broadly were in a constant state of flux and contingent on the negotiation and renegotiation of authority. These relationships existed in the context of Anglo-American political developments and evolving identities, British and American, and were based on overlapping grids of power that included status, race, ethnicity, and other factors. Discretion can be seen as a watchword for the basis of the legal system and social order on land, and as ashore, so in the maritime world. But, as this thesis has shown, historians should remember the words of the jurist Sir John Holt, who in 1690 ruefully wondered whether "...*discretionary* [was] but a softer word for *arbitrary*."¹⁴ Individual agency in these systems had limits. When perceptions of the legitimacy of authority were eroded or reached an extreme, desertion or mutiny was the final recourse of seamen to express their dissatisfaction. In face of the persistent threat and damaging effects of desertion, captains, station

¹⁴ Holt, King's Bench, 680 as cited in D.C. Yale, ed., *Lord Nottingham's Chancery Cases*, Vol. 1. (London: Seldon Society 73, 1957), 46.

commanders, and the Admiralty drew upon threat, intimidation, and the ritualistic theatre of selective, often overwhelming, corporal punishment as a means of deterrence to maintain stability and order on the lower decks of the North American squadron, which influenced evolving notions of discipline in the navy. In the face of weak leadership, such acts were often required to reinforce the authority behind the imposition of an overarching and evolving British identity as well. As E.P. Thompson first observed with regard to the maintenance of social order in Augustan England, "...stability, no less than revolution, may have its own kind of Terror".¹⁵

¹⁵ Thompson, *Whigs and Hunters*, 253. I am grateful to Dr. Richard Connors for suggesting this citation and the reference to Justice Holt and discretion above.

Table 9-1 - Deserters as percent of same ethnicity on the books, 1775-6 and 1806-7

Sources: See Tables 4-15 and 6-9

<i>Ethnicity</i> (by declared place of birth)	<i>1775-6 sample</i>	<i>1806-07 sample</i>
<i>English</i>	30	18
<i>Irish</i>	36	26
<i>Scottish</i>	31	25
<i>Welsh</i>	36	14
<i>American</i>	49	21
<i>Other Empire</i>	28	20
<i>Foreign</i>	50	20

APPENDIX 1

COURTS OF ENQUIRY AND COURTS MARTIAL PROCEDURES¹

Commanders in chief often utilised informal courts of enquiry to investigate a complaint before determining whether it should proceed to formal trial, or to settle disagreements between officers which were not covered by the Articles of War. Such courts could deliver no decision in law, or order punishment, but could simply advise the station commander whether or not the complaint was serious enough to be brought to a formal court martial, with all that entailed. They essentially functioned as the naval equivalent of a grand jury ashore in the common law system.

Such courts had no legal or statutory basis whatsoever in any Act, the *Articles of War* or the *Regulations and Instructions*. The usage of such courts had simply been long customary, and it was custom which provided their authority with any legitimacy. Courts of enquiry were generally popular with commanders of overseas stations, particularly those that had small numbers of ships and vessels at hand or who were on time-sensitive operations, as they often prevented the delays involved with a formal court martial, with its minimum requirement of five officers and all that entailed for smaller squadrons. When they were first used in North America is unclear, but it can be seen in the case of the *Sutherland* in Chapter 8 that they were used as early as the 1740s, if not before.

Courts of enquiry were much less formal than courts martial. In North America, they seem to have generally been composed of three captains or commanders, although on other stations up to five officers were utilised, depending upon how complex an investigation was required. Witnesses testified orally but without having to take an oath, and could not be forced to testify. The rules for such proceedings were so informal and discretionary that it is possible in some cases that defendants were denied the right to confront their accuser. When a court had concluded its investigation, it simply reported its findings to the station commander. Unfortunately, very little record of such courts seems to have survived from the North American station in this period. Although there are references to them in various correspondence, it seems any written reports, if there were any, were filed separately and have

¹ The following, except as it relates to North America in this period or as otherwise noted, is drawn almost entirely from Byrn, *Crime and Punishment*, 35-7. Oddly, they are not mentioned in the works of Eder or Rodger.

not yet been discovered by this author. What records have survived from other stations vary greatly in format and level of detail.

The best source pertaining to the North American station that this author has discovered for such pre-trial courts are the extensive John Borlase Warren papers. Warren seems to have encouraged the use of courts of enquiry, perhaps because of the difficulties discussed above, but also due to the lengthy confinement prisoners would have to undergo while awaiting a formal court martial as ships slowly gathered.² In minor cases put forward for court martial, which Warren believed did not merit even a court of enquiry, he simply used his discretion to order lesser summary punishments.³

The most detailed account of a court of enquiry in these papers concerns a riot onshore at Bermuda involving the crew of the *Epervier* sloop in April 1808. The *Epervier*, then belonging to Sir Alexander Cochrane's Leeward Islands squadron, arrived at Bermuda to refit. Some of her crew, including an officer, were onshore after sunset without leave and almost immediately involved in an armed melee with men from the 99th and 13th Regiments in the town of St. George's. Warren ordered Captains Evan, Martin and Bradshaw to inquire into the incident, noting it was "necessary to prevent any such tumult happening in future and that an example should be made of the Offenders in the present Instance".⁴ An intensive exchange of correspondence between Warren, the governor, and the garrison commander ensued while the riot was investigated. Warren noted to the latter that it was his wish "...to preserve every degree of harmony so essential for the general interest of both Services, and it has always been my determination to suppress whatever may have the remotest tendency to militate against discipline and good order."⁵ The admiral reassured his army colleague that if the officer from the sloop who had been involved could be identified, he would write to Cochrane demanding a court martial at Barbadoes or Halifax, as unfortunately there were too few ships at Bermuda to hold a trial there. Warren, who at times had a rather tenuous relationship with Cochrane, also took satisfaction that those involved had not been from the North American station, where "...a better degree of subordination exists."⁶

² NMM, WAR/42 Warren to Wood, Bermuda, 16 Dec 1809; Warren to Parry, Halifax, 3 Oct 1809.

³ NMM, WAR/13, Warren to Pollard, Bermuda, 19 Feb 1810.

⁴ NMM, WAR/12, Warren to Evans, Martin, and Bradshaw. *Columbine* at Bermuda, 9 Apr 1808.

⁵ NMM, WAR/12, Warren to Evans, Martin and Bradshaw, *Columbine* at Bermuda, 11 Apr 1808.

⁶ NMM, WAR/41, Warren to Hodgson, [Bermuda], 11 Apr 1808.

The final report and minutes of the court noted that the riot had ensued due to the drunkenness of both parties, and paradoxically, the decision to call out additional soldiers from barracks at the first sign of trouble. It cleared the seamen involved of any “premeditated design”, but Warren pointed out he would be reprimanding the officer who had been in charge of the *Epervier* shore party, Lieutenant Harrison, and issuing orders to ensure that all vessels at Bermuda not allow men ashore after gunfire (sunset) without twenty-four hour leave tickets.⁷ Apparently, the men of the *Epervier* were sent to the yard after sunset to acquire some spars needed for her refit. The army sentries refused to allow them entry at night, and a heated argument ensued which quickly turned into a full-scale riot. Warren hoped that the seamen in future would:

...conduct themselves with Order and Friendship towards the Army and consider the Soldiers as Brethren of the same Monarch...and if upon any occasion there should unfortunately arise a cause of Complaint on either side, instead of breaking out into acts of Violence and aggression and thereby placing themselves in the wrong, they should apply to their Commanding Officer...⁸

Similarly, in June 1808 another court of enquiry was called at Halifax into the unspecified “...outrage committed in the Midshipmens apartments in the Dock Yard”, which recommended a severe reprimand for their conduct and a warning that any future such acts would retard their promotion in the service.⁹ In August 1808 another riot occurred, this time at the Halifax yard’s hulk wharf, between men of the *Indian* sloop and more sentries of the unlucky 99th Regiment.¹⁰ Captain Austen of the *Indian* punished a black seaman who had been involved with thirty lashes, and Warren noted to the commissioner of the yard that another white seaman who had instigated the incident would have been flogged, but it had not been possible to identify him.¹¹

In January 1809, it was the turn of men of the *Driver* sloop, including her gunner and carpenter, to riot at St. George’s, Bermuda, prompting yet another court of enquiry and an order from Warren forbidding any of the sloop’s men from going ashore at night.¹² Her commander and the two unruly warrant officers were ordered to appear in person before the

⁷ NMM, WAR/41, Warren to Hodgson, [Bermuda], 13 Apr 1808.

⁸ NMM, WAR/12, Warren, unnumbered General Order, Bermuda, 13 Apr 1808; WAR/41, Warren to Tucker, *Epervier*, 14 Apr 1808.

⁹ NMM, WAR/41, Warren to Hood and Peckell, Halifax, 21 Jun 1808.

¹⁰ NMM, WAR/41, Warren to Pakenham, Halifax, 31 Aug 1808.

¹¹ NMM, WAR/41, Warren to Inglefield, Halifax, 31 Aug 1808.

¹² NMM, WAR/41, Warren to Claridge, Bermuda, 9 Jan 1809; Warren to Hodgson, Bermuda, 9 Jan 1809.

mayor of St. George's and "...answer for the breach of peace they have disgracefully been guilty of."¹³ In February 1810, another court of enquiry recommended that two men from the *Bream* schooner to be flogged for one dozen lashes each for yet another fight onshore with sentries,¹⁴ while another turned down the request for court martial on a marine of the *Barbara*, and recommended he be flogged at the gangway instead.¹⁵ Similar courts were ordered by Warren to examine the misbehaviour of the sergeant of marines onboard the *Wolverine* sloop towards his superiors (for which only marine officers composed the court),¹⁶ and the mistreatment of eleven soldiers sent home to England on board the *Mullet* schooner. One of the latter died after being forbidden to go below deck, and another was improperly punished for refusing to do duty.¹⁷

Courts such as these, as with courts martial, were used to satisfy an officer's honour when he felt it had been impugned. This was the case in November 1810 at Halifax, when Captain Lawrence of the *Fantome* complained to Warren of "behaviour disrespectful of his Rank", presumably by an army officer or soldier.¹⁸

Courts of enquiry also were held after courts martial in some cases, as a post-trial process, when information relating to other potential crimes not considered within the terms of reference of the court martial came to light in testimony. An example of this occurred when five men deserted the *Chub* schooner in Halifax in September 1810. Following the court martial, Warren informed the Admiralty that he had ordered a court of enquiry into the conduct of the schooner's commander, Lieutenant Innes, as from testimony at the trial it appeared that the men "had been induced to run from severe treatment".¹⁹ It is probable that such post-trial use was a much later development than the pre-trial format, given that courts martial generally were instructed only to examine the specifics of the charge in question, and not other events that contributed to or helped to explain motivations behind that offence.

¹³ NMM, WAR/41, Warren to Van Norden and Goodrich, Bermuda, 14 Jan 1809.

¹⁴ NMM, WAR/42, Warren to Hodgson, Bermuda, 18 Feb 1810; WAR/13, Warren to Dick and Austen, Bermuda 16 Feb 1810.

¹⁵ NMM, WAR/42, Warren to Dickens, Halifax, 2 Oct 1810.

¹⁶ NMM, WAR/12, Warren to Senior Lieutenants of Marines serving onboard *Hussar* and *Guerriere*, Halifax, 21 Sept 1808; Warren to Simpson, Halifax, 23 Sept 1808.

¹⁷ NMM, WAR/13, Warren to Dick, Lawrie, Townshend and Austin, Halifax, 11 Oct 1809. The army commander ordered a similar enquiry into the events - NMM, WAR/48, Warren to Pole, Halifax, 18 Oct 1809.

¹⁸ NMM, WAR/42, Warren to Prevost, Halifax, 1 Nov 1810.

¹⁹ NMM, WAR/48, J.B. Warren to Croker, Halifax 18 Sept 1810; J.B. Warren to Croker, Halifax 2 Nov 1810.

Courts martial procedure

The procedures for calling and assembling courts martial are discussed in detail in several other works, and the legal procedures and processes will not be belaboured here.²⁰ Generally, only the station commander, or, in his absence, a properly authorised senior officer had the power to assemble a court martial. The second senior officer at the locale (usually, but not always, the headquarters of the station) sat as court president, and the court was composed of a minimum of five and a maximum of thirteen flag officers or post-captains, chosen from among the available officers by seniority. In the absence of enough post-captains, up to two commanders (senior lieutenants commanding a small vessel such as a sloop, brig or schooner) could also sit on a court to complete its ranks, but only to the minimum size of five officers (which was quite common in North America). The admiral's secretary usually filled the position of judge advocate. The papers of Rear Admiral Thomas Graves, who served in North America as station commander in 1781,²¹ provide an example of the legal procedure station commanders were to follow in assembling such a court, and the roles of the various persons sitting as part of it, and is reproduced in full below.

“General Instructions for Courts Martial”²²

Whenever a Courts Martial is ordered to be assembled at any Place where the Judge Advocate of the Fleet or his deputy are not present, the Officer who is directed to assemble the same should appoint some person to execute the Office of Judge Advocate upon that occasion, and the person so appointed should give the party accused timely Notice of his intended Trial and an attested Copy of the Charge or Accusation exhibited against him, that he may be prepared for his defence, and should summon the several Witnesses (being persons subject to the jurisdiction of the Admiralty) who may be called upon to give evidence, either in support of the Charge or in defence of the Party accused.

²⁰ Interested readers are directed to one or more of the following: Byrn, *Crime and Punishment*, 37-54; Eder, *Crime and Punishment*, 50-62; J. MacArthur, *A Treatise of the Principles and Practice of Naval Courts-Martial, with an Appendix, Containing Original Papers and Documents Illustrative of the Text, Opinions of Counsel upon Remarkable Cases, the Forms Preparatory to Trial, and Proceedings of the Court to Judgement and Execution*, (London: Whieldon and Butterworth, Fleet Street, 1792); J. Delafons, *A Treatise on Naval Courts Martial*, (London: P. Steel, 1805); W. Hickman R.N., *A Treatise on the Law and Practice of Naval Courts Martial*, (London: John Murray, 1851).

²¹ Douglas, *Flag Officers*, 32.

²² NMM, GRV/118, Thomas Graves papers, Manuscripts, General Instructions, undated, likely from his time in North America.

The Court is never to consist of more than thirteen nor of less than five persons, to be composed of such Flag Officers and Port Captains, present at the place where the Court is appointed to be assembled, as are next in Seniority to the President (who is always to be the first, Second or Third in command): Unless any of them should be unable to attend thro ill health, and in that case the President is to be certified of the same, by letter, or otherwise, that it may be taken down in the Minutes.

In case there should not be a sufficient Number of Officers of the degree of a Port Captain or of a Superior Rank (and at the same time not less than three) present at the Place appointed for holding the Court, the President may call to his Assistance as many of the Senior Commanders of his Majesty's Vessels, under the Rank of a Post Captain, as, together with the other, will make up the Number of five.

The Officers who are to constitute the Court being all assembled, the President is to order the Party accused to be brought in attended by the Provost Martial: And, all the Witnesses as well in support of the Charge as in the Prisoner's defence, and every other person who shall choose it, being also present, the Judge Advocate is to read the order for assembling the Court and the order for his own appointment, and then administer to the respective members the Oaths prescribed by the Act of Parliament and take the customary Oath himself, after which the following method of Proceeding is usually practiced.

The Judge Advocate reads the Charge exhibited against the Prisoner.

All the Witnesses are ordered to withdraw, except the first in support of the Charge, who is to be detained in Court and sworn. The Court direct him to relate what he knows respecting the Charges against the Prisoner, and make such further examinations as they think necessary: which being done, the Prisoner is to ask him any Question he pleases.

This Witness being withdrawn, the next is called in, Sworn and examined in the same Manner, and so on, till the whole evidence in support of the Charge is gone through.

Then the Court ask the Prisoner what defence he has to make and in case he has any witnesses to produce in support of his defence, they are separately called in, sworn, and examined. The Prisoner first of all asking them such Questions as he pleases. Then the Court, and after that the Prisoner again.

The evidence for the Prisoner being gone thro' the Court ask him, Whether he has any thing further to offer in his defence?

The Court is then ordered to be cleared.

The Judge Advocate reads the Minutes, and after the Court have fully considered the same, the President puts to the respective Members such questions as shall be agreed upon, beginning with the Junior and proceeding in order up to himself, whose opinion being delivered, the numbers are collected, and the determination of the Court settled according to the Majority of the Voices.

If the Court should be composed of an even Number of Members, and there should happen to be an equal Number of voices (the President included) upon matter that may be put to the Vote, the same may be reconsidered, and if any of the Members should alter their opinions a final determination may be made of the point in question, but if they should adhere to their first opinion upon which there is an equality it must remain undecided.

The Sentence of the Court being determined on the Judge Advocate is to draw it up in writing, and the several Members having signed it, all persons are to be admitted & the party accused brought in, when the Judge Advocate is, by direction of the President to pronounce it.

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