

THE UNIVERSITY OF HULL

**‘A Sure Defence against the Foe’?
Maritime Predation & British Commercial Policy
during the Spanish American Wars of Independence,
1810-1830**

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Matthew John McCarthy, MA, BA

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Introduction

What! Shall vile robbers say, that Britain now
 No longer rules o'er Western India's wave?
 Shall she, who govern'd ocean, e'er allow
 Her sons to perish in a blood-stain'd grave?
 Nay, worse, without demerit feel,
 And *unrevenged*, the pirate steel?

Oh, Albion! Where is now that spirit fled,
 That spurn'd, of yore, presumptuous foes disdain?
 Which once thy sons with noble ardour led,
 To sweep the bloody pirates from the main?
 And caus'd thy dreaded flag to flow,
 A sure defence against the foe?

‘The Pirates of 1822’, Kingston, 28 June 1822.¹

The verses of the above song, written by an anonymous composer in Jamaica, appeared in the *Liverpool Mercury* in September 1822. The lyric was printed ‘not on account of its poetic merits’, the newspaper stressed, but in order to illuminate how ‘very notorious’ piracy must have become in the West Indies ‘to have been selected as the burden of such a piece’. Moreover, the song’s emphasis on the neglect shown by the British government struck a particular chord with the editor of the *Liverpool Mercury*, who claimed to have ‘repeatedly called the attention of the public to the infatuated and unpardonable indifference evinced by ... ministers towards the commercial interests of Great Britain’. The following study investigates the British government’s response to commerce-raiding activity in the early nineteenth century and evaluates whether the measures implemented to protect British traders constituted ‘a sure defence against the foe’.

¹ *Liverpool Mercury*, 20 Sept 1822.

The predatory activity complained of in 'The Pirates of 1822' was a feature of the Spanish American Wars of Independence, fought between Spain and her American colonies in the early nineteenth century. This armed conflict was born out of a debate within the Spanish world over the nature of sovereignty.² In 1808, Napoleon invaded Spain, deposed King Ferdinand VII, and crowned his brother Joseph Bonaparte as head of state. Spain was thus left without a government of generally accepted legitimacy. Regional juntas were formed in Spain to govern individual provinces and were later amalgamated into the Junta Central, which organised resistance against the French occupation and claimed sovereignty over Spain until King Ferdinand's return. Local governing juntas were also established in Spanish America after 1808, but unlike in Spain, this development was complicated by a power struggle involving *peninsulares* (Spaniards born in Spain) and *criollos* (American-born descendents of Spaniards). By 1810 it was widely held in America that the French would triumph in the Iberian Peninsula and home-rule movements began to gather steam. On 19 April 1810 the Captain General of Venezuela was unseated by those who feared he might recognise the legitimacy of Joseph Bonaparte's regime. The same occurred in Buenos Aires in May 1810, while later in the year parts of Chile and Mexico also flared into revolt.

Although the local juntas only intended to rule provisionally until the day that Ferdinand VII was restored to the Spanish throne, it was not long before they declared outright independence from Spain, sparking violence, civil war and terror that would last for many years. In 1815, a major Spanish expeditionary force arrived in New Granada and succeeded in restoring royalist control to parts of the Spanish American empire. But the forces unleashed during the Napoleonic Wars were too strong to be contained for long and under the leadership of revolutionaries such as Simón Bolívar and José de San Martín, the insurgent forces gradually overpowered the Spanish armies and by the end of the 1820s the Wars of Independence were effectively over.³ As the dust settled in Central and South

² Following paragraph based on Jaime E. Rodríguez O., *The Independence of Spanish America* (Cambridge: Cambridge University Press, 1998) pp.36-159.

³ For more on the political developments and military campaigns in Spanish America see, David Bushnell, 'The Independence of Spanish America', in Leslie Bethell (ed.) *The Cambridge History of Latin America*, vol. III (Cambridge: Cambridge University Press, 1985) pp.95-156; John Lynch, *The Spanish American Revolutions, 1808-1826* (London: Weidenfeld & Nicolson, 1973).

America the emerging map of the world had changed significantly. Not only had several independent nations replaced the sprawling Spanish American empire, Brazil had also declared its independence from Portugal. The Iberian empires that had ruled the New World for the previous 300 years were no more. Wars of independence were quickly superseded by wars of consolidation as several new Latin American states turned upon each other in their attempts to consolidate or expand their territorial boundaries and carve out their own commercial niches.⁴

Maritime violence was integral to the Spanish American Wars of Independence. Naval forces deployed by Spain and the revolutionaries fought some important engagements, raised and enforced blockades, and acted as auxiliaries to the armies fighting on land.⁵ However, this naval activity was eclipsed in both its scale and significance by privateering. A strong desire to prosecute their revolutionary struggles at sea, coupled with a shortage of resources, compelled several independent Spanish American governments to grant commissions to private individuals to arm their vessels and take to the seas to prey upon Spanish trade and shipping. Collectively, these privateers became known as *los corsarios insurgentes* (the insurgent privateers).⁶ It soon became apparent that the Spanish navy was ill-equipped to meet this insurgent challenge at sea. Following heavy defeats at the battles of Cape St Vincent in 1797 and Trafalgar in 1805, the *Armada Real* was left in a

⁴ One of the first and most significant of these conflicts was the Argentina-Brazil War (1825-1828). This conflict assumed a distinct maritime dimension that is the subject of Brian Vale's *A War Betwixt Englishmen: Brazil against Argentina on the River Plate, 1825-1830* (London: I.B. Tauris, 2000). However, the current study focuses only on predatory activity accompanying the wars between Spain and the Spanish American colonies.

⁵ For naval histories of some of the countries involved in the Spanish American Wars of Independence see, Fernando de Bordeje y Morencos, 'La Marina durante la Primera Mitad del Siglo xix', in, *La España Marítima del Siglo xix*, 2 vols. (Madrid: Instituto de Historia y Cultura Naval, 1989) pp.7-32; Ángel Justiniano Carranza, *Campañas Navales de la República Argentina: Cuadros Históricos*, 4 vols. (Buenos Aires: Departamento de Estudios Históricos Navales, 1962); Brian Vale, *Cochrane in the Pacific: Fortune and Freedom in Spanish America* (London: I. B. Tauris, 2007); Elmer W. Flaccus, 'Commodore Porter and the Mexican Navy', *Hispanic American Historical Review*, 34: 3 (August, 1954) pp.365-373. NB: All quotations from Spanish language sources are my own.

⁶ Although 'insurgent' is a loaded term it is used throughout this thesis due to the frequency with which it was used by contemporaries to denote those Spanish Americans seeking independence.

state of extreme weakness.⁷ So much so that one historian argues that after 1814 the Spanish navy ‘to all intents ... no longer existed’.⁸ In its efforts to restore order to the Spanish American empire, the Spanish government therefore resorted to granting commissions to private individuals to wage war at sea under its flag. In addition to these privately-owned, legally-commissioned maritime predators, a second type of private maritime assailant emerged during the Spanish American Wars of Independence. Pirates, acting with no legal authority whatsoever, took advantage of the political turmoil to plunder the trade and shipping of all nations. In the words of one historian, this combination of legal and illegal predatory activity, which was evident throughout the period 1810-1830, amounted to ‘maritime mayhem’.⁹

Although commerce-raiding has generated a vast literature, little is known of this early nineteenth-century upsurge in maritime predation. The majority of works on piracy and privateering focus on seventeenth and eighteenth century forms of the activity. Piracy has been examined from numerous perspectives, with much attention being devoted to the causal dynamics of this type of prize-taking activity. Social studies of piracy, such as Marcus Rediker’s *Between the Devil and the Deep Blue Sea*, have portrayed pirates as ‘zealous abettors of liberty’ whose activities were symptomatic of the class conflict marking the Anglo-American maritime world in the early modern era.¹⁰ They further imply that a libertarian lifestyle and an alternative form of social organization enticed oppressed seafarers and political outcasts into piratical practices. Critics of this interpretation argue that although such factors may have helped to sustain a particular piratical wave, they do not explain the reasons for its genesis.¹¹ Other historians have examined piracy through a political lens, focussing on the relationship between piracy and

⁷ Feliciano Gámez-Duarte, *Del Uno al Otro Confín: España y la lucha contra el corso insurgente hispanoamericano, 1812-1828* (Cádiz: Servicio de Publicaciones de la Diputación de Cádiz, 2008, Colección Bicentenario) p.228.

⁸ Richard Pennell, ‘State Power in a Chronically Weak State: Spanish Coastguards as Pirates, 1814-50’, *European History Quarterly*, Vol. 25 (1995) p.354.

⁹ Peter Earle, *The Pirate Wars* (London: Methuen, 2004) p.211.

¹⁰ Markus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates and Anglo-American Maritime World 1700-1750* (Cambridge: Cambridge University Press, 1987).

¹¹ See, David J. Starkey, ‘Pirates and Markets’, in C. R. Pennell (ed.) *Bandits at Sea: A Pirates Reader* (New York: New York University Press, 2001).

the growth of state power in the early modern period. Anne Pérotin-Dumon argues that piracy was a product of the political changes initiated by state attempts to establish commercial hegemony over areas in which their influence had previously been weak or non-existent.¹² While the rise of competing merchant empires provided the unstable political conditions in which piracy could flourish, some historians argue that this context, although important, does not represent causality. David J. Starkey identifies the chief causal dynamic behind piracy as economic, arguing that the peacetime seafaring labour market failed to absorb inflated numbers of seafarers in the aftermath of certain maritime conflicts in the early modern period.¹³ Such an approach promotes the idea that pirates were driven to appropriate the vessels and properties of others for personal economic gain.

In this respect, piracy was instilled with the same ‘spirit of enterprise’ that characterised legally-authorized private maritime predation, known in English language sources as privateering.¹⁴ The shared aim of privateers and pirates to profit by using force to appropriate the vessels and property of others has led some historians to gloss over the differences between the two types of predatory activity. For example, Pauline Maier claims that privateering during the American Revolution existed on the margins of legality and respectability, with privateersmen separated from pirates only by their commissions or letters of marque, and when the validity of such documents came into question, or when privateersmen acted outside the limits of their commissions, they easily slipped into the pirates’ ranks.¹⁵ Such statements may be applicable to commerce-raiding activity in the seventeenth century. Robert Ritchie has demonstrated that in the late 1600s a type of ‘officially-sanctioned piracy’ was practiced as certain governments let criminal activity go unpunished or even secretly sponsored piracy whenever it was politically expedient.¹⁶

¹² Anne Pérotin-Dumon, ‘The Pirate and the Emperor: Power and the Law on the Seas, 1450-1850’, in Pennell, *Bandits at Sea*, pp.25-54.

¹³ Starkey, ‘Pirates and Markets’, in Pennell, *Bandits at Sea*, pp.113-121.

¹⁴ Starkey, ‘A Restless Spirit: British Privateering Enterprise, 1739-1815’, in David J. Starkey, E. S. van Eyck van Heslinga, J. A. de Moor, (eds) *Pirates and Privateers: New Perspectives on the War on Trade in the Eighteenth and Nineteenth Centuries* (Exeter: University of Exeter Press, 1997).

¹⁵ Quoted in, Carl Swanson, *Predators and Prizes: American Privateering and Imperial Warfare, 1739-1748* (Columbia, S.C.: University of South Carolina Press, 1991) p.5.

¹⁶ Robert C. Ritchie, *Captain Kidd and the War against the Pirates* (London: Harvard University Press, 1986) p.11.

However, a number of historians have argued that such ambiguities were largely eradicated in the eighteenth century as privateering was brought increasingly under state control in order to harness its utility as a tool of war.¹⁷ The law recognised privateers as legitimate commerce-raiders carrying commissions from states in times of war to prey upon specific enemy targets and they were required to comply with detailed sets of rules and regulations.¹⁸ Meanwhile, pirates operated with no legal authority whatsoever and were branded as *hostis humanis generis* (enemies of all mankind). As the eighteenth century progressed, privateers and pirates were separated not only by their respective legal definitions; they also lived and worked in very different environments.¹⁹ Pirates found themselves confined to the peripheries of established societies while privateering became a popular and respectable outlet for the capital and labour of shipowners and seafarers, who would turn their attention to commerce-raiding in times of war before returning to regular forms of mercantile activity when peace resumed.²⁰

Although piracy and privateering have been examined from a number of different perspectives, in a variety of regional contexts, such analyses relate overwhelmingly to commerce-raiding in the seventeenth and eighteenth centuries. Maritime predation during the Spanish American Wars of Independence has received far less attention. Spanish privateering in the conflict has yet to be investigated. This is surprising given that the index compiled by Julio Guillén demonstrates that documents relating to nineteenth-century Spanish privateering, of the type utilised by historians analysing the activity in earlier periods, are extant in the Spanish archives.²¹ No similar archival riches exist for the

¹⁷ David J. Starkey, 'The Origins and Regulation of Eighteenth-Century British Privateering', in Pennell, *Bandits at Sea*, pp.69-81; Gonçal López Nadal, 'Mediterranean Privateering between the Treaties of Utrecht and Paris, 1715-1856: First Reflections', in Starkey et al, *Pirates and Privateers*, pp.106-125.

¹⁸ Starkey, 'The Origins and Regulation of Eighteenth-Century British Privateering', in Pennell, *Bandits at Sea*, pp.69-81.

¹⁹ Starkey et al, *Pirates and Privateers*, p.3.

²⁰ David J. Starkey, *British Privateering Enterprise in the Eighteenth Century* (Exeter: Exeter University Press, 1990); Patrick Crowhurst, *The French War on Trade: Privateering, 1793-1815* (Aldershot: Scholar Press, 1989); Swanson, *Predators and Prizes*; Jerome Garitee, *The Republic's Private Navy* (Middletown, Conn.: Wesleyan University Press, 1977).

²¹ Julio F. Guillén, *Indice de los Papeles de la Sección de Corsos y Presas* (Madrid: Ministerio de Marina, 1953-54).

study of insurgent privateering but a number of studies have nevertheless been attempted by historians. Primarily using contemporary newspapers, court records from the United States and the personal correspondence of some of those involved in insurgent privateering, several regionally-based studies have been produced, while a recent study by Feliciano Gámez-Duarte has synthesised and compared the findings of a number of these works.²²

These studies of insurgent privateering have focussed on the organizational and operational aspects of the activity. A consensus prevails that insurgent privateers made a significant contribution to the success of the independence movement by cutting Spanish lines of communication and by dealing a staggering blow to Spanish commerce, thus hampering Spain's efforts to restore order to the empire.²³ While existing works consider the effectiveness of insurgent privateering as a tool of war, even more attention is devoted to evaluating what the organizational and operational features of the activity reveal about the motivations of the individuals who participated in it, and how such motivations shaped the general character of insurgent privateering.

Great emphasis is placed in these works on the deployment of capital and labour into insurgent privateering by investors and seafarers from North America.²⁴ Investment

²² On Argentinean privateering see, Horacio Rodríguez & Pablo E. Arguindeguy, *El Corso Rioplatense* (Buenos Aires: Instituto Browniano, 1996); Lewis Winkler Bealer, *Los Corsarios de Buenos Aires: Sus Actividades en las Guerras Hispano-Americanas de la Independencia, 1815-1821* (Buenos Aires, 1937); Theodore S. Currier, *Los Corsarios del Rio de la Plata* (Buenos Aires: Impr. de la Universidad, 1929). For a study of Mexican privateering during the Spanish American Wars of Independence see, Oscar Cruz-Barney, *El Regimen Juridico del Corso Marítimo: el mundo indiano y el México del siglo XIX* (Mexico: Universidad Nacional Autónoma de México, 1997) pp.259-279. Colombian privateering has yielded only one article by Raimundo Rivas, 'El Corso y la Piratería en Colombia', *Boletín de Historia y Antigüedades*, 31 (1944) pp.118-167. For privateering from modern-day Uruguay see, Agustín Beraza, *Los Corsarios de Artigas, 1816-1821* (Montevideo: Centro de Estudios Históricos, Navales y Marítimos, 1978). For Chilean privateering, see, Hamish I. Stewart Stokes & Claudio Cabello Pizarro, 'Los Corsarios en la Historia Chilena', see www.hermanadad.cl/corsarios_chilenos.htm. And for a synthesis of a number of these studies, see, Feliciano Gámez-Duarte, *Del Uno al Otro Confín: España y la lucha contra el corso insurgente hispanoamericano, 1812-1828* (Cádiz: Servicio de Publicaciones de la Diputación de Cádiz, 2008, Colección Bicentenario).

²³ See for example Gámez-Duarte, *Del Uno al Otro Confín*, pp.318-319; Lewis Winkler Bealer, 'The Privateers of Buenos Aires, 1815-1821: their activities in the Hispanic American Wars of Independence' (Unpublished PhD thesis, University of California, 1935) pp.275-279.

²⁴ In particular see, Charles C. Griffin, 'Privateering from Baltimore during the Spanish American Wars of Independence', *Maryland Historical Magazine*, 35: 1 (March, 1940) pp.1-25; Benjamin Keen, *David Curtis DeForest and the Revolution of Buenos Aires* (New Haven: Yale University Press, 1947); David Head, 'A Different Kind of Maritime Predation: South American Privateering from Baltimore, 1816-1820',

came largely from entrepreneurs in the United States, most notably those residing in the port of Baltimore.²⁵ Commanders and seafarers who sailed in private warships under independent Spanish American flags were likewise drawn primarily from North America.²⁶ The participation of North Americans in insurgent privateering has been explained by Starkey, Garitee and others as a result of the oversupply of capital and labour in the United States following the termination of the Napoleonic Wars and the War of 1812.²⁷ Vessels built for the carrying trade and privateering, along with their crews, lay idle in 1815 and shipowners and seafarers spotted the opportunity to deploy their capital and labour in privateering under independent Spanish American flags.²⁸ Making the most of this opportunity was not an easy task. Once privateering ventures were organised and financed, vessels in North American ports had to be fitted out, armed and manned, but such activity breached U.S neutrality laws and subterfuge was required to hide the true purpose of voyages fitting out in Baltimore and elsewhere, and to spare those involved from prosecution.²⁹ The clandestine nature of insurgent privateering from North American ports created what Benjamin Keen describes as a ‘murky atmosphere of secrecy, suspicion, and thinly disguised anxiety’.³⁰ Such shadowy activity was not concealed well enough to escape the gaze of all contemporary observers, many of whom branded those involved as criminals. John Quincy Adams, for example, condemned the individuals engaged in

International Journal of Naval History, 7, 2 (August, 2008) no pagination (n. pag)
 <http://www.ijnhonline.org/volume7_number2_aug08/article_head_aug08.htm> (Date Accessed: 23 Jan 2011); Garitee, *Republic's Private Navy*, pp.210-237.

²⁵ A list of Baltimore-based investors, *armadores* and agents with an involvement in insurgent privateering can be found in, Head, ‘A Different Kind of Maritime Predation’, Figure 1; Also see, Garitee, *Republic's Private Navy*, pp. 210-237; Griffin, ‘Privateering from Baltimore’, pp.1-25.

²⁶ Gámez-Duarte, *Del Uno al Otro Confín*, pp.140-148, 161-166; Garitee, *Republic's Private Navy*, p.225.

²⁷ Starkey, ‘Pirates and Markets’, in Pennell, *Bandits at Sea*, pp.113-119; Garitee, *Republic's Private Navy*, pp.210-237.

²⁸ Starkey, ‘Pirates and Markets’, in Pennell, *Bandits at Sea*, p.116, 119; Garitee, *Republic's Private Navy*, p.224.

²⁹ Head, ‘A Different Kind of Maritime Predation’, n.pag; Griffin, ‘Privateering from Baltimore’, pp.10-13; Garitee, *Republic's Private Navy*, pp.224-230.

³⁰ Keen, *David Curtis DeForest*, p.108.

insurgent privateering as the ‘scum of the street’, while an American newspaper described them as ‘vagabonds and incendiaries’ who constituted a ‘villainous heterogeneous mass of ocean highwaymen’, and it was with ‘shame and indignation’ that the newspaper confessed many concerned were American citizens.³¹

Historians have echoed these early nineteenth-century opinions when depicting the character of insurgent privateering and the motivations of those involved. Given that the capital and labour deployed in the activity primarily came from a source external to Spanish America, historians have generally argued that participants were motivated by the potential for personal economic gain as opposed to patriotic fervour.³² Gámez-Duarte asserts that speculators in privateering enterprise were mercenaries who answered to the call of gold, a sentiment echoed by Peter Earle who argues that privateer captains and their backers ‘had little interest in politics and were strictly mercenary in their motivation’.³³

Historians allege that such motivations had a significant bearing on the character of insurgent privateering. Jenifer Marx claims that in consequence of the money-hungry spirit of its practitioners ‘privateering became synonymous with violent piracy’ during the Spanish American Wars of Independence.³⁴ ‘There was very little to choose between the two’, according to Basil Lubbock, ‘for it was notorious that South American privateers were too colourblind to distinguish between the red and gold bars of Spain, the tricolour of France, the stars and stripes of the United States, or even the superimposed crosses of the Union Jack’.³⁵ Complimenting such arguments is Lewis Bealer’s analysis, which asserts that the overlap between privateering and piracy became increasingly pronounced over the course of the independence conflict. From 1819 onwards, Bealer claims that privateering showed a ‘definite tendency towards degeneration’ and thereafter ‘rank piracy thoroughly

³¹ Quoted in, Gámez-Duarte, *Del Uno al Otro Confín*, p.143; *The Times*, 31 Dec 1819.

³² Starkey, ‘Pirates and Markets’, in Pennell, *Bandits at Sea*, p.119.

³³ Gámez-Duarte, *Del Uno al Otro Confín*, p.167, 309; Earle, *Pirate Wars*, p.214.

³⁴ Jennifer Marx, *Pirates and Privateers of the Caribbean* (Malabar, Fla.: Krieger, 1992) p.278.

³⁵ Basil Lubbock, *Cruisers, Corsairs & Slavers: An Account of the Suppression of the Picaroon, Pirate & Slaver by the Royal Navy during the 19th Century*, 1st ed. (Glasgow: Brown, Sons & Ferguson, 1993) p.59.

characterised the period'.³⁶ Gámez-Duarte agrees with Bealer's interpretation and sees the 1820s as a decade of total insecurity at sea in which, as Benjamin Keen adds, 'pirates thinly disguised as patriot privateers continued to roam the Spanish Main, waging impartial war against the commerce of all nations'.³⁷

This degeneration thesis sets studies of insurgent privateering apart from those of privateering in other contexts, which have emphasised the gradual separation of privateering from piracy over the course of the eighteenth century. However, recent works have suggested that the character of commerce-raiding activity during the Spanish American Wars of Independence may have been misrepresented. The degeneration thesis of previous works has meant that piracy during the Spanish American Wars of Independence has rarely been studied as a separate form of maritime predation. But Peter Earle has shown that in addition to the acts of piracy committed by unruly and mutinous privateer crews, a separate 'epidemic of piracy' occurred between 1821 and 1824 when merchantmen came under attack from pirates lurking amongst the creeks and cays of the north-west coast of Cuba.³⁸ Pirates of a distinctly Spanish character established dwellings along the shores of the island, where they also had friends to protect them and sell their booty in regular markets.³⁹

This separate upsurge in piracy has also been acknowledged in a recent article by David Head. The Caribbean in the first three decades of the nineteenth century 'overflowed with marine predators' ranging from French privateers to Haitian picaroons, and from Spanish and Latin American privateers to Cuban pirates, but as Head points out, historians have elided the differences between them.⁴⁰ Head's article focuses on insurgent privateering and suggests that the activity was more distinct from piracy than other authors have given it credit for and was in actuality more closely related to eighteenth-century privateering. Head acknowledges that insurgent privateering was 'a different kind of

³⁶ Bealer, 'The Privateers of Buenos Aires', p.42, 50.

³⁷ Gámez-Duarte, *Del Uno al Otro Confín*, p.312; Keen, *David Curtis DeForest*, p.110.

³⁸ Earle, *Pirate Wars*, pp.218-223.

³⁹ Earle, *Pirate Wars*, pp.218-223.

⁴⁰ Head, 'A Different Kind of Maritime Predation', n.pag.

maritime predation' because it was undertaken by citizens of a neutral country and therefore constituted 'foreign privateering' as opposed to being a national phenomenon.⁴¹ However, he warns against branding the individuals involved as pirates because the majority of North American investors and seafarers belonged to the mainstream of Baltimore's merchant community and were not driven solely by a desire to obtain riches but were propelled into the business by 'a mixture of motives'.⁴² While the law was broken on numerous occasions, Head stresses that it still shaped how privateersmen conducted themselves and as a consequence participants in insurgent privateering enterprise faced many of the same issues as those engaged in 'national privateering' in the previous century.⁴³

While these recent studies are a welcome addition to the literature, the focus of secondary works continues to be on the organizational and operational features of early nineteenth-century predation. The impact of the activity and the measures implemented by governments in response are consistently marginalised in the historiography. Gámez-Duarte has provided an analysis of the impact of insurgent privateering on Spanish trade and shipping and has examined the political response it engendered.⁴⁴ However, the impact of predation on the trade and shipping of neutrals and the methods adopted by neutral governments to protect their merchants during the Spanish American Wars of Independence have yet to be investigated.

As the song quoted at the beginning of this introduction suggests, commerce-raiding activity affected the business of British merchants and the response of the British government came under close scrutiny. But little is known of the British embroilment in the early nineteenth-century prize war. The impact of predation on British trade and shipping has been merely hinted at in previous studies. Gámez-Duarte alleges that the degeneration of insurgent privateering from 1819 onwards placed many mariners in a precarious situation, while Lewis Bealer claims that commerce-raiders proved a 'source of

⁴¹ Head, 'A Different Kind of Maritime Predation', n.pag.

⁴² Head, 'A Different Kind of Maritime Predation', n.pag.

⁴³ Head, 'A Different Kind of Maritime Predation', n.pag.

⁴⁴ Gámez-Duarte, *Del Uno al Otro Confín*, pp.225-296.

serious annoyance to British vessels'.⁴⁵ Moreover, a comprehensive understanding of the British government's response to maritime predation also remains elusive. Overviews of the naval campaigns to suppress piracy in the Caribbean in the 1820s have been provided by Basil Lubbock and Peter Earle.⁴⁶ While these works include some vivid accounts of engagements between pirate ships and British men-of-war, they consider the naval operations in isolation and fail to explain how they fitted into the wider policies pursued by the British government. Only a recent article of my own has considered British countermeasures within the context of the government's wider political objectives, but the case-study approach of the piece would only permit consideration to be given to the British government's response to one specific instance of capture which occurred in 1822.⁴⁷

An abundance of source material exists with which to correct these deficiencies in the historiography. The losses of British merchants and their appeals for assistance, the response of British statesmen, and contemporary appraisals of the effectiveness of government policy, were recorded in various documents between 1810 and 1830. The losses of British merchants to maritime predators were frequently reported in newspapers specialising in the dissemination of shipping intelligence, notably *Lloyd's List*, celebrated as 'the most correct, authentic, and official document of the kind' by contemporaries and circulated so widely in Britain and Europe by the early nineteenth century as to require censorship in times of war.⁴⁸ But *Lloyd's List* was not alone in promulgating reports of encounters between British merchantmen and maritime predators. Newspapers throughout Europe and the Americas took a keen interest in the plight of British traders.⁴⁹

Because merchants endeavoured to bring their financial difficulties to the attention of British statesmen, accounts of their experiences can also be found in the

⁴⁵ Gámez-Duarte, *Del Uno al Otro Confín*, p.312; Bealer, 'The Privateers of Buenos Aires', pp.201-202.

⁴⁶ Lubbock, *Cruisers*, pp.73-86; Earle, *Pirate Wars*, pp.238-247.

⁴⁷ Matthew McCarthy, 'A Local Remedy to a Local Grievance: British Countermeasures against Spanish Privateering, 1822-1823', *Trafalgar Chronicle*, 19 (2009) pp.215-226.

⁴⁸ Charles Wright and C. Ernest Fayle, *A History of Lloyd's From the Founding of Lloyd's Coffee House to the Present Day* (London: Macmillan, 1928) p.72, 77.

⁴⁹ For a full list of newspapers used in this study see the bibliography.

correspondence archives of the British government. Extant in the National Archives in London are the individual letters and collaborative memorials and petitions submitted by merchants to various government departments, including the Admiralty, the Foreign Office and the Department for War and the Colonies.⁵⁰ The response of British statesmen to such appeals is also to be found in the correspondence archives of the British government. Orders issued to diplomats, consuls, naval officers and colonial governors reveal the measures implemented by British statesmen in response to predatory activity, while the subsequent reports of these British representatives abroad give an insight into the effectiveness of government policy.

Furthermore, the archives of the Foreign Office contain the records of an Anglo-Spanish claims commission, which have hitherto gone entirely unnoticed by researchers. The commission was established by a convention between the British and Spanish governments in March 1823 and was charged with the task of investigating the claims of British subjects against the Spanish government, many of which had arisen as a result of commerce-raiding activity during the Spanish American Wars of Independence.⁵¹ The claims submitted by British subjects provide detailed breakdowns of their alleged financial losses, while the awards granted by the commission give an insight into how effectively the injuries of British subjects were redressed by the British government's course of action.⁵²

Further insight into the effectiveness of the British government's response to predation can be gleaned from parliamentary debates from the early 1820s. The government faced criticism in the House of Commons on several occasions and was forced to explain and justify the measures taken.⁵³ But such debates were not confined to the Chamber of the House of Commons. Contemporary newspapers also gave assessments of the virtues of government policy.

The following study utilises this wealth of documentary evidence to investigate the British government's response to maritime predation in the period 1810-1830 and to

⁵⁰ See department codes ADM, FO and CO.

⁵¹ For a copy of the convention of March 1823 see Appendix 2.

⁵² TNA, FO 316/1-72, Archives of the Spanish Claims Commission.

⁵³ Thomas Curson Hansard, *Hansard's Parliamentary Debates* (London: T.C. Hansard, 1820-1830)

evaluate the effectiveness of the measures implemented to protect British trade and shipping. A necessary prerequisite for this task is to establish the impact of commerce-raiding activity on the British mercantile marine, which has thus far eluded historians. Chapters one and two of the following study are dedicated to this purpose. In chapter one, the key findings of previous works with regard to the organizational and operational features of commerce-raiding activity are synthesised and the extent and nature of the threat posed to British trade and shipping is established. The ways in which this threat became a reality for British merchants is the subject of chapter two. The impact of predation on the British mercantile marine is identified through the use of quantitative and qualitative data. A database of prize actions, which can be defined as encounters between British merchant vessels and maritime predators, has been constructed for this study from the intelligence contained in contemporary newspapers and government correspondence.⁵⁴ The database provides statistics on the number of British vessels affected by maritime predators, the annual frequency of prize actions, and the perpetrators responsible for their initiation. Adding depth to these statistics are the letters, petitions, memorials and claims certificates received by the British government, which give detailed breakdowns of the losses incurred by merchants in individual prize cases.

In chapter three the wider political context within which the British government received merchant appeals for assistance is established, providing a framework with which to identify and explain the measures implemented to tackle the problems being experienced at sea and to evaluate their effectiveness. Chapters four through to seven thematically analyse the British government's response to maritime predation. British countermeasures against the depredations of independent Spanish American commerce-raiders are addressed in chapter four. The British government's response to Spanish predation is the subject of chapters five and six, while chapter seven provides an analysis of British policy towards Cuban-based piracy. These four chapters draw heavily upon government correspondence when identifying the measures implemented by British statesmen to counter the threat of

⁵⁴ The methods used to compile this database are largely based on Carl Swanson's approach in *Predators and Prizes: American Privateering and Imperial Warfare, 1739-1748* (Columbia, S.C.: University of South Carolina Press, 1991). For a full explanation of how the current study's prize action database has been constructed, populated and refined, see Appendix 1.

maritime predation, while the public debates and the proceedings of the Anglo-Spanish claims commission underpin appraisals of the effectiveness of these measures.

Given that commerce-raiding activity during the Spanish American Wars of Independence has never been examined from a British perspective, this study will add a new dimension to the existing literature. In doing so, this study will provide a platform from which to reassess the arguments of previous works with regard to the character of predation in the early nineteenth century, the motivation of those individuals who participated in the activity, and the contribution of commerce-raiding to the outcome of the independence conflict. However, the following study also has the potential to raise points of wider significance and make contributions to knowledge and understanding of other aspects of history. Fabio López Lázaro has suggested that the study of maritime predation from the perspective of its victims contains ‘several key ingredients for a successful and ... insightful scholarly potion’ that can help to throw light on the relationship between social, political and economic history.⁵⁵ In López Lázaro’s case, this approach yields a serious study of the Spanish monarchy. The focus of the current study on the effectiveness of British policy in protecting the interests of British merchants from the threat of predation therefore promises to shed light on wider social, political and economic changes occurring within Britain during the early nineteenth century.

The upsurge in commerce-raiding activity during the Spanish American Wars of Independence occurred at a time of profound change in the direction of British economic policy. Cain and Hopkins have outlined the nature of this change and explained the rationale with which it was underpinned. They argue that between 1688 and 1850 Britain was ruled by a gentlemanly elite made up of an alliance between the landed aristocracy and financiers in the City of London.⁵⁶ This alliance sought to service the national debt, fund patronage and manage the political system in ways that preserved privilege, civil peace and the constitution. In the period prior to 1815 the pursuit of these objectives saw the British

⁵⁵ Fabio López Lázaro, ‘Pirates of the Caribbean: Early Modern Spain and Latin America as Part of the Atlantic World’, *Bulletin of the Society for Spanish and Portuguese Historical Studies*, 33 (2008) pp.9-22.

⁵⁶ Following based on P. J. Cain & A. G. Hopkins, *British Imperialism: Innovation and Expansion, 1688-1914* (London: Longman, 1993) pp. 53-104, 332-33.

government play a protectionist role in the economy. However, following the Napoleonic Wars it became clear that fundamental changes were needed to restore the health of the economy, maintain civil order and deflect growing criticism of the patronage system that had begun to circulate in the late eighteenth century. Consequently, the ruling class embarked on a process of redefining its role and purpose and gradually began to introduce reforms of the constitution, of the patronage system, of social legislation, and of economic policy.

In the economic realm following the Napoleonic Wars, forward-looking members of the Tory government, who were inspired by Adam Smith's attack on mercantilism in the *Wealth of Nations*, adopted a *laissez-faire* outlook and began to progressively withdraw the government from direct participation in the economic process.⁵⁷ By 1850 the transition was effectively complete and mercantilism had given way to an era of free trade. As D.C.M. Platt has demonstrated, for the remainder of the nineteenth century the British government maintained an urgent official interest in the general welfare of British commerce overseas but exhibited a distinct prejudice against promoting individual financial and trading interests.⁵⁸ This study promises to shed further light on early nineteenth-century British economic policy by providing a case-study with which to view this transition in action and with which to assess its significance to the lives of British subjects.

⁵⁷ The influence of economic theory on the course of British policy in the early nineteenth century is examined by, William D. Grampp, 'How Britain Turned to Free Trade', *The Business History Review*, 61: 1 (1987) pp.86-112 .

⁵⁸ D.C.M. Platt, *Finance, Trade and Politics in British Foreign Policy, 1815-1914* (Oxford: Clarendon Press, 1968) p.353.

Chapter One

Placed Between Two Fires

Maritime violence in the Spanish American Wars of Independence began to affect the business of British merchants almost immediately. This embroilment in the conflict excited ‘sentiments of regret and surprise’ amongst the West Indian Association of Planters, Merchants and Ship Owners in the city of Glasgow, who made their feelings known to the Admiralty in a memorial dated 18 November 1822.¹ ‘In a time of profound peace, when no risk was anticipated but that of the elements’, British vessels had been ‘exposed to insult, pillage and barbarity’, they lamented. Given the numerous accounts of predatory warfare filtering back to Britain from the West Indies, describing how the passage of vessels was being interrupted and how the lives and property of British subjects were being endangered, the dismay of the merchants is easily understood. More difficult to fathom however, is why the merchants of Glasgow were surprised that the prize war was having an impact on their business. Because although the British government declared itself neutral in the Spanish American conflict, neutrality in the early nineteenth century was not tantamount to immunity from the depredations of belligerent vessels of war.

Since the 1750s states had been waging economic war upon one another in a more thoroughgoing fashion than ever before and in the process had implemented tight restrictions on the trade and shipping of neutrals.² Britain was the pioneer of such methods, expanding the list of items that were considered contraband in the mid-eighteenth century, devising the ‘Rule of 1756’ during the Seven Years War to prohibit neutrals from entering a trade in wartime which was closed to them in peacetime, and by advocating a

¹ TNA, ADM 1/4532, C. D. Donald to the Admiralty, 18/11/1822.

² Following paragraph based on Stephen C. Neff, *The Rights and Duties of Neutrals: A General History* (New York: Juris, 2000) pp.63-85.

continuous-voyage principle to stop neutrals circumventing the Rule of 1756 by shipping enemy goods from colonies to mother countries via neutral ports. Neutrals faced even greater dangers during the Napoleonic Wars. In the latter phase of the conflict, from 1803 to 1814, belligerents began using large-scale blockades as a means of economic warfare for the first time. Britain also broadened its definition of the Rule of 1756, moving beyond merely targeting neutrals doing a belligerent's colonial trading and using the Rule from 1801 onwards to restrict any form of 'new commerce' undertaken by neutrals that showed favour to the enemy.

Although these developments in the early 1800s increased the likelihood that neutral vessels would be captured by belligerent vessels of war, the penalties for engaging in prohibited trades were softened. British courts ruled that violations of the Rule of 1756 should no longer be considered as a forfeiture of neutral character. Instead, such behaviour was punished in the same way as the carriage of contraband, whereby enemy-owned cargo would be condemned in the prize courts of belligerents but the neutral vessel itself would be spared from being declared a 'good prize' and would be released. Despite Britain's leniency in this one aspect of the issue of neutral rights, Neff argues that the French Revolutionary period was 'an intensely disheartening one for advocates of neutral rights, with its vivid demonstration of how fragile neutral rights could be in the face of grimly determined economic warriors'.³ The end of the Napoleonic Wars brought the curtain down on total war for a number of years, but neutral traders nevertheless continued to inhabit a world that favoured belligerents' rights above their own as neutrals. Not until the Declaration of Paris in 1856, when the world definitively resolved that the 'free ships-free goods' principle should become a rule of general law, did a golden age for neutrals begin to beckon.⁴

The maritime dimension of the Spanish American Wars of Independence in the early 1800s therefore posed a threat to neutral British traders. In the words of Joseph Marryat MP, the deployment of maritime predators by Spain and her rebel colonies meant

³ Neff, *Rights and Duties of Neutrals*, p.85.

⁴ Neff, *Rights and Duties of Neutrals*, p.86.

that British merchants found themselves ‘placed between two fires’.⁵ The following chapter establishes the nature and the extent of the threat posed to British trade, not only by legally-authorised Spanish American and Spanish predators, but also by pirates who emerged in the period to prey upon seaborne trade.

The Spanish American Threat

Violence spilled out on to the seas as soon as the Spanish American Wars of Independence began. Lacking naval resources, the independent governments of Spanish America resorted to granting commissions to individuals to arm their vessels as privateers. The first to put to sea were the privateers emanating from the former viceroyalty of New Granada. Initially these predators were given the name *Cartagineses* as they carried licences from the independent government that established itself for a brief time in the city of Cartagena, later they became known as Venezuelan privateers, and later still, with the formation of the state of Gran Colombia, as Colombian privateers.⁶ Colombian privateering continued until 1829 when the President, Simón Bolívar, recalled all private men-of-war pending a review of the legislation governing their conduct. Privateers were also deployed by the independent government of Buenos Aires and were active in significant numbers between 1815 and 1821.⁷ On the opposite bank of the Río de la Plata, privateers were commissioned by the government of José Gervasio Artigas, who claimed sovereignty over the Banda Oriental between 1811 and 1820. Following an invasion of the Banda Oriental by Portuguese forces in 1816, Artigas began to authorise privateering against Spain and Portugal. These privateers operated initially from Montevideo but following the capture of the city by the invading Portuguese forces in early 1817, they were forced to find alternative bases in the West Indies, from which they continued to operate until 1821.⁸

⁵ Hansard, *Parliamentary Debates*, vol.7, 30 July 1822, p.1858.

⁶ Rivas, ‘El Corso y la Piratería en Colombia’, pp.118-167. For clarity this group of predators will be referred to hereafter as Colombian privateers.

⁷ Bealer, ‘The Privateers of Buenos Aires’, pp.7-172.

⁸ Beraza, *Los Corsarios de Artigas*, pp.78-168.

Privateering was also authorised by Mexican revolutionaries. A decree in Puruarán by the Supreme Government of México in July 1815 invited applications from individuals to fit-out privateers under the newly-designed Mexican flag.⁹ Mexican privateering soon became synonymous with the activities of a Frenchman, Luis Aury, who after assisting the patriot cause at Cartagena, embarked upon an expedition to liberate México from the Spanish Royalists.¹⁰ Aury amassed a sizeable squadron with the assistance of the Mexican authorities and in July 1816, after capturing numerous merchant vessels, Aury arrived off Galveston in the Gulf of México where he was appointed civil and military governor and began commissioning privateers to cruise against Spanish shipping. Aury later moved his forces to Amelia Island, where the Scottish adventurer Gregor McGregor was struggling to defend the island against Spanish forces. Aury took command of the island and hoisted the Mexican flag. On 21 September 1817, Amelia Island formally became part of the Mexican Republic. However, by the end of the year, the United States government had sent troops to the island to remove Aury and the privateers. While this turn of events effectively ended privateering under the Mexican flag, incidental cases of Mexican privateers taking Spanish vessels continued to occur throughout the 1820s.

Privateering under independent Spanish American flags eclipsed the naval activity of the new states. However, navies did contribute to prize-taking activity, most notably in the Pacific in the early 1820s as the independent government of Chile fought against Spanish-held Perú. The Chilean government did grant licences for privateering but following victory against the Spanish forces at the Battle of Chacabuco in 1817, the Supreme Director of Chile, Bernardo O'Higgins, expended great efforts assembling a national squadron.¹¹ In 1818, Thomas Cochrane, an Englishman formerly of the Royal Navy, arrived in Chile where he became a citizen and was appointed Vice Admiral and

⁹ Cruz-Barney, *El Regimen Juridico del Corso Marítimo*, p.259.

¹⁰ Following paragraph based on, William Raymond Rein, 'Filibustering Expeditions of Sir Gregor McGregor and Luis Aury against Spanish East Florida' (Unpublished MA Dissertation, Auburn University, 1971) pp.46-73.

¹¹ Hamish I. Stewart Stokes & Claudio Cabello Pizarro, 'Los Corsarios en la Historia Chilena', see www.hermanadad.cl/corsarios_chilenos.htm.

Commander-in-Chief of the Chilean navy.¹² One of the main functions of the Chilean squadron was to impose a rigorous blockade of the ports of Perú in order to support the Chilean army's land campaign. This blockade was raised on 25 August 1820 and remained in force until Perú's liberation was complete in July 1822.

Spanish merchants, more than those of any other nation, found themselves in a perilous position as a result of insurgent Spanish American prize-taking activity. The intention of the independent governments in deploying privateers was clearly stated. Letters of marque were granted to vessels under the Venezuelan flag by Simón Bolívar 'in just reprisal of the sanguinary warfare that the Spanish Government wages' and the bearer of each of his commissions was entitled 'to pursue and capture the Spanish ships he may meet, as well on the high seas, as on the coasts and in the ports and rivers of the territory of the republic, and in those subject to the jurisdiction of that Government'.¹³ Spanish vessels throughout the Western Hemisphere were therefore the principal target for the insurgent privateers.

However, independent Spanish American governments were not adverse to interfering with neutral trade and shipping, and claimed the same rights that belligerent nations had been claiming in European conflicts since the 1750s. Spanish American predators were thus empowered to prevent neutrals from breaching blockades, carrying enemy property, or carrying contraband. The privateering legislation promulgated by Bolívar, first as leader of Venezuela and later as President of Gran Colombia, clearly defined the circumstances in which privateers could legitimately target neutrals. Venezuelan letters of marque warned bearers to 'not molest in any manner, the ships of neutrals, friends or allies of the Republic', even if touching at an enemy port, but if such ports were in a state of blockade, the Venezuelan government would permit neutral vessels to 'be conducted, to be tried, to one of our ports'.¹⁴ The Colombian *Ordenanza Provisional del Corso* decreed in 1822 added further clarity to these guidelines. Article 10

¹² Brian Vale, *The Audacious Admiral Cochrane: the True Life of a Naval Legend* (London: Conway Maritime, 2004) p.93.

¹³ TNA, ADM 1/337, sample letter of marque enclosed in Maray to the Admiralty, 17 January 1817.

¹⁴ TNA, ADM 1/337, sample letter of marque enclosed in Maray to the Admiralty, 17 January 1817.

conferred upon Colombian privateers the same rights as ships of war to visit and search neutral vessels at sea in order to examine their papers.¹⁵ If no enemy property or contraband was discovered on board, neutrals were to be released in accordance with Article 13. However, by Article 14, any neutral vessels discovered to be carrying enemy troops or property, carrying contraband articles, or entering or exiting an enemy port declared in a state of blockade, were liable to detention.

Most independent Spanish American governments promulgated similar rules with regard to neutral trade and shipping, the only exception being the government of Buenos Aires, which took a more cautious approach. While privateer captains were authorised to capture, burn or destroy every Spanish vessel that they encountered, they were directed to respect Spanish goods not contraband of war found under neutral flags, as a demonstration of the government's desire to preserve friendships with neutral nations.¹⁶ This restriction was lifted temporarily in 1819 when fears were entertained that the Spanish government would send a second expeditionary force to America, potentially targeting Buenos Aires. In response, the government made it known via the *Buenos Ayres Gazette* on 18 August 1819 that all neutral vessels engaged in the service of the government of Spain were to be considered Spanish property.¹⁷

Insurgent privateers were well equipped to take advantage of the opportunity to pursue neutral traders breaching blockades, carrying enemy property or carrying contraband. Investment in insurgent privateering came largely from North America, in particular from Baltimore, which had been a 'full-fledged privateering nest' during the War of 1812.¹⁸ With the onset of peace, North American investors looked to continue privateering by equipping their vessels under independent Spanish American flags and they took commissions from various agents who arrived in North America for the purpose of

¹⁵ TNA, FO 135/6, copy of *Ordenanza Provisional de Corso* enclosed in Canning to Campbell, 1 July 1825.

¹⁶ Keen, *David Curtis DeForest*, p.113.

¹⁷ *Niles' Weekly Register*, 6 Nov 1819.

¹⁸ Garitee, *Republic's Private Navy*, p.31.

recruiting privateering venturers on behalf of the insurgent governments.¹⁹ The vessel of choice for insurgent privateering in this period was therefore the American-built ‘Baltimore Clipper’. These vessels were remarkably fast-sailers, could be rigged as schooners or brigs and typically carried 12-16 guns, usually of 12 or 24lb calibre.²⁰

Calculating the total number of private armed vessels that operated under independent Spanish American flags in the early nineteenth century is almost impossible given the dearth of legal records from the period in the national archives of Latin American countries. However, the best estimates indicate that a high number were in service, particularly between 1816 and 1821. Currier estimates that 36 privateers put to sea under the flag of Buenos Aires in this period, with 23 being in commission in 1818 alone, although not at sea at the same time.²¹ Lewis Bealer argues that this figure was more likely to have been higher than 45.²² Meanwhile, according to the estimates of Agustín Beraza at least 33 different privateers were commissioned to sail under the flag of Artigas between 1816 and 1821.²³ Charles Griffin has established that a minimum of 21 of these private warships were fitted out in the United States, the majority in Baltimore but with others proceedings from New York, Richmond and Philadelphia.²⁴ Such figures compare to other conflicts with important privateering dimensions. In the War of 1812, Jerome Garitee argues that Baltimore committed at least 122 privateers to the fray in just over two and a half years of warfare.²⁵ Given that Baltimore was a ‘full-fledged privateering nest’ at the time and the port’s private ships-of-war comprised the vast majority of the overall privateering fleet of the United States, the estimated deployment figures cited by historians for independent Spanish American states would therefore suggest that insurgent

¹⁹ For a biography of one of these agents, see, Keen, *David Curtis DeForest*.

²⁰ Beraza, *Los Corsarios de Artigas*, pp.81-83, Gámez-Duarte, *Del Uno al Otro Confín*, pp.202-207; Griffin, ‘Privateering from Baltimore’, pp.13-14; Howard I. Chapelle, *The Baltimore Clipper: its origins and development* (New York: Edward W. Sweetman Company, 1968).

²¹ Currier, *Los Corsarios del Río de la Plata*, p.23.

²² Bealer, *Los Corsarios de Buenos Aires*, p.42.

²³ Beraza, *Los Corsarios de Artigas*, p.83.

²⁴ Griffin, ‘Privateering from Baltimore’, pp.8-9

²⁵ Garitee, *Republic’s Private Navy*, p.210.

privateering was carried out on a large-scale, especially prior to 1821 before the privateers of Artigas and Buenos Aires were recalled.²⁶

Given their high numbers, insurgent privateers were able to cast a wide net over the Western Hemisphere in their pursuit of prizes. The spatial scope of insurgent privateering extended throughout the Atlantic, into the Pacific, the Caribbean, and even into the Mediterranean.²⁷ The chief cruising ground of the insurgent privateers was the area around the Iberian Peninsula, stretching as far south as the Canary Islands and as far west as the Azores where privateers made an estimated 303 captures of Spanish vessels between 1816 and 1828, with 178 captures taking place in the Gulf of Cádiz alone.²⁸ Cádiz was an ideal target, being Spain's principal port, the departure point for expeditions to Spanish America, and being close to neutral ports that could be accessed for the purpose of resupplying, such as Gibraltar.²⁹ The second most important cruising ground for insurgent privateers was in the Caribbean.³⁰ In this theatre of operations, privateers cruised off the Spanish islands of Cuba and Puerto Rico and were close enough to bases to which prizes could be carried for adjudication.

The organizational and operational aspects of insurgent privateering meant that British merchants, if they were engaged in prohibited types of trade and entered the cruising grounds of Spanish American predators, would be liable to having their property seized and condemned. Unfortunately for a number of British traders, their commercial activities made them a legitimate and accessible target for Spanish American commerce-raiders. British trade with Spain and the Spanish colonies was extensive by the early nineteenth century. Since the Free Ports Act was passed in Britain in 1766, legal trade had existed between British and Spanish colonies in the West Indies. The Act permitted Spanish vessels to carry goods directly into designated British ports in the Caribbean, which was beneficial to British merchants because their vessels could arrive in the colonies

²⁶ Garitee, *Republic's Private Navy*, p.31.

²⁷ Gámez-Duarte, *Del Uno al Otro Confín*, pp.74-114.

²⁸ Gámez-Duarte, *Del Uno al Otro Confín*, pp. 78, 82-92.

²⁹ Gámez-Duarte, *Del Uno al Otro Confín*, pp.82-83.

³⁰ Gámez-Duarte, *Del Uno al Otro Confín*, pp.102-108.

with merchandise from Britain and return there laden with the products of the Spanish empire, legally obtained in Kingston, Nassau, or one of the other free ports.³¹ During the Peninsular War, a reciprocal dimension was added to this trade and as a result British commercial ties with the Spanish colonies became even more pronounced. Spanish colonial governors reacted to the news of the French occupation of Spain in 1808 by taking local affairs into their own hands and in a number of cases this power was exercised by opening ports to foreign commerce. The onset of peace theoretically closed this trade to British merchants but in practice the trade continued, most notably with Havana.³² The United States enjoyed a greater share of trade with Cuba (600 out of the 800-900 merchants entering Havana in 1819 belonged to the United States) but Britain ranked next in point of numbers.³³ By 1820, British merchants were claiming that Cuba engaged 10,000-12,000 tons of British shipping each year and millions of pounds sterling in capital.³⁴ However, by engaging in this 'new commerce', which was denied to neutral vessels when Spain was at peace with other nations, British merchants were exposing themselves to the possibility of capture by the insurgent privateers cruising in the West Indies.

Elsewhere, the activities of British merchants breached other prohibitions stipulated by the privateering ordinances of the independent Spanish American governments. In the Pacific in the early 1820s, British traders were seeking to profit from the relaxation of Spain's colonial monopoly. The Viceroy of Perú sought to counteract the crippling effects of the Chilean blockade of 1820 by opening the royalist-held port of Callao to all neutral vessels except for those carrying Chilean produce. Reports at the time of the Viceroy's decree indicated that 50 to 60 British ships were trading on the Pacific coast.³⁵ Any British merchants who dared to take advantage of the opening to engage in

³¹ Dorothy Burne Goebel, 'British Trade to the Spanish Colonies, 1796-1823', *The American Historical Review*, vol.43, No.2 (Jan, 1938) pp.288-320.

³² Goebel, 'British Trade to the Spanish Colonies', pp.302-303.

³³ Goebel, 'British Trade to the Spanish Colonies', p.303.

³⁴ Goebel, 'British Trade to the Spanish Colonies', p.303.

³⁵ Goebel, 'British Trade to the Spanish Colonies', p.319.

trade with Callao ran the risk of breaching the Chilean blockade, exposing their vessels and property to the possibility of capture by Cochrane's squadron.

But the threat of Spanish American predation was not restricted to those British merchants who chose to engage in commercial activity prohibited by independent Spanish American governments. Firstly, there was the possibility that any British vessel entering the cruising grounds of insurgent privateers would suffer some form of interruption to their voyages because insurgent privateers were empowered with the right to stop and search all neutral vessels in order to identify those engaged in prohibited types of trade. The volume of British shipping in the Western Hemisphere in the period 1810-1830 was substantial. In 1815 Britain possessed almost 2.5 million tons of merchant shipping, with almost half of this tonnage deployed in transatlantic trades and thus exposed to the possibility of being stopped and searched by insurgent privateers.³⁶ But secondly, certain unique characteristics of insurgent privateering meant that innocent British vessels also ran the risk of being captured or plundered and thus incurring some form of financial loss.

As stated in the introduction to this thesis, several historians have argued that insurgent privateering was unrestrained and often piratical in nature. Independent Spanish American governments did have regulatory practices designed to keep privateersmen from breaching the laws governing their activity. These devices were much the same as those developed by European governments to restrain their privateers in the eighteenth century.³⁷ In the first instance, owners of private armed vessels were required to deposit bonds as a guarantee for their good behaviour. Simon Bolívar's declaration in Barcelona (Venezuela) on 4 March 1817 set this bond at \$6000 for those individuals wishing to embark upon cruises under the Venezuelan flag, and later, with the formation of Gran Colombia, these requirements were modified and bonds set at between \$3000 and \$8000 according to the tonnage of the vessel intending to cruise as a privateer.³⁸ The Buenos Aires government

³⁶ Sarah Palmer, *Politics, Shipping and the Repeal of the Navigation Laws* (Manchester: Manchester University Press, 1990) pp.1-7.

³⁷ See for example, Starkey, 'The Origins and Regulation of Eighteenth-Century British Privateering', in Pennell, *Bandits at Sea*, pp.69-81; López Nadal, 'Mediterranean Privateering', in Starkey et al, *Pirates and Privateers*, pp.106-125.

³⁸ TNA, FO 135/6, copy of *Ordenanza Provisional de Corso* enclosed in Canning to Campbell, 1 July 1825.

exacted a bond of \$10,000 from all prospective privateering venturers, \$5000 was the figure set by the Mexican Republic, and although the precise figure required to obtain letters of marque from Artigas is unknown, owners appear to have been obliged to deposit guarantees.³⁹ The owner of the *República Oriental* privateer, Don Antonio Benito Powel, and his partner Don Ricardo Lecch both signed documents agreeing to deposit a bond prior to their departure from Montevideo in 1816.⁴⁰ Privateer commanders were also obliged to respect sets of rules issued by Spanish American governments to regulate their conduct during the act of capture and also with regard to disposing of prizes. On the latter point, prizes were required to be carried into ports with prize tribunals that could ascertain whether prizes had been taken in accordance with state law prior to their being condemned and sold for the benefit of the owners.⁴¹

Despite the steps taken by Spanish American governments to guard against illegal behaviour on the part of their privateers, Charles Griffin argues that in practice the 'rules and regulations laid down in prize codes and instructions to privateers were largely disregarded or were complied with in a perfunctory way'.⁴² This was certainly a charge brought against insurgent privateers by their contemporaries. The process by which commissions were obtained was heavily criticised. Merchants of Kingston, Jamaica noted in 1818 that many privateers had obtained their commissions in the United States and fitted out in ports such as Baltimore. Accordingly they were branded as 'species of pirates' who could 'claim no national character'.⁴³ Willaim Fahie, commander of the Royal Navy's Leeward Islands Station made similar accusations in 1821 regarding the process by which the privateers of Artigas were licensed.

³⁹ Bealer, 'The Privateers of Buenos Aires', p.21; Cruz-Barney, *El Regimen Juridico del Corso Marítimo* p.260.

⁴⁰ Beraza, *Los Corsarios de Artigas*, pp.205-206.

⁴¹ TNA, FO 135/6, copy of *Ordenanza Provisional de Corso* enclosed in Canning to Campbell, 1 July 1825; Beraza, *Los Corsarios de Artigas*, pp.43-52.

⁴² Griffin, 'Privateering from Baltimore', p.14.

⁴³ TNA, ADM 1/269, Popham to the Admiralty, 14 March 1818.

An American who styles himself “Commodore Daniels” of the Artigan Republic has made the neighbouring Swedish Island of St. Bartholomew’s his general Residence, from whence he commissions, equips, and sets forth armed cruisers with commissions which are asserted to be printed in Baltimore, and to which it is also asserted that Daniels himself affixes the signature of Artigas.⁴⁴

Fahie also added that many privateers flouted the law by cruising after their commissions had expired or by tampering with their licences.

These commissions appear on the face of them to be granted for Eighteen Months only, but they are found in cruisers after that period has expired; and if the vessel for which the commission is originally granted should be lost or become unfit for sea, another is obtained, named and fitted to suit the commission. An instance of this occurred last year; A vessel under American colours named the Montpelier arrived at St. Bartholomew’s from Baltimore with a cargo of merchandize, was there purchased by Commodore Daniels, cleared out from, and passed the ports under the same colours, and immediately hoisted the Artigan flag changed her name to the Bravo Orientâl, to suit her to a commission which had been in force in another vessel of that name, and which had expired many months.⁴⁵

It should be noted that not all such practices were violations of the laws of independent Spanish American states, as alleged by some merchants, naval officers, and more recently, by historians. Their practices did diverge from those observed in Europe in preceding periods of warfare but the independent governments had modified their privateering ordinances to suit the unique circumstances within which they found themselves in the early nineteenth century. In order to attract investment and expertise from abroad, most Spanish American governments altered the terms of recruitment to permit foreign participation, nullifying the accusation that the involvement of North Americans in insurgent privateering enterprise was a forfeiture of national character. In May 1817, the government of Buenos Aires stated that privateering licences would be granted to any person making application, whether foreigner or citizen, while the Mexican

⁴⁴ TNA, ADM 1/338, Fahie to Cockburn, 17 Feb 1821.

⁴⁵ TNA, ADM 1/338, Fahie to Cockburn, 17 Feb 1821.

government's declaration of 14 July 1815 did the same.⁴⁶ Similarly, José Artigas conferred the protection of the laws of his province upon the bearers of letters of marque carrying his signature, even if they were foreigners.⁴⁷ And this was a practice that continued throughout the 1820s as the Colombian *Ordenanza Provisional del Corso* stated that foreigners who applied to fit out privateers for the advantage of the Republic would be granted the same rights as Colombians on receipt of the required guarantee.⁴⁸

Insurgent privateers were also accused of irregular proceedings with regard to prize disposal, but this was another area in which Spanish American governments chose to diverge from standard European practice when promulgating their privateering ordinances. In the early phase of the Wars of Independence, the Spanish expeditionary army under Pablo Morillo successfully pacified parts of Venezuela and New Granada, retaking several major ports from the independent forces. Spanish American governments realised that privateering legislation had to take into account the transient nature of territorial possession in this period and provide alternative arrangements for privateers to dispose of their prizes. Consequently, the government of Buenos Aires stated that prizes should be sent into the ports of the United Provinces of the Río de la Plata, but if 'extraordinary circumstances' prevented this, privateer commanders were given the authority to act as they deemed best.⁴⁹ Mexican legislation also allowed privateer commanders to act according to their own discretion. So long as the Mexican government received four per cent of the proceeds, prizes could be sold wherever convenient, including in foreign ports.⁵⁰ The government of José Artigas followed suit stating that if prizes were carried into national ports, such as Montevideo or Colonia del Sacramento, they would only be required to pay

⁴⁶ Bealer, 'The Privateers of Buenos Aires', pp.20-21; Cruz-Barney, *El Regimen Juridico del Corso Marítimo*, p.259.

⁴⁷ Beraza, *Los Corsarios de Artigas*, p.22.

⁴⁸ TNA, FO 135/6, copy of *Ordenanza Provisional de Corso* enclosed in Canning to Campbell, 1 July 1825.

⁴⁹ Bealer, 'The Privateers of Buenos Aires', p.23.

⁵⁰ Cruz-Barney, *El Regimen Juridico del Corso Marítimo*, p.260.

half duty, but privateers could sell prizes in the ports of neutrals or allies if they so wished.⁵¹

In light of the finer details of the legislation promulgated by Spanish American governments it would be harsh to follow the example of contemporary merchants and naval officers and accuse all insurgent privateers of showing a disregard for the rules governing their conduct, at least with regard to foreign participation and prize disposal. Nevertheless, the decision of Spanish American governments to delegate responsibility to individual agents to organise privateering under their flags and the decision to allow privateers to dispose of prizes wherever convenient might have encouraged a higher degree of irregular proceedings than might have otherwise been the case. By adopting such practices, governments must have found it more difficult to trace and hold to account the crews of any private armed vessel accused of wrongdoing.

Moreover, there were some clear cut cases of insurgent privateers completely disregarding the obligations of their commissions. Mutinies were not uncommon during the Spanish American Wars of Independence. In 1819, at least three instances of mutiny occurred. The *Vigilancia* privateer fell into the hands of mutineers in early 1819 after the unruly crew had allegedly thrown their Captain overboard.⁵² Months later, news spread from Guayaquil that the crew of the *Chacabuco* privateer had ‘rebelled and killed their Captain on an island’ – news that was later confirmed by the U.S Corvette of War *Ontario*.⁵³ A more infamous case was that of the Artigan privateer *Irresistible*. While lying at anchor in the island of Margarita in March 1819 she was run away with by 65 of her crew and seafarers belonging to the Buenos Airean privateer *Creole*.⁵⁴ The agent for Lloyd’s resident in Margarita reported that ‘there is no doubt she has gone to Europe on a cruise’, expressing his fears that she would do ‘much mischief as the fellow chosen for Captain is a clever seaman, his name is Sutherland’.⁵⁵

⁵¹ Beraza, *Los Corsarios de Artigas*, pp.22-24.

⁵² *Lloyd’s List*, 15 Jan 1819.

⁵³ *Diario Mercantil de Cádiz*, 23 June 1819.

⁵⁴ ADM 1/3995, Bennett to the Admiralty, 5 June 1819.

⁵⁵ ADM 1/3995, Bennett to the Admiralty, 5 June 1819.

Mutinies, together with the greater opportunity afforded to insurgent privateers to behave in an irregular, if not an illegal fashion, all contributed to exposing British trade to a higher threat than would have been the case if insurgent privateering was more closely modelled on European antecedents. In addition to British vessels trading with Spanish colonies, breaching blockades or carrying contraband, there was therefore some scope for other British merchantmen engaging in regular and entirely legal commercial activity to be affected by insurgent privateering during the Spanish American Wars of Independence.

The Spanish Threat

Privateering under the Spanish flag had a long history by the early nineteenth century, dating back to the promulgation of the first *Ordenanza General del Corso* (General Ordinance for Privateering) in 1621.⁵⁶ Throughout the eighteenth century this legislation was revised to increase state control over the practice, just as in other European countries.⁵⁷ When Ferdinand VII took the decision to commission private warships to assist in the pacification of Spanish America in the early nineteenth century, he reactivated privateering legislation in its most recent guise, that of the *Ordenanza del Corso* of 1801. Like the privateering legislation decreed by independent Spanish American governments, the Spanish *Ordenanza del Corso* gave privateer crews the opportunity to prey upon neutral shipping in certain circumstances.⁵⁸ Article 20 stipulated that privateers could board any merchant vessel, regardless of the flag under which she navigated, in order to examine her licences, passports, personal letters, charters, log books and crew lists, so long as this was done without unnecessary levels of violence. In cases where neutral vessels were carrying only neutral property, free from contraband, even if they were proceeding from an enemy port not declared in a state of blockade, neutral vessels were not liable to detention.

⁵⁶ For a discussion of the development of Spanish privateering legislation see, López Nadal, 'Mediterranean Privateering', in Starkey et al, *Pirates and Privateers*, pp.106-125.

⁵⁷ For example see, Starkey, 'The Origins and Regulation of Eighteenth-Century British Privateering', in Pennell, *Bandits at Sea*, pp.69-81.

⁵⁸ Following paragraph based on the *Ordenanza del Corso* of 1801, see www.todoababor.es/datos_docum/ordenanza-corso1801.htm

However, if found carrying enemy property, carrying contraband or breaching blockades, neutral vessels could be manned with prize crews and sent to ports in Spain or the Spanish colonies for adjudication in prize tribunals. Article 25 established that in such cases of detention, enemy property and contraband would always be considered a ‘good prize’ although neutral property would be released, and if the master of the merchant vessel had declared and identified enemy property stowed on board, he would also be released with payment for freight.

Unlike Spanish American governments, Spain appears to have had problems attracting investment in privateering enterprise. In 1816 the Spanish government was compelled to annul a Royal Decree from March 1714 prohibiting the employment of foreigners on board private armed vessels. This legislation was replaced by a Royal Order stipulating that crews could be comprised of half Spanish, half foreign crews.⁵⁹ Nevertheless, there is little evidence that foreigners took the opportunity to engage in privateering under the Spanish flag and the total size of the Spanish privateering fleet appears to have remained small. Those private armed vessels that did put to sea under the Spanish flag in the early years of the independence conflict were heavily-armed, much the same as insurgent privateers. The *Diario Mercantil de Cádiz* reported that four privateers had been fitted out by the *Consulado* of Havana in 1817.⁶⁰ The corvettes *Lealtad* *Habanera* and *Valency* carried 20 guns each and were manned with 200 and 180 men respectively. The brig *Consulado de la Habana* was armed with 16 guns and carried 140 men, while this squadron was augmented by the schooner *Zaragozana*, of 5 guns and 75 men.

Only between late 1821 and early 1823 did private armed vessels under the Spanish flag begin to be deployed in higher numbers. This upsurge in Spanish predation was precipitated by a shift in Spanish policy. In late 1821, Spanish authorities began to enforce the Laws of the Indies which had lain dormant since the Napoleonic Wars. For centuries Spain had officially prohibited foreigners from trading with the Spanish American colonies. However, during the Napoleonic Wars these laws had been relaxed and under

⁵⁹ Cruz-Barney, *El Regimen Juridico del Corso Marítimo*, pp.263-264.

⁶⁰ *Diario Mercantil de Cádiz*, 14 May 1817.

tacit agreements, Spain had turned a blind eye towards foreign trade with the rebel colonies unless it involved the carrying of enemy property, contraband or the breach of a regularly established blockade. But in late 1821 Spain renounced these tacit agreements and all foreign trade with the independent provinces of Spanish America was exposed to the threat of predatory attack. Privateers were fitted out in Cuba and Puerto Rico to take advantage of this turn of events. By January 1823, nine privateers had departed from Puerto Rico in search of prizes, while many more were reportedly fitting out according to the agent for Lloyd's residing on the island.⁶¹ But this flurry of activity was not to last. In early 1823 the Spanish government declared an end to the enforcement of the Spanish Laws of the Indies and Spanish privateering once more lost its appeal. Arriving at Holmes Hole from San Juan, Puerto Rico in April 1823, the master of the vessel *Franklin* reported to the agent for Lloyd's that 'the privateers, as fast as they arrived there, were dismantled of their armaments, and fitted out as merchantmen'.⁶²

The threat posed to British trade and shipping fluctuated in accordance with the scale and scope of Spanish privateering. Until 1821 only those British merchantmen acting as blockade runners or carrying contraband and enemy property ran the risk of capture and condemnation. A number of British merchants faced this threat. At the outbreak of hostilities, the opportunity to supply the rebel colonies with arms and other warlike stores enticed several shipowners and merchants in British ports. Evidence of involvement in this clandestine activity can be found in the archives of the Foreign Office, where complaints were lodged by Spanish officials residing in Britain who witnessed firsthand the fitting out of British merchantmen with contraband articles destined for the rebel provinces in Spanish America. In 1817, the Spanish chargé d'affaires in London, Joaquín Campuzano, made efforts to prevent the imminent departure of the vessel *Two Friends* from Portsmouth, which contained troops and arms clearly destined for the service of the insurgents in South America.⁶³ Such complaints continued for a number of years and the

⁶¹ *Lloyd's List*, 8 April 1823

⁶² *Lloyd's List*, 30 May 1823

⁶³ Campuzano, cited in D.A.G. Waddell, 'British Neutrality and Spanish-American Independence: The Problem of Foreign Enlistment', *Journal of Latin American Studies*, vol.19, no.1 (May, 1987) p.3.

British government was compelled to strengthen its neutrality laws in 1819 to curb the assistance afforded by British subjects to the rebels.⁶⁴ In addition to carrying troops and contraband articles to the insurgent provinces, British merchants also employed their vessels to break through Spain's blockades of her rebel colonial ports. In late 1814 the merchants Watson, Maclean & Co shipped a cargo of flour in the *Caroline* from Gibraltar for La Guaira, despite the fact that the whole coast of Venezuela had been declared in a state of blockade by the Captain-General of the Spanish colony.⁶⁵

While Spanish predators endeavoured to prevent such behaviour, there was little risk to British merchants engaged in regular commerce with the insurgent provinces. As soon as Britain forged an alliance with Spain in 1808, a tacit agreement existed whereby regular British trade with the insurgent provinces was tolerated by the Spanish government. The Spanish government was aware that as an ally of Britain during the Peninsular War, Spain was deriving benefits from this commerce. Even after peace returned to Europe in 1815, the Spanish government continued to permit British trade with Spanish America in return for Britain's non-interference in the colonial conflict. Under these conditions, British trade with Spanish America flourished. By 1822 Latin America was absorbing nearly ten per cent of British exports.⁶⁶ In certain ports, such as Buenos Aires, British goods 'flooded' the markets and in 1818 exports from the city, of which the greatest portion went to Britain, amounted to £10,000,000 in specie alone in payment for goods imported from Britain.⁶⁷ British communities in Spanish American ports grew considerably. In Buenos Aires, the British community stood at about 120 in 1810 but had risen to somewhere in the region of 3000 by 1824.⁶⁸ But given that Spain still claimed sovereignty over Spanish America, this trade was in theory prohibited and governed by the

⁶⁴ Waddell, 'British Neutrality and Spanish-American Independence', pp.1-18.

⁶⁵ TNA, FO 72/181, Goulburn to Hamilton, 4 March 1815.

⁶⁶ D. A. G. Waddell, 'International Politics and Latin American Independence', in Leslie Bethell (ed.) *The Cambridge History of Latin America*, vol. III (Cambridge: Cambridge University Press, 1985) p.206.

⁶⁷ E. J. Pratt, 'Anglo-American Commercial and Political Rivalry on the Plata', *Hispanic American Historical Review*, 11: 3 (Aug, 1931) p.304.

⁶⁸ D.C.M. Platt, *Latin America and British Trade, 1806-1914* (London: Adam & Charles Black, 1972) p.39.

treaties that had existed prior to the outbreak of hostilities between Britain and Spain in 1796.⁶⁹

In late 1821, the *Lord Collingwood* became the first British vessel to be captured and condemned for a breach of the Spanish Laws of the Indies.⁷⁰ Panic gripped the British merchants involved in the Spanish America trade. A letter was hastily written to the editor of *The Times* to notify readers of the ‘experiment’ undertaken by the Spanish privateer responsible.⁷¹ The letter was printed on 3 July 1822 and explained why the case was of ‘very considerable importance’. ‘It has been always notorious, that by Spanish law all commercial intercourse with the colonies of that country was prohibited, and that any vessel, caught in the act of such intercourse, was liable to capture or condemnation by any Spanish vessel of war’, the author explained. But it had been ‘equally notorious’ that Spain had not attempted to enforce this law for a number of years and British merchants had ‘traded with the Spanish colonies, when loaded with innocent merchandise, with ... little apprehension of interruption from the Spanish marine’. What alarmed the letter-writer most about the capture of the *Lord Collingwood* was the fact that under Spanish law, the condemnation was ‘a valid one’ and ‘every ship coming, without a licence from the King of Spain, from any Spanish colony, loaded with its produce, is by the same rule a good and lawful prize’. Given that the experiment had been tried by one privateer, the author warned that it would soon be followed by others and Britain would have ‘one ship after another captured’. Although this incident increased the threat of capture for British merchants engaged in trade with Spanish America from a moderate to a substantial level, the threat did not last for long. In January 1823, a little over a year after the condemnation of the *Lord Collingwood*, the Spanish Cortes decreed that the Laws of the Indies would be suspended for ten months in order for the British and Spanish governments to have further discussions on the status of British trade, after this period no further enforcement of the

⁶⁹ Goebel, ‘British Trade to the Spanish Colonies’, p.302.

⁷⁰ For a copy of the decree of condemnation see, TNA, FO 316/1, no.8.

⁷¹ *The Times*, 3 July 1822.

colonial laws was attempted and Spanish privateering no longer posed a threat to British trade and shipping.⁷²

The Threat of Piracy

‘There is said to be a fashion in crimes’, Sir William Scott told the High Court of Admiralty in April 1819, ‘and piracy, at least in its simple and original form, is no longer in vogue’.⁷³ Whether the numerous fleets maintained by European nations or the prevalence of ‘juster notions and gentler manners’ had cleared the seas of this nuisance, Scott was unsure.⁷⁴ But with more certainty, he reported to those assembled that ‘the records of our own criminal courts shew that piracy is become a crime of rare occurrence, hardly visible for a century past, but in the solitary instances of a few obscure individuals’.⁷⁵ Pirates were ‘literally *rari nantes* on the high seas’, he declared.⁷⁶ For much of the period 1810-1830, piracy in its ‘simple and original form’, was, as Sir William Scott claimed, rarely practiced to any great degree. However, as Peter Earle has shown, in the early 1820s, shortly after Sir William Scott’s declaration to the High Court of Admiralty, piracy burst back into fashion.⁷⁷

Between 1821 and 1824 the Spanish colony of Cuba became a ‘grand depot of piracy’, to quote the words of one officer of the Royal Navy.⁷⁸ British merchants residing in Havana had watched this piracy take root in Cuba and reflected, ‘People of all Nations encouraged by the impunity with which Prizes were made under the various flags of South America ... at length collected together upon the almost uninhabited coasts of this island

⁷² TNA, FO 72/269, À Court to Canning, 8 Jan. 1823.

⁷³ Sir William Scott, cited in John Dodson, *Reports of Cases Argued and Determined in the High Court of Admiralty*, vol.11, 1815-1822 (London: A. Strahan, 1828) p.374.

⁷⁴ Sir William Scott, cited in Dodson, *Reports*, p.375.

⁷⁵ Sir William Scott, cited in Dodson, *Reports*, p.375.

⁷⁶ Sir William Scott, cited in Dodson, *Reports*, p.375.

⁷⁷ Earle, *Pirate Wars*, pp.211-228.

⁷⁸ TNA, ADM 1/2722, Warren to the Admiralty, 28 Jan 1823.

[and] easily inveigled to their party Spanish sailors thrown out of employment and maltreated by the capturers before mentioned'.⁷⁹ This 'fraternity of the most dangerous kind', as the merchants described them, found an ideal pirate haven in early nineteenth-century Cuba.⁸⁰ In January 1823, Captain Warren of HMS *Seringapatam* informed his superiors at the Admiralty that the authorities in Havana appeared to possess 'very little more than the shadow of power'.⁸¹ The state of society was 'altogether wretched' with people's minds being 'agitated with the apprehension or expectation that a great change is on the eve of taking place'.⁸² In this state of anarchy, Warren concluded that 'every opportunity is offered for those not firmly disposed to live by honesty, to emulate in any thievish, or buccaneering expedition that may present itself, particularly when accompanied with an almost certainty of plunder and but little few consequences'.⁸³

If Spain's loose grip on power in the colony was one reason that Cuba became an epicentre for piracy in the early 1820s, another was the island's geography. The northern coast of Cuba provided an ideal location for marauders to launch assaults on merchant vessels traversing the busy shipping routes through the Straits of Florida and the Old Bahama Channel. Aaron Smith, an English seafarer taken captive by Cuban-based pirates in 1822, wondered if the island had been specifically 'formed by nature for the reception and protection ... of sanguinary hordes'.⁸⁴ The coastline of Cuba was described in detail by William Geary, the midshipman in command of the *Speedwell* tender in 1822. 'From the port of Neuvitas down to the neighbourhood of Matanzas the coast is bounded by a continual line of kays, some of which are at a distance of from 30 to 40 miles from the Island and the remainder from 20 to 15, the intermediate water has generally a depth of from 7 to 9 feet but never exceeds the latter'.⁸⁵ Given that the keys afforded 'good shelter

⁷⁹ TNA, ADM 1/2722, Warren to the Admiralty, 28 Jan 1823.

⁸⁰ TNA, ADM 1/2722, Warren to the Admiralty, 28 Jan 1823.

⁸¹ TNA, ADM 1/2722, Warren to the Admiralty, 28 Jan 1823.

⁸² TNA, ADM 1/2722, Warren to the Admiralty, 28 Jan 1823.

⁸³ TNA, ADM 1/2722, Warren to the Admiralty, 28 Jan 1823.

⁸⁴ Aaron Smith, *The Atrocities of the Pirates* (London: Prion, 1997) p.35.

⁸⁵ TNA, FO 72/265, Croker to Planta, 19 Oct 1822.

to vessels of a slight draft of water', Geary reported that almost all of them had 'become the resort of piratical vessels'.⁸⁶ Cuba's inland terrain was equally favourable. The House of Commons heard in 1822 that pursuing the pirates to the point of capture was almost impossible given that 'the west coast of Cuba was jungle, only intersected by small paths', and if pirates were pursued to the shore, the 'crews ... would disperse through the country'.⁸⁷

To make the most of the Spanish colony's favourable political conditions and convenient physical features, Cuban-based piracy assumed a coastal character. Pirates established huts and settlements on remote parts of the coast from which they could launch fast attacks on passing merchant traffic before retreating to the protection of the keys, rivers and inlets close to the shore. The British Admiralty received numerous letters from the West Indies reporting how the pirates would lay at the point of Cape San Antonio in watch for vessels, and so long as no men of war were nearby, they would come out and board passing merchantmen.⁸⁸ One such report came from the merchants Robert Sheddon & Sons, who received a letter from the master of their vessel the *Roslin Castle* in which he made reference to the Cuban pirates. On passing Cape San Antonio, the master saw 'several boats hauled up on the beach, which no doubt belonged to those pirates, and are ready to be launched on the approach of any vessel should an opportunity offer of boarding and committing their depredations'.⁸⁹ As this report suggests, Cuban-based pirates required only small vessels to carry out such raids, typically consisting of 'clipper-boats, miserable schooners, and others no larger than fishing vessels', according to *The Times* in 1823.⁹⁰

While small open boats proved highly effective, more ambitious Cuban-based pirates used larger schooners to carry out attacks along the coast. At times, these vessels were heavily armed and manned, such as those destroyed by a British naval squadron in

⁸⁶ TNA, FO 72/265, Croker to Planta, 19 Oct 1822.

⁸⁷ Hansard, *Parliamentary Debates*, vol.7, 23 July 1822, p.1727.

⁸⁸ Hansard, *Parliamentary Debates*, vol.7, 23 July 1822, pp.1726-1727.

⁸⁹ TNA, ADM 1/5029, Sheddon to the Admiralty, 21 July 1822.

⁹⁰ *The Times*, 3 Feb 1823.

1823. Rear-Admiral Sir Charles Rowley of the Jamaica Station transmitted a report to his superiors in May 1823 from Captain Herbert of HMS *Tamar* detailing the destruction of four piratical vessels close to the Bay of St. Philippe, Cuba earlier in the year.⁹¹ The first of this piratical squadron to incur the wrath of the Royal Navy was a schooner bearing a red flag with the skull and crossbones motif. Although carrying two eighteen pound pivot guns and four carronades, she proved no match for the *Grecian* cutter and was blown up after a sharp action lasting thirty minutes. She carried a large crew of 90 men, many of whom perished in the engagement, and although a great number managed to escape to the shore they were zealously pursued by boats from the naval squadron. Five pirates were captured, thirty killed and many more were wounded. Following this action the naval squadron encountered a felucca, armed with four six-pounders and fifty stand of small arms, in company with two boats, carrying two guns and thirty stand of small arms each. All three vessels were discovered abandoned by their crews.

An insight into how these schooners and other larger piratical vessels were able to put to sea without arousing the suspicion of Cuban customs officials is provided by the British seafarer Aaron Smith. During his time in captivity on board a pirate vessel in 1822, Smith overheard a conversation between two pirate captains in which one of them stated,

that he had entered into an agreement with the owner to put guns, muskets, and every other article, secretly on board at the Havannah, and then clear her out, as if it were for a neighbouring port, in charge of a master. At night, when she anchored along the coast, he boarded and took possession of her, setting the master ashore. The owner, on receiving the intelligence, made a complaint to the governor that his vessel was seized by pirates; & the master confirming it by his statement every body believed it to be the fact; while the other was sharing the plunder, without the suspicion of being particeps criminis.⁹²

This co-operation is an example of the way in which pirates integrated themselves in mainstream Cuban society in the early 1820s. In order to get to sea, pirates enlisted the assistance of merchants, but there is also evidence to suggest that local authorities were

⁹¹ FO 72/281, Barrow to Planta, 27 May 1823.

⁹² Smith, *Atrocities*, pp.86-87.

complicit in making sure that pirates could carry out their depredations. One newspaper in the United States was left with ‘no sort of doubt’ that pirates were ‘encouraged and protected by certain of the authorities in Cuba’ following the publication of an account of the U.S schooner *Alligator*’s cruise around the island in 1822.⁹³ *Niles’ Weekly Register* alleged shortly afterwards that a pirate named Mateo Garcia was known to be publicly boasting of his earnings in Regla, close to Havana; ‘he does not fear justice, because he can purchase it!’ complained the newspaper.⁹⁴ Aaron Smith made similar allegations against the local authorities in Cuba. The captain of the piratical schooner on which he was detained in 1822 boasted of the influence he held over the island’s magistrates.⁹⁵ The captain claimed ‘that he could obtain passes for himself and his crew at all times, to travel from one part to another’, whereas those without them were liable to be thrown in prison unless they could give a good account of themselves.⁹⁶ In return for offering protection to the pirates, Cuban magistrates profited from their depredations. When Smith’s captors anchored in the harbour of Rio Medias, they were approached by several boats and canoes, one of which carried two or three magistrates and their families. Smith put it to the Captain that he ought to be afraid of the magistrates, precipitating the following response:

The Captain laughed, and said I did not know the Spanish character. Presents of coffee and other little things, said he, will always ensure their friendship; and from them I receive intelligence of all that occurs at the Havannah, and know every hostile measure time enough to guard against it.⁹⁷

The British judge Henry Theodore Kilbee, who sat in the court of mixed commission in Havana, corroborated such accounts in his reports to the Foreign Office. Kilbee spoke of how the ‘mal-administration of the law and the corruption of the tribunals’

⁹³ *Niles’ Weekly Register*, 1 June 1822.

⁹⁴ *Niles’ Weekly Register*, 26 Oct 1822.

⁹⁵ Smith, *Atrocities*, p.25.

⁹⁶ Smith, *Atrocities*, p.25.

⁹⁷ Smith, *Atrocities*, p.20.

was allowing piracy to flourish in the island.⁹⁸ Even if pirates were apprehended there was little chance that they would be found guilty of committing their crimes. ‘Pirates by sea, and robbers by land equally escape with impunity’, Kilbee stated, ‘and altho arrested, if they possess money, they are sure to be released shortly’.⁹⁹

Not only were pirates able to enlist the support of merchants and magistrates when putting to sea, they were also able to call upon their associates to distribute their prize goods. Merchants acted as middlemen between the pirates and consumers purchasing goods in regular markets by buying plundered items from onboard pirate vessels and distributing them throughout the island. Aaron Smith observed one such transaction during his time in captivity. Being the only person on board the pirate vessel with a knowledge of steelyards, Smith was ordered to weigh out plundered coffee to the individuals who had come on board to participate in an auction of pirated goods.¹⁰⁰ The best coffee was sold for ten dollars per hundred weight, the supposed half-value at Havana. Smith observed that the consumers brought sacks and bags with them, as precautionary measures to prevent detection and destroy every clue as to the market in which it had been purchased. After the sale had been completed, a gun was fired, upon which two small schooners came out from the land and coming alongside the pirate vessel, were loaded with the coffee. Smith noted that ‘the pirates, at all times, found great facility in disposing of their plunder, by these coasting vessels, who were always ready to receive it, but also frequently lent their crews to assist in the capture and board vessels’.¹⁰¹

By integrating themselves with mainstream Cuban society, the pirates that established settlements along the island’s coast increased their chances of avoiding detection. ‘Our enemy ... is an invisible one’, remarked Commodore Porter of the U.S anti-piracy squadron sent to the region in 1823.¹⁰² Porter claimed that all piratical vessels were furnished with Spanish passports and they had only to throw on this ‘fairy mantle’

⁹⁸ TNA, FO 72/261, Kilbee to Foreign Office, 28 Sept 1822.

⁹⁹ TNA, FO 72/261, Kilbee to Foreign Office, 28 Sept 1822.

¹⁰⁰ Smith, *Atrocities*, pp.26-27.

¹⁰¹ Smith, *Atrocities*, p.86.

¹⁰² *The Times*, 20 Aug 1823.

and they would be completely concealed from the navy's view.¹⁰³ As a result, it is impossible to gauge the number of piratical vessels operating in the period 1821-1824, as is giving an estimate for the number of individuals engaged in Cuban-based piracy.

Nevertheless, it is still possible to say that the threat posed to British trade by these marauders was substantial. One of the key factors that separated these Cuban-based pirates from insurgent Spanish American and Spanish privateers in the early nineteenth century was that privateers operated under certain restrictions imposed by the belligerent states responsible for granting their letters of marque. Legitimate targets were clearly identified in the various privateering codes of maritime nations. Pirates were bound by no such legislation; they were 'enemies of all mankind' and could plunder trade indiscriminately. This distinction came to the fore in the early nineteenth century when the case of the captured French slave ship *Le Louis* was heard in the High Court of Admiralty. The case was one of great significance as the prosecution attempted to argue that trading in slaves constituted piracy. The defence rejected this notion, arguing that piracy was 'a defined crime' and the slave trade 'was entirely different from piracy'.¹⁰⁴ The judge sided with the defence, highlighting in his summary that pirates were defined by a want of national character, acting as they did without the authority of any sovereign, and by the indiscriminate nature of their attacks. The *Le Louis*, and the activities in which she had been engaged, did not conform to this definition. Judge Sir William Scott pointed out that she was 'the property not of sea rovers, but of *French* acknowledged domiciled subjects' and she carried 'a *French* pass, *French* register, and all proper documents'.¹⁰⁵ Moreover, the slave trade was carried on by 'persons confining their transactions ... to particular countries' and was not, therefore, 'the act of freebooters, enemies of the human race, renouncing every country, and ravaging every country in its coasts and vessels indiscriminately, and thereby creating an universal terror and alarm'.¹⁰⁶ The Cuban-based pirates on the other hand, conformed entirely to this definition put forward by Sir William

¹⁰³ *The Times*, 20 Aug 1823.

¹⁰⁴ Dodson, *Reports*, p.220.

¹⁰⁵ Dodson, *Reports*, p.246.

¹⁰⁶ Dodson, *Reports*, p.247.

Scott. Because their attacks were indiscriminate, all British vessels passing along the coasts of Cuba in the early 1820s were potential targets for the pirates.

A great number of British merchantmen had to pass through the cruising grounds of Cuban-based pirates in the period 1821-1824. Concerned about the risks facing British traders in 1822, the Foreign Office made enquiries to the Admiralty regarding the routes generally taken by British vessels in the West Indies when returning to Britain. The First Secretary of the Admiralty, John Wilson Croker, reported that all British merchantmen endeavoured to fall in with the trade winds as soon as they could.¹⁰⁷ The particular route chosen by merchants, Croker explained, depended upon the island from which merchant vessels departed. Those leaving the Leeward Islands tended to return through one of the passages to the eastward of St. Domingo.¹⁰⁸ While this route was beyond the reach of Cuban-based pirates, for vessels involved in the Jamaica trade the story was entirely different. Vessels departing from Jamaica had to round Cape San Antonio, precisely the point where piracy was at its most dangerous. Only a few vessels, Croker reported, attempted to take the windward passage between Cuba and Santo Domingo.¹⁰⁹ The habits of British West India merchants therefore exposed them to considerable risk during the early 1820s. Moreover, a significant volume of trade was forced to take this hazardous passage into the Gulf of Florida. In 1824 an estimated 254,000 tons of British shipping arrived in the ports of the United Kingdom from the West Indies, amounting to 15 per cent of Britain's merchant fleet, much of which must have been bound to or from Jamaica.¹¹⁰

'Placed Between Two Fires'

Historians have never denied that British trade and shipping came under threat from maritime predators during the Spanish American Wars of Independence. Gámez-Duarte points out that predation placed many mariners in a precarious situation, while Lewis

¹⁰⁷ TNA, FO 72/266, Croker to Planta, 11 Nov 1822.

¹⁰⁸ TNA, FO 72/266, Croker to Planta, 11 Nov 1822.

¹⁰⁹ TNA, FO 72/266, Croker to Planta, 11 Nov 1822.

¹¹⁰ Palmer, *Politics, Shipping and the Repeal of the Navigation Laws*, p.5.

Bealer claims that commerce-raiders proved a 'source of serious annoyance to British vessels'.¹¹¹ Nevertheless, the complexity of the threat facing British merchants has never been properly understood. This chapter has shown that British traders faced a multi-faceted and fluctuating threat in the period 1810-1830. For the duration of the Spanish American conflict, British merchants faced the standard hazards that confronted all neutral traders in times of war. Spanish American and Spanish predators were empowered to seize British shipping when found breaching blockades, carrying enemy property or carrying contraband. However, other British traders were perhaps unexpectedly exposed to the risk of capture. When Spain began to enforce the Laws of the Indies between 1821 and 1823, British merchant vessels engaged in regular commercial activity with independent Spanish American states faced the prospect of capture. Moreover, throughout the Western Hemisphere rogue privateers under Spanish American flags had the potential to prey upon British trade and shipping, while Cuban-based pirates also threatened any British merchantmen that happened to cross their path between 1821 and 1824.

The character and scale of the threat facing British traders vindicates Joseph Marryat's assertion of July 1822 that the Spanish American Wars of Independence saw British merchants 'placed between two fires'. The predatory vessels deployed by both belligerent parties in the period 1810-1830 exposed British trade and shipping to the danger of capture, plunder and interruption. At times these 'fires' grew out of control and sparked unrestrained or illegal activity, intensifying the threat facing British merchants. The next chapter examines the extent to which British traders were burnt by this flare-up of predatory activity during the Spanish American Wars of Independence.

¹¹¹ Gámez-Duarte, *Del Uno al Otro Confín*, p.312; Bealer, 'The Privateers of Buenos Aires', pp.201-202.

Chapter Two

Traders' Ghastly Wounds

The threat posed to British trade and shipping became a reality for a number of merchants during the Spanish American Wars of Independence. So much so that by 1822 one poetic onlooker in Jamaica was writing songs on the subject of “traders’ ghastly wounds”.¹ While the verses penned by this particular lyricist were laced with references to the ‘unbridled rule’ in the West Indies of murder, pillage and rape, the overriding concern of the majority of British merchants was the negative financial impact commerce-raiding was having on their business. Given the nature of the source material available, gauging the precise impact of maritime predation on British trade and shipping in the period 1810-1830 is problematic. Reports of predatory attacks in contemporary newspapers sometimes made no distinction between British vessels and those of other nations when describing encounters between merchantmen and maritime predators, making it difficult to determine how many British vessels were affected by commerce-raiding activity. Moreover, reports of attacks in newspapers and government correspondence often gave no precise evaluation of the financial losses incurred in a given incident.

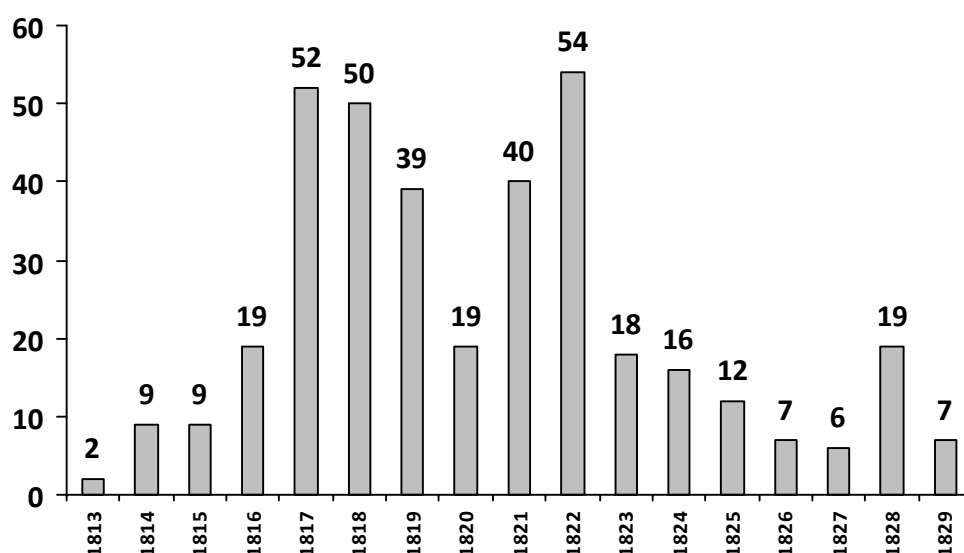
However, by extracting and refining data from this source material it is possible to gain an insight into the number of British vessels affected by predatory activity.² British merchant vessels were involved in an estimated 378 prize actions, which can be defined as encounters between merchantmen and maritime predators resulting in merchant vessels being seized, plundered or interrupted. In 121 cases, British vessels were described in reports as being seized and carried off by predators, 126 were plundered but released by their captors, while 131 suffered only interruptions to their voyages. The first recorded

¹ *Liverpool Mercury*, 20 Sept 1822.

² For a discussion of how this database was constructed, populated and refined, see Appendix 1.

encounter took place in July 1813 when the *Jolly Tar*, carrying 36 packages of dry goods from Jamaica to Cartagena, was seized by the Spanish privateer *Fernando Séptimo*, while the last known prize action involving a British vessel was the plunder of the *Eleanor* in October 1829 by an un-identified schooner.³ Figure 2.1 shows the annual frequency of prize actions involving British vessels between 1813 and 1829. The majority of the 378 prize actions (62%) occurred in two waves, the first between 1817 and 1819, and the second in 1821-1822.

Figure 2.1: Annual Number of Prize Actions Involving British Vessels, 1813-1829



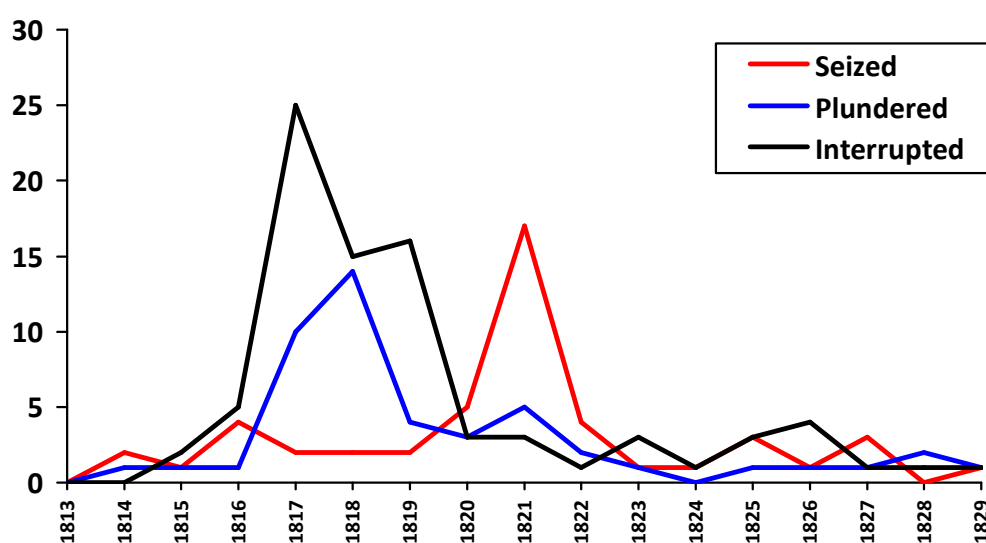
Source: see appendix one

Identifying the perpetrators responsible for initiating these prize actions is also problematic. The subjectivity of the source material means that it is often difficult to determine the true legal status of commerce-raiders, and as with the victims of predatory attacks, reports would sometimes remain silent as to the nationality of those responsible. But by refining the available data, samples can be obtained that distinguish between those

³ *Lloyd's List*, 5 Oct 1813, 13 Nov 1829.

prize actions perpetrated by independent Spanish American predators, Spanish commerce-raiders and Cuban-based pirates.⁴ Predators under independent Spanish American flags were responsible for initiating at least 181 prize actions involving British merchantmen, Spanish vessels engaged an estimated 60 British vessels, while Cuban-based pirates between 1821 and 1824 attempted to take at least 31 British prizes. Using these samples it is possible to gain insight into the extent and nature of the impact of maritime predation on British trade and shipping between 1813 and 1829.

Figure 2.2: Annual Number of British Vessels Seized, Plundered and Interrupted by Spanish American Predators, 1813-1829



Source: see appendix one

The Impact of Spanish American Predation

At least 181 British merchant vessels were engaged by Spanish American predators in the period 1813-1829. In 84 of these cases, British vessels suffered only interruptions to their

⁴ For a discussion of how this database was constructed, populated and refined, see Appendix 1.

voyages before being permitted to proceed. While this fate awaited the majority of merchantmen that fell into the hands of Spanish American predators, in 49 instances British vessels were seized and carried off and 48 were plundered before being released. The annual frequency and outcomes of these prize actions is shown in Figure 2.2. The frequency and outcomes of prize actions fluctuated in accordance with the nature of the threat posed by insurgent Spanish American predation, as described in the previous chapter. When large-scale deployment of insurgent armed vessels began in 1816, most notably under the flag of Buenos Aires, British vessels began to suffer interruptions to their voyages more frequently as the privateers exercised their right to stop and search neutral vessels on the high seas. These interruptions peaked in 1817 when 25 British vessels were overhauled by Spanish American predators.

This increase in interruptions was accompanied by a simultaneous rise in the number of British vessels reportedly being plundered by insurgent privateers. From only one such incident being reported in 1816, 10 instances of plunder were alleged to have taken place the following year, increasing to a peak in 1818 when 14 British vessels suffered some form of loss before being permitted to proceed with their voyages. Instances of plunder are likely to reflect the lack of restraint shown by some insurgent privateers, most notably those under the flags of Artigas and the Mexican Republic operating in the West Indies. However, as the number of privateers in service declined, so too did the number of British vessels being interrupted and sometimes plundered by these predators, and such incidents remained at a low ebb for the remainder of the period. The capture of British vessels by Spanish American commerce-raiders was generally low throughout the period, with the exception being the year 1821. At this time, the Chilean squadron under the command of Thomas Cochrane had put to sea to enforce the blockade of Spanish-held Perú and as a consequence 17 British vessels were seized on the grounds of breaching this blockade in 1821 alone and the majority were sent into Valparaíso for adjudication.

The financial impact of these encounters on the business of British merchants varied according to the outcome of prize actions. The majority resulted in British vessels being only interrupted and losses occasioned by such incidents were unlikely to have ever been significant. British merchantman could be detained for a number of hours. In May 1817 the *Globe*, commanded by Captain Blyth, was intercepted on her passage from

London to Madeira and Jamaica by a Buenos Airean privateer as the crew of the latter sought to purchase provisions. They tried for three hours to persuade Captain Blyth to relinquish some of the *Globe*'s provisions but he steadfastly rejected their offers of payment and the vessel was eventually permitted to proceed.⁵ Whether this delay caused Blyth any loss of profits when he arrived at his destination to unload and sell his cargo is impossible to gauge but any losses were unlikely to have been significant.

In some cases of interruption, privateers would put prisoners on board British vessels to be carried into the nearest port. The *Aurora* was obliged to take the master and mate of the *Maona Marcerra* on board by the *Mexican Congress* privateer in November 1817.⁶ Other than depleting more provisions than would otherwise have been the case, these unexpected passengers would have caused little trouble to their hosts. There is little evidence to suggest that British vessels sustained much damage in the process of being overhauled, boarded and examined by the crews of Spanish American commerce-raiders. The crew of the *Snapdragon* reported having been fired at as she was pursued by the privateer *Charlotte* in 1816 but when the commander of the privateer discovered she was a British merchant vessel he expressed great sorrow and offered to make good any damage he had caused.⁷

Rather than being a source of loss for British merchants, encounters with insurgent privateers could at times be beneficial. The commander of the Buenos Airean privateer *Patriota*, Thomas Taylor, took the time in May 1817 to advise Captain Thompson of the British vessel *Isabella* to beware a privateer hovering near the Isle of Vache. She paid no respect to any colours and would even murder the people she captured, Taylor warned.⁸ When this news filtered back to Britain through the agents of Lloyd's it went some way towards repairing Taylor's image, reports having being published in *Lloyd's List* alleging

⁵ *Lloyd's List*, 8 Aug 1817; *Lloyd's List*, 28 Oct 1817.

⁶ *Lloyd's List*, 27 Oct 1818.

⁷ *Lloyd's List*, 23 Jan 1816; TNA, ADM 1/268, Douglas to the Admiralty, 24 Dec 1816.

⁸ *Lloyd's List*, 22 July 1817.

that Taylor's squadron of privateers cruising off the coast of Cuba were willing 'to commit depredations upon every Vessel which falls in their track'.⁹

As Taylor's warning suggests, there were some insurgent privateers that were willing to overstep the boundaries imposed by their letters of marque and plunder items illegally from innocent merchant vessels. British merchantmen were reportedly plundered on 48 occasions by Spanish American predators between 1813 and 1829. In the majority of cases, the items removed from British vessels were of low value and consisted primarily of provisions, stores and clothing. A bullock, a sheep, six fowl and three barrels of bread were all that was removed from the *Hiram* in 1818, while several barrels of crackers, camboose, cooking utensils and poultry were taken from the *Lapwing* in 1819.¹⁰ In another instance, the *Aeadian* was plundered of all spare sails, most of her stores, the captain and passenger's wallets, bedding and all clothes except those that the crew were wearing.¹¹ Faye Kert's analysis of privateering from Atlantic Canada during the War of 1812 suggests that the practice of taking food, drink, clothing and personal items from merchant vessels was a matter of course and there was nothing out of the ordinary when Spanish American predators adopted similar practices.¹²

However, there were a small number of cases where the losses incurred by British merchants as a result of being plundered by Spanish American commerce-raiders were more substantial. When the Cartagenaian privateer *Matilda* apprehended the *Tarantula* off the coast of Cuba in October 1816, the predatory vessel allegedly made off with parts of the British vessel's cargo to the value of £5000.¹³ In a similar case in early 1817, the *Union* was plundered of £3000 off Grand Canary by the Buenos Airean privateer *Ant*.¹⁴

⁹ *Lloyd's List*, 20 May 1817.

¹⁰ *Lloyd's List*, 8 Sept 1818; *Lloyd's List*, 26 Nov 1819.

¹¹ TNA, ADM 1/269, Popham to the Admiralty, 12 April 1818.

¹² Faye Margaret Kert, *Prize and Prejudice: Privateering and Naval Prize in Atlantic Canada in the War of 1812* (St. John's, Newfoundland: International Maritime Economic History Association, 1997) See chapter four.

¹³ *Lloyd's List*, 10 Jan 1817.

¹⁴ TNA, ADM 1/268, Douglas to the Admiralty, 30 April 1817; TNA, FO 72/206, Goulburn to Hamilton, 12 June 1817.

While in November 1818 the *Sir Thomas Hardy* was overhauled by another privateer from Buenos Aires, commanded by a man named Almeida – ‘a rather short man’ with a ‘malicious cast in his eyes’ – whose crew proceeded to throw one-third of the British vessel’s cargo overboard before slashing her rigging.¹⁵

Losses were also incurred by British merchants when Spanish American predators seized British vessels and carried them into ports for adjudication. Responsible for the majority of these captures were the vessels under the independent flag of Chile. On 25 August 1820 the Chilean government declared the whole coast of Perú in a state of blockade. Given that by 1820 dozens of British and American ships were arriving in Peruvian waters following the Viceroy’s declaration at the end of 1818 that Peruvian ports were open to foreign shipping, British vessels soon fell victim to Chilean prize-takers.¹⁶ Between September 1820 and May 1822, 19 British vessels had been seized, with the majority being sent to Valparaíso for adjudication. However, these captures did not result in the complete loss of vessels and cargoes for their British owners. In July 1822, the British Foreign Secretary, Lord Castlereagh, claimed that he was aware of 18 cases of detention of British vessels in the Pacific and amongst them there was only one instance of complete condemnation, all other vessels had been released.¹⁷

Nevertheless, despite being spared the complete loss of their property, merchants still recorded losses when their vessels were detained in ports to await adjudication. As the owners of the *Indian* awaited the outcome of an appeal with regard to the condemnation of their vessel and its cargo, they complained to the British Admiralty that even in the event that their property was restored, they would never make the profits that the venture had initially promised. George and James Brown informed the Admiralty that if the quicksilver, of which the principal part of the *Indian*’s cargo consisted, had arrived at Lima as intended ‘it would have sold for 100 to 110 dollars per quintal’, but they anticipated that

¹⁵ ADM 1/3995, Bennett to the Admiralty, 25 Dec 1818; *Lloyd’s List*, 25 Dec 1818; *Diario Mercantil de Cádiz*, 8 Dec 1818.

¹⁶ Vale, *Audacious Admiral Cochrane*, p.114.

¹⁷ Hansard, *Parliamentary Debates*, vol.7, 30 July 1822, p.1861.

it would not sell 'for above half that price at Valparaíso' and therefore, even if the proceeds were delivered up, the parties interested would 'still suffer a heavy loss by the detention'.¹⁸

Colombian privateers were also responsible for the capture and detention of several British vessels, taking 21 British merchantmen between 1813 and 1829. Prize case evidence from the late 1820s demonstrates that the majority of British vessels carried into Colombian ports were later released by prize tribunals and only Spanish property and contraband were condemned. For example, when the *Laurel* was seized in 1827 by a Colombian privateer and carried into Puerto Cabello there was an outcry from concerned British merchants who feared that their innocent property embarked on board would be lost. Chalmers & Guthrie reported to the Foreign Office that their interest in the vessel consisted of £640 worth of goods belonging to *bona fide* British subjects.¹⁹ Middleton & Tennant, merchants of Glasgow, also wrote to the British government on the subject, expressing their concern about the losses they stood to make 'so immediately before Christmas', while Paterson, Jamieson & Co entertained fears that the Colombian authorities might mistakenly condemn their 30 cases of goods as Spanish property.²⁰ Such fears were never realised. The Colombian prize court restored all parts of the *Laurel*'s cargo belonging to British subjects, condemning only those parts proved by evidence to belong to Spaniards.²¹

Even so, British merchants still reported financial losses as a result of the detention of British vessels in Colombian ports. The main source of annoyance was the decision taken by prize courts in several cases to refuse payments for freight on condemned parts of cargoes and charge the prize vessel's owners for expenses arising from the detention of their vessels. The owners of the *John & Ann* were hit with such expenses in 1825. In a letter to the Foreign Office, Fermin de Tastet & Co complained that a payment for freight had been refused by the Colombian authorities on part of the *John & Ann*'s cargo, they had

¹⁸ TNA, FO 72/264, Croker to Earl of Clanwilliam, 4 June 1822.

¹⁹ TNA, FO 18/62, Chalmers & Guthrie to Dudley, 19 Jan 1828.

²⁰ TNA, FO 18/62, Lack to Backhouse, 7 Feb 1828; TNA, FO 18/62, Paterson, Jamieson & Co to Dudley, 13 Feb 1828.

²¹ TNA, FO 18/53, Draft to Lonsdale, 31 May 1828.

been billed for port expenses, and they had been charged for ballast to put the vessel in a state sufficient to proceed to sea, all to the cost of over £350.²² To this sum were added demurrage costs of £2000. The exasperation of Fermin de Tastet & Co was further inflamed by the fact that on arrival in Havana – her original destination – the master of the *John & Ann* struggled to procure any freights except for one to Gibraltar which had to be accepted at ‘a very low rate indeed’.²³ Much to their dismay, it later became apparent that the master of the vessel, James Critchell, was adjudged to have acted with ‘disrespect and contempt’ by refusing to give testimony and according to Colombian law, just as in British law, this invalidated the claim of the owners for payment of freight and damages.²⁴

Such charges were brought against the masters of other British vessels. In 1827, John Bulley of the *Amelia* was accused of destroying evidence of the ownership of Spanish property by setting fire to certain papers in his possession. Again, this provided grounds for the Colombian authorities to refuse payment for freight and damages to the British owners. One of the interested parties, Richard Lonsdale, took it upon himself to carry out ‘every possible enquiry’ into the matter on the *Amelia*’s return to England.²⁵ Being ‘fully satisfied’ that the master was not guilty of destroying evidence, Lonsdale applied to the British government to make a claim on his behalf, enclosing an affidavit from Bulley’s daughter Sophia, in which she stated that the letters destroyed on board the *Amelia* consisted only of her personal correspondence. Unfortunately for Lonsdale, the British government took the view that the additional information did not afford sufficient grounds for interference in the case.²⁶ In the case of the *Laurel*, the owners were likewise deprived of freight and condemned in costs, amounting to losses of almost \$3000. However, in this instance the British consulate could find no evidence of wrongdoing on the part of the

²² TNA, FO 18/22, Fermin de Tastet to Canning, 18 July 1825.

²³ TNA, FO 18/22, Fermin de Tastet to Canning, 18 July 1825.

²⁴ TNA, FO 18/18, Watts to Canning, 23 March 1825; TNA, FO 135/6, Canning to Campbell, 1 July 1825.

²⁵ TNA, FO 18/62, Lonsdale to Backhouse, 12 April 1828.

²⁶ TNA, FO 18/62, Draft to Lonsdale, 21 July 1828.

master and complained of injustices.²⁷ Representations would later force an acknowledgement of this unfair ruling by the Colombian authorities and the owners of the *Laurel* were invited to make an appeal.²⁸

However, the process of appeal itself was another avenue by which the detention of British vessels could cause British merchants to incur losses. The Colombian government was accused of ‘dealing out Law according to the weight of a man’s pocket’ in 1825 on the grounds that Colombian law required a security to be deposited before an appeal was admitted.²⁹ Whereas in Britain the highest security ever demanded for an appeal was £60, the Colombian authorities demanded \$10,000 – an ‘exorbitant security’ in the words of Consul James Henderson.³⁰ The amount demanded, in his opinion, equated to ‘thoroughly shutting up the channel of justice’.³¹ The master of the *Laurel* found he was unable to raise the required \$10,000 to prosecute his appeal in late 1827 and was forced to accept his losses.³² In another case, the master of the *Alexander* was permitted to put his vessel up as bail, worth \$6000, but by the time he returned from making his appeal in Bogota he found her in a ‘terrible state’ and was only able to sell her for \$600.³³

British merchants therefore incurred financial losses as a result of the direct capture and plunder of British vessels by Spanish American predators between 1813 and 1829. However, other British subjects also suffered financial hardships as an indirect consequence of Spanish American commerce-raiding activity. The impact of insurgent privateering on Spanish shipping had knock-on effects for several British merchants. Although claims that Spanish vessels were ‘swept from the sea’ have been discredited by a recent study, it is clear that Spanish trade with the Americas suffered considerable damage

²⁷ TNA, FO 18/62, Hooley & Co to Dudley, 26 May 1828; TNA, FO 18/53, Draft to Lonsdale, 31 May 1828.

²⁸ TNA, FO 18/54, Campbell to Aberdeen, 22 Sept 1828.

²⁹ TNA, FO 135/3, Sutherland to Campbell, 9 Nov 1825.

³⁰ TNA, FO 18/55, Henderson to Bedwell, 12 April 1828.

³¹ TNA, FO 18/55, Henderson to Bedwell, 12 April 1828.

³² TNA, FO 18/55, Henderson to Bedwell, 12 April 1828.

³³ TNA, FO 18/14, Campbell to Canning, 27 Sept 1825.

during the Spanish American Wars of Independence.³⁴ In 1816, the *Consulado* of Cádiz estimated that the trade of that port had sustained eight million *pesos* worth of damage in that year alone owing to the depredations of insurgent privateers; the situation was to get much worse in following years.³⁵

Such losses impacted on British trade in two ways. Firstly, the trade between British and Spanish colonies in the West Indies stagnated. In March 1818, merchants in Kingston penned a memorial to Sir Home Popham, the British Admiral on the Jamaica Station, reporting that they had lately experienced a stoppage of specie arrivals from Panamá as a result of the capture of Spanish vessels, causing them the ‘utmost dread and alarm’.³⁶ A month after receiving this memorial, Popham was handed a second, this time from the Chamber of Commerce in Nassau. The memorial reported that trade was almost entirely suspended between the Bahamas and the Spanish colonies of St. Domingo and Cuba.³⁷ The Chamber’s President speculated that if no protection was forthcoming, this trade would ‘naturally be forced inextricably into the channels’ and the advantages derived by the colony and the mother country from the Free Ports Act would ‘be lost perhaps forever’.³⁸ Wondering why it was that the memorial did not request convoy for the vessels engaged in this branch of trade, Popham sought clarification. President Bain duly responded, informing the Admiral that the trade between Nassau and the Spanish colonies was ‘principally carried on by Spaniards in Spanish vessels’ and that their voyages originated in the ports of Cuba from whence they brought specie for the purchase of goods.³⁹ Bain explained that the Spaniards who usually traded with Nassau ‘were either

³⁴ Gámez-Duarte, *Del Uno al Otro Confín*, pp.246-262.

³⁵ See, Gámez-Duarte, *Del Uno al Otro Confín*, pp.337-338. The *Consulado*’s report listed 71 prize actions occurring in 1816, representing an estimated loss of \$8,000,000. The report further pointed out that such a figure did not include losses prior to 1816 or vessels and other property taken from the merchants of Barcelona, Malaga, Coruna and Santander, had the report included these statistics the *Consulado* estimated that losses would have amounted to \$12,000,000.

³⁶ TNA, ADM 1/269, Popham to the Admiralty, 14 March 1818.

³⁷ TNA, ADM 1/269, Popham to the Admiralty, 12 April 1818.

³⁸ TNA, ADM 1/269, Popham to the Admiralty, 12 April 1818.

³⁹ TNA, ADM 1/269, Popham to the Admiralty, 12 April 1818.

taken or plundered in their voyage hither or did not think it so prudent to venture in so dangerous a voyage', consequently it was unnecessary to apply for convoy.⁴⁰

The capture of Spanish shipping also impacted upon the business of British underwriters in the early nineteenth century. It was common practice for British underwriters to insure vessels under foreign flags and they were therefore compelled to pay out when the vessels under belligerent flags were seized by enemy privateers. As the losses of the underwriters at Lloyd's accumulated, they felt it necessary to apply to the government in 1817 to interfere on their behalf. The appeal was, however, firmly rejected by the British government, much to the satisfaction of *The Times*, which argued that 'if merchants will insure a foreign flag, it is too much to expect that the same aid should be afforded by this Government as if that flag were British'.⁴¹ Moreover, *The Times* doubted the extent of the losses sustained by the underwriters. 'We have reason to apprehend that it is very much exaggerated', the author reported, having received credible information that 'instead of the loss of one Portuguese ship of 300,000*l.*, or a total loss of from 2 to 3,000,000*l.*, the whole of the insurances paid at Lloyd's on Portuguese and Spanish merchantmen lately captured by the cruisers of the Patriots do not exceed 100,000*l.*'⁴²

The Impact of Spanish Predation

Spanish predation had a different type of impact on the British mercantile marine. Of the 60 prize actions known to have involved British merchantmen and Spanish armed vessels, only three resulted in British vessels being interrupted for the purpose of examining the master's papers and the contents of the vessel's hold. Accounting for this small number of such incidents in comparison to the frequent interruptions initiated by insurgent privateers was the smaller scale of Spanish predation for much of the period 1813-1829. With fewer Spanish predators at sea, British merchantmen rarely crossed paths with Spanish armed vessels as they went about their business. This factor also meant that there were far fewer

⁴⁰ TNA, ADM 1/269, Popham to the Admiralty, 12 April 1818.

⁴¹ *The Times*, 27 Aug 1817.

⁴² *The Times*, 27 Aug 1817.

instances of British vessels being plundered opportunistically by commerce-raiders under the Spanish flag. Only nine cases of plunder by Spanish vessels were reported in this period. In a handful of cases British vessels were robbed of high value items, such as the *Jane* which was plundered of specie to the value of \$20,500, while in other instances only small items were taken, such as the case of the *L'Abdere* whose crew were relieved of money and wearing apparel by a Spanish privateer in September 1822.⁴³

Encounters with Spanish predators were far more likely to result in British vessels being seized and carried off. This fate befell 48 of the 60 British merchantmen engaged by Spanish vessels of force between 1813 and 1829. Figure 2.3 (page 58) shows that these captures were made at a fairly low annual rate in comparison to the surge of captures that were experienced at the hands of Spanish American predators when the Chilean squadron enforced its blockade in the Pacific in the 1820s. Even in the period 1821-1823 when all British vessels trading with Spanish America became a legitimate target for Spanish privateers, there was no significant upsurge in prize-taking. In 1822, the peak year for captures of British vessels by Spanish predators, only seven prizes were taken. For much of the period 1813-1829, Spanish commerce-raiders focussed on seizing those British vessels engaged in carrying enemy property, carrying contraband or breaching Spanish blockades. In September 1816 the British vessel *Lady Warren* was carried into Cádiz as a prize to the Spanish privateer *Feroz*. She had been discovered loaded with hides shipped at Buenos Aires and belonging to two Spanish passengers who were branded as traitors and thrown into prison on the vessel's arrival at Cádiz.⁴⁴ Vessels seized on the grounds of carrying contraband included the *Rover*, bound from Jersey to Caracas with lead, linens and provisions when captured in 1815.⁴⁵ Blockade runners also failed to evade Spanish predators on several occasions, such as the *Caroline*, apprehended by the privateer *Fernando Septimo* in April 1814 as she attempted to carry a cargo of flour into La Guaira.⁴⁶

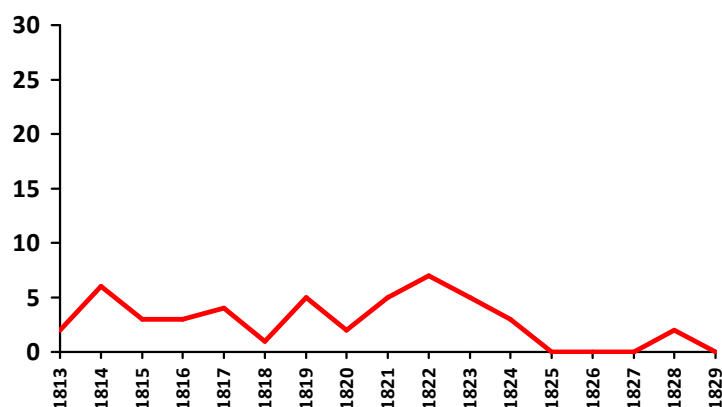
⁴³ *Lloyd's List*, 30 June 1820; TNA, ADM 1/272, Rowley to the Admiralty, 3 Oct 1822.

⁴⁴ TNA, FO 72/189, Matthews to Castlereagh, 10 Sept 1816.

⁴⁵ TNA, FO 72/185, Vaughan to Castlereagh, 5 Feb 1816; TNA, FO 316/64, Register of Claims.

⁴⁶ TNA, FO 72/181, Goulburn to Hamilton, 4 March 1815.

Figure 2.3: Annual Number of British Vessels Seized by Spanish Predators, 1813-1829



Source: see appendix one

The losses sustained by British merchants in such cases depended upon the judgments decreed in Spanish prize tribunals. In a number of cases, British vessels were released by prize courts after the parts of their cargoes that were liable to condemnation were declared a ‘good prize’. Such was the fate of the *Lady Warren*, which was restored in Cádiz and her owners paid damages for the losses occasioned by her detention.⁴⁷ Other British merchants failed to escape so lightly and saw their vessels condemned with their cargoes resulting in a complete loss. Such was the experience of Janvrin & Co of Jersey in August 1814 when the *Rover* was condemned. In this case the owners reported losses of nearly £10,500.⁴⁸

Such heavy losses became more common when Spanish prize tribunals began to condemn British vessels with their cargoes on the grounds of breaching the Spanish Laws of the Indies. The first British vessel to be condemned on such an allegation was the brig *Lord Collingwood*. Loaded with jerk beef and in a rather leaky state, the *Lord*

⁴⁷ TNA, FO 72/189, Matthews to Castlereagh, 15 Oct 1816.

⁴⁸ TNA, FO 316/27, Award Entry Books A & B.

Collingwood had been labouring along the coast of Cuba on 18 September 1821.⁴⁹ Her master, Thomas Domaille, having heard ‘very favourable news from Havana’, had set his course for that port and anticipated a ready market for the sale of his cargo. What he never bargained for was the fact that nearby, and equally spurred on by the prospect of netting a tidy profit, was Don Juan Bautista Escurra, captain of the Spanish privateer *La Pancheta*. After overhauling and conducting a rigorous search of the *Lord Collingwood*, Domaille was taken on board the privateer and told to sign a declaration confirming his vessel as a prize. Domaille refused. Britain was an ally of Spain, he protested, to which Escurra allegedly uttered the stern warning to his stubborn captive – ‘take care that my blood don’t get warm’. Domaille signed the declaration. The *Lord Collingwood* was duly manned by a prize crew and carried into Aguadilla, Puerto Rico, where she dropped anchor on 20 September 1821. Within two months, the prize court at Aguadilla had wound up its investigation into the legitimacy of the capture and declared the *Lord Collingwood* a ‘good prize’.⁵⁰

Documents generated by this pivotal case give a greater insight into how the parties interested in British vessels and their voyages suffered financial losses as a result of Spanish predation. De Lisle, Janvrin & De Lisle of London, were the sole owners of the *Lord Collingwood* and her cargo. The merchants estimated the total loss arising from the capture and condemnation of their property at almost £8000.⁵¹ This included £3000 for the vessel itself, almost £3000 again for her cargo of jerk beef, payments for insurance premiums, loss of freight, translation of papers from Spanish into English, and the expenses incurred by the master and crew while the vessel was detained in Puerto Rico. The accounts of Robert Butler, who was responsible for advancing money to Thomas Domaille and his crew in Puerto Rico, reveal the difficulties encountered and the costs incurred when British merchant vessels were detained in Spanish ports to await adjudication.

⁴⁹ Following paragraph based upon, TNA, FO 316/1, no.7, protest of Thomas Domaille, 26 Oct 1821.

⁵⁰ Following paragraph based upon, TNA, FO 316/1, no.8, Decree of Final Judgement, 22 Dec 1821.

⁵¹ TNA, FO 316/1, no.11.

Much of the money advanced by Butler went towards covering Domaille's travel costs as he was forced to move around the island to appear before different tribunals.⁵² After paying for a canoe to ferry him ashore at Aguadilla, Domaille travelled to Mayagüez to obtain papers at a cost of \$5. He returned to Mayagüez the following month, this time taking with him \$50 to cover his expenses. Meanwhile, the crew remained at Aguadilla, where further expenses were amassed. The second mate was handed \$1½ for a new pair of shoes in late October 1821 and in addition spent \$3 buying hats for himself and a boy. An outing into the city of Aguadilla appears to have turned sour and added further costs to the crew's stay. Butler gave \$12½ to the crew in order for them to find their way into the city, but later that day was compelled to pay \$30 to a local man, Fabian Hernandez, to go out in search of the missing crew. Finding one of the sailors locked up in prison, a further \$1½ was needed to cover jail fees. The stay of the master and crew at Aguadilla cost the owners of the *Lord Collingwood* just under £220, but further expenses lay ahead. Thomas Domaille made his way to San Juan to protest against the sentence of the *Lord Collingwood*. Once there, he found board and lodgings at a rate of \$3½ per day and set about having his papers translated. After a stay of 45 days, Domaille had amassed expenses of over £44. After failing in his mission to obtain the release of the *Lord Collingwood*, Domaille made for the Swedish island of St. Thomas to await passage back to England. His 42 day stay on the island cost him \$168 in board and lodgings and he was then required to pay \$200 for his passage back to England, combining to form a total expense of almost £75.

The loss of such large amounts of capital could have severe consequences for British merchants. Take for example the case of Thomas Oliver. Oliver was the owner and master of the *Zelia*, seized and condemned with its cargo at Ponce, Puerto Rico in 1822. Unable to raise enough money to challenge the sentence in Puerto Rico, Oliver took passage to Madrid clutching a copy of the prize court's sentence and clinging to the hope of regaining his losses of upwards of £12,000.⁵³ To his dismay, he found Spain in a state of affairs that rendered it impossible for him to make progress and Oliver and his family,

⁵² TNA, FO 316/1, no.11.

⁵³ TNA, FO 72/297, Oliver to Canning, 21 June 1824.

having lost their all, were reduced to the ‘greatest state of distress’.⁵⁴ Following an Anglo-Spanish agreement in March 1823 to create a mixed commission to investigate the claims of British subjects against the Spanish government for losses occasioned by the capture of British property at sea, Oliver submitted a claim for over £12,000.⁵⁵ But delays in the proceedings of the commission worsened Oliver’s plight.⁵⁶ In June 1825, one of the British commissioners appealed on Oliver’s behalf to the Foreign Office, reporting that he was ‘reduced to a state of being little short of starvation’ and that only a ‘trifling sum’ would be required to support him until his claim was decided.⁵⁷ It was not until the late 1820s that Oliver finally received his compensation, being awarded just over £6500 by the British commissioners.⁵⁸

While Oliver’s case was admittedly described as being ‘peculiar’ by the British Commissioner Edward Jamieson, it is evident that heavy losses were experienced by the majority of British merchants whose vessels and property fell into the hands of Spanish privateers in the early 1820s. James Mackie and John Doe reported damages of over £9000 for the capture and condemnation of the *Phoebe* and her cargo of coffee in August 1822.⁵⁹ The experience of Samuel and Peter Shepherd, of Port Antonio, Jamaica, differed only slightly in that their vessel, the *Eliza*, was restored by a Puerto Rican prize court on the grounds that the vessel’s capture had been illegal.⁶⁰ Nevertheless, they still reported losses of \$12,000 because despite the Marine Court’s ruling that the owner of the *Fortuna* privateer, Don Domingo Lopez, should pay for all damages, he was unable to pay. When Lopez’s finances were investigated it was found that the value of his property, including a Chandler’s shop, amounted to only \$3495. Moreover, Lopez had several debts to Spanish

⁵⁴ TNA, FO 72/297, Oliver to Canning, 21 June 1824.

⁵⁵ TNA, FO 316/28, Award Entry Books C & D. See Appendix 2 for a copy of the Anglo-Spanish convention of March 1823.

⁵⁶ For a full account of the proceedings of the Anglo-Spanish mixed commission see Chapter Six.

⁵⁷ TNA, FO 72/334, Dawkins to Planta, 2 June 1825.

⁵⁸ TNA, FO 316/28, Award Entry Books C & D.

⁵⁹ TNA, FO 316/28, Award Entry Books C & D.

⁶⁰ Following based upon, TNA, FO 72/297, Barrow to Planta, 22 July 1824.

tradesmen and under Spanish law the claims of those creditors would take priority over those of foreign subjects. The owners of the *Eliza* were also unable to call upon the captain of the privateer to pay them the money they were owed. The capture of the *Eliza* was one of his last acts before his death and his will showed that he owned nothing of value. The only sum of money that Samuel and Peter Shepherd could rely upon in their quest for remuneration was the bond of \$3000 deposited by the owners of the privateer on receipt of their letters of marque. This figure fell way short of the amount claimed by the British merchants, forcing them to apply to Madrid for compensation. Like Thomas Oliver, the Shepherds were forced to apply to the mixed commission established in 1823 in their quest for justice.

Because British merchants were given the opportunity to reclaim their losses when the British and Spanish governments established a mixed commission via the convention of March 1823, records exist that give an insight into the aggregate amount of capital lost by British subjects as a result of Spanish predation.⁶¹ The 331 claims submitted to the mixed commission did not relate exclusively to the capture of property at sea during the Spanish American Wars of Independence. In mid-1826, Commissioner Edward Jamieson carried out a review of these claims and identified that they fell into eight classes, which he labelled A-H.⁶² Classes C-H contained 174 claims seeking compensation for contractual disagreements, unpaid bills, the repayment of forced loans, the capture of British property prior to 1808, the plunder of British vessels by pirates in the American seas and the detention in Spanish ports of British vessels captured by French and North American privateers. Classes A and B contained claims seeking compensation for losses occasioned by the capture of British vessels by Spanish predators for alleged infractions of the Laws of the Indies and for having an alleged connection with the independent parties of Spanish America. The claims falling into these latter two classes sought £724,898 in compensation.⁶³ The accuracy of this figure is debatable. Claims were prepared by merchants prior to their submission to the mixed commission and when finally adjudicated,

⁶¹ See Appendix 2 for a copy of the Anglo-Spanish convention of March 1823.

⁶² TNA, FO 72/334, Jameson to Planta, 24 June 1826.

⁶³ TNA, FO 72/334, Jameson to Planta, 24 June 1826.

deductions were sometimes made by the British commissioners owing to a want of sufficient evidence.⁶⁴ The £724,898 claimed by British merchants can therefore be considered only as a maximum estimate of the amount of capital lost as a result of Spanish predation.

However, like Spanish American predation, there were also a number of British merchants who experienced financial difficulties indirectly as a result of Spanish prize-taking. The seizure of vessels by Spanish commerce-raiders compelled underwriters to raise the cost of insurance for voyages to Spanish America, especially in the early 1820s. In January 1822, M. Hyslop, a personal friend of Simón Bolívar and a merchant deeply interested in British trade with Colombia, penned a letter to the Foreign Secretary regarding the matter. Hyslop informed Castlereagh that he had a vessel loading at Liverpool for Maracaibo and Cartagena, but in consequence of a notice posted at Lloyd's giving details of a Spanish blockade of the Colombian coast, the underwriters were refusing to insure his cargo unless for 'a most extravagant premium, say 30 guineas percent'.⁶⁵ Perhaps Hyslop's claim was exaggerated because by July 1822, Stephen Lushington MP stated in the House of Commons that premiums of insurance for vessels undertaking voyages to the western seas stood at 70 shillings percent, however this was still a significant increase on what Lushington claimed to be the standard rate of 30 shillings.⁶⁶

Whatever the exact rise in the cost of marine insurance, it undoubtedly affected the business of many British merchants. John Lowe, of New Broad Street, London, claimed to speak for the 'interests of a large community' when he addressed a petition on the subject to the Lords Commissioners of the Admiralty in October 1822.⁶⁷ Lowe explained that for many years, the Spanish American mainland had been an important outlet for British manufactures via intermediate ports in Jamaica and the West Indies. The importance of this trade, Lowe continued, had multiplied since the declarations of independence in many

⁶⁴ For a full account of the proceedings of the Anglo-Spanish mixed commission see Chapter Six.

⁶⁵ TNA, FO 72/263, Hyslop to Castlereagh, 16 Jan 1822.

⁶⁶ Hansard, *Parliamentary Debates*, vol.7, 5 July 1822, p.1513.

⁶⁷ *Barbados Mercury & Bridgetown Gazette*, 22 Oct 1822.

Spanish American colonies because merchants could trade directly with the mainland without incurring the expense of using intermediate ports. However, Lowe warned that shipments were being prevented due to the insecurity of undertaking voyages to the region. Underwriters were demanding ‘ten guineas for a risk to the mainland, which, under ordinary circumstances, ought to be done from two or three guineas per cent’, Lowe complained, adding that it was ‘even difficult to ensure at this enormous premium’.⁶⁸ While some shippers were induced to submit to this burden, they did not feel that undertakings that were made with so much risk, and so much doubt as to their arriving at their destination, could ‘fairly be considered as operations resting on such security as merchants ought to look for’.⁶⁹

The Impact of Cuban-based Piracy

Although the sample of prize actions involving British merchantmen and Cuban-based pirates is unavoidably small, it is clear that encounters between the two were most likely to result in merchant vessels being plundered by the pirates.⁷⁰ Of 31 prize actions involving British vessels and occurring off the coast of Cuba in the period 1821-1824, 21 were cases of plunder. It suited the coastal nature of the Cuban-based pirates to board and plunder vessels quickly before returning to their settlements ashore with their prize goods. More than anything, the Cuban-based pirates endeavoured to obtain money when they boarded British merchant vessels. After interviewing the masters of the *Industry* and *Vittoria* following their encounter with a piratical vessel off the Cuban coast in 1822, Captain Walcott of H.M Sloop *Carnation* noted that ‘the great object of the pirate ... appeared to be the hope of finding money on board their vessels’.⁷¹ In several of the 21 prize actions in which British merchantmen were plundered, Cuban-based pirates succeeded in their aim of making off with sums of money. The *Little John* was plundered of \$10,000 in specie off

⁶⁸ *Barbados Mercury & Bridgetown Gazette*, 22 Oct 1822.

⁶⁹ *Barbados Mercury & Bridgetown Gazette*, 22 Oct 1822.

⁷⁰ For a discussion of how this database was constructed, populated and refined, see Appendix 1.

⁷¹ TNA, ADM 1/272, Rowley to the Admiralty, 28 Dec 1822.

St. Juan de los Remedios in early 1822.⁷² The pirates who ransacked the *Robert* as she rounded Cape San Antonio in August 1821 discovered and removed £1000 from the vessel, as well as robbing female passengers of money and clothing to the value of a further £200.⁷³ Jason Grossard, master of the *Harmony*, had the misfortune of being plundered twice in one day as he approached Havana in September 1822. On the second occasion he was allegedly subjected to a mock hanging to force him to reveal the whereabouts of silver on board, three boxes of which were found and plundered by the boarding party from a piratical schooner, along with \$450 and 17 doubloons.⁷⁴

British vessels were primarily plundered of specie by Cuban-based pirates, while their cargoes appeared to Captain Walcott of the *Carnation* to be of 'very secondary import' to the marauders.⁷⁵ However, sometimes Cuban-based pirates did take an interest in the cargoes stowed in the holds of British merchantmen. The *Homer* was relieved of part of her cargo of indigo in January 1822 when she was boarded by pirates off Cape San Antonio.⁷⁶ The pirates who plundered the *Vittoria* in August 1822 plundered the vessel's cargo of coffee, after stating that it was a commodity that 'they should be able to dispose of'.⁷⁷ In this case the vessel and cargo were completely lost to their owners as the pirates carried the *Vittoria* close to the shore and unloaded her coffee before abandoning her empty hull. The pirates appear to have found a ready market for this coffee. At a later date, Lieutenant Geary of the *Speedwell* discovered the *Vittoria*'s bills of lading and coffee bags marked 'TM' strewn about a piratical settlement on the shores of Cuba.⁷⁸ 'Coffee of the same mark has been selling in Havanna and known to be Jamaican produce', Geary remarked in his report to his commanding officer.⁷⁹ The losses incurred by the owners of

⁷² TNA, FO 72/265, Croker to Planta, 19 Oct 1822.

⁷³ *Lloyd's List*, 26 Oct 1821.

⁷⁴ *Lloyd's List*, 18 Oct 1822.

⁷⁵ TNA, ADM 1/272, Rowley to the Admiralty, 28 Dec 1822.

⁷⁶ *Lloyd's List*, 19 March 1822; TNA, FO 316/64, Register of Claims.

⁷⁷ TNA, ADM 1/272, Rowley to the Admiralty, 28 Dec 1822.

⁷⁸ TNA, ADM 1/273, Rowley to the Admiralty, 7 Oct 1822.

⁷⁹ TNA, ADM 1/273, Rowley to the Admiralty, 7 Oct 1822.

the *Vittoria* and her cargo were substantial. Not only had the vessel been loaded with coffee, she also carried Nicaraguan wood, lignum vita and lancewood spars. Hymen Cohen, Judah Cohen, Andrew Cohen, Alexander Hiam Cohen and Judah Hymen Cohen – the lawful owners of the *Vittoria* and her cargo – reported losses of over £27,000 following the vessel's capture.⁸⁰

Heavy losses of this kind caused great concern amongst British underwriters, who raised insurance premiums in 1822 in accordance with the growing risk of making voyages to the West Indies. As a result, the business of a wider group of British merchants was indirectly affected by Cuban-based piracy. In October 1822, *The Times* voiced concerns that 'if no step be taken to put down piracy', the regular premiums of insurance to Jamaica and other West Indian islands, usually at a rate of three to five per cent, 'must soon be raised to 15 at the lowest – a tax amounting to the total prohibition of all mercantile intercourse with that quarter of the world'.⁸¹ As predicted, the following month witnessed a sharp rise in the cost of marine insurance premiums. The West Indian Association of Planters, Merchants and Shipowners in Glasgow told the Admiralty in November 1822 that in consequence of the 'predatory warfare carried on by lawless banditti on the West Indian seas', the premiums of insurance had risen to 'double of the rate usually paid' at that time of year.⁸²

Cuban-based piracy may well have had a second type of indirect impact on British trade. Contemporary newspapers in 1822 were filled with accounts of piratical depredations. Such reports spoke of the brutality meted out by these coastal marauders. The master and supercargo of the American vessel *Hannah* were bound, placed over a slow fire and tortured into confessing the whereabouts of property concealed on board.⁸³ When the master of the *Blessing* failed to produce any money 'a plank was run out in the starboard side of the schooner', upon which the master of the vessel was forced to walk, and 'as he approached to the end, they tilted the plank, when he dropped into the sea, and

⁸⁰ TNA, FO 316/28, Award Entry Book C & D.

⁸¹ *The Times*, 8 Oct 1822.

⁸² TNA, ADM 1/4532, C. D. Donald to the Admiralty, 18 Nov 1822.

⁸³ *Lloyd's List*, 8 Nov 1822.

there, when in the effort of swimming, the captain called for his musket, and fired at him therewith, when he sunk, and was seen no more!’⁸⁴ The accuracy of reports of pirate brutality must be called into question. Such accounts made good copy and sold plenty of newspapers. Indeed, in 1823 the commander of the U.S. squadron sent to Cuba to suppress piracy criticised newspapers for printing false and extravagant accounts of the capture and destruction of American vessels and murder of American citizens.⁸⁵ *Niles’ Weekly Register* was forced to admit that ‘the late pretended enumeration of captures by pirates, was the mere coinage of the brain of one of our editors – as he himself has confessed!’⁸⁶ Whether accurate or not, the proliferation of alarming tales of piracy may have caused concern in mercantile communities, for a brief period at least, and may have acted as a disincentive to trade. Such an impact is impossible to measure but the psychological effects of Cuban-based piracy should not be discounted entirely.

‘Light on a Province, though heavy on a few’

Commerce-raiding activity during the Spanish American Wars of Independence had a negative financial impact on the business of numerous British merchants. The level of distress caused by predatory activity covered a broad spectrum. For some British merchants only minor inconveniences were occasioned by encounters between British vessels and commerce-raiders. As a high number of insurgent privateers exercised their right of stop and search between 1816 and 1820, numerous British vessels experienced interruptions to their voyages, but such incidents are unlikely to have caused a significant dent in the finances of British merchants.

Other merchants were less fortunate and made moderate losses when their property fell into the hands of commerce-raiders. Several British vessels were plundered of small items by Spanish American and Spanish predators alike. Other British merchantmen were detained and carried into ports. Despite many of these vessels being released, their owners

⁸⁴ *Niles’ Weekly Register*, 5 Oct 1822.

⁸⁵ *Niles’ Weekly Register*, 17 May 1823.

⁸⁶ *Niles’ Weekly Register*, 17 May 1823.

often complained about having to pay port charges and other expenses. Moderate losses were not reserved for those whose property fell directly into the hands of maritime predators. The capture of British vessels by legally-authorised and illegal commerce-raiders pushed up the price of marine insurance premiums to the point where a wider group of merchants complained of moderate financial difficulties.

However, the heaviest losses were recorded by those British merchants whose vessels were plundered of large amounts of specie or valuable cargoes, or seized and completely lost to their owners, most notably by Cuban-based pirates and Spanish privateers in the early 1820s. Substantial amounts of capital were lost by British merchants on such occasions, sometimes with near-fatal consequences, as in the case of Thomas Oliver who was said to be on the brink of starvation in 1825.

As devastating as these losses could be for the individuals directly concerned, they were insignificant on a macroeconomic level. The impact of maritime predation on the carrying capacity of the British merchant fleet was minute. In 1815 Britain possessed almost 2.5 million tons of merchant shipping.⁸⁷ Between 1815 and 1830 the size of the British merchant fleet stood at an annual average of 20,933 vessels.⁸⁸ During the Spanish American Wars of Independence a mere 121 British vessels were reportedly seized by maritime predators, and even then, a large proportion were released following the condemnation of enemy property and contraband stowed on board. Calculating the total amount of capital lost by British merchants is almost impossible given the nature of the source material available. Only losses to Spanish predators can be estimated with a high degree of confidence. The Anglo-Spanish mixed commission established in 1823 received claims to a total value of £724,898 for losses occasioned by the capture of British property by Spanish armed vessels. Such losses had accumulated over a decade, with the most damaging year coming in 1822 when Spanish privateers seized British vessels on the grounds of breaching the Laws of the Indies. However, in that year alone, the official value of the total trade (imports plus exports and re-exports) of the United Kingdom

⁸⁷ Palmer, *Politics, Shipping and the Repeal of the Navigation Laws*, p.1.

⁸⁸ B. R. Mitchell, *Abstract of British Historical Statistics* (Cambridge: Cambridge University Press, 1962) p.217.

equalled £83,900,000.⁸⁹ The amount of capital lost by British merchants as a result of maritime predation was thus inconsequential to the health of the overall British economy during the Spanish American Wars of Independence.

Some merchants recognised that their losses would make little impact on the national economy. In May 1822, the associates of William Henderson, who had the misfortune of losing the *Emperor Alexander* and her cargo, and the cargo of another vessel in 1822, accepted in a letter to the Foreign Office that Henderson's loss of \$160,000 'would fall but light on a Province'.⁹⁰ However, the merchants stressed that such losses were 'heavy on a few individuals' and claimed 'that it would argue a degree of ill-judged forbearance on the part of Great Britain, as a Nation, which she will hereafter repent, should she not insist on justice being done to the present sufferers'.⁹¹ This particular group of petitioners were merely one voice amongst many, and memorials and petitioners had been arriving at the Foreign Office requesting the assistance of the British government for a number of years by the time Henderson's case was represented to the Foreign Secretary.

In other cases, merchants were less subtle than those who argued William Henderson's case and often went to great efforts to argue that the negative effects of maritime predation were posing a threat to the British economy as a whole. For example, Robert Cartmel, a British merchant residing in Cartagena, argued as early as 1813 that '[t]he exercise of that liberal and much admired policy of our Government, in extending its protecting care to the persons and properties of Britons in every region of the globe, was perhaps never more called for, or imperiously necessary, than since the disturbances ... between Spain and these Provinces'.⁹² The merchants of Kingston and Nassau reminded the British government of the benefits derived by the mother country from the trade of the British West Indies in the past. The trade of Jamaica had 'long been of great benefit to ... the British manufacturing interest generally', stressed the merchants of Kingston in

⁸⁹ Mitchell, *Abstract of British Historical Statistics*, p.282.

⁹⁰ TNA, FO 72/264, Various to Castlereagh, 8 May 1822.

⁹¹ TNA, FO 72/264, Various to Castlereagh, 8 May 1822.

⁹² TNA, FO 72/155, Croker to Hamilton, 29 Sept 1813.

October 1816.⁹³ From Nassau came reminders that the trade between the Bahamas and the Spanish islands of St. Domingo and Cuba had annually enabled at least £1,000,000 in value of British goods to find a beneficial market.⁹⁴ Trade over the Isthmus of Panamá had likewise provided ‘an immense vent’ for every kind of manufactured goods.⁹⁵ The merchants emphasised the contribution such trades had made to supporting Britain during the Napoleonic Wars. The Kingston merchants stressed that their trade with the Spanish colonies had provided ‘immense quantities of specie ... at a period when it would not in any other manner have been obtained’ and this specie and bullion they ‘threw into the Bank of England during the most critical periods of the late war’.⁹⁶

The merchants were quick to point out that their trade was equally as important to the post-war British economy. Times of ‘unprecedented difficulties and alarming distress ... experienced by all ranks of people in the United Kingdom’ rendered the trade of the West Indian colonies all the more important because it provided ‘constant employment to a most numerous class of the inhabitants of the British Empire, entirely depending upon the export of its manufactures’.⁹⁷ Also helping to alleviate the ‘alarming state of depression’ in post-war Britain, in the opinion of one merchant, was the unexpected and increased demand for British manufactures in the independent states of Spanish America.⁹⁸ Although profits from the trade were small and prices had to be kept competitively low, the trade promised to become a source of wealth to Britain, and in the words of the petitioner, promised ‘to give animation to that spirit of industry’ which had made England what she was, and which was ‘in truth, the basis of her glory and pre-eminence’.⁹⁹

⁹³ TNA, ADM 1/267, Douglas to Admiralty, 19 Oct 1816.

⁹⁴ TNA, ADM 1/269, Popham to the Admiralty, 12 April 1818.

⁹⁵ TNA, ADM 1/269, Popham to the Admiralty, 14 March 1818.

⁹⁶ TNA, ADM 1/267, Douglas to the Admiralty, 19 Oct 1816; TNA, ADM 1/269, Popham to the Admiralty, 14 March 1818.

⁹⁷ TNA, ADM 1/268, Douglas to the Admiralty, 24 Dec 1816.

⁹⁸ *Barbados Mercury & Bridgetown Gazette*, 22 Oct 1822.

⁹⁹ *Barbados Mercury & Bridgetown Gazette*, 22 Oct 1822.

Given the perceived importance of their specific trading interests to the nation as a whole, when these interests came under threat from maritime predators, many merchants were convinced, as stated by those in Kingston, that their plight could ‘not fail to command the influence of the manufacturing and trading interests of the mother country’ in procuring greater levels of protection from the British government.¹⁰⁰ The merchants involved in the West India and Spanish America trades saw themselves standing shoulder to shoulder with a great number of British subjects and having ‘a common interest, against a common danger’.¹⁰¹ Whether the British government perceived the economic difficulties experienced by British merchants in the same light is the subject of the next chapter.

¹⁰⁰ TNA, ADM 1/4238, Foreign Office to the Admiralty, 9 Sept 1822.

¹⁰¹ TNA, ADM 1/4238, Foreign Office to the Admiralty, 9 Sept 1822.

Chapter Three

A Delicate Question of a Political Nature

There can be no doubt that the British government was aware of the nature and the extent of the problems facing British merchants during the Spanish American Wars of Independence. The early nineteenth century marine intelligence network ensured that reports of the capture, plunder and interruption of British vessels consistently found their way to Whitehall. In 1823, Joseph Marryat, a Member of Parliament, a prominent West India merchant and the chairman of the committee for managing the affairs of Lloyd's, boasted in the House of Commons that British merchants were supported by a system of commercial intelligence that had been brought 'to the highest degree of perfection'.¹ Agents for Lloyd's had been appointed in 1811 to every port throughout the globe to which British commerce extended and transmitted regular reports on the arrivals, departures and losses of vessels, together with any other intelligence of interest to the mercantile community. Under this system 'all the rays of information scattered throughout the whole world', Marryat claimed, were 'concentrated in one focus at Lloyd's'.² This information was disseminated to a wider audience in the twice-weekly publication *Lloyd's List*. Lloyd's also kept up a regular and reciprocal correspondence with the Board of Admiralty, by which marine intelligence could be shared between private and public bodies for the benefit of the mercantile community.

This was merely one avenue by which intelligence of commerce-raiding attacks on British trade reached the government in the period 1810-1830. The British government also had agents of its own posted throughout the world. Naval officers submitted frequent reports to the Admiralty regarding the problems experienced by British merchants as a

¹ Hansard, *Parliamentary Debates*, vol. 8, 4 March 1823, p.417.

² Hansard, *Parliamentary Debates*, vol. 8, 4 March 1823, p.417.

result of maritime predation in the early nineteenth century. British consuls residing in Spain also witnessed the effects of the prize war firsthand and dispatched reports to the Foreign Office whenever British vessels arrived in Spanish ports under the command of prize crews. From 1824 onwards, this consular network was expanded to include Spanish America and reports regarding prize-taking activity continued to arrive at the Foreign Office for several more years. To a lesser extent, intelligence of commerce-raiding activity was also received at the Colonial Office when colonial governors transmitted copies of petitions on the subject of predation that had been submitted to them by the inhabitants of British colonies in the West Indies.

Regardless of the particular department to which reports of predatory activity involving British vessels were sent, the grand terminal of such intelligence was the Foreign Office. Letters arrived from individual merchants, merchant associations, embassies and consulates, the Admiralty Office and the Colonial Office. This stream of information would certainly have concerned the foreign secretaries who presided over British interests in the wider world during the Spanish American Wars of Independence. British statesmen had long understood the value of seaborne trade to the British Isles. The younger Pitt's remark that 'British policy is British trade' was echoed by foreign secretaries throughout the period 1810-1830.³ Castlereagh, who held the position between 1812 and 1822, believed that 'the trade of the country necessarily must demand the utmost care of the Government'.⁴ Parliamentary debates on commercial issues often gave rise to heated exchanges. Only because the government was so 'deeply interested' in the plight of British merchants did ministers find it necessary to speak with such 'consideration and temper' on matters affecting their interests, reflected one Member of Parliament during a debate on piracy in 1822.⁵

But despite being anxious to protect the interests of British merchants, it was pointed out to Castlereagh in the early years of the Spanish American conflict by the legal

³ William Pitt the Younger, cited in Platt, *Finance, Trade and Politics in British Foreign Policy, 1815-1914*, p.xiii.

⁴ *Morning Chronicle*, 31 July 1822.

⁵ Hansard, *Parliamentary Debates*, vol. 7, 23 July 1822, p.1729.

advisor to the Crown, Christopher Robinson, that it was ‘a delicate question of a political nature’ how far the British government should go to alleviate the impact of predatory activity on the British mercantile marine.⁶ The problem stemmed from the fact that commerce-raiding activity was an integral part of the Spanish American Wars of Independence. Belligerents had deployed armed vessels to prosecute their competing sovereignty claims over Spanish America, while pirates also emerged due to the unsettled state of authority in the Spanish empire. The British government was following a specific and very complex policy with regard to this conflict and therefore any measures taken to protect British trade from maritime predators had to be coordinated with these wider political objectives. It was for this reason that various government departments felt it necessary to transmit reports of commerce-raiding activity to the Foreign Office. Before analysing the response of the British government to predatory activity, it is essential to understand British policy towards Spanish American independence. The following chapter provides an outline of this policy.⁷

War in Europe & British Policy towards Spanish America, 1806-1814

In the period 1806-1814, British policy towards Spanish America was dictated by the overriding necessities of the war in Europe.⁸ In 1806, Napoleon implemented a Continental System by which British trade with French allies and occupied territories was prohibited. Britain was thus forced to look elsewhere for outlets for her manufactures and a source of specie to continue financing the war. Spanish America promised much in both respects and for a number of years the British government entertained the idea of stripping Spain, an ally of Napoleon prior to 1808, of parts of her empire. Francisco de Miranda, a Venezuelan-born soldier and advocate of Venezuelan independence, spent the period 1798-1804 living in London and impressing his plans for the liberation of Spanish America on

⁶ TNA, FO 83/2364, Robinson to Castlereagh, 31 Dec 1814.

⁷ The following account of British policy in Spanish America is based largely on William M. Kaufmann, *British Policy and the Independence of Latin America, 1804-1828* (Hamden: Archon Books, 1967).

⁸ Waddell, ‘International Politics and Latin American Independence’, p.199.

the minds of British ministers. Although the British government kept Miranda close, granting him an annual pension of £300 before the turn of the century, his planned expeditions never received the full support of the British government. Nevertheless, attempts were made under the British flag to obtain a foothold on South American soil. A filibustering expedition to Buenos Aires launched in 1806 by Sir Home Popham, a captain in the Royal Navy, achieved temporary success, only for the British forces to be driven out of the city two months later by its inhabitants. Despite this setback, the experience seems to have inspired further plans for British conquest in Spanish America.⁹ The British government resolved to send an expedition under General Whitelocke to reinforce Popham and his men in the Plata estuary, but after several skirmishes near Buenos Aires, Whitelocke was compelled to sign a humiliating truce in July 1807.

Despite the failure of these endeavours, the Secretary of State for War and the Colonies, Lord Castlereagh, continued to see some sort of enterprise in Spanish America as the answer to defeating the French in Europe.¹⁰ The failures of Popham and Whitelocke had shown that conquest was out of the question but Castlereagh hatched a plan whereby British forces would facilitate the establishment of independent monarchies in place of the Spanish viceroalties in America.¹¹ Under Castlereagh's proposed scheme, revolution would be the precursor to the abolition of Spain's monopoly over the region's commerce. The plan was approved by the Cabinet and an army of 10,000 men was readied under the command of the Duke of Wellington for an expedition to Spanish America.

But Wellington's men would never make the transatlantic journey to inspire uprisings in the Spanish colonies. On 6 June 1808, Napoleon crowned his brother Joseph as the King of Spain and the Indies. News quickly reached England that the coronation had ignited a flicker of Spanish resistance. In Seville, a junta was established in opposition to Bonaparte and claimed sovereignty over Spain and her empire in the name of the exiled and lawful ruler, King Ferdinand VII. British ministers immediately saw an opportunity to

⁹ Charles F. Mullett and John Dalrymple, 'British Schemes against Spanish America in 1806', *Hispanic American Historical Review*, 27: 2 (May, 1947) pp.269-278.

¹⁰ Kaufmann, *British Policy and the Independence of Latin America*, pp.38-39.

¹¹ Kaufmann, *British Policy and the Independence of Latin America*, pp.38-39.

take the fight to the French on the Continent and sought to forge an alliance with the Junta of Seville.

From this moment onwards, British policy towards Spanish America underwent a significant change. The British government continued to regard Spanish America as the answer to the financial burdens of the war against France but the new alliance with Spain, made official by a treaty signed on 14 January 1809, dictated a change of tactics. No longer could the British government contemplate the idea of facilitating revolution in Spanish America. Wellington's expedition to the Spanish colonies was thus abandoned and his force sent instead to Spain to support the uprising against the French. Under the new conditions, the only way in which the British government could gain access to Spanish American markets was by exacting concessions from Spain. To many British statesmen, such concessions were seen as fair recompense for the efforts of Wellington's army in attempting to liberate Spain from French rule.¹² But much to the frustration of the British government, these arguments held little sway with the Junta of Seville, which steadfastly refused to relax Spain's monopoly over colonial commerce.

The deadlock was broken in 1810. British traders found an alternative route into the markets of Spanish America when the inhabitants of the colonies revolted against the Spanish authorities and established local juntas to govern their own affairs in the name of Ferdinand VII. This happened first in Venezuela in April 1810 before spreading to Buenos Aires, Chile and México before the end of the year. In all cases, one of the first steps taken by the revolutionary governments was to declare their ports open to the trade of friendly nations. Hopes were raised in Britain that this turn of events would finally allow for a steady stream of specie arrivals from Spanish America that would finance the war in Europe and allow it to be brought to a favourable conclusion.

But in trying to exploit this opportunity, the British government was confronted with a dilemma. Britain had to show sympathy for the Spanish American colonists' desire for self-government lest they closed their ports to British vessels or turned to Britain's enemies and rivals for comfort and assistance. However, the British government had to be careful not to align itself too closely with the rebels at the risk of antagonising Spain.

¹² Kaufmann, *British Policy and the Independence of Latin America*, pp.43-44.

Britain could hardly afford to lose its ally in Europe, especially with Wellington's army deep inside Spanish territory. This dilemma became even more acute the following year. In 1811, starting in Venezuela, the Spanish American colonists were no longer content to rule their own affairs in the name of Ferdinand VII and instead began to renounce their allegiance to Spain completely by declaring independence. In response to the dilemma, and in order to simultaneously derive economic benefits from Spanish America and secure Spain's assistance against France in Europe, the British government adopted a policy of neutrality. The British government therefore endeavoured, as William Kaufmann animatedly describes, 'to walk a tightrope between the two parties, wearing a bright impartial smile, daring not to sway too obviously to either side'.¹³

In order not to offend the Spanish American insurgents or the Spanish royalists, the British government had to be seen to be rigidly following its neutral course. This meant that no direct communications could be made with the insurgents of Spanish America. Across the Atlantic, communications were maintained through naval commanders until British diplomats were finally sent to Spanish America in late 1823.¹⁴ The reason being, as Castlereagh explained to a representative of the Chilean government in 1819, that 'Naval Officers were the better mode of keeping up the necessary intercourse' because such communications did not raise 'any question of recognition to which Gt Britain by her treaties could not proceed'.¹⁵ In London, agents of the revolutionary governments were addressed through intermediaries or interviewed in residential buildings as opposed to the offices of the state, so as not to antagonise Spain.¹⁶ The British government's unwillingness to deal directly with the insurgents appears to have had no negative impact on relations with the independent Spanish American governments. Revolutionary leaders believed that British statesmen did have sympathy for their cause because above all else, the ability and eagerness of British traders to supply goods to the newly-opened markets

¹³ Kaufmann, *British Policy and the Independence of Latin America*, p.51.

¹⁴ G.S. Graham & R.A. Humphreys (eds) *The Navy and South America, 1807-1823: Correspondence of the Commanders-in-Chief on the South American Station* (London: Navy Records Society, 1962).

¹⁵ TNA, FO 72/231, 21 April 1819.

¹⁶ Waddell, 'International Politics and Latin American Independence', pp.201-202.

was interpreted in Spanish America as an obvious expression of British good will for the independent cause.¹⁷

Spain proved more difficult to deal with. On the one hand, Spanish ministers were willing to tolerate British trade with Spanish America on the grounds that as an ally of Britain, Spain was deriving some of the benefits from the commercial intercourse. On the other hand however, they were resolute that the empire would remain Spanish and that Britain would not carve out a permanent niche within it.¹⁸ To soothe Spanish fears and provide evidence of British neutrality, British foreign secretaries embarked upon a process of offering to mediate between Spain and the rebel colonies. The ensuing British proposal urged Spain to give the colonies virtual self-government and free trade with the rest of the world, while Spain would retain her legal sovereignty and preferential commercial rights.¹⁹ It was hoped that such a settlement would bring calm to Spanish America and stabilise British trade in the region, which was vital to the war effort in Europe. Spain returned the proposals with several recommendations that proved unsatisfactory to British diplomats. Negotiations therefore continued. By the time Castlereagh was appointed Foreign Secretary in 1812, it was apparent that the process of mediation itself, as opposed to its original objective, was serving the aims of British policy in its own right.²⁰ As long as the negotiations continued, British merchants could go on trading with the Spanish American insurgents and Spain would have no solid grounds on which to complain. Having struck a neat balance between Britain's transatlantic and European interests, the British government continued to follow this line of policy for the remainder of the war years.

¹⁷ Kaufmann, *British Policy and the Independence of Latin America*, p.56.

¹⁸ Kaufmann, *British Policy and the Independence of Latin America*, pp.61-62.

¹⁹ Kaufmann, *British Policy and the Independence of Latin America*, p.65. For more detail on these negotiations see, Webster, *Britain and the Independence of Latin America*, vol.II, pp.309-341.

²⁰ Kaufmann, *British Policy and the Independence of Latin America*, p.71.

Peace, the Concert of Europe & British Policy towards Spanish America, 1815-1822

British policy towards Spanish America in the period 1806-1814 was dominated by the necessities of the war in Europe. In 1815 this over-riding objective was replaced by another goal, the complete opposite of the former target but equally imperative in the minds of British statesmen – the maintenance of peace. ‘The avowed and true policy of Great Britain’, became, as Castlereagh wrote, ‘to secure, if possible, for all states a long interval of repose’.²¹

The readjustment was a painful one for the British public.²² The contraction of war industries caused high levels of unemployment which was exacerbated by the demobilisation of hundreds of thousands of men from the armed services. The economic difficulties in the post-war years stirred up much discontent towards the British government. So widespread was the discontent that one contemporary noted having ‘never known a period at which the people’s hatred of the government was so general and so fierce’.²³ This disillusionment gave new momentum to a radical movement that had first emerged in Britain during the French Revolution and following the publication of Thomas Paine’s *Rights of Man* in 1791, a work that adapted the principle of popular sovereignty to British conditions and attacked the idea of hereditary government. While some radicals sought violent revolution, such as the Cato Street conspirators whose plan to assassinate the entire British Cabinet was thwarted in 1820, others expressed their grievances by marching *en masse* or machine-wrecking in northern England to bring their plight to the government’s attention. Peaceful radicalism drew the most support but the authorities often misinterpreted the motives of gathering protesters, most notably at St. Peter’s Fields in 1819, when cavalry charged a 60,000-80,000 strong crowd killing several people and injuring hundreds. This event, referred to by contemporaries as the Peterloo Massacre, caused such widespread outrage and unrest that the government passed the much-resented

²¹ Castlereagh, cited in Rafe Blaufarb, ‘AHR Forum: The Western Question: The Geopolitics of Latin American Independence’, *The American Historical Review*, 112: 3 (June, 2007) (38 paragraphs) par.23 <<http://www.historycooperative.org/journals/ahr/112.3/blaufarb.html>> (Date accessed: 23 Jan 2011).

²² The following paragraph is based on Stephen J. Lee, *Aspects of British Political History, 1815-1914* (London: Routledge, 1994) pp.15-27.

²³ Cited in Lee, *Aspects of British Political History*, p.22.

Six Acts at the end of the year, designed to prevent large meetings and gag radical writers and newspapers.

Such events strengthened the British government's resolve to maintain peace in Europe. The last thing British leaders must have wanted to do was to give guns to men who might turn their weapons against them.²⁴ In this line of reasoning, the British government was not alone. Most European powers pursued similar policies of repression in the early nineteenth century, believing that even modest concessions would only encourage republicanism.²⁵ A collective desire to maintain peace therefore prevailed in the minds of European rulers after the defeat of France. Nowhere was this more in evidence than in the peace settlement of 1814-1815. The victors of the war in Europe – Austria, Britain, Prussia and Russia – sought to establish a lasting peace that would contain French aggression.²⁶ Castlereagh, the British Foreign Secretary, played a key role in these negotiations. He saw the first prerequisite of peace to be a balance of power. In the first instance, this required a new map for Central Europe that would offer stability. But Castlereagh wanted to go further than merely defining the boundaries of Europe and then retreating back to Britain, he was willing to commit Britain to Europe for the foreseeable future in order to preserve the balance struck by the peacemakers. Finding the other members of the Alliance receptive to his vision, the four Powers signed the Treaty of Chaumont on 1 March 1814. Article XVI of the treaty defined the obligation of the signatories to the maintenance of peace and the balance of power in Europe, which signalled the first step towards a collective security system on the Continent. At the Congress of Vienna later in the year the four Great Powers agreed upon a new map for Europe that they all pledged to preserve.

²⁴ John Charles Clarke, *British Diplomacy and Foreign Policy, 1782-1865: The National Interest* (London: Unwin Hyman, 1989) pp.146-147.

²⁵ Clarke, *British Diplomacy and Foreign Policy*, p.146.

²⁶ Following based on, Kaufmann, *British Policy and the Independence of Latin America*, pp.76-102.

Despite the consensus that peace should be their principal objective for the foreseeable future, the shared vision of the allies was not absolute.²⁷ The allies differed in their interpretations of the extent of the powers possessed by the newly-constituted Concert of Europe. In September 1815, Tsar Alexander I of Russia showed that he conceived the union of the four Powers to amount to a Holy Alliance. Rather than being limited to maintaining the balance of power in Europe, Alexander envisaged using the alliance to uphold the principle of Legitimacy on the Continent, with member states possessing the authority to interfere in the internal affairs of other states to repress any anti-Legitimist sentiments. Austria and Prussia immediately signed up to this doctrine. Britain, on the other hand, would never adhere to such principles. Castlereagh denounced the Holy Alliance as a 'piece of sublime mysticism and nonsense' and on several occasions in the following years declared that Britain would not interfere in the internal affairs of other states.²⁸ Given these underlying tensions, the Concert of Europe had to be carefully managed to serve its original and limited function of maintaining the balance of power in Europe. The second Treaty of Alliance, signed on 20 November 1815, therefore stipulated that the four signatories would meet periodically to discuss the affairs of the Continent.

For a number of years the Concert of Europe functioned just as Castlereagh had hoped. Following the conference at Aix-la-Chapelle in 1818 he wrote triumphantly to Lord Bathurst that 'these occasional meetings, displays and repledges are among the best securities Europe now has for a durable peace'.²⁹ But by 1820 the divisions between the allies were becoming more apparent. The Tsar continued to agitate for an expansion of the Concert's powers and the Spanish Revolution of 1820 presented an ideal opportunity for him to press his case. In January 1820, Spanish soldiers assembled in Cádiz for an expedition to South America mutinied over infrequent pay, bad food and poor quarters. The rebellious troops marched on Madrid and forced Ferdinand VII to accept the Constitution of 1812, ushering in a three year period of popular rule known as the *Trienio*

²⁷ Following based on, Kaufmann, *British Policy and the Independence of Latin America*, pp.76-102.

²⁸ For more of Castlereagh's reflections on Alexander's proposal for a Holy Alliance, see, John Wesley Derry, *Castlereagh* (London: Allen Lane, 1976) pp.186-189.

²⁹ Castlereagh, cited in Kaufmann, *British Policy and the Independence of Latin America*, p.97.

Liberal. The Tsar called upon the Concert of Europe to intervene by force to restore King Ferdinand to the full extent of his powers. But Britain continued to reject calls for the Concert of Europe to act as a European police force. Castlereagh published a state paper on 5 May 1820 in which he drew attention to the fact that the Treaty of Alliance placed the signatories under no obligation to intervene in the internal affairs of other states. Castlereagh declared that the principle 'of one State interfering in the internal affairs of another in order to enforce obedience to the governing authority is always a question of the greatest moral, as well as political delicacy ... to generalise such a principle, to think of reducing it to a system, or to impose it as an obligation, is a scheme utterly impracticable and objectionable'.³⁰ Austria and Prussia sided with Britain and finding himself outnumbered, Alexander had to suppress his urge to intervene in Spain.

But the disunity continued to bubble under the surface. Castlereagh planned to use the conference scheduled for autumn 1822 to restore the unity of the Concert of Europe but his death in August meant that he never had the chance to fulfil this ambition. Instead, the tension between the allies boiled over at the Congress of Verona in late 1822. Britain stood alone in opposing allied intervention to overthrow the Spanish constitutional regime and when France invaded Spain in April 1823, the days of collective policy-making effectively came to an end.

Although the great-power concert provided the means by which peace in Europe was maintained for almost a decade, Britain's alignment with Europe was extremely unpopular domestically. The radical press, already aggrieved by the repressive methods of Lord Liverpool's government, argued that the Concert of Europe was further proof of the British government's subscription to the doctrine of the Holy Alliance and its determination to turn Britain into a military dictatorship. In 1822, the *Morning Chronicle* declared that 'under the specious pretext of preserving the tranquillity of Europe', the British government was lending itself 'without hesitation to the views of the despotic Sovereigns of the continent'.³¹ The real aim of government policy was to preserve

³⁰ Castlereagh, cited in Kaufmann, *British Policy and the Independence of Latin America*, p.98.

³¹ *Morning Chronicle*, 13 Sept 1822.

‘unrelaxed existing despotisms’ and reduce governments ‘of a more liberal description to a condition as similar to that of the former as possible’.³²

As the architect of British foreign policy, Castlereagh was singled out for particular criticism. The attack on Castlereagh intensified after the Peterloo affair in 1819. In addition to his role as Foreign Secretary, Castlereagh was also Leader of the House of Commons and in the immediate aftermath of the massacre at St. Peter’s Fields he was obliged to defend the actions of the magistrates responsible for the bloodshed. Castlereagh thus became a hate figure and his enemies included prominent Romantic poets who eloquently assassinated his character. *The Masque of Anarchy* by Shelley and Lord Byron’s *Don Juan* both contained sly references to Castlereagh that ensured that portrayals of the Foreign Secretary as both a cruel and inept politician would endure for almost a century before historians came to acknowledge the successes of his policies.³³ But despite the torrent of abuse aimed at Castlereagh during his lifetime, he was nevertheless able to maintain Britain’s commitment to the European Concert until his death in 1822.

Throughout the period 1815-1822, the maintenance of peace in Europe through a system of alliance was the principal aim of Castlereagh’s foreign policy. Although peace replaced war in Europe in 1815, the dilemma with regard to Spanish America remained the same from the British perspective. British statesmen continued to desire a share of the Spanish American market, no longer to fund the war effort but to service the national debt that the conflict had left behind, which was consuming nearly 80 per cent of public revenue in the immediate post-war years.³⁴ At the same time, British statesmen were growing increasingly wary of the ambitions of commercial rivals in Spanish America. The threat of French intervention abated after 1815 but the conclusion of the War of 1812 between Britain and the United States in the same year meant that the latter could turn its attentions to gaining an increased share of the Spanish American market and gaining a higher degree

³² *Morning Chronicle*, 13 Sept 1822.

³³ See, Derry, *Castlereagh*, pp.1-25.

³⁴ Cain & Hopkins, *British Imperialism*, p.79.

of political influence.³⁵ These factors put pressure on Castlereagh to adopt a more favourable policy towards the insurgents, and many Whig politicians and British merchants did their best to push him down that route.

But such a policy would have conflicted catastrophically with Castlereagh's European priorities. As part of the collective security system established in Europe, Britain had renewed her treaty of alliance with Spain in July 1814. This treaty included a clause stipulating that Britain would not give aid or comfort to the rebels in Spanish America, while Spain promised in return to grant Britain a share of the colonial trade in the event of her monopoly being re-established. Castlereagh therefore faced the same dilemma as in previous years. If Britain showed a lack of sympathy for the aspirations of Spanish Americans, she risked losing access to their markets, and even worse, losing it to the United States.³⁶ But if a policy was adopted that showed too much favour for the independent cause, Britain risked offending Spain and jeopardising the European peace.

Confronted by this dilemma, neutrality continued to be seen as the most expedient policy by Castlereagh. In order to balance Britain's transatlantic and European interests, Castlereagh deployed the same methods as he had during the war years. Contact with independent Spanish American governments was maintained through indirect channels, while British diplomats in Spain continued to negotiate terms for Britain's mediation in the colonial conflict. In November 1815, Spanish ministers offered to concede a share of the Spanish American colonial trade to Britain if the British government could successfully reunite the colonies with the mother country.³⁷ Castlereagh rejected the offer on the grounds that 'a system of exclusive commercial advantage to the Mediating Power would render her interposition odious and destroy all her just influence'.³⁸ He directed the British

³⁵ For a summary of the policies pursued by France and the United States with regard to Latin American independence, see Blaufarb, 'The Western Question', 38 pars; Arthur Preston Whitaker, *The United States and the Independence of Latin America, 1800-1830* (New York: Russell & Russell, 1962).

³⁶ On the rivalry between Britain and the United States over Latin America see, James Fred Rippy, *Rivalry of the United States and Great Britain over Latin America, 1808-1830* (New York: Octagon Books, 1964).

³⁷ Webster, *Britain and the Independence of Latin America*, vol.II, Vaughan to Castlereagh, 16 Nov 1815, p.341.

³⁸ Webster, *Britain and the Independence of Latin America*, vol.II, Castlereagh to Vaughan, 20 Dec 1815, p.346.

minister in Madrid to remind the Spanish government that Britain was strictly neutral and had ‘never sought for any exclusive advantages’.³⁹

Instead, Castlereagh continued to offer British mediation on the terms proposed in 1812, declaring that Spain could retain her sovereignty over the American colonies and preferential rights to trade if she were willing to concede to the colonists a higher degree of self-government and the right to trade with the rest of the world.⁴⁰ Castlereagh probably anticipated that Spain would reject these terms but the offer itself was enough to achieve his objectives.⁴¹ It demonstrated to Spain that Britain was not opposed to the restoration of Spanish authority in the colonies and did not seek a privileged position in the region’s economy. Moreover, Spanish Americans perceived Castlereagh’s refusal of exclusive privileges as another example of British sympathy for their interests, while the United States was puzzled as to British intentions and feared overextending itself in Spanish America in case such action provoked a backlash from Britain.

This ‘precious stalemate’ was maintained for a number of years.⁴² In October 1816 and January 1817, the Spanish ambassador in London twice suggested that further negotiations be opened regarding British mediation, but in neither case were terms agreed between British and Spanish diplomats. Spanish attempts to obtain the assistance of the Russians also ended in failure and the stalemate continued. But Spanish attempts to secure Russian support were enough to worry Castlereagh.⁴³ In order to reduce the scope for the intervention of other European powers, he circulated a memorandum on 20 August 1817 proposing that the other members of the Concert of Europe should give their support to the British plan for mediating between Spain and the rebel colonies.⁴⁴ This proposal was

³⁹ Webster, *Britain and the Independence of Latin America*, vol.II, Castlereagh to Vaughan, 20 Dec 1815, p.346.

⁴⁰ Webster, *Britain and the Independence of Latin America*, vol.II, Castlereagh to Vaughan, 20 Dec 1815, p.346.

⁴¹ Kaufmann, *British Policy and the Independence of Latin America*, p.106.

⁴² Kaufmann, *British Policy and the Independence of Latin America*, p.113.

⁴³ Kaufmann, *British Policy and the Independence of Latin America*, pp.109-111.

⁴⁴ Webster, *Britain and the Independence of Latin America*, vol.II, Confidential Memorandum, 20 Aug 1817, pp.352-358.

eventually accepted by the allies at the conference of Aix-la-Chapelle in 1818, marking what has been described as one of Castlereagh's 'greatest diplomatic triumphs'.⁴⁵ With the Concert of Europe neutralised and the Americans unsure of European plans for the Western Hemisphere, Castlereagh had maintained a balance that amply served British interests.

As successful as Castlereagh's policy was between 1815 and 1818, the *status quo* could not be maintained indefinitely. By 1820 British policy towards Spanish America had entered a phase that Charles Webster refers to as a 'preparation for recognition'.⁴⁶ It was becoming daily more apparent that independence would be the outcome of the Spanish American conflict. The Spanish Revolution of 1820 dashed Ferdinand VII's hopes of sending another large expeditionary force to combat the insurgents. The newly-installed constitutional government made attempts in 1820-1821 to end the conflict in America through conciliation but its efforts to do so were fraught with difficulties and ultimately failed.⁴⁷ Meanwhile, in Spanish America, Venezuela was finally liberated, and México, Central America and Perú declared their independence.

Given these developments, British mediation on the terms offered by the government for a decade was no longer a viable policy option. British merchants and Whig politicians pressed the government to adopt an alternative strategy and give official recognition to the independence of several Spanish American states. This pressure reached fever pitch when the Colombian representative in Europe, Francisco Antonio Zea, threatened to close the ports of the Republic to the commerce of all nations that refused to recognise Colombian independence. Certain merchants, shipowners, manufacturers and traders in London submitted a memorial to the Lords of the Privy Council warning them that unless 'timely measures' were taken by the British government to place the commercial intercourse between the United Kingdom and Spanish America on a more regular footing, the trade might be lost to the United States.⁴⁸ Their fears were

⁴⁵ Kaufmann, *British Policy and the Independence of Latin America*, p.118.

⁴⁶ Webster, *Britain and the Independence of Latin America*, vol.I, p.12.

⁴⁷ Rodriguez O., *Independence of Spanish America*, pp.192-204.

⁴⁸ *The Times* 30 April 1822.

understandable. President Monroe had already recommended to Congress in January 1822 that *de facto* recognition should be granted to Buenos Aires, Chile, Colombia, México and Perú – a proposal that Congress quickly endorsed. American newspapers followed up the political development by urging their merchants to aspire to ‘dreams of gold’ and establish commercial ties with Spanish America quickly before Europeans could legally enter and dominate the market.⁴⁹

Rather than acquiesce with the wishes of British merchants, Castlereagh chose not to recognise the independence of Spanish America in response to Zea’s threat. Instead, he took the less drastic action of inserting a clause in the Navigation Acts in May 1822 permitting vessels under South American flags to enter British ports. This measure proved enough to placate the Colombians in the short term and secure continued access to the Colombian market for British traders. Nevertheless, by mid-1822 Castlereagh had come to regard the question of recognition ‘rather as a matter of time than of principle’.⁵⁰ But he remained reluctant to take unilateral action because of his continued commitment to the Concert of Europe. The time was fast approaching when Britain would have to act but as long as hope remained that the European allies might be persuaded to take collective action that was favourable to British interests, Castlereagh would continue to operate within the framework of the Concert. Castlereagh saw the Congress of Verona, scheduled for September 1822, as an ideal opportunity to negotiate an agreement with the allies whereby they would issue a joint-statement recognising Spanish American independence. But Castlereagh would never attend the Congress. On 12 August 1822 he committed suicide.

The Collapse of the Concert of Europe & British Recognition of Spanish American Independence, 1822-1826

A month prior to Castlereagh’s death, on the evening of 10 July 1822, crowds began to gather at the City of London Tavern in Bishopsgate.⁵¹ The occasion was a public dinner,

⁴⁹ *The Times*, 3 July 1822.

⁵⁰ Webster, *Britain and the Independence of Latin America*, vol.II, Earl Bathurst to the Duke of Wellington, 14 Sept 1822, p.71.

⁵¹ Following paragraph based on, *The Times*, 11 July 1822.

due to be held in the great room of the tavern, and the guest of honour was Francisco Antonio Zea, the minister plenipotentiary of the Colombian Republic. So enthusiastic were the people of London to attend the dinner that every seat was occupied by six o'clock. Towards the back of the room sat a reporter from *The Times*, who despite being 'at the extremity of one of the tables farthest removed from the speakers' could still make out the figures of the distinguished guests in attendance. He had 'never seen a more highly respectable company assembled on any public occasion'. At a quarter to seven, to a fanfare of "Hail Colombia!" played by a local military band, Zea made his appearance flanked by a host of eminent British politicians. Toasts of "The King", "The Duke of York, and the rest of the Royal Family", and "The Army and Navy" were followed by a number of speeches praising the Colombian Republic for having established its independence, all of which incited further toasts and 'the loudest expressions of applause'. Joseph Marryat MP believed that there could be 'no stronger proof ... of the interest which the people of this country felt in the independence of South America, than the number and respectability of the meeting which he had the honour of addressing'. He expressed his hope that before long the British government would acknowledge this interest by granting 'a regular recognition of the independence of the South American States'. These hopes were seconded by a parliamentary colleague of Marryat's, Thomas Lennard, who 'professed his admiration of the men who had displayed so much bravery and perseverance in the cause of liberty' but admitted his unease that Britain was availing itself 'by a kind of side-wind of the commerce of that people' while refusing to acknowledge their independence officially. He knew that 'the bigotry of some of the Continental states would, for a while, throw obstacles in the way of this measure' but he trusted nevertheless that, 'the period of its accomplishment was near at hand'.

When Castlereagh died a month later, the 'Friends of South American Independence' who had organised and attended the public dinner in July must have felt that recognition would quickly follow. Indeed, the *Glasgow Herald* declared that with the Foreign Secretary's death 'a material objection [had] been removed to the acknowledgement of South American Independence'.⁵² As Thomas Lennard had stated in

⁵² *Glasgow Herald*, 4 October 1822.

his speech, Britain's alignment with Europe was seen as the chief obstacle to British recognition. Castlereagh, as principal architect and chief defender of the Concert of Europe, was perceived as being particularly averse to recognition because it was a move that would be resisted by the other European Powers. Castlereagh's successor on the other hand, George Canning, was believed by the *Glasgow Herald* to view the matter 'in a more favourable light'.⁵³ To some extent these expectations were justified. Canning certainly considered recognition of Spanish American independence to be in Britain's best interests and began planning almost immediately after his appointment to take such a step. A week into his tenure as Foreign Secretary he made his feelings clear on the subject in a letter to the Duke of Wellington, who had been appointed by the Cabinet to go to the Congress of Verona as Castlereagh's replacement. Canning told the Duke that when discussing the Spanish colonies at the conference 'it would not be fair to withhold the expression of our opinion that before Parliament meets, the course of events, the interest of commerce, and the state of navigation in the American Seas will have obliged us to come to some understanding more or less distinct with some of those self-erected Governments'.⁵⁴

The hopes harboured by contemporaries that Canning's appointment as Foreign Secretary might also lead to Britain's disengagement from the affairs of Continental Europe were also justified to a degree. Canning had long considered the periodic meetings of the Concert to be 'a very questionable policy' and saw British interests as being best served by a more independent approach to foreign affairs.⁵⁵ Since the publication of Harold Temperley's influential study *The Foreign Policy of Canning, 1822-1827* (1925), historians have almost universally argued that Canning's distaste for the Congress system was so strong that he deliberately aimed to destroy it.⁵⁶ But a recent article by Norihito Yamada has re-examined certain aspects of Canning's diplomacy and concludes that he still saw a use for the Concert of Europe and did not work towards dismantling

⁵³ *Glasgow Herald*, 4 October 1822.

⁵⁴ Webster, *Britain and the Independence of Latin America*, vol.II, Canning to Wellington, 27 Sept 1822, p.74.

⁵⁵ Kaufmann, *British Policy and the Independence of Latin America*, p.138.

⁵⁶ Harold Temperley, *The Foreign Policy of Canning, 1822-1827: England, the Neo-Holy Alliance, and the New World* (London: Bell, 1925).

Castlereagh's legacy.⁵⁷ While there is certainly substance to Yamada's insistence that 'Temperley's general thesis on Canning demands re-examination' the newly-opened debate extends only to Canning's methods.⁵⁸ Temperley and Yamada agree that the over-riding objective of Canning's foreign policy remained the same as his predecessor's – to maintain peace in Europe. Canning's had as his 'first and primary object ... the peace of the world', argues Temperley, while Yamada agrees that 'Canning remembered the generation of war and upheaval that had followed the French Revolution too well not to wish to avoid risking another war in Europe'.⁵⁹ Canning himself frequently declared this to be his over-riding objective. In April 1823 he told the House of Commons that 'the object which the king's government had had constantly in view' during the discussions at the Congress of Verona 'was the preservation of the peace of the world'.⁶⁰

While Canning may have envisaged a more independent foreign policy for Britain than his predecessor, his desire to maintain peace in Europe meant that he could not ignore Castlereagh's legacy when pursuing his policy with regard to Spanish America. If he recognised the independence of the former Spanish colonies without considering the reaction of Britain's European allies, he would risk isolating Britain in Europe, or worse, provoking war. The continued existence of the Concert of Europe was therefore one barrier to recognition that Canning had to overcome. Another barrier that stood in Canning's way was the reluctance of the British Cabinet to authorise recognition. The majority of cabinet ministers had opposed the appointment of Canning, a man who they considered to be treacherous, unstable, ambitious, and above all, plebeian.⁶¹ His proposals in the early years of his time in office were therefore met with suspicion and often stubborn resistance. To the dismay of the 'Friends of South American Independence' who had assembled with such high hopes at the City of London Tavern in July 1822, these barriers

⁵⁷ Norihito Yamada, 'George Canning and the Spanish Question, September 1822 to March 1823', *The Historical Journal*, 52, 2 (2009) pp.343-362.

⁵⁸ Yamada, 'George Canning and the Spanish Question', p.362.

⁵⁹ Harold Temperley, *Life of Canning* (London: Finch, 1905) p.172; Yamada, 'George Canning and the Spanish Question', p.352.

⁶⁰ Hansard, *Parliamentary Debates*, vol. 8, 14 April 1823, p.873.

⁶¹ Kaufmann, *British Policy and the Independence of Latin America*, p.137.

would mean a delay of some years before Canning was finally able to realise his vision of recognising the new states of Spanish America.

But such a delay was not anticipated by Canning when he first assumed his role as Foreign Secretary in early September 1822. As his instructions to the Duke of Wellington on 27 September 1822 indicate, Canning expected Britain to be able to recognise Spanish America's independence before the next parliamentary sessions. While the Duke was away at the Congress of Verona between September and December, Canning busied himself trying to persuade his Cabinet colleagues to give their consent to a policy of recognition. On 15 November 1822 he presented them with a memorandum in which he argued that Spain would never recover the colonies and Britain had justifiable grounds to proceed alone.⁶² Hoping to have made a favourable impression on the Cabinet, Canning stated his intention to prepare a paper to coincide with the Duke of Wellington's return from the Continent outlining how a policy of recognition would be implemented. However, Wellington's reports in late November and December upset Canning's plans and ultimately forced him to shelve his proposal to recognise the independence of Spanish America.

When the Duke of Wellington had arrived at the conference of the allies it had become instantly apparent that Spanish affairs would dominate the discussions.⁶³ The presence of a liberal regime in Spain since the revolution of 1820 had continued to agitate the minds of the other European leaders, who proposed that the Concert of Europe intervene to restore Ferdinand VII to the full extent of his powers. Canning had half expected this issue to be raised at the conference. Reports from the British ambassador in Vienna in September 1822 had led him to suspect that there was 'entertained by the Allies a determined project of interference by force, or by menace, in the present struggle in Spain'.⁶⁴ Canning had therefore included in the Duke of Wellington's instructions of 27 September 1822 the following passage:

⁶² TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

⁶³ Following paragraph based on, Yamada, 'George Canning and the Spanish Question', pp.343-362.

⁶⁴ Cited in Yamada, 'George Canning and the Spanish Question', p.348.

so convinced are his Majesty's government of the uselessness and danger of any such interference, - so objectionable does it appear to them in principle, and so utterly impracticable in execution, - that, if the necessity should arise, or (I would rather say) if the opportunity should offer, I am to instruct your Grace at once frankly and peremptorily to declare, that to any such interference, come what may, his Majesty will not be party.⁶⁵

When the matter was discussed in Verona, Wellington followed his orders and declared that Britain would play no part in any invasion of Spain. But the allies appeared determined to go ahead without British consent. As the discussions continued, it became more and more likely that the conference would result in a French-led invasion, with the backing of Austria, Prussia and Russia. Such an outcome worried George Canning. A defeat for the French army might result in a second French revolution, while a successful campaign would threaten one of Britain's key allies – Portugal – and raise the prospect of French intervention in Spanish American affairs. Either way, a Franco-Spanish conflict would cause 'a new Iliad of woes for Europe' that would ultimately drag Britain into a war, Canning predicted.⁶⁶ When the Congress of Verona ended in late November, Canning therefore instructed Wellington to stay in Paris and persuade the French ministry against the invasion. In early December, Canning directed Wellington to offer British mediation between France and Spain and although the offer was rejected, hope remained for a few more weeks that war could be avoided.

These developments on the Continent had a profound effect on Canning's policy towards Spanish America. Given the chain of events in Europe, Canning could not avoid shelving his proposal to recognise Spanish American independence. On 9 December, he wrote to Sir William à Court, the British envoy in Spain, directing him to inform the Spanish government that the question of political recognition had been 'suspended for a time'.⁶⁷ Canning hoped that such deference to Spain 'may ... incline her the more to seek

⁶⁵ Canning, cited in Yamada, 'George Canning and the Spanish Question', p.348.

⁶⁶ Canning, cited in Yamada, 'George Canning and the Spanish Question', p.352.

⁶⁷ Webster, *Britain and the Independence of Latin America*, vol.II, Canning to à Court, 9 Dec 1822, p.401.

our Mediation with France'.⁶⁸ Despite the best efforts of British diplomats between December 1822 and March 1823, the French were too determined to invade Spain and the Spanish too unwilling to grant the constitutional concessions that would prevent it.⁶⁹ On 6 April 1823, the French army launched its invasion and by September the liberal government had been dissolved and Ferdinand VII had been restored to the full extent of his powers.

The Spanish crisis was a major setback for Canning's policy towards Spanish America. Firstly, he had been forced to shelve his plans to recognise the provinces that had secured their independence so that he could pursue a policy of mediation between France and Spain. Secondly, the failure of those mediating efforts meant that he now faced the prospect that France, with the support of the other Continental allies, might not be content to merely restore Ferdinand VII to the full extent of his powers in Spain, but might also assist the King's efforts to restore his authority throughout the Spanish empire. Canning could have prevented this outcome immediately by recognising Spanish America's independence but such a move would have only isolated Britain further from her allies in Europe.

To protect British interests in Spanish America, Canning therefore needed an ally to deter the French from intervening in Spanish colonial affairs. He turned first to the United States. In a draft agreement presented on 20 August 1823 to Richard Rush, the U.S Ambassador in London, Canning suggested that the two countries declare their conviction that Spain would never recover the colonies, that the question of recognition was merely one of time and that while neither aimed to possess the colonies for themselves, they would not see any portion of them transferred to any other power with indifference.⁷⁰ Rush informed Canning that the United States would only enter into such an agreement if Britain recognised Spanish American independence first, as the Americans had already done. Given the threat of increased isolation in Europe, this was a condition that Canning could never agree to and the discussions ended in late September 1823.

⁶⁸ Webster, *Britain and the Independence of Latin America*, vol.II, Canning to à Court, 9 Dec 1822, p.401.

⁶⁹ Yamada, 'George Canning and the Spanish Question', pp.354-359.

⁷⁰ Kaufmann, *British Policy and the Independence of Latin America*, p.153.

Canning's only other option was to turn to the French and so he met their Ambassador, the Prince de Polignac, on numerous occasions in London in October 1823. In the course of their discussions it became apparent that the Prince was willing to forswear intervention in Spanish America and was anxious to convene a conference of the European Powers to discuss Spanish American affairs. Canning scored an 'astounding diplomatic success' when he persuaded the Prince to sign a memorandum on 9 October pledging France against intervention, yet giving no guarantee that Britain would attend a future conference on Spanish America.⁷¹

That Canning had acted swiftly to secure the Polignac Memorandum was fortunate. His failed discussions with the U.S Ambassador in August-September had given American politicians an insight into Britain's Spanish American policy that they sought to exploit in December 1823. Having realised how unlikely it was that the European Powers would intervene militarily in Spanish America, the President had the confidence to declare the Monroe Doctrine in his annual address to Congress. In essence, the Monroe Doctrine stated that the Western Hemisphere was unavailable to Europeans for further colonization and by pledging not to get involved in European affairs, the United States would expect Europeans to reciprocate by holding aloof from the affairs of Spanish America. While this statement was a harsh and unexpected blow for Canning, luckily he had the Polignac Memorandum, with its earlier date, which he could circulate to demonstrate that firstly, Britain was looking after Spanish America's interests, and secondly, that his action had preceded and indeed inspired Monroe's message to Congress. The counterattack worked to perfection and by mid-1824 Britain held a position of the very first rank in the affections of the new states.⁷²

Having secured Spanish America against French intervention, Canning's attentions in 1824 turned once again towards pursuing a policy of recognition. In October 1823 he had sent out commissioners and consuls to Spanish America to prepare reports on the state of affairs in México, Colombia, Buenos Aires, Chile and Perú.⁷³ But before he could act

⁷¹ Kaufmann, *British Policy and the Independence of Latin America*, p.156.

⁷² Kaufmann, *British Policy and the Independence of Latin America*, p.167.

⁷³ R. A. Humphreys, *British Consular Reports on the Trade and Politics of Latin America, 1824-1826* (London: Royal Historical Society, 1940) pp.xii-xiii.

on their reports, Canning had to be able to make the case that Britain was justified in acting alone, as he had almost managed to do in November 1822. He needed the allies in Europe to show their inability to collectively resolve the colonial question.⁷⁴ This was achieved by repeatedly declining invitations between October 1823 and April 1824 to attend a conference on the Spanish American question. Canning's intransigence caused a rupture within the Alliance that paralysed the other Powers.⁷⁵ The impossibility of unified action gave Canning justifiable grounds to proceed without the European allies.

His only remaining hurdle was to finally convince the Cabinet of the expediency of a policy of recognition. The reports of the commissioners sent to Spanish America helped to a degree. The report from Buenos Aires was so favourable that the Cabinet consented to the province's recognition in July 1824, although the step was kept a secret until a decision had been taken regarding the other countries. With regard to Colombia and México, the Cabinet needed further persuasion than the evidence contained in the reports from the Commissioners. Canning and Lord Liverpool argued in November that failure to recognise Spanish America's independence was a threat to Britain's security. In a memorandum dated 30 November 1824, Liverpool warned the Cabinet that sooner or later Britain would have to contend with the combined maritime power of France and the United States. The disposition of the Spanish American nations in late 1824 was 'highly favourable to England', Liverpool pointed out to his colleagues, adding that if they could 'take advantage of that disposition, we may establish through our influence with them a fair counterpoise to that combined maritime power'.⁷⁶ He implored them not to 'throw the present golden opportunity away, which, once lost, may never be recovered'.⁷⁷ The majority of the Cabinet remained unimpressed and Liverpool and Canning were driven to tender their resignations before the other ministers finally accepted the inevitable at the end of 1824 and agreed to recognition.

⁷⁴ Kaufmann, *British Policy and the Independence of Latin America*, p.167.

⁷⁵ Kaufmann, *British Policy and the Independence of Latin America*, pp.168-173.

⁷⁶ Liverpool, cited in Kaufmann, *British Policy and the Independence of Latin America*, p.177.

⁷⁷ Liverpool, cited in Kaufmann, *British Policy and the Independence of Latin America*, p.177.

After the independence of Argentina, Colombia and México was officially acknowledged by Britain in early 1825, attentions turned to extracting the economic benefits that recognition offered. Treaties of commerce were negotiated within the year with Argentina and Colombia. A speculative boom followed but the limitations of the Spanish American markets soon asserted themselves and the period 1825-1850 was characterised by only a 'meagre development'.⁷⁸ But aside from these economic pursuits, British politicians continued to devote attention for at least another couple of years to the geopolitical ramifications of the new world order. Canning remained concerned that the new nations of Spanish America might fall under the influence of the United States.⁷⁹ His anxiety intensified when Simón Bolívar, the President of Colombia, invited the new states to attend a congress in Panamá to discuss several pressing issues. Delegates were asked to consider the formation of an inter-American confederation, the renewal of their alliance against Spain, the fate of Cuba and Puerto Rico, the implementation of the Monroe Doctrine and definitions of neutral and belligerent maritime rights.

Canning decided to send a British representative to the Congress of Panamá and appointed Edward J. Dawkins to the task. Dawkins was given the general instruction to assure the new states collectively 'of the friendly sentiments and lively interest in their welfare and tranquillity which His Majesty has repeatedly expressed'.⁸⁰ In addition to promoting Britain at the Congress of Panamá, Dawkins was also given the remit of stifling the influence of the United States. His instructions specifically directed him to make it known that 'any project for putting the United States of North America at the head of an American Confederacy as against Europe would be highly displeasing' and would 'probably at no very distant period endanger the peace both of America and Europe'.⁸¹ Canning also attached high importance to the discussions on maritime rights that were due

⁷⁸ Platt, *Latin America and British Trade*, pp.23-38.

⁷⁹ Kaufmann, *British Policy and the Independence of Latin America*, p.211; For a full account of Anglo-American rivalry in Latin America see, Rippey, *Rivalry of the United States and Great Britain over Latin America*.

⁸⁰ Webster, *Britain and the Independence of Latin America*, vol.1, Canning to Dawkins, 18 March 1826, p.403.

⁸¹ Webster, *Britain and the Independence of Latin America*, vol.1, Canning to Dawkins, 18 March 1826, p.404.

to be held at the Congress of Panamá. Dawkins was directed to declare, albeit without official representation, that the British government hoped that ‘the principles of maritime law to be adopted may be those which Great Britain has always contended to be the true principles of the law of nations’.⁸² The delegates of the new states ought to be reminded, Canning’s instructions read, that these were the principles on which Britain had uniformly acted, and of which she had ‘as uniformly respected the exercise by others, and by none more than the New States of America themselves’.⁸³ Britain’s determination to act upon those principles of neutrality had ‘not been shaken by European Confederacies’ and would not ‘be altered by any resolution or combination of the States of the New World’, Canning stressed.⁸⁴

The Congress of Panamá took place in June-July 1826 and Dawkins found his task to be an easy one. No rival delegate from the United States attended the conference, giving Dawkins a free hand to exert British influence. The issue of maritime rights proved to be the most complex for Dawkins. A divergence of opinion amongst the new states meant that he was unable to obtain a universal acceptance of the British point of view, but comfort was found in the fact that the new states did not collectively adopt the alternative North American interpretation of neutral rights either.⁸⁵ At the close of the Congress of Panamá, the objectives followed by Canning with regard to British policy in Spanish America had been effectively met. He had recognised the independence of the new states without affecting Britain’s security in Europe. Recognition and British policy thereafter had obtained for Britain an influential place in Spanish American politics and at the same time had staved off the threat that the Americans would gain a greater share of influence in the region. All that remained for Canning’s successors at the Foreign Office – Dudley, Aberdeen and Palmerston – was to reconcile Spain to the fact that the colonies were lost.

⁸² Webster, *Britain and the Independence of Latin America*, vol.1, Canning to Dawkins, 18 March 1826, p.404.

⁸³ Webster, *Britain and the Independence of Latin America*, vol.1, Canning to Dawkins, 18 March 1826, p.404.

⁸⁴ Webster, *Britain and the Independence of Latin America*, vol.1, Canning to Dawkins, 18 March 1826, p.404.

⁸⁵ Kaufmann, *British Policy and the Independence of Latin America*, p.216.

This objective was clear and one-dimensional and yet it proved more difficult to execute than Canning's multi-faceted policy. Not until 1836 did Spain finally acknowledge the loss of her colonies by officially recognising the independence of México.

British policy towards Spanish American independence in the period 1810-1830 was therefore complex and consistently tailored to meet the wider objectives of the British government. In essence, the policy sought to strike a balance between Britain's security concerns and her economic interests. Neutrality in the Spanish American Wars of Independence was considered the most expedient policy for a number of years. Initially, adopting this position promised to derive the economic benefits of access to Spanish American markets without compromising the Anglo-Spanish alliance, both of which were seen as central to the war effort against the French. From 1815 onwards, neutrality continued to be essential as trade with Spanish America promised to facilitate Britain's economic recovery while the Anglo-Spanish alliance formed a key component of the collective security system established to maintain a lasting peace in Europe. Despite the maintenance of peace being the over-riding aim of British policy after the Napoleonic Wars, British statesmen were wary that peace would not last forever. Accordingly, several of the new states of Spanish America were officially recognised in 1825 and began to be groomed as future allies against the United States and France.

This was the wider political context within which British foreign secretaries received reports from merchants and other government departments regarding the capture, plunder and interruption of British vessels and property at sea in the period 1810-1830. How British statesmen responded to those events in accordance with their wider political objectives, and the effectiveness of the measures implemented, is addressed in the remainder of this study.

Chapter Four

Discretion & Sound Judgement

Spanish American prize-taking began to affect British merchants in 1813. The development was a cause for concern amongst British naval officers in the West Indies. Courtesy of the Admiralty, Castlereagh was put in possession of a letter in August 1813 from Vice-Admiral Charles Stirling, the commander of the Jamaica squadron, in which he requested to know what orders he should give with regard to protecting British trade from the privateers of Cartagena.¹ No decisive answer was given. Having obtained legal advice from the King's Advocate, Castlereagh determined that there were no specific measures he could recommend at that time other than suggesting that the Admiral might guard against any inconvenience by making precautionary communications with the government at Cartagena. This was the general tone of the orders issued from England.² However, in 1814 Stirling's successor, Admiral Brown, repeated calls for clearer guidelines on how to protect British shipping from the privateers operating out of Cartagena. This time, Castlereagh carefully considered his position.

The political complexities of protecting British trade from the threat of insurgent privateering were obvious. The King's Advocate, Christopher Robinson, warned the Foreign Secretary in December 1814 that it was 'a delicate question of a political nature' how far the rebel states should be recognised as independent governments 'entitled to issue Letters of Marque that shall under the plea of Rights of War interrupt the Trade of British Ships'.³ The problem stemmed from Britain's policy of neutrality. By adopting such a policy, Castlereagh had avoided making a definitive statement with regard to the

¹ TNA, FO 72/153, Croker to Hamilton, 2 Aug 1813.

² TNA, FO 83/2364, Robinson to Castlereagh, 9 Aug 1813.

³ TNA, FO 83/2364, Robinson to Castlereagh, 31 Dec 1814.

legitimacy of the competing sovereignty claims of Spain and the independent governments. Therefore, if he openly acknowledged the right of Spanish American revolutionaries to deploy privateers, he would in effect be recognising their existence as independent states, thus breaching Britain's neutrality and invoking a Spanish riposte. This ruled out taking measures that would directly involve the British government in negotiations with the rebel states on the question of privateering. But at the same time, if Castlereagh denied the rights of Spanish American governments to deploy privateers, he risked losing their good will and potentially seeing their ports closed to British traders. As long as Britain remained neutral and refrained from recognising the independence of Spanish America, Castlereagh needed an indirect way of tackling the threat posed to British trade by insurgent predators.

The Royal Navy provided the means through which Castlereagh could respond to the problems being experienced by British merchants without making any kind of political statement with regard to Spanish American independence. He therefore delegated the task of protecting commerce to the Admiralty. In January 1815, Castlereagh issued instructions to the Admiralty in which he explained that under the circumstances it was not possible for His Majesty's Government to state precisely what directions should be given to the commanders in the American seas, beyond the general instructions that they had already received.⁴ Since the outbreak of the revolutions in Spanish America and Britain's declaration of neutrality, the commanders had been issued with two general directions – to abstain 'from any interference in the internal disputes of the colonies themselves, or between them and the Mother Country', and to protect 'the lawful trade and the property of His Majesty's Subjects'.⁵ Beyond referring the commanders of foreign stations to these general instructions, Castlereagh was 'not prepared to suggest instructions for His Majesty's Naval Officers' and it was to be left 'to their discretion and sound judgement' on how best to protect the lawful trade of British subjects without committing themselves to acts of hostility against Spanish American commerce-raiders.⁶

⁴ TNA, FO 72/181, Draft to Croker, 3 Jan 1815.

⁵ TNA, FO 72/181, Draft to Croker, 3 Jan 1815.

⁶ TNA, FO 72/181, Draft to Croker, 3 Jan 1815.

This deliberate disassociation on the part of the British government was to last for several years. In August 1817, the Admiralty requested to know if the instructions given to the officer commanding the South American Station relative to insurgent privateering required any revision. Castlereagh replied that the officer ‘should be instructed to continue the system in which the Naval Officers ... have hitherto acted ... of abstaining from all political interference ... of maintaining peace and good understanding with His Majesty’s friends, and of confining their active measures to the protection of the lawful Trade of His Majesty’s Subjects’.⁷ Sir Thomas Hardy was appointed to the command of the South American Station in 1819 and received similar orders from his superiors. Hardy was directed to ‘to afford such protection to the commerce and lawful trade of His Majesty’s Subjects ... as the state of affairs there or other circumstances may render necessary,’ but ‘on no account to interfere in the disputes of the contending parties’.⁸

Only in late 1823 when George Canning appointed consuls to México, Colombia, Buenos Aires, Chile and Perú did this strategy undergo a significant revision.⁹ The newly-appointed consuls took over many of the duties previously carried out by naval officers and the government came out of the shadows to play a more direct role in making sure that British trade received fair and equal treatment in Spanish America. While this reduced the amount of discretion with which Spanish American prize-taking was dealt with, sound judgement continued to be a prominent feature of the British government’s response to predation as George Canning looked to coordinate measures to protect trade with his wider foreign policy objectives. This chapter explores the contours of the naval and consular strategies followed in the period 1813-1828 and evaluates their effectiveness.

⁷ TNA, FO 72/207, Draft to Croker, 4 Aug 1817.

⁸ TNA, FO 72/231, Extract of instructions given to Sir Thomas Hardy, 2 Sept 1819.

⁹ Humphreys, *British Consular Reports*, pp.xii-xiii.

Naval Strategy, 1813-1823

Convoys

Based upon the two general directions given by Castlereagh in early 1815, the most obvious way in which the Royal Navy could protect trade from Spanish American predators without interfering in the independence conflict was to grant convoys to merchant vessels trading with Spanish colonial ports. Escorting British merchant vessels promised to guard against frequent interruptions, instances of petty theft and serious acts of plunder. Convoys began in July 1815, when Rear-Admiral Douglas, the Commander-in-Chief on the Jamaica Station, informed the Admiralty that 'the merchants interested in the Trade to the Spanish colonies require convoys to protect the vessels in which their Goods are embarked, to prevent their being plundered or molested by Privateers belonging to the nominally independent States of South America'.¹⁰ Douglas had decided to grant the desired protection and expressed his hope that the Lords Commissioners of the Admiralty would approve.¹¹ As Britain was still on a wartime footing, the Admiralty appear to have had no objections.

Towards the end of 1815, complaints became more frequent and Douglas found himself 'applied to on all occasions by the merchants to grant convoy to their vessels when going down to the Spanish Main or even to Havannah'.¹² But because such 'swarms of piratical vessels' were said to be cruising in the Gulf of México and off the East end of Cuba, Douglas was fearful that the squadron would be 'insufficient to afford necessary protection to the trade'.¹³ The Lords Commissioners of the Admiralty admitted that they were 'little prepared for such a report', given that Britain was now 'at peace and in amity with all the world' and had declared herself neutral in the wars on the Spanish Main.¹⁴ But despite the surprise felt in England, a convoy system was implemented and a regular

¹⁰ TNA, ADM 1/266, Douglas to Croker, 6 July 1815.

¹¹ TNA, ADM 1/266, Douglas to Croker, 6 July 1815.

¹² TNA, ADM 1/267, Douglas to Croker, 19 Nov 1815.

¹³ TNA, ADM 1/267, Douglas to Croker, 19 Nov 1815.

¹⁴ TNA, ADM 1/267, Barrow to Douglas, 12 Jan 1816.

pattern established. In a letter to the Admiralty dated 24 December 1816, Douglas submitted details of 25 separate convoys that had been granted since he assumed command of the Jamaica squadron in mid-1815.¹⁵ The most popular destinations were the royalist ports of Chagres and Portobelo, but other convoys went to Santa Marta, Havana, Campeche and Veracruz on a regular basis. Merchant vessels laden with goods would be escorted to these ports by a single vessel of war, which would usually return to Jamaica or one of the other British colonies carrying treasure on behalf of the merchants.

The comprehensiveness of the convoy system relied upon regular communications between British merchants and naval commanders. As potential threats emerged in new locations, the merchants would inform the Rear-Admiral on the closest naval station so that arrangements could be made for the extension of the convoy system. This occurred in 1817 when it was publicised that the independent government of Venezuela had declared a section of the coast of the Spanish Main in a state of blockade. On 2 May 1817, eight British underwriters residing in Kingston, Jamaica requested to know if Douglas acknowledged the blockade.¹⁶ The Rear-Admiral replied that he had received no notification of its existence but given that the government of Venezuela had not been acknowledged by the British government and that the blockade was likely to be nominal, he had no hesitation in granting convoys to vessels laden with British manufactures and goods.¹⁷ The extension of the convoy system in this instance raised no objections from the British government. When the Admiralty Office informed Castlereagh of Douglas's decision to grant convoys in light of the Venezuelan blockade, the Foreign Secretary replied that he had 'no objection to the means proposed to be used by the Admiral for the protection of the Trade of His Majesty's Subjects in that Quarter'.¹⁸

Despite Castlereagh's approval of the convoy system, it had its critics. In December 1816, an article appeared in the *St. Jago Gazette* reporting that the Jamaican House of Assembly had criticised Rear-Admiral Douglas for not having duly guarded and

¹⁵ TNA, ADM 1/268, Douglas to the Admiralty, 24 Dec 1816.

¹⁶ TNA, FO 72/206, Croker to Hamilton, 19 July 1817.

¹⁷ TNA, FO 72/206, Croker to Hamilton, 19 July 1817.

¹⁸ TNA, FO 72/207, Draft to Croker, 4 Aug 1817.

protected the trade and commerce of the island.¹⁹ Instead, British vessels of war had been employed for the purpose of conveying money or bullion from the ports of Spanish South America 'on freight for the benefit of the Commanders of those vessels and the Admiral on the Jamaica Station'.²⁰ Douglas was much aggrieved and defended himself against such allegations in a letter to the Admiralty. While he acknowledged that vessels of war had been sent to convoy merchantmen laden with manufactured goods and had not infrequently returned with treasure freight for the merchants of Jamaica, he asked how 'the ends of those Merchants could be more effectually served, than by affording protection for their goods, to a mart, where they might find an advantageous vent, and, by afterwards bringing back to them by the safest, and only conveyance they would employ, treasure in lieu?'.²¹

Criticism of the convoy system was not universal and some merchants were happy with the protection provided by Douglas and his officers. A group of prominent merchants in Jamaica quickly rallied around the beleaguered Admiral following the publication of the article in the *St. Jago Gazette*. At a hastily-arranged meeting in Kingston on 24 December 1816, 48 signatories agreed to a resolution stating 'that thanks and grateful acknowledgements' were justly due to Rear-Admiral Douglas 'for the effectual protection, which he has so obligingly at all times afforded to our commerce, by his ready compliance with our numerous applications for convoy, rendered necessary by the unsettled situation in the Spanish colonies'.²² The merchants felt it especially due to the Rear-Admiral to express 'in the most candid and unreserved manner' the gratitude they felt for 'the polite, impartial and disinterested conduct, always shewn by him in granting convoys, uniformly the result of general and public application from the mercantile body, and wholly unfettered by any previous understanding or arrangement on the subject for the benefits which might result to the Commanders of His Majesty's Ships from freight of specie'.²³

¹⁹ TNA, ADM 1/268, Douglas to the Admiralty, 24 Dec 1816.

²⁰ TNA, ADM 1/268, Douglas to the Admiralty, 24 Dec 1816.

²¹ TNA, ADM 1/268, Douglas to the Admiralty, 24 Dec 1816.

²² TNA, ADM 1/268, Douglas to the Admiralty, 24 Dec 1816.

²³ TNA, ADM 1/268, Douglas to the Admiralty, 24 Dec 1816.

Giving convoy to British merchant vessels was the most suitable way in which the Admiralty could meet Castlereagh's two general directions – to protect lawful British trade, and to do it without interfering in the struggle between Spain and the rebel colonies. However, the divided opinion of British merchants demonstrates that it was an imperfect solution to the problems caused by insurgent commerce-raiders. While the escort of naval vessels would have negated the worst effects of predatory activity under Spanish American flags, such as interruptions to voyages, instances of petty theft, and occasional acts of serious plunder, it could only give protection to trade routes between British ports and Spanish colonies. British merchant vessels beyond this catchment area continued to run the risk of encountering insurgent privateers, whose theatres of operations extended throughout the Western Hemisphere. Moreover, even those traders sailing under the protection of the Royal Navy would have been forced to wait in port for convoys to assemble and for warships to arrive, their voyages would be slow, competition for loading space might be encountered in ports of disembarkation, and markets could end up being glutted with similar goods, thus reducing the prices that could be charged for certain cargoes.²⁴ Convoys alone could not provide the protection that British merchants were looking for. This was acknowledged by naval officers, who in addition to organising convoys sought to adopt more offensive measures.

Cruises

Merchant pleas for protection would often portray insurgent privateers as pirates. Memorials submitted to naval commanders spoke of 'species of pirates, calling themselves independent cruisers', or 'hordes of pirates, styling themselves privateers and pretending to have commissions of war'.²⁵ Some naval officers shared this interpretation. In reference to Cartagena privateers, Rear-Admiral Douglas informed his superiors that the number of 'piratical cruizers' on his station was increasing to a very serious extent in 1816 and their

²⁴ Ralph Davis, *The Rise of the English Shipping Industry in the Seventeenth and Eighteenth Centuries* (Newton Abbot: David & Charles, 1962) pp.327-328.

²⁵ TNA, ADM 1/269, Popham to the Admiralty, 14 March 1818; TNA, ADM 1/5132, Manning to the Admiralty, 25 Feb 1822.

audacity was ‘gaining equal face with the augmentation of their force’.²⁶ In Douglas’s opinion, the equipment of these privateers in the ports of the United States gave an air of illegality to their proceedings. Other naval officers reached the same conclusion. In 1817, Captain Lennox was charged with the task of tracking down the privateer *Ant* of Buenos Aires, suspected of committing an atrocity on a British merchant vessel. Lennox’s investigation revealed that the ‘privateer was fitted out at, and sailed from the port of Baltimore’, and on the grounds that neither the vessel nor her Commander had ever been to Buenos Aires, he could only assume that the *Ant* was ‘one of those pirates who infest these seas to the great annoyance of the commerce of all Nations’.²⁷ Given these suspicions as to the legal status of insurgent privateers, naval officers were naturally inclined to take the offensive and endeavour to bring these so-called pirates to justice. Cruising in search of vessels abusing the flags of insurgent Spanish American governments therefore became an integral part of the Royal Navy’s strategy to protect British shipping. However, this component of the naval strategy was fraught with difficulties.

In October 1816, Douglas reported to the Admiralty that he had ‘from time to time’ issued orders to his captains ‘to keep a vigilant look out after [the] piratical privateers’ cruising in the neighbourhood of the Jamaica Station.²⁸ But Douglas drew the attention of his superiors to the difficulties experienced by his squadron in distinguishing piratical vessels from legally-commissioned privateers. Stopping and searching all vessels under Spanish American flags was not an option, Douglas noted, because on 24 July 1816 the Admiralty had issued orders cautioning British officers against ‘bringing to, searching, or detaining any vessels under the Flag of powers in amity with His Majesty’.²⁹ Only when insurgent vessels were suspected of piracy could British officers venture to detain them. Even then it was often impossible to obtain positive proof against them. Two or three predatory vessels had been carried into Port Royal on suspicion of piracy in 1816 but

²⁶ TNA, ADM1/267, Douglas to the Admiralty, 19 Oct 1816.

²⁷ TNA, ADM 1/268, Douglas to the Admiralty, 30 April 1817.

²⁸ TNA, ADM1/267, Douglas to the Admiralty, 19 Oct 1816.

²⁹ TNA, ADM1/267, Douglas to the Admiralty, 19 Oct 1816.

evidence was insufficient to proceed to prosecution, Douglas reported.³⁰ By the close of the year, he had abandoned the policy of detaining vessels on well-grounded suspicion of piracy because it was ‘impossible to procure their condemnation without the most positive proof of the guilt of their crews’ and ‘desirous of avoiding all unnecessary expense to the Government’, he limited his orders to detaining vessels only if an act of piracy could be proved.³¹

When the Venezuelan Admiral, Luis Brión, supplied Douglas in late 1816 with a list of commissioned vessels, denouncing all other cruisers under the flag of the Republic as pirates, the British Admiral might have been forgiven for thinking that things were about to get easier. Douglas furnished the Captains of his squadron with copies of Brión’s list and directed them, in accordance with the wishes of the Venezuelan Admiral, to send all other armed vessels under Venezuelan colours into a British port to be tried as pirates. One vessel omitted from the list was the *Aurora*, which was soon detained and sent to Port Royal. But on examination of the *Aurora*’s papers, Douglas decided that the vessel was legally commissioned and her crew were not liable to prosecution.³² To ensure that the mistake was not repeated by the other British vessels of war cruising in search of pirates, Douglas attached a note to the back of the *Aurora*’s commission stating that the privateer was not liable to detention on charges of piracy.³³ It was a decision that would come back to haunt him.

Soon after, Douglas received a letter from the Admiralty stating that the Foreign Secretary required an explanation for his actions. The *Aurora* had been seized by a Spanish vessel of war and Douglas’s handwriting was discovered on the back of her commission. The Spanish Foreign Secretary, José Pizarro complained to Henry Wellesley, the British Ambassador in Madrid, that Rear-Admiral Douglas had breached Britain’s neutrality by affording protection to an insurgent privateer. In May 1817, Douglas penned his defence, rejecting the accusations of the Spanish Minister and giving assurances that he

³⁰ TNA, ADM1/267, Douglas to the Admiralty, 19 Oct 1816.

³¹ TNA, ADM 1/268, Douglas to the Admiralty, 24 Dec 1816.

³² TNA, ADM 1/268, Douglas to the Admiralty, 29 May 1817.

³³ TNA, ADM 1/268, Douglas to the Admiralty, 29 May 1817.

had always tried to act with the strictest neutrality in accordance with his orders.³⁴ Nevertheless, the case illustrates the difficulties faced by the Royal Navy in following the two general orders issued by the government to refrain from interfering in the wars between Spain and her colonies, at the same time as adequately protecting British trade. In trying to take a more offensive approach to protect British merchants, Douglas had ended up being accused of interfering in the Wars of Independence by showing favour towards the enemies of Spain. The case also shows that while Castlereagh had felt it necessary to distance the British government from responding to insurgent privateering by delegating to the Admiralty, he was quick to intervene whenever he sensed that the activities of the Royal Navy posed a threat to the British government's wider political objectives. His demand for an explanation from Douglas was an illustration of his eagerness to assuage any doubts entertained by Spanish ministers of the sincerity of Britain's neutrality. A policy of disassociation was not tantamount to a policy of indifference.

As reports of unrestrained privateering began to increase from 1818 onwards, the British government issued orders expanding the scope for naval officers to detain vessels suspected of piracy. On 8 June 1818 orders were issued to the West Indies authorising the commanders of British vessels of war to seize any armed vessel 'on credible information of any piratical act or outrage committed on the High Seas, on any British ship or goods' and send such vessels with their crews to England or one of her colonies where a court was established for the trial of the offenders in accordance with the law.³⁵ In 1820 these orders were expanded for a second time in consequence of reports that privateers under the flag of Artigas were operating without due consideration for the regulations promulgated by the authorities in the Banda Oriental.³⁶ On 27 March 1820, naval officers were given permission to seize privateers if found under the colours of a different nation to that where they had been fitted out.³⁷

³⁴ TNA, ADM 1/268, Douglas to the Admiralty, 29 May 1817.

³⁵ TNA, ADM 128/1, no.19, 8 June 1818.

³⁶ See, Bealer, 'The Privateers of Buenos Aires', pp.237-257.

³⁷ TNA, ADM 1/338, Fahie to Cockburn, 17 Feb 1821.

Nevertheless, difficulties in obtaining convictions for offences continued to hinder the Royal Navy's offensive campaign. In October 1821, when the merchants West & Ferrier complained to Rear-Admiral Sir Charles Rowley on the Jamaica Station that their vessel, the *Trial*, had been plundered off the coast of Cuba by the Colombian privateer *General Clementi* while Spanish droghers loaded her with a cargo of sugar, the British squadron under his command took prompt action.³⁸ The following month, the offending privateer was carried into Port Royal by HMS *Tamar*. But effective grounds for detention did not necessarily equate to the condemnation of private armed vessels, or the conviction of their crews. The Captain of the *Tamar* submitted the case of the *General Clementi* to Sir William Wiseman, the Attorney General in Jamaica, who declared that there was 'no possibility of proceeding against her as the transaction took place in the Harbour of a state at war with the Independents and that it was not an offence upon the High Seas'.³⁹ Moreover, he warned the commanding officer of the *Tamar* to remember that 'no British Man of War is justified in bringing armed vessels in under whatever flag they may be unless you see them commit an act of piracy or have undeniable proof from the person that has been either plundered or molested by them'.⁴⁰ The case exposed the weaknesses of the 'credible information' clause in the orders issued from England. Rear-Admiral Sir Charles Rowley felt compelled to remind the officers under his command that 'Great Britain is at peace with all powers and that she acts entirely neutral in the contest between Spain and her colonies'.⁴¹ More caution was therefore required and Rowley reminded his officers to bear in mind that the accusations of British merchants may be '(as is too often the case) very much exaggerated to cover some transaction of the master of the vessel that has been plundered'.⁴²

One case that was taken to trial was that of the Colombian privateer *General Montilla*, whose officers and crew faced charges of piracy in early 1823. Despite certain

³⁸ TNA, ADM 1/272, Rowley to the Admiralty, 29 Dec 1821.

³⁹ TNA, ADM 1/272, Rowley to the Admiralty, 29 Dec 1821.

⁴⁰ TNA, ADM 1/272, Rowley to the Admiralty, 29 Dec 1821.

⁴¹ TNA, ADM 1/272, Rowley to the Admiralty, 24 Dec 1821.

⁴² TNA, ADM 1/272, Rowley to the Admiralty, 24 Dec 1821.

operational irregularities coming to light during the trial, British naval officers who were called as witnesses were unable to deny that the papers carried by the *General Montilla* were regular in their appearance. The only matter of dispute was whether the Colombian government was legally entitled to authorise privateering or not. Realising that it was not the resort of courts of justice to decide the legitimacy of insurrections but rather the responsibility of governments, and that the British government had remained silent on the subject, the Vice-Admiralty court in Jamaica could do nothing else but return a verdict of Not Guilty. Rear-Admiral Sir Charles Rowley was convinced that despite the inability of the court to convict the crew of the privateer of acts of piracy, enough was elicited to prove she had ‘not paid the proper respect to the British flag which her commission enforces her to do’.⁴³ But there was little he could do other than write to the Colombian President, Simón Bolívar, to request that he grant commissions only ‘to men of respectability and character, with crews of approved conduct’ in order that ‘lawless and unprincipled men may not have the opportunity of perpetrating their cruises under the sanction of your flag’.⁴⁴

If measured in terms of convictions, the offensive component of the Royal Navy’s strategy to protect British trade from Spanish American predators was largely unsuccessful. However, the pursuit and detention of privateers may have had some deterrent value that spared these measures from being a total failure. David J. Starkey argues that investors and seafarers engaged in British privateering enterprise in the eighteenth century were instilled with an economic rationale that gave a strong self-regulatory character to their activities.⁴⁵ To maximise prize funds, the crews of British privateers were likely adhere to their instructions in order to avoid protracted legal proceedings that would increase the costs of a venture and thus diminish the final shares of the spoils.⁴⁶ David Head has shown that during the Spanish American Wars of

⁴³ TNA, ADM 1/273, Rowley to the Admiralty, 30 Jan 1823.

⁴⁴ TNA, ADM 1/273, Rowley to the Admiralty, 30 Jan 1823.

⁴⁵ Starkey, ‘Origins and Regulation of Eighteenth-Century British Privateering’, in Pennell, *Bandits at Sea*, p.79.

⁴⁶ Starkey, ‘The Origins and Regulation of Eighteenth-Century British Privateering’, in Pennell, *Bandits at Sea*, p.79.

Independence several trials took place in courts in the United States which increased the financial pressures on investors in privateering ventures under insurgent flags.⁴⁷ These trials were likely to have curbed illegal practices or perhaps deterred a number of investors from embarking their capital in Spanish American privateering altogether. The same can also be said for the trials in British colonies following the detention of private armed vessels by the Royal Navy. Therefore, even if convictions were difficult to obtain, the protracted legal proceedings as a result of the cruises of British naval vessels were likely to have gone some way towards increasing safety for British trade and shipping. But this positive impact would not have been readily apparent to British merchants, or indeed to naval officers. The Admiralty realised from an early stage that it would be better for the insurgent governments to control their own privateers, thus avoiding the political complications of the Royal Navy's offensive measures. Communications were thus opened with the independent governments and naval diplomacy formed the third constituent part of the strategy to protect British trade.

Communications

The aim of British naval diplomacy was to persuade Spanish American governments to impose tighter restrictions on their privateers and thus prevent British vessels being unjustly seized or plundered. These communications often had very mixed results. In 1813, Admiral Stirling failed in his attempts to compel the President of Cartagena to modify his recruitment policy with regard to privateering. Stirling wrote to Don Manuel Rodriguez Torices in March 1813 stating that he had 'for some time understood, that vessels bearing the Carthaginian flag, and partly manned with Americans and French [had] plundered indiscriminately friends as well as foes'.⁴⁸ Stirling expressed his hope that privateers would no longer be manned by the enemies of Great Britain.⁴⁹ To reinforce his

⁴⁷ Head, 'A Different Kind of Maritime Predation', n.pag. For the difficulties experienced by the owners of one privateer as a result of legal proceedings in the United States see, Sean T. Perrone 'John Stoughton and the *Divina Pastora* Prize Case, 1816-1819', *Journal of the Early Republic*, 28 (Summer, 2008).

⁴⁸ TNA, ADM 1/264, Stirling to the Admiralty, 22 March 1813.

⁴⁹ TNA, ADM 1/264, Stirling to the Admiralty, 22 March 1813.

message, Stirling later despatched the *Argo* to Cartagena in the hope that further communications might compel the President to stop granting letters of marque to Americans and Frenchmen. But as Stirling reported to the Admiralty, the Vice-President replied 'that the Carthagenians would maintain the right to attack Spanish vessels on whatever seas they might be encountered', and that the government had 'certainly encouraged the influx of foreigners of every Nation' but after taking an oath of fidelity they were considered to be citizens of Cartagena and therefore no longer enemies of Great Britain.⁵⁰

Communications with the Venezuelan authorities a few years later appeared to achieve more success. Correspondence on the subject of unrestrained privateering between the Rear-Admiral at Jamaica and the Admiral of the Venezuelan fleet, Luis Brión, yielded a decree from the latter in 1816 ordering 'all ships, armed, or not armed which may navigate under the Venezuelan Flag ... to return to one of the ports of Venezuela before the 10th of February next, under penalty of being pursued by the Ships of War of the Republic, their officers and crew treated as pirates, and punished with death'.⁵¹ However, problems continued and in 1817 Rear-Admiral Douglas again informed Brión of the misconduct of one of Venezuela's privateers, named the *Condor*, and commanded by Captain Esteves.⁵² On being informed of the Captain's activities, Brión assured Douglas 'that immediately on his arrival, he shall receive such a reprimand as such conduct deserves'.⁵³ Brión expressed his particular concern on hearing from Douglas that several vessels continued to cruise in a piratical manner under the flag of Venezuela and clarified for the Rear-Admiral that only two vessels were currently at sea with legal commissions – the *Spartan* and *Arismendi* – all others had assumed the Venezuelan flag without authority and he hoped Douglas would treat them as pirates if they were encountered by the cruisers of his squadron.⁵⁴

⁵⁰ TNA, FO 72/153, Croker to Hamilton, 2 Aug 1813.

⁵¹ TNA, ADM 1/337, Maray to the Admiralty, 14 Feb 1817.

⁵² TNA, FO 72/208, Barrow to Hamilton, 10 Dec 1817.

⁵³ TNA, FO 72/208, Barrow to Hamilton, 10 Dec 1817.

⁵⁴ TNA, FO 72/208, Barrow to Hamilton, 10 Dec 1817.

The problem faced by British naval officers was that even when Spanish American governments proved themselves willing to do more to restrain their privateers, they were often unable to enforce their own laws to the extent required to eradicate abuses. In such cases, there was little more that British naval officers could do to intervene given the British government's policy of neutrality. Indeed, Castlereagh had directed the Admiralty in 1815 to order naval commanders that they should be 'strictly enjoined to pay attention to the local regulations in force' when entering the ports of the rebel colonies and to show a disposition to accept the explanations given for any irregularities that might have been committed.⁵⁵ Whenever Castlereagh felt that naval diplomacy was taken too far, he quickly interfered to ensure that Britain's neutrality remained intact.

This was clearly evident in the case of the *Union* – a British vessel plundered by the Buenos Airean privateer *Ant* in 1817. In June, the Admiralty transmitted to the Foreign Office copies of letters from the West Indies outlining the action taken by naval officers in consequence of reports of the plunder of the *Union*. Castlereagh read that shortly after the vessel had been plundered, Robert Sutherland, a British merchant residing in Haiti and acting as a consul, informed the Admiral at Jamaica that Captain Ford of the Buenos Airean privateer *Ant* had been arrested by the Haitian authorities for a violation of the laws of the Republic and during his trial, evidence had been heard that revealed Ford to be the perpetrator of the act of piracy committed on the *Union*.⁵⁶ Captain Lennox of HMS *Esk* quickly arrived at Haiti and demanded that Ford be delivered up to face charges of piracy, but this was refused by President Petion. Lennox submitted an appeal, in which he stated having thought it necessary to give the merchant Sutherland the power 'to claim and recover from the ... Government of Hayti, all sums of money, merchandise, goods, wares, &c ... which have been plundered on board the British polacre the *Union* of Gibraltar'.⁵⁷

Castlereagh was already aware of the plunder of the *Union* when he received the Admiralty's dispatches. Henry Wellesley, the British minister in Madrid had reported the

⁵⁵ TNA, FO 72/181, Draft to Croker, 3 Jan 1815.

⁵⁶ TNA, FO 72/206, Draft to Goulburn, 20 June 1817.

⁵⁷ TNA, FO 72/206, Draft to Goulburn, 20 June 1817.

incident to the Foreign Office in early 1817.⁵⁸ Further intelligence then reached Castlereagh via the Colonial Office confirming the incident and estimating the losses of the British owners as amounting to £3000.⁵⁹ Castlereagh's initial reaction had been to declare the attack on the *Union* as a piratical act which deserved to be treated as such if the parties responsible could be apprehended.⁶⁰ But Castlereagh proceeded with caution given the delicacy of the situation. In his reply to the Colonial Office he explained that it was not advisable to take any specific measures to obtain redress until further information could be gathered.⁶¹

When he received the Admiralty's reports, Castlereagh expressed his disapproval of the actions of Captain Lennock. Castlereagh feared that Lennock had gone too far by making official reclamations in the name of his government for British property seized by an insurgent privateer. In August 1817 he therefore stressed in a letter to the Admiralty that the owners of the seized effects were 'alone the proper persons to prosecute the claims' which had been put forward in the courts of Haiti.⁶² 'Before it can be ascertained from further information, what are the particular points on which interposition can be properly afforded', Castlereagh argued, 'it is not expedient that His Majesty's Government interfere in the case'.⁶³ Admiral Douglas was only permitted 'to give to the British Sufferers any advice and aid in his power, without advancing any official interference'.⁶⁴

Castlereagh thought it more prudent to direct the Admiralty to make representations to the government of Buenos Aires, which was responsible for commissioning the privateer that had committed the offence and was therefore answerable for its conduct. With the naval strategy back on an apolitical footing, Castlereagh could relax and must have read with some satisfaction a note from the Admiralty in late 1817 reporting that Commodore

⁵⁸ TNA, FO 72/197, Wellesley to Castlereagh, 5 March 1817.

⁵⁹ TNA, FO 72/206, Goulburn to Hamilton, 12 June 1817.

⁶⁰ TNA, FO 72/206, Draft to Goulburn, 20 June 1817.

⁶¹ TNA, FO 72/206, Draft to Goulburn, 20 June 1817.

⁶² TNA, FO 72/207, Draft to Croker, 12 Aug 1817.

⁶³ TNA, FO 72/207, Draft to Croker, 12 Aug 1817.

⁶⁴ TNA, FO 72/207, Draft to Croker, 12 Aug 1817.

Bowles, the commander of the South American squadron, had induced the government of Buenos Aires to issue a proclamation recalling all commissions and giving notice that no new letters of marque would be granted except for limited periods or without exacting full security against misconduct and plunder.⁶⁵

The result of these communications was so satisfactory that the Royal Navy tried to influence other independent governments in Spanish America to adopt similar measures. In January 1818, Commodore Bowles arrived at Valparaíso, Chile. Hearing that the independent government intended to grant commissions to privateers to cruise against Spanish trade in the Pacific, Bowles thought it wise, given the excesses that had been committed by privateers in the West Indies, to communicate with the Chilean government on the matter.⁶⁶ Bowles stressed in a letter to Don Luis de la Cruz ‘the necessity of adopting some effectual measures to prevent occurrences of outrage and piracy’, the like of which had ‘so much disgraced the armed vessels cruising under the flag of the Government of Buenos Ayres’ in recent years.⁶⁷ In the latter case, Bowles believed that misconduct had arisen from the employment of ‘adventurers of foreign nations’ to serve on board private armed vessels, who could not be expected to ‘feel much for the honour and interest of the Country [or] sacrifice their private advantage to any public considerations’.⁶⁸ Because the government of Buenos Aires had recently introduced regulations that had ‘considerably diminished the dangers with which neutral commerce was threatened’, Commodore Bowles suggested that the Chilean government adopt similar measures. Sufficient securities should be exacted from the equippers of privateers as a guarantee for their good conduct, Bowles argued, private armed vessels should be compelled to return to port at specific intervals to allow for enquiries into their transactions and to investigate any complaints pending against them, while the embarkation of one national officer of rank

⁶⁵ TNA, FO 72/208, Barrow to Hamilton, 29 Nov 1817.

⁶⁶ TNA, FO 72/220, Barrow to Hamilton, 17 June 1818.

⁶⁷ TNA, FO 72/220, Barrow to Hamilton, 17 June 1818.

⁶⁸ TNA, FO 72/220, Barrow to Hamilton, 17 June 1818.

could 'repress by his presence and authority, any disposition amongst the foreigners to piracy or plunder'.⁶⁹

In response, the Chilean authorities issued a decree stating that all privateers that had put to sea had left sufficient securities for their good conduct and had been furnished with instructions in conformity to the law of nations. For the satisfaction of other countries, the government gazette published a copy of the decree which made known the measures taken by the government for preserving the honour and reputation of the state and its flag.⁷⁰ A copy of the decree was also forwarded to Commodore Bowles, who in his subsequent report to the Admiralty praised 'the disposition shown in Chili, to repress all acts of piracy, or any molestation of neutrals by the armed vessels cruising under the flag of that Country'.⁷¹

Naval diplomacy was perhaps nowhere more important than in the Pacific in the early 1820s when the Chilean squadron under Thomas Cochrane declared the whole coast of Perú in a state of blockade. The blockade was notified to the Royal Navy in August 1820 by the Supreme-Director of Chile, Bernardo O'Higgins. The recipient of this declaration was Captain Searle, who immediately felt that the blockade was not conformable to the general principles of the law of nations given that the blockading force was inadequate to enforce it.⁷² His commanding officer, Sir Thomas Hardy, supported Searle's judgement and sent a remonstrance to the Supreme-Director. He carefully pointed out that he had orders from his government to respect the right of the independent governments to establish blockades in accordance with the law of nations. However, he protested that the legality of any blockade rested 'upon the adequacy of the Blockading Force to hold the ports and coasts ... in such a constant state of Blockade that no vessel can enter or depart without imminent danger of detention'.⁷³ By protesting in the strongest manner, Hardy expressed his hope that the Supreme-Director would modify the

⁶⁹ TNA, FO 72/220, Barrow to Hamilton, 17 June 1818.

⁷⁰ TNA, FO 72/220, Barrow to Hamilton, 17 June 1818.

⁷¹ TNA, FO 72/220, Barrow to Hamilton, 17 June 1818.

⁷² TNA, ADM 1/25, Hardy to the Admiralty, 30 Sept 1820.

⁷³ TNA, ADM 1/25, Hardy to the Admiralty, 30 Sept 1820.

proclamation to prevent any unwarranted restraint being enforced upon British vessels and property. The reply of the Chilean government simply stated that the Supreme-Director was 'well assured, owing to the instructions that had been given ... that nothing shall occur sufficient to interrupt the good terms and Harmony that the British Government and the Chilean Republic have always been on', and with regard to the technicalities of the blockade, the Secretary of the Marine begged that the Royal Navy would remain 'easy on that point'.⁷⁴ Given the British government's attitude that in order to maintain Britain's neutrality the Spanish American governments should not be pressed too far, there was little else Hardy could do.

The capture of several British vessels followed. Correspondence therefore shifted away from endeavouring to prevent captures to striving to obtain the release of British merchantmen carried into Chilean ports. But again, this proved difficult. Hardy remonstrated 'in the strongest terms' against the capture and condemnation of the *Indian* in 1822.⁷⁵ The vessel's condemnation rested on the grounds that she had given passage to Spanish Officers and discharged flour at Chorillos, Lima, but the owners protested that the Spaniards had regular papers allowing them to travel, that flour was not contraband, and also that the *Indian* had been taken within the five-month period allowed for vessels proceeding from Brazil to become acquainted with the existence of the blockade.⁷⁶ Hardy requested the restoration of the captured property. O'Higgins maintained that the vessel was guilty of breaching the blockade of Perú and refused to restore the property to the owners. However, he was willing to deposit the proceeds from the sale of the property in the Treasury for twelve months while the owners made their appeal. Hardy considered this to be a successful result but remained anxious that because the government was in such want of funds, the Ministers would eventually get their hands on it.⁷⁷

Despite Hardy's concerns, Castlereagh was satisfied with the proceedings in the Pacific and saw no reason to alter the naval strategy. The Foreign Secretary acknowledged

⁷⁴ TNA, ADM 1/25, Hardy to the Admiralty, 30 Sept 1820.

⁷⁵ TNA, FO 72/264, Croker to Earl of Clanwilliam, 29 May 1822.

⁷⁶ TNA, FO 72/264, Croker to Earl of Clanwilliam, 4 June 1822.

⁷⁷ TNA, FO 72/264, Croker to Earl of Clanwilliam, 4 June 1822.

that the case of the *Indian* was one of 'great hardship for the parties aggrieved [and] a breach of national law and good faith' which required the most active interference as circumstances would permit.⁷⁸ But recognising that if British neutrality was to be maintained, respect had to be shown towards the rights of the belligerents to raise and enforce blockades, Castlereagh only went so far as to advise the Admiralty that Hardy should repeat his remonstrations for the restitution of the captured property, or the proceeds thereof, and stated that no other instructions were necessary.⁷⁹ Hardy's apprehensions were short-lived. The Chilean government later released almost all of the British vessels sent into Valparaíso by the blockading squadron between August 1820 and the liberation of Perú in July 1822. In May 1822, Hardy reported that he was no longer pressing the Chilean government on the subject, given that all vessels had been released except for the *Columbia* and the *Indian*, both of which were imminently expected to be liberated.⁸⁰

While the British government might have been satisfied with the diplomatic efforts of the Royal Navy in the Pacific in the early 1820s, several British merchants were less than happy. Murmurs of discontent towards the naval strategy had been audible for several years, beginning with the criticism of Rear-Admiral Douglas's convoy system back in 1816. But in 1822 merchant discontent found a vent in parliament when Joseph Marryat MP presented a petition to the House of Commons on behalf of certain shipowners and merchants of London complaining that British merchantmen had been left unprotected in the Pacific. The ensuing debate exposed the divergent opinions of British statesmen and some British merchants with regard to the effectiveness of the government's commercial policy towards predatory activity.

Defending the Royal Navy in the House of Commons was George Cockburn, one of the Lords Commissioners of the Admiralty. Cockburn articulated the political rationale underpinning the government's cautious response to insurgent prize-taking. Failure on the part of the government to act diplomatically 'would have involved us in a quarrel with

⁷⁸ TNA, FO 72/264, Earl of Clanwilliam to Croker, 29 June 1822.

⁷⁹ TNA, FO 72/264, Earl of Clanwilliam to Croker, 29 June 1822.

⁸⁰ TNA, FO 72/264, Barrow to Earl of Clanwilliam, 27 July 1822.

those rising states, the result of which would have been to render them an easy conquest to their old masters', Cockburn stressed.⁸¹ Moreover, he argued that despite these political constraints, the interests of British merchants had still been adequately protected. 'By negotiation alone, government had obtained the release of all British vessels which had been seized', Cockburn claimed.⁸² This assertion was supported by Castlereagh, who after hearing what was said by his 'gallant friend', declared that he 'felt it necessary to say but little'.⁸³ He nevertheless provided statistics to support Cockburn's statement, informing the House that he was in possession of eighteen cases of detention of British vessels in the Pacific, and in only one case – that of the *Lydia* – had the vessel been condemned, while the proceeds of the sale of the *Indian* had been deposited in the Treasury of Chile for twelve months pending an investigation. All others had been released.

Furthermore, Castlereagh argued that using a firmer hand towards the Spanish American states had the potential to be far more damaging for the interests of British merchants. 'As long as this country preserved terms of friendship and amity with those States', Castlereagh stated, 'the injury that our ships had suffered was but as a drop of water to the sea, compared to the mischief and injury which would follow from a line of policy different from that which the Government had followed, and to which it was to the advantage of the country to adhere'.⁸⁴ By overlooking the potential consequences of a more aggressive approach, Castlereagh could argue that 'the expectations of the Petitioners, in some points, appeared rather unreasonable'.⁸⁵ On these grounds, Castlereagh 'hoped gentlemen would not attribute to government or to the naval administration of the country, any supineness'.⁸⁶ He could not help thinking 'that, under

⁸¹ Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1860.

⁸² Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1860.

⁸³ *Morning Chronicle*, 31 July 1822.

⁸⁴ *Morning Chronicle*, 31 July 1822.

⁸⁵ *Morning Chronicle*, 31 July 1822.

⁸⁶ Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1862.

the circumstances, government had conducted this great and important question in a most satisfactory manner'.⁸⁷

The government had put up a strong and persuasive defence of its response to insurgent predation. Following Castlereagh's statement a resounding 'hear, hear!' rang through the House.⁸⁸ Even Joseph Marryat, who had presented the petition, admitted by the end of the debate that the Admiralty had provided 'an account of very satisfactory dispatches' on the subject.⁸⁹ As reported by the *Morning Post* the following day, the explanations given by Castlereagh and Cockburn obtained the 'acknowledged satisfaction' of parliament.⁹⁰

Members of the opposition had also given their approval to the government's policy. The Whig MP Stephen Lushington was one such supporter and even strengthened the government's argument by looking beyond the immediate context. Lushington understood why the merchants 'should desire, in a public manner, to call attention to the losses they had incurred' but he saw that it was not possible for the government, 'whatever might be its exertions', to protect British commerce from all inconvenience during the continuance of hostilities.⁹¹ Britain was a staunch advocate of the right of search and visitation, and unless the government 'denied that right to others which we vindicated for ourselves', Lushington stated, it was quite clear that during the hostilities between Spain and her colonies British vessels would be subject to the right of search and be liable to condemnation in some cases.⁹² He hoped that the 'vexation and inconvenience' brought about by the exercise of the right of search by Spanish American vessels were 'mischiefs [that] would always continue'.⁹³ This latter point drew a call of 'Hear!' from his attentive

⁸⁷ Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1862.

⁸⁸ *Morning Post*, 31 July 1822

⁸⁹ *Morning Chronicle*, 31 July 1822.

⁹⁰ *Morning Post*, 31 July 1822.

⁹¹ Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1865.

⁹² Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1865.

⁹³ Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1865.

listeners.⁹⁴ Lushington explained himself: ‘The right of visitation and search, on the part of a belligerent, was the most valuable which England possessed’.⁹⁵ ‘Hear, hear!’ responded his audience with growing approbation.⁹⁶ Lushington stated his desire to see it freely allowed to other states, ‘and if, as in the present instance, it was attended with some inconvenience to the mercantile interest, it would be infinitely outweighed by the advantage to that very interest in time of war’.⁹⁷ ‘Hear, hear, hear!’ chimed the House.⁹⁸

Lushington then hijacked the debate to make a broader political point that was close to his heart. The problems experienced by British merchants, in his opinion, were a product of the government’s reluctance to recognise the independence of the new Spanish American states. Recognition was the only complete cure for the woes of British merchants, he argued, and he was ‘most anxious to see Great Britain come forward, as early as her honour would permit, to acknowledge the independence of the South American States’.⁹⁹ Beyond the Chamber of the House of Commons, it was this issue that was picked up by journalists, as opposed to the immediate plight of British merchants in the Pacific. The *Morning Post*’s report the next morning agreed that recognition was the ‘really important point’ raised in the House of Commons on 30 July 1822.¹⁰⁰ With the debate thus diverted down a different track, the British government faced no further challenge to its response to insurgent prize-taking activity and was left to follow its original course. The merchants who were dissatisfied would just have to go about their business.

⁹⁴ *Morning Chronicle*, 31 July 1822.

⁹⁵ Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1865.

⁹⁶ *Morning Chronicle*, 31 July 1822.

⁹⁷ Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1865.

⁹⁸ *Morning Chronicle*, 31 July 1822.

⁹⁹ Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1866.

¹⁰⁰ *Morning Post*, 31 July 1822.

Consular Strategy, 1824-1828

The British government's naval response to Spanish American predation was only abandoned in 1824. This shift in strategy was a product of political developments as opposed to popular pressure. When commissioners and consuls were deployed to Spanish America by George Canning in late 1823, they quickly assumed many of the responsibilities formerly held by naval officers with regard to protecting the interests of British merchants in that part of the globe. From 1824 onwards, it was therefore these newly-appointed consuls who looked to protect British traders from Spanish American prize-takers. The consuls appointed to Colombia were particularly active in this respect because Colombia was the only Spanish American nation that persevered with privateering in the mid to late 1820s.

Non-Intervention

If merchants expected the presence of British consuls in Colombian ports to amount to their complete protection from Colombian privateers, they were sadly mistaken. In every single prize case that came to the British government's attention in the period 1824-1828, merchants found British statesmen unwilling to authorise consuls to intervene on their behalf to obtain the restitution of captured property. This may well have surprised British merchants but perhaps even more taken aback by the attitude of the Foreign Office were the newly-appointed consuls themselves.

When the consul residing in La Guaira, Thomas Tupper, first heard of an instance of a British vessel being carried into a Colombian port by a privateer he burst into action. The victim was the *Minerva*, seized in the Straits of Gibraltar in September 1824 by the Colombian privateer *Maria Isabel* and carried briefly into La Guaira before proceeding to Puerto Cabello for adjudication.¹⁰¹ Tupper was in hot pursuit and on 4 October 1824 notified his superior in Bogotá, the Consul-General, James Henderson, that he hoped to reach Puerto Cabello early the following day in order 'to protect the property and demand restitution of the authorities'.¹⁰² 'Let the cargo be what it may', Tupper declared to

¹⁰¹ *Lloyd's List*, 22 Oct 1824.

¹⁰² TNA, FO 135/3, Tupper to Henderson, 4 Oct 1824.

Henderson, it was his firm belief that ‘no Colombian privateer has the right of search, much less the authority to detain a British vessel in the prosecution of her voyage’.¹⁰³

Arriving in Puerto Cabello as planned, Tupper made immediate enquiries and being ‘quite satisfied and persuaded of the injustice, and illegality of the detention’, he wrote to the Commandant of the Marine to claim and demand the immediate restitution of the *Minerva* and her entire cargo.¹⁰⁴ So confident was Tupper that there was not ‘the least reason for the detention’, that he stated his conviction to the Commandant of the Marine that no armed vessel under the Colombian flag had the right to search British vessels on the high seas, and much less to offer any obstruction in proceeding to their destinations.¹⁰⁵ His words of warning were to no avail. Despite the claims of the defendants that the vessel was owned by J. P. Bassadone, of Gibraltar, the tribunal determined that the vessel had been purchased by the fourth mate of the *Minerva*, John Ansaldo, who was a subject of the King of Spain, while the remaining shares in the vessel were also held by Spaniards. Moreover, much of the cargo was classed as contraband and was bound to the port of Lima – a place in the possession of Spain and in a state of blockade. In consequence, only the innocent parts of the cargo were restored. Exasperated, Tupper wrote a letter to the Commandant of the Marine, solemnly protesting in virtue of the commission he carried from his King against ‘every proceeding, decree, or decision which may be pronounced by the Tribunal of Marine’ in the case of the *Minerva*.¹⁰⁶ He followed the letter with another, this time to the Foreign Office, reporting all proceedings in the case to the Foreign Secretary, George Canning.¹⁰⁷

British consuls holding remote posts in the nineteenth century sometimes had the ability to significantly influence the course of British foreign policy.¹⁰⁸ This was not the

¹⁰³ TNA, FO 135/3, Tupper to Henderson, 4 Oct 1824.

¹⁰⁴ TNA, FO 18/20, Tupper to Canning, 10 March 1825.

¹⁰⁵ TNA, FO 18/20, Tupper to Canning, 10 March 1825.

¹⁰⁶ TNA, FO 18/20, Tupper to Canning, 10 March 1825.

¹⁰⁷ TNA, FO 18/20, Tupper to Canning, 10 March 1825.

¹⁰⁸ Martin Lynn, ‘Consul and Kings: British Policy, the Man on the Spot, and the Seizure of Lagos, 1851’, *The Journal of Imperial and Commonwealth History*, 10: 2, (Jan, 1982) pp.150-167.

case in Colombia in the 1820s. Tupper's eagerness to defend the owners of the *Minerva* was not replicated by George Canning, who upon learning of the consul's activities took immediate steps to rein him in. Writing to Consul-General James Henderson regarding the case, Canning scolded Tupper, who for all his pomp had failed to provide a reason for his objections to the vessel's condemnation – a 'rather extraordinary' proceeding, Canning commented.¹⁰⁹ Having recognised the sovereignty of these states, the British government by default had accepted the rights of the Spanish American governments to commission privateers, thereby acknowledging their right of search and accepting that British vessels were liable to condemnation in the prize courts to which captured property was taken for adjudication. Only if standard legal proceedings were not adhered to would the British government have grounds to interfere.

In the case of the *Minerva*, the advice given to Canning by the King's Advocate was that the proceedings of the prize court in Puerto Cabello were 'not liable to much exception'.¹¹⁰ Canning therefore informed Henderson in a letter dated 9 April 1825 that 'the parties should prosecute their remedy by appeal' and only if it appeared after due investigation that the practice and decision of the prize court in Colombia was 'not changeable with injustice', would the case warrant any interference on the part of His Majesty's Government.¹¹¹ Henderson followed his orders, reporting to Canning in September 1825 that after a thorough review of the papers relating to the case, it was his verdict that the *Minerva* was not entitled 'to the advantages of British ownership'.¹¹² In light of Henderson's assessment, the appeal of the owners, if ever lodged with the High Court of Justice, is unlikely to have achieved any success. After receiving Henderson's report of September 1825, the King's Advocate reported to Canning that the Consul-General's investigation should be 'considered as satisfactory' and that it was 'not advisable

¹⁰⁹ TNA, FO 135/6, Canning to Henderson, 9 April 1825.

¹¹⁰ TNA, FO 83/2254, Robinson to Canning, 28 March 1825.

¹¹¹ TNA, FO 135/6, Canning to Henderson, 9 April 1825.

¹¹² TNA, FO 18/17, Henderson to Canning, 8 Sept 1825.

to make any further representation on the subject'.¹¹³ Accordingly, no further action was taken by the Foreign Office.

The *Minerva* was the first of several prize cases to be brought to Canning's attention between 1824 and 1827, while the activities of Colombian privateers continued to occupy the time of his successor, Earl Dudley. But in every prize case submitted for the attention of the Foreign Office, the response remained the same as it had in the case of the *Minerva*. In January 1825, shortly after the *Minerva*'s condemnation, came the confiscation of the *Isabella* by the privateer *General Santander* on the grounds of carrying Spanish property.¹¹⁴ An immediate demand for restitution of the *Isabella* and indemnity for the losses incurred by the owners was submitted by the nearest British consul.¹¹⁵ This was ignored by the Colombian authorities and in March 1825, the prize court in Puerto Cabello passed its sentence condemning as a good prize all parts of the cargo belonging to Spanish subjects, but releasing the British vessel and innocent packages stowed on board.¹¹⁶ Meanwhile, as news was received in England of the vessel's capture, the owner of the *Isabella*, Thomas Ross, applied to the Foreign Office to interfere in the case to obtain the release of the vessel. But Ross was told that his claim 'must be prosecuted in the ordinary mode, in the Courts of Justice of the Colombian Republic' and that the only step the government could take was to transmit all the information relating to the case to the Consul in Colombia 'with directions to aid the claimants in any manner that may appear necessary and proper in regard to the general administration of the just principles of the Laws of Nations relating to captures of war'.¹¹⁷

The case of the British vessel *John & Ann*, seized by the Colombian privateer *Clara* in January 1825 and sent to Cartagena on suspicion of carrying Spanish property, was likewise deemed by Canning to be one 'of an ordinary kind'.¹¹⁸ The vessel was proceeding

¹¹³ TNA, FO 83/2254, Robinson to Canning, 27 Dec 1825.

¹¹⁴ *Lloyd's List*, 25 March 1825; *Lloyd's List*, 15 April 1825.

¹¹⁵ TNA, FO 18/20, Hurry to Canning, 23 Feb 1825.

¹¹⁶ TNA, FO 18/20, Hurry to Canning, 18 March 1825.

¹¹⁷ TNA, FO 18/22, Draft to Cock, 6 April 1825.

¹¹⁸ TNA, FO 18/22, Draft to Guthrie, 21 Sept 1825.

to Havana – a port in the possession of an enemy of Colombia – and after adjudication the vessel and part of the cargo was restored, leading Canning to conclude, as he told the owners of the *John & Ann* in September 1825, that there were no grounds *prima facie* to warrant the interference of the British government.¹¹⁹ In this case, Canning felt compelled to state more explicitly why the British government was unwilling to intervene to bring about an alteration to the Colombian prize court's sentence. Several letters had arrived at the Foreign Office from merchants whose property had been on board the *John & Ann* and appeals were made for a greater level of government intervention. In a letter to one of these claimants, Charles Guthrie, dated 21 September 1825, Canning stressed that 'a very great misapprehension is entertained respecting the principles which ought to regulate the Trade of British merchants with the Colonies of Spain during the War between that Country and the American states'.¹²⁰ Being neutral, the merchants seemed to expect that the right of search would be resisted by the British government, and for the 'extraordinary reason' that it was resisted by European nations during the Napoleonic Wars, Canning reflected.¹²¹ But it was altogether forgotten, he continued, 'that such pretensions ... were firmly and effectually opposed by this Country'.¹²² 'Britain does not acknowledge the principle that Free Ships make Free Goods, when claimed by nations against her as a belligerent', Canning reminded Charles Guthrie, adding that 'the just inference is that she cannot enforce that principle against other belligerents when she herself is neutral'.¹²³

It was crucial to Canning's wider foreign policy objectives that Britain preserved her interpretation of neutral maritime rights, especially towards the new states of Spanish America. When persuading the Cabinet that recognising Spanish American independence was favourable to British interests, one of the points made by Liverpool and Canning was that the new states would be important allies should Britain ever face the combined maritime power of France and the United States, which was bound to happen 'sooner or

¹¹⁹ TNA, FO 18/22, Draft to Guthrie, 21 Sept 1825.

¹²⁰ TNA, FO 18/22, Draft to Guthrie, 21 Sept 1825.

¹²¹ TNA, FO 18/22, Draft to Guthrie, 21 Sept 1825.

¹²² TNA, FO 18/22, Draft to Guthrie, 21 Sept 1825.

¹²³ TNA, FO 18/22, Draft to Guthrie, 21 Sept 1825.

later' according to Liverpool in November 1824.¹²⁴ In order to maximise the utility of the new states as future allies, Canning saw it as essential that they should share Britain's interpretation of neutral maritime rights. He explicitly stated this in his instructions to Edward J. Dawkins when he was appointed as the British representative to the Congress of Panamá in 1826.¹²⁵ Consequently, the British government would never reject Colombia's claim to be able to exercise the right of search and would not interfere in cases where British vessels were seized for carrying Spanish property or contraband articles.

By 1827, British merchants appear to have come to terms with this state of affairs. In the case of the *Amelia*, loaded with olive oil belonging to Spanish merchants and taken by the Colombian Brig of War *Pinchinchica* in July 1827, the owner of the vessel, Richard Lonsdale, wrote to the Foreign Office requesting assistance.¹²⁶ Rather than asking for the government's interference to obtain the restitution of the vessel and cargo, Lonsdale requested that the British Consulate in Colombia be directed to help speed up the process of adjudication as he was anxious to avoid the accumulation of port charges and feared that his vessel would be rendered totally unserviceable by worms, being only a single-bottomed ship.¹²⁷ Earl Dudley had no objections to this request and forwarded Lonsdale's letter to James Henderson in Bogotá, with instructions that he 'make such representations to the Colombian Govt in behalf of the owner as the case upon further enquiry may appear to you to justify'.¹²⁸ Unfortunately for Lonsdale, it would later transpire that the master of the *Amelia*, John Bulley, had set fire to certain papers during the vessel's detention, leading to accusations that he had destroyed evidence, the penalty for which was the relinquishment of the privilege to claim for losses and damages.¹²⁹

¹²⁴ Liverpool, cited in Kaufmann, *British Policy and the Independence of Latin America*, p.177.

¹²⁵ Webster, *Britain and the Independence of Latin America*, vol.1, Canning to Dawkins, 18 March 1826, p.404.

¹²⁶ TNA, FO 18/50, Lonsdale to Dudley, 6 Nov 1827.

¹²⁷ TNA, FO 18/50, Lonsdale to Dudley, 6 Nov 1827.

¹²⁸ TNA, FO 18/42, Dudley to Campbell, 8 Nov 1827.

¹²⁹ TNA, FO 18/62, Lonsdale to Backhouse, 12/04/1828 & 18/07/1828; TNA, FO 18/62, Draft to Lonsdale, 21/07/1828.

Limited Intervention

Dudley's willingness to meet Lonsdale's request for assistance demonstrates that although the Foreign Office was unwilling to interfere in prize cases to affect the outcomes of tribunals, it was willing to intervene in a limited capacity to facilitate the private appeals of British merchants and to ensure a just verdict. This was a feature of the British government's consular strategy to protect British merchants in Spanish America throughout the period 1824-1828. Although the decrees of condemnation in the cases of the *Minerva*, *Isabella*, and *John & Ann*, amongst others, were not disputed in principle by the British government, certain irregularities in the proceedings of the Colombian prize courts were identified. The Foreign Office aimed to induce the Colombian authorities to adjust its judicial system to conform more closely to British practices. Such modifications would ensure that British merchants were receiving just treatment when their property was confiscated and carried into Colombia.

The principal objection of the British government with regard to the Colombian *Ordenanza Provisional de Corso* was that it only granted to the owners of detained property a period of twenty-four hours following the decree of condemnation in which to lodge an appeal against a sentence. This allowance contrasted sharply to the British system which allocated to claimants a period of twelve months in which to gather evidence and register an appeal. This facet of the Colombian system first came to the British government's attention with the case of the *Minerva*. When reviewing the prize case, the King's Advocate advised Canning that while interfering to alter the outcome of the sentence was out of the question, he might make 'further representations on general grounds' regarding the period granted to lodge an appeal, a point that the Foreign Secretary put to the Consul-General in Bogotá in April 1825.¹³⁰ Henderson duly made these general representations on two occasions following the receipt of his instruction. However, Pedro Gual, the Colombian Secretary of State for Foreign Affairs, merely replied that 'the period of twenty four hours which has been assigned for appeals ... may perhaps be short, but not

¹³⁰ TNA, FO 83/2254, Robinson to Canning, 28 March 1825; TNA, FO 135/6, Canning to Henderson, 9 April 1825.

objectionable in principle', reflecting that 'the laws of Colombia and Great Britain may differ in forms, but not in substance'.¹³¹

Further complaints from British merchants followed and in July 1825 Canning carried out a review of the *Ordenanza Provisional de Corso* decreed by the Colombian government in 1822. While he praised the document for being 'drawn up with proper attention to the general principles of the Laws of Nations' and for being 'founded on the practice of Europe', he picked out the short period permitted for appeals as a 'material defect'.¹³² A letter was penned on 1 July 1825 to the British chargé d'affaires in Bogotá, Colonel Campbell, directing him to take an early opportunity to bring the subject under the consideration of the Colombian government and 'in a friendly manner' to suggest that the clauses of the *Ordenanza* to which Britain objected be modified.¹³³ Campbell reported on 27 September 1825 that the Colombian Congress was already carrying out a review of the rules governing privateering and Colombian Ministers had therefore informed him that the government would not make any modifications at that time.¹³⁴

The review of the *Ordenanza Provisional de Corso* undertaken by the Colombian Congress in 1825 seems to have had little impact on the rules governing appeals. As late as 1828, when Dudley informed Campbell that the government could not interfere in the case of the *Amelia*, he remarked that it was 'nevertheless seen with some concern that the court continues to assign so short a period as that of twenty four hours for the purpose of entering an appeal against its decision'.¹³⁵ Dudley directed Campbell 'to renew [his] representations to the Colombian Government, with a view of inducing them to procure an enlargement of this limited period'.¹³⁶ 'The time of twelve months ... can hardly be

¹³¹ TNA, FO 18/17, Henderson to Canning, 19 July 1825.

¹³² TNA, FO 135/6, Canning to Campbell, 1 July 1825.

¹³³ TNA, FO 135/6, Canning to Campbell, 1 July 1825.

¹³⁴ TNA, FO 18/14, Campbell to Canning, 27 Sept 1825.

¹³⁵ TNA, FO 135/10, Dudley to Campbell, 2 Jan 1828.

¹³⁶ TNA, FO 135/10, Dudley to Campbell, 2 Jan 1828.

thought to be too extended when the great distance which intervenes between Colombia and Europe is taken into consideration', Dudley contended.¹³⁷

But the problem continued. When James Henderson reported the detention of the *Laurel* in April 1828 he noted that although 'various representations had been made to this Government on the short period allowed for appeal ... nothing whatever has been conceded on those points, and the brig *Laurel* is another instance of this part of the practice in the courts of prize, being exceedingly exceptional and particularly prejudicial to British interests'.¹³⁸ In this individual case, the British chargé d'affaires, Colonel Campbell, achieved a minor victory when he addressed a note to the Colombian government in Bogotá claiming 'a reasonable time for the parties interested in the cargo of the "*Laurel*" to enter an appeal'.¹³⁹ The Colombian government referred the case to the High Court of Justice in May 1828, where it was resolved a few months later that the owners of part of the *Laurel*'s cargo would be permitted to lodge an appeal despite the twenty four hour period permitted having long since elapsed.¹⁴⁰ But in terms of obtaining a general modification of the Colombian *Ordenanza Provisional de Corso*, the efforts of British diplomats had made little progress.

Colombian privateering against Spain was drawn to a conclusion in late 1828. On 28 July that year, the Secretary of the Navy issued a circular to all Colombian naval commanders directing them, by order of President Bolívar, to discontinue issuing letters of marque and to recall all privateers pending another review of the privateering rules and regulations. Furthermore, all information pertaining to the past proceedings of the Colombian privateers was to be sent to the capital to inform the government's policy review and to inform its decision on several outstanding claims put forward by the diplomatic and commercial agents of neutral nations residing in Colombia on behalf of foreign merchants.

¹³⁷ TNA, FO 135/10, Dudley to Campbell, 2 Jan 1828.

¹³⁸ TNA, FO 18/55, Henderson to Bedwell, 12 April 1828.

¹³⁹ TNA, FO 18/53, Draft to Lonsdale, 31 May 1828.

¹⁴⁰ TNA, FO 18/54, Campbell to Aberdeen, 22 Sept 1828.

While British diplomats had continually pressed for minor modifications to the Colombian *Ordenanza Provisional de Corso*, other neutrals had been voicing far greater complaints since the early 1820s, most notably France. Being an advocate of the principle that ‘free ships make free goods’, the French government continually complained that Colombia had no right to seize French vessels carrying Spanish property. Rubbing salt in the French wounds was the fact that the United States, which by recognising the independence of Colombia had been able to negotiate an exemption to this rule, had freely carried Spanish property without the fear of being molested by Colombian privateers for a number of years. By 1828, the Colombian government acknowledged that its opposing views on neutrality meant, ‘reclamations have continued, and, with more force, will still continue to be made, if a timely and opportune remedy be not applied’.¹⁴¹ It was admitted that the *Ordenanza Provisional de Corso* contained defects requiring amendments but also contained ‘voids’ that necessitated ‘a radical reform’.¹⁴²

In September 1828, the Consul in Cartagena, Edward Watts, suggested to the Foreign Office that the principle of the *Ordenanza* which stipulated that flag did not protect property was ‘likely ... to suffer some modification in the proposed revision’.¹⁴³ Given the British interpretation of neutral rights, such an outcome would not bring an end to the capture of British vessels by Colombian privateers, but with regard to the modifications proposed by the Colombian government ‘for obviating in future the evils arising out of the Privateer Code’, the Foreign Office directed Colonel Campbell in Bogotá ‘to take the earliest opportunity of expressing to the President Libertador the satisfaction, which His Majesty’s Government have experienced at the proof, which this measure affords, of the desire of the Colombian Government to maintain in their full face the friendly relations existing between the two countries’.¹⁴⁴ Despite the time and effort expended by the Colombian government in carrying out its review, the temporary recall of privateers by the government appears to have become permanent as no depredations by

¹⁴¹ TNA, FO 18/58, Watts to Bidwell, 26 Sept 1828.

¹⁴² TNA, FO 18/58, Watts to Bidwell, 26 Sept 1828.

¹⁴³ TNA, FO 18/58, Watts to Bidwell, 26 Sept 1828.

¹⁴⁴ TNA, FO 135/10, Douglas to Campbell, 4 Dec 1828.

Colombian privateers on British vessels were reported after the middle of 1829, and as a result, Colombian privateering was paid no more heed by British foreign secretaries.

The aim of the British government's consular strategy in Colombia in the period 1824-1828 was to protect the interests of British merchants at the same time as respecting Colombian sovereignty and preserving Britain's interpretation of neutral rights. From the government's point of view, the policy was a success. Anglo-Colombian relations were never compromised by the limited intervention of British consuls in commercial matters, while Edward J. Dawkins could arrive at the Congress of Panamá and take the moral high ground as he preached the virtues of Britain's interpretation of neutral maritime rights to the assembled Spanish American delegates. While they never collectively agreed to follow the British example, this was more to do with the differences already existing between the different states as opposed to being a rejection of the British doctrine on the basis that Britain failed to play by her own rules.

While the consular strategy successfully avoided damaging Britain's wider political interests, the British government could also argue that the strategy amply protected the interests of British merchants. Consuls were directed to intervene in a limited capacity to ensure that British subjects received fair and equal treatment in accordance with the law of nations, and for the most part, these rights were upheld. Attempts to compel the Colombian government to extend the period permitted to make appeals might have been unsuccessful but concessions were granted on certain occasions, such as in the case of the *Laurel*, when British diplomats were able to persuade the Colombian authorities to make an exception to the rule. Generally speaking, British consuls facilitated the efforts of merchants to obtain compensation for their losses. In instances where compensation was not forthcoming it was generally down to the illegal behaviour of the merchants themselves. Most were seized for carrying Spanish property and were aware that such activity carried a risk and in cases where payments for freight and damages were refused, masters had often been found guilty of destroying evidence, thus invalidating such claims.

The opinion of British merchants with regard to the effectiveness of the government's consular strategy in the period 1824-1828 is difficult to gauge. Only a small number were affected by Colombian privateering and the losses sustained were never substantial. The merchants who suffered generally applied to the Foreign Office for

assistance in specific prize cases and after being told by foreign secretaries that the government was unwilling to interfere on their behalf to affect the alteration of Colombian sentences, there appears to have been few attempts to find an alternative mode of lobbying the British government. Only one example appears in the archives of the Foreign Office. In May 1825, the merchants Oliverson & Denby informed George Canning that a committee of five gentlemen had been established to 'superintend and take the management' of claims held by British merchants on the Colombian government as a result of the capture of British vessels by Colombian privateers.¹⁴⁵ Oliverson and Denby were aware that the British and Colombian governments were negotiating a commercial treaty and asked Canning if a provision could be included in the treaty for the liquidation of the claims of British merchants.

The request was ill-received by the Foreign Secretary. The reply from the Foreign Office stated that the description of the cases referred to by the committee was 'too general and undefined to authorize H. M. Govt ... to take any steps whatever upon the subject'.¹⁴⁶ Canning was also puzzled at the timing of the application, for it had been 'perfectly notorious' for several months that the British government was negotiating treaties with the new states of Spanish America.¹⁴⁷ When the Anglo-Colombian commercial treaty was ratified it included no clause by which the outstanding claims of British merchants would be settled. Moreover, the cause of these merchants never received any wider support. In the past, liberal politicians and newspapers had used the plight of British merchants to reinforce their arguments that the British government should recognise the independence of Spanish America, as had been the case following the debate of July 1822 regarding the Chilean blockade. But since that step had been taken in 1825, the economic problems of British merchants were theirs and theirs alone. In their small numbers, with losses that were not substantial and could not be claimed to have been inflicted due to a violation of the law of nations, British merchants had to quietly accept their misfortunes.

¹⁴⁵ TNA, FO 18/22, Oliverson & Denby to Canning, 10 May 1825.

¹⁴⁶ TNA, FO 18/22, Draft to Oliverson & Denby, 1 June 1825.

¹⁴⁷ TNA, FO 18/22, Draft to Oliverson & Denby, 1 June 1825.

So after recognition, just as before it, the British government responded to Spanish American prize-taking in ways that best suited its wider political objectives. The naval and consular strategies successfully achieved the government's political aims and it could still be argued that trade had been effectively protected. This protection was not all encompassing and some British merchants were left dissatisfied with the commercial policy of British statesmen. Attempts were made to lobby the British government but never attracted sufficient support and never seriously challenged Castlereagh and Canning's policies. The government's argument that British merchants were receiving as much protection as they were entitled to receive and that alternative policies would have been more prejudicial to their interests, as well as to the nation as a whole, was far too strong for the disaffected to contend with.

Chapter Five

Forbearance & Retaliation

Just as in the case of independent Spanish American predation, Spanish prize-taking activity, when first reported to the Foreign Office in 1813, was instantly viewed by Castlereagh as a possible threat to the British government's policy of neutrality in the Spanish American Wars of Independence. The problem he faced in this case was not that British merchantmen were being attacked by the armed vessels of unrecognised states. As shown in the previous chapter, faced with this problem Castlereagh had been compelled to disassociate the British government from the issue of predation and delegate the task of protecting British trade to the Admiralty. But in the case of Spanish prize-taking, British merchantmen were being assailed by the armed vessels of a recognised sovereign state. To a certain extent, this made the task of responding much easier for Castlereagh because he could openly communicate with the Spanish government on the subject through regular diplomatic channels. And as both Britain and Spain were adherents to the law of nations and had signed bilateral commercial treaties with one another, pre-existing mechanisms existed by which prize-taking could be regulated and losses incurred without justification could be redressed.

However, Spanish predation still raised some delicate questions of a political nature. British policy in Spanish America was designed to derive the economic benefits of Spanish American independence, at the same time as preserving the Anglo-Spanish alliance that was considered vital for European security. Because Spanish privateers and naval vessels targeted this branch of British trade that the government wished to see expanded, questions were raised as to how far the British government would accept Spain's right to suppress the rebellions in Spanish America by seizing neutral vessels and property. If the British government failed to do enough, the economic benefits of trade

with Spanish America might be lost. However, if the British government went too far to protect its merchants trading with the rebel colonies, there was a risk that Spain would be antagonised by the British course of action and the Anglo-Spanish alliance would come under threat. The following chapter outlines the ways in which British foreign secretaries confronted this problem during the Spanish American Wars of Independence and evaluates the effectiveness of the measures implemented to protect the interests of British traders.

Forbearance, 1813-1821

For a number of years, Castlereagh was able to avoid the dilemma presented by Spanish prize-taking by seeking refuge in the law of nations. So long as Spain respected Britain's rights as a neutral, he could respond to Spanish predation in ways that showed a similar level of respect for Spain's rights as a belligerent. This policy promised to protect Britain's regular trade with Spanish America without antagonising the Spanish government. Whenever prize cases involving Spanish predators and British merchantmen came to Castlereagh's attention he would always follow the same course of action. Legal advice would be procured from the King's Advocate, Christopher Robinson, and the merits of each case would be carefully assessed. In instances where no infringement of the law of nations was identified, Castlereagh refused to intervene in the name of the British government on behalf of the owners of confiscated property. However, in cases where the law of nations was deemed to have been contravened, Castlereagh was willing to take steps to obtain redress.

Non-Intervention

In cases where Castlereagh opted not to intervene to protect the interests of British subjects trading with Spanish America, the British vessels involved had primarily been captured for breaching Spanish blockades, carrying enemy property, or carrying contraband articles to the rebel colonies. The legal advice Castlereagh received from the King's Advocate when such incidents first started being reported was clear – by the law of nations it was 'competent for a Government to prohibit the intercourse of foreign vessels with its revolted

Colonies, and to impose Blockades, either by Sovereign Authority, or by its officers so empowered to Act'.¹

This sentiment underpinned Castlereagh's decision to take no action following the capture and condemnation of the *Caroline* and *Maria* in 1814. A letter from the Colonial Office was placed before Castlereagh in March 1815 containing a dispatch from General John Hodgson, Governor of Curaçao, who had received a representation from Watson, Maclean & Co regarding the capture and condemnation of the *Caroline* and her cargo of flour.² Bound from Gibraltar for La Guaiara, the *Caroline* had been seized by the Spanish privateer *Fernando Septimo* and carried into Puerto Cabello. The vessel and cargo were declared good prizes in accordance with articles 32 and 33 of the Marine Ordinances. The master was deemed to have breached the blockade of the coast declared by the Captain-General of Venezuela. Furthermore, the vessel was loaded with a prohibited cargo of provisions and as the Spanish privateer had been closing in on the *Caroline*, the master of the vessel was alleged to have thrown incriminating papers into the sea. The *Maria* was captured on similar grounds by the Spanish Brig of War *El Godo*. The merchants affected in both prize cases protested that the trade in which their vessels were engaged was 'perfectly allowable and legal'.³ They complained that the blockade had not been authorised by the Spanish government on the Peninsula and was therefore unlikely to have been acknowledged by the British government.

Castlereagh forwarded the papers to the King's Advocate and received a swift response. Given that the British government respected Spain's right as a belligerent to enforce blockades, Robinson advised that the government should only make enquires to find out whether the blockade had been duly notified and the vessels rightly taken and regularly proceeded against. If so, the parties would not be entitled to claim the interference of the British government.⁴ Acting on this advice, Castlereagh asked the Admiralty whether any such blockade had been notified by the Spanish authorities in

¹ TNA, FO 83/2364, Robinson to Castlereagh, 20 March 1815.

² TNA, FO 72/181, Goulburn to Hamilton, 4 March 1815.

³ TNA, FO 72/181, Goulburn to Hamilton, 4 March 1815.

⁴ TNA, FO 83/2364, Robinson to Castlereagh, 20 March 1815.

America. The archives of the Admiralty Office showed that in December 1814, the Commander-in-Chief of the Spanish squadron in Venezuela had written to inform Rear-Admiral Durham of the Leeward Islands Station that a strict and rigorous blockade of all ports and places in the possession of the insurgents had been instituted.⁵ Satisfied that no grounds existed to warrant the interference of the British government in the cases of the *Caroline* and *Maria*, Castlereagh took no further action.

The capture of British vessels for carrying the property of Spain's enemies was also deemed unworthy of the British government's interference. On 1 September 1816, the *Lady Warren* arrived at Cádiz as a prize to the Spanish privateer *El Feroz*.⁶ The British merchantman had been bound to Gibraltar with a cargo of hides shipped at Buenos Aires and belonging to two passengers, both Spanish merchants, who found themselves thrown into prison on their arrival at Cádiz for allegedly conniving with the Spanish American rebels. The British consul in the Spanish port, Robert Matthews, was convinced of the illegality of the *Lady Warren*'s capture and immediately set about trying to procure her release. His endeavours to communicate with the crew of the British vessel were rebuffed by the prize master, while protestations to the Captain-General of the Naval Department met with little success. Considering 'the English flag as having been insulted', Matthews submitted a protest to the Naval Commander stipulating that the *Lady Warren* had been unjustly detained and demanding that satisfaction for the damages and injuries done to the individuals interested in the vessel and her cargo ought to be granted.⁷ He also dispatched a full report of the proceedings directly to Castlereagh, pointing out that Buenos Aires was not declared in a state of blockade and warning him that if a precedent was allowed to be set by the case, all British ships bound from Spanish America to Britain and other ports would be liable to detention and condemnation.⁸

When Castlereagh sought legal advice, the King's Advocate shared none of Matthews' objections to the actions of the *Feroz* and the proceedings of the Spanish

⁵ TNA, FO 72/181, Barrow to Hamilton, 8 April 1815.

⁶ TNA, FO 72/189, Matthews to Castlereagh, 10 Sept 1816.

⁷ TNA, FO 72/189, Matthews to Castlereagh, 10 Sept 1816.

⁸ TNA, FO 72/189, Matthews to Castlereagh, 10 Sept 1816.

authorities. As there was a state of hostility between Spain and Buenos Aires, and the *Lady Warren* had sailed under charter partly with inhabitants of that country, Robinson was of the opinion that there were 'strong grounds *prima facie* to justify the detention of the ship *pure belli* on account of the cargo'.⁹ In such a case, he deemed it 'unadvisable to pursue the remonstrance further on the part of Government'.¹⁰ Perhaps Castlereagh would have fired a warning to the British consul in Cádiz not to push Britain's claims too far in similar cases had he not received further correspondence from Matthews in the following days informing him that the *Lady Warren* had been restored with all damages, and in accordance with the law of nations only the part of the cargo belonging to the enemies of Spain had been condemned as a good prize.¹¹ Castlereagh therefore deemed it unnecessary to take any further steps or send any further correspondence to Matthews.

But in early 1817, Matthews was involved in an almost identical incident and again acted with an exuberance that was not sanctioned by his government. Reading through Matthews's report stating that the *Acasta* had been carried into Cádiz by a Spanish privateer for carrying a cargo from Buenos Aires for Gibraltar, the King's Advocate gave the verdict to Castlereagh that the sentence of the Spanish tribunal condemning part of the cargo did not appear objectionable. 'If Spain is at war with her Colonies, she will have a right to capture the property of her enemies', Robinson expressed, adding that he could not understand 'on what grounds Mr Matthews has asserted a special claim of protection as due to the British flag' since there was no principle of that kind established by treaty between the two countries.¹² Matthews had also informed the British Ambassador in Madrid, Henry Wellesley, of the capture of the *Acasta*. Showing more caution than Matthews, Wellesley wrote to the Foreign Office to clarify the extent to which the British government acquiesced with the proceedings of the Spanish authorities and whether he needed to take any action. Castlereagh's reply was unequivocal: 'It is not considered necessary that you should take any measures herein in the name of your Govt, unless it

⁹ TNA, FO 72/2364, Robinson to Castlereagh, 10 Oct 1816.

¹⁰ TNA, FO 72/2364, Robinson to Castlereagh, 10 Oct 1816.

¹¹ TNA, FO 72/189, Matthews to Castlereagh, 15 Oct 1816.

¹² TNA, FO 83/2365, Robinson to Castlereagh, 13 Feb 1817.

shall be shewn on the part of any British merchants connected with this transaction, that they have suffered injustice under the proceedings of the Spanish Govt'.¹³ A memorial was later produced by the owners of the vessel claiming that losses had been incurred as a result of the *Acasta*'s detention. Castlereagh forwarded the document to Wellesley stating that it might be advisable for him to correspond with the consul at Cádiz and if he then judged it sufficient, he should endeavour to procure redress consistent with his previous orders.¹⁴ But the case generated no more correspondence that passed through the Foreign Office.

The cases of the *Caroline*, *Maria*, *Lady Warren* and *Acasta* demonstrate that Castlereagh's policy of non-intervention should not be confused with a policy of indifference. Castlereagh's attitude towards these prize cases was quite the opposite in fact. By applying for legal advice on every occasion, he showed an eagerness to establish the legitimacy of the claims of British merchants in each case. Castlereagh also demonstrated, by making enquiries to the Admiralty with regard to the legality of Spanish blockades, that he was keen to see Britain's neutral rights fully upheld. At the same time, the clarity of his guidelines to Henry Wellesley following the over-zealous activities of Consul Matthews were a manifestation of Castlereagh's desire that Britain's rights as a neutral were not to be pushed too far by British representatives abroad. If such actions were replicated on numerous occasions there was a risk that Anglo-Spanish relations could become strained and Castlereagh therefore made it clear that the British government would only intervene in cases where an injustice had taken place.

Limited Intervention

Castlereagh was true to his word in this respect. When evidence suggested that British property had been seized by Spanish armed vessels without just cause, the British government intervened to assist the claimants in their pursuit for compensation. An early example was the case of the *Betsey*, seized by the Spanish privateer *Conquistador* in 1813. The vessel and cargo were condemned and sold at Caracas, along with four or five

¹³ TNA, FO 72/196, Draft to Wellesley, 14 Feb 1817.

¹⁴ TNA, FO 72/196, Draft to Wellesley, 20 May 1817.

members of the crew who were slaves. The owners of the confiscated property, Guthrie & Ryburn, merchants of Grenada, submitted a petition to the Governor of the colony, whose dispatch to Earl Bathurst at the Colonial Office on the matter was forwarded to Castlereagh.

The Foreign Secretary followed the standard procedure of forwarding the papers to the King's Advocate for legal advice. Robinson's verdict in this case was that the petitioners were 'entitled to the protection of His Majesty's Government'.¹⁵ The condemnation was founded on minor points, Robinson argued, from which it could be inferred that the trade to Barcelona (Venezuela) and the insurgent provinces was not prohibited in such a manner as to warrant the confiscation of British property. Evidence proved that the ship and cargo were the property of British subjects, while the argument advanced in the prize court that the vessel was in want of a particular document was deemed frivolous. Robinson admitted that not all of the claims of the captors were without foundation. The *Betsey* had carried away from the insurgent provinces two men in disguise, who were persons of authority in the revolted colonies. This was imprudent on the part of the British merchants, argued Robinson, but one of the men, Don Antonio Moralis, who was branded a traitor by the Spanish authorities, was later cleared of such charges after convincing a judge of his sentiments for the 'just cause'.¹⁶ Therefore, the charges did 'not seem to be such as to justify the condemnation', Robinson concluded, adding that Castlereagh 'should be pleased to recommend the claim to the attention of the Spanish Government'.¹⁷

Castlereagh followed Robinson's advice and proved that he was willing to intervene in prize cases where British subjects were deemed to have suffered an injustice. However, Castlereagh was only willing to involve the British government to a limited extent. He directed Henry Wellesley, the British minister in Spain, to 'take the necessary steps for the case being duly laid before the Spanish Cortez'.¹⁸ But this order was only to

¹⁵ TNA, FO 83/2364, Robinson to Castlereagh, 4 Aug 1813.

¹⁶ TNA, FO 83/2364, Robinson to Castlereagh, 4 Aug 1813.

¹⁷ TNA, FO 83/2364, Robinson to Castlereagh, 4 Aug 1813.

¹⁸ TNA, FO 72/142, Draft to Wellesley, 14 Aug 1813.

be carried out, Castlereagh explained, 'on proper application being made by the parties concerned'.¹⁹ This condition was added by the Foreign Secretary because he was eager to keep prize cases as private commercial disputes between individuals and not as political questions to be dealt with by the British and Spanish governments. Such a policy promised to reduce the scope for prize-taking to become a political issue with the potential to disrupt Anglo-Spanish relations. At the same time as issuing his orders to Wellesley, Castlereagh therefore directed Henry Goulburn, Secretary at the Colonial Office, to 'move Earl Bathurst to recommend to the parties aggrieved, to lose no time in furthering in their claim to appeal to the proper Tribunals of Spain'.²⁰

At this point the case stalled. The owners of the *Betsey* experienced great difficulties in prosecuting their appeal overseas. They complained to the Governor of Grenada that 'unless the parties who seized and condemned the property are commanded by the Government of Spain to give security in the amount of the loss (Twenty Thousand Dollars) ... it will be in vain for us to appeal ... as in the event of the sentence being reversed we may never recover the property and only have incurred an additional expense'.²¹ The owners expressed their hope that the British minister in Spain would alone be able to procure redress on their behalf. But Castlereagh continued to set limits on the extent to which he would intervene in the prize case. The King's Advocate had warned him against overextending himself, arguing that no direction from Europe could forward the cause of the claimants; they had to pursue their claim in the regular way by notifying their appeal to the court in which the property was condemned.²² Given that no immediate communications could be made to the parties interested, Robinson suggested that Castlereagh might recommend the matter to the Spanish Ambassador in London as it would be reasonable to suppose that the Spanish government would desire the most solemn adjudication of a cause in which the sentence rested on the grounds of illicit trade with the

¹⁹ TNA, FO 72/142, Draft to Wellesley, 14 Aug 1813.

²⁰ TNA, FO 72/153, Draft to Goulburn, 6 April 1813.

²¹ TNA, FO 72/166, Goulburn to Hamilton, 4 Jan 1814.

²² TNA, FO 83/2364, Robinson to Castlereagh, 11 Jan 1814.

insurgents of Spanish settlements. A letter to this effect was therefore sent to the Spanish Ambassador.

The correspondence yielded no results as nothing more was said of the case of the *Betsey* for another two years. Castlereagh took notice of this fact in May 1816. He directed the British minister in Madrid, Charles Vaughan, to renew applications to the Spanish government with regard to the *Betsey* in a form 'best calculated to insure to the parties interested the redress of which they have been so long deprived'.²³ The following month, Castlereagh was informed that the records of the Embassy in Madrid showed that the parties concerned had never made any application to His Majesty's minister to lay their case before the Spanish government, while no answer had been received to the note addressed to the Spanish Ambassador in London.²⁴ Vaughan concluded that it would be best to suspend all further applications to the Spanish government on the subject of the *Betsey* until the owners came forward and provided a statement as to the steps they had taken to obtain redress since 1813. Castlereagh would appear to have concurred as no further correspondence on the subject took place.

Perhaps Castlereagh's memory of the case of the *Betsey* was jogged by the capture of the *Rover* by the Spanish flotilla off Caracas in 1815. After the case was brought to Castlereagh's attention and the opinion of Christopher Robinson had been obtained, the capture and subsequent condemnation was declared unjust. In December 1815, Charles Vaughan was directed to make an application for the restitution of the *Rover*.²⁵ A note was submitted to the Spanish government on 27 January 1816 in which Vaughan drew attention to the 'unjust condemnation' of the vessel.²⁶ She was taken on a voyage from Jersey to Caracas and Havana on 30 July 1814 and condemned at La Guaira on the charge of carrying several articles forbidden to be imported into towns in the possession of the insurgents, such as lead, linens and provisions, and it was also alleged that the Captain intended to extend his voyage to Cartagena. Vaughan stated to the

²³ TNA, FO 72/184, Draft to Vaughan, 15 May 1816.

²⁴ TNA, FO 72/186, Vaughan to Castlereagh, 20 June 1816.

²⁵ TNA, FO 72/185, Vaughan to Castlereagh, 5 Feb 1816.

²⁶ TNA, FO 72/185, Vaughan to Castlereagh, 5 Feb 1816.

Spanish authorities the opinion of his own government that such conditions provided ‘insufficient reasons’ for the vessel’s condemnation.²⁷ ‘The articles enumerated are not generally contraband, nor liable to be imputed so to be’, he argued, unless specifically destined for military use or transported in contravention of a previous order of prohibition stating that they would not be considered as innocent articles of trade.²⁸ Vaughan protested that such circumstances did not affect the cargo of the *Rover*, nor was any evidence produced to verify the allegation that the Captain intended to extend his voyage to Cartagena. Therefore, he had been instructed by the British government to declare that the seizure ‘was not made on any known existing laws that ought properly to affect the owners with so great a loss’.²⁹ Expressing his ‘confident expectation’ that the Spanish government would interfere to protect the owners of the vessel and its cargo from the unjust sentence, Vaughan left the Spanish Ministers to ponder over six documents that he and his government felt established the vessel’s innocence.³⁰ But Pedro Cevallos, the Spanish Foreign Secretary, observed that the matter was one ‘completely of litigation’ and he advised that the claimants should make an appeal in the competent tribunal, for which purpose Cevallos returned the documents submitted by Vaughan and dismissed the case.³¹ Having exhausted the limits to which it was willing to go, the Foreign Office allowed the case to remain unresolved.

While the British government had shown a willingness to intervene retrospectively in prize cases where British merchants had suffered injustices, efforts were also made to prevent such unwarranted captures from occurring in the first place. But even these preventative measures were limited in their extent. Given that several British vessels were taken on the grounds of breaching Spanish blockades, the British government took a keen interest in making sure that these blockades were correctly regulated from the outset. This was certainly a concern in November 1817 when Castlereagh learnt, courtesy of a

²⁷ TNA, FO 72/185, Vaughan to Castlereagh, 5 Feb 1816.

²⁸ TNA, FO 72/185, Vaughan to Castlereagh, 5 Feb 1816.

²⁹ TNA, FO 72/185, Vaughan to Castlereagh, 5 Feb 1816.

³⁰ TNA, FO 72/185, Vaughan to Castlereagh, 5 Feb 1816.

³¹ TNA, FO 72/185, Vaughan to Castlereagh, 5 Feb 1816.

letter from the Admiralty, that General Morillo, the Spanish Commander-in-Chief in South America, had raised a second blockade of the River Orinoco, the coasts of Guiria and the island of Margarita until a time when the rebellion in the provinces should be subdued.³² Castlereagh contacted Henry Wellesley. 'Your Excellency is aware that the legality of every blockade must entirely depend upon the adequacy of the Force employed effectually to constitute the same', Castlereagh reminded the British minister.³³ Yet in his opinion, the blockades declared by Morillo appeared to be 'peculiarly defective' not only because the limited force known to be at the disposal of the Spanish Crown was 'utterly inadequate' to legally constitute the blockade, but also because the ports over which the blockade was imposed were not specified with sufficient precision.³⁴ Despite having identified legal grounds for complaint, Castlereagh remained unwilling to go beyond making diplomatic representations to protect the interests of British merchants. Wellesley was directed to call the attention of the Spanish Secretary of State to the subject 'in the most amicable manner'.³⁵ Assurances were to be made that the British government had no desire to embarrass King Ferdinand in the exercise of his 'just and undoubted Rights of Blockade, nor to thwart him in their application to the Military Operations ... in South America' but in order to avoid 'unpleasant discussions', Wellesley was instructed to express the British government's hope that these measures would be confined within the admitted principles of legitimate blockade.³⁶

Wellesley's subsequent note to José Pizarro did generate a response but the Spanish Secretary of State misunderstood the communication. The Spanish government mistook Wellesley's comments regarding Spain's undoubted right to impose blockades and Britain's desire not to thwart Spanish military efforts in America as an expression of support for the Spanish cause. Pizarro's reply spoke of the interest and satisfaction with which the King had received Wellesley's note and how he harboured hopes that the

³² TNA, FO 72/208, Barrow to Hamilton, 27 Nov 1817.

³³ TNA, FO 72/196, Draft to Wellesley, 2 Dec 1817.

³⁴ TNA, FO 72/196, Draft to Wellesley, 2 Dec 1817.

³⁵ TNA, FO 72/196, Draft to Wellesley, 2 Dec 1817.

³⁶ TNA, FO 72/196, Draft to Wellesley, 2 Dec 1817.

attention shown by the British government towards the matter might facilitate ‘the speedy termination of a state of things which is as unnatural as it is prejudicial to all Europe’.³⁷ Given that the aim of the British government’s response to Spanish prize-taking was to preserve its neutrality in the Spanish American Wars of Independence, this development was alarming. Wellesley assured Castlereagh that he would take an early opportunity of coming to an explanation with Pizarro on this point. When he did, no further reply was given by the Spanish Minister. A year later, Wellesley would reflect that repeated representations had been made ‘in the strongest manner’ regarding the abuse by Spanish forces of the system of blockade ‘without producing any modification on the part of the Government’.³⁸

The British government had more success in preventing the Spanish government from imposing harsh punishments on British subjects caught trading with the insurgents in contravention of a proclamation published in 1819. A decree appearing in the *Gaceta de Madrid* in January 1819 declared that all foreigners found in the insurgent provinces of America with arms in their hands, or sailing under the flags of the insurgents, or who should furnish them with weapons and military stores, would suffer the punishment of death and the confiscation of all property belonging to them in the dominions of the Spanish King.³⁹ Wellesley was unsettled by the decree, particularly with the clause stating that all property would be confiscated from those found trading in arms.⁴⁰ This would seriously affect British property in Peninsular Spain, Wellesley told Castlereagh, because there were individuals possessing property in Spain who were likely to own shares in vessels trading with the insurgent provinces and should any of these vessels fall into royalist hands, all persons connected would be liable to the penalties of the decree.⁴¹

Castlereagh lost no time in arranging a meeting with the Spanish Ambassador in London, in which he urged the Duke of San Carlos to convey to his Court the sentiments of

³⁷ TNA, FO 72/210, Wellesley to Castlereagh, 12 Feb 1818.

³⁸ TNA, FO 72/224, Wellesley to Castlereagh, 26 March 1819.

³⁹ TNA, FO 72/223, Wellesley to Castlereagh, 26/01/1819.

⁴⁰ TNA, FO 72/223, Wellesley to Castlereagh, 28/01/1819.

⁴¹ TNA, FO 72/223, Wellesley to Castlereagh, 28/01/1819.

the British government on the issue in order to prevent any collision between the two countries.⁴² In a letter to Wellesley, Castlereagh took the opportunity presented by the decree to emphasise the principles of Britain's commercial policy with regard to Spanish America. He explained that with regard to the main principle of the decree, the British government did not feel itself called upon to interpose for the protection of British subjects who, despite the warnings and prohibitions issued by the Prince Regent, had proceeded to South America for the purpose of entering military service. Such individuals were considered to have withdrawn from the protection of their own state and the Spanish government was at liberty to regulate their conduct 'in accordance with the Law of Nations and the accustomed Rules of modern Warfare'.⁴³

But Castlereagh pointed out to Wellesley two important exceptions which if not adhered to by Spain would 'at once commit the two Governments in the most serious manner'.⁴⁴ His first point related to British subjects sojourning in the Spanish provinces for commercial purposes and not for taking an active part in the struggle between Spain and her colonies. Given the events taking place in South America and the commercial intercourse to which they had given rise, Castlereagh made it clear that the British government could not acquiesce in the persons involved being subject to the severities of the Spanish proclamation. As for British ships carrying arms and munitions, the Spanish government should be allowed to capture and condemn them and Britain would not interfere in the 'rigid application of the Laws of War in such cases', however, Castlereagh stated that 'by the Laws of Nations, Detention & Confiscation is the punishment awarded against the Neutral who shall carry to either Belligerent Contraband of War' and the British government would not permit the crews of such vessels 'being visited with personal severity'.⁴⁵

Castlereagh directed Wellesley to press these principles on the Spanish Secretary of State and urge him to give explicit instructions to all Spanish authorities overseas in order

⁴² TNA, FO 72/222, Draft to Wellesley, 12 March 1819.

⁴³ TNA, FO 72/222, Draft to Wellesley, 12 March 1819.

⁴⁴ TNA, FO 72/222, Draft to Wellesley, 12 March 1819.

⁴⁵ TNA, FO 72/222, Draft to Wellesley, 12 March 1819.

to obviate the possibility of any misunderstanding between Britain and Spain with respect to the proclamation. The ensuing discussions ended successfully for the British government. The Marques de Casa Yrujo assured Wellesley that the Spanish government had no intention of going beyond the law of nations, they fully concurred with the exceptions highlighted by Castlereagh and had sent instructions to the Spanish authorities abroad to pay strict attention to those exceptions in enforcing the penalties of the proclamation.⁴⁶

The Agreement of 1819

In 1819, despite the fact that for six years the Spanish government had largely respected the neutrality of British vessels and property in accordance with the law of nations, Castlereagh was growing increasingly anxious that British trade with Spanish America required a greater level of protection. It had been known for some time that Spain was preparing a sizeable armed force in Cádiz for a further expedition to re-conquer the rebel colonies of Spanish America. The disembarkation of this expedition threatened to give rise to a fresh wave of predatory attacks on British vessels and property. In the event of the expedition being successful, there was also the risk that Spain would re-impose her old colonial laws prohibiting foreigners from trading with Spanish America. Castlereagh therefore decided in July 1819 to make ‘a considerable addition’ to the British squadron in South America.⁴⁷ Henry Wellesley was directed to inform the Spanish government of this development on 21 July 1819.⁴⁸

Castlereagh also used this communication as an opportunity to re-emphasise the principles of British commercial policy with regard to Spanish America. Given the position to which British trade had been elevated in Spanish America in the preceding years, Castlereagh stated that the British government regarded all property in that part of the globe *bona fide* belonging to British subjects as entitled to the level of protection that all neutrals were entitled to claim in times of war, in accordance with the general principles

⁴⁶ TNA, FO 72/223, Wellesley to Castlereagh, 31 March 1819.

⁴⁷ TNA, FO 72/222, Draft to Wellesley, 21 July 1819.

⁴⁸ TNA, FO 72/222, Draft to Wellesley, 21 July 1819.

of the law of nations. Should Spanish authority be restored in America, the British government would not acquiesce in the sudden re-imposition of a colonial penal code that had for so long been practically abandoned by Spain, Castlereagh stressed. In such circumstances, the British government would demand that the owners of British property or their agents should be given time to withdraw or re-export their property.⁴⁹

Castlereagh continued to be wary of taking action that would antagonise Spain and he therefore directed Wellesley, when delivering news of the naval reinforcement, to make it absolutely clear that the step had been taken solely 'for the effectual protection of the Commerce and Property of His Majesty's Subjects'.⁵⁰ Bearing testament to this motivation was the selection of Sir Thomas Hardy as the squadron's commander. The government had handpicked Hardy for the task because he was 'eminently known ... for his temper and prudence', both of which were invaluable qualities for the pursuit of his orders 'to avoid all collision with any of the Parties who may be acting within the sphere of his command'.⁵¹ Nevertheless, Castlereagh was less concerned in 1819 about the prospect of offending Spain than he had been in the past. It was becoming increasingly more apparent that independence would be the most likely outcome of the Spanish American conflict and Castlereagh's policy towards Spanish America was beginning to move away from being one of strict neutrality to a preparation for recognition.⁵² He therefore had the confidence to authorise Wellesley to make it clear to Spanish ministers that if the rights of British subjects were violated as a result of the planned expedition, the British government would be 'compelled by the voice of the Nation to adopt measures of retaliation'.⁵³

In August 1819 Wellesley decided that it was unnecessary to deliver this threat. The Spanish government's response to his note regarding Britain's naval reinforcement was 'very satisfactory', he reported to Castlereagh.⁵⁴ The King of Spain was disposed to

⁴⁹ TNA, FO 72/222, Draft to Wellesley, 21 July 1819.

⁵⁰ TNA, FO 72/222, Draft to Wellesley, 21 July 1819.

⁵¹ TNA, FO 72/222, Draft to Wellesley, 21 July 1819.

⁵² Webster, *Britain and the Independence of Latin America*, vol.I, p.12.

⁵³ TNA, FO 72/222, Draft to Wellesley, 21 July 1819.

⁵⁴ TNA, FO 72/225, Wellesley to Castlereagh, 6 Aug 1819.

acquiesce in the principles laid down in Castlereagh's dispatch of July 1819 and wished to show 'all possible indulgence to the British Trade', without however pledging himself to any precise arrangement with respect to commerce when the colonies should be in a state of greater tranquillity.⁵⁵ After further discussions, in which Wellesley assuaged fears entertained in the Court of Madrid that the reinforcement of the British squadron in South America might have an ulterior motive beyond protecting British trade, Wellesley had procured written assurances that regular British trade would not be molested and if the Spanish colonial laws were re-imposed, British subjects would have six to eight months in which to re-export their property.⁵⁶ In the opinion of the Spanish minister who delivered this promise, 'the facilities and concessions made by the Spanish Government to British subjects and property' were such that 'nothing further can be desired unless it is required that the King ... should entirely abandon the interests of his Crown, and should renounce his rights as a Sovereign'.⁵⁷

Having secured a written agreement stating that Spain concurred with the British government's position with regard to the acceptable limits of Spanish prize-taking, Castlereagh must have been happy with the Spanish government's response to Wellesley's note of August 1819. Indeed, his whole policy towards Spanish prize-taking up to that point had proved entirely satisfactory from the British government's perspective. Castlereagh's aim had always been to protect British trade with Spanish America and uphold Britain's rights as a neutral without infringing Spain's rights as a belligerent and putting the Anglo-Spanish alliance in jeopardy. A premium had been placed on this latter point and by adopting a policy of only intervening in prize cases when an infringement of the law of nations was identified, and even then only to a limited extent, Castlereagh ensured that the claims of British merchants were kept on a private commercial level as opposed to being politicised and causing friction between the two governments. But at the same time, by diligently using the law of nations as his reference point, Castlereagh could

⁵⁵ TNA, FO 72/225, Wellesley to Castlereagh, 6 Aug 1819.

⁵⁶ TNA, FO 72/225, Wellesley to Castlereagh, 24 Aug 1819.

⁵⁷ TNA, FO 72/225, Wellesley to Castlereagh, 24 Aug 1819.

also argue that British merchants had received the level of protection from the British government to which they were legally entitled.

Some British merchants may have differed in their opinion as to the effectiveness of Castlereagh's commercial policy. The parties interested in the *Betsey* and the *Rover*, amongst others, were still without compensation for their losses even after several years, despite the fact Castlereagh had acknowledged the validity of their claims. In the former case, the owners had given up their pursuit for redress, while the owners of the *Rover*, despite proceeding with their appeal, found that their case was still pending in the Spanish courts as late as March 1819 when Henry Wellesley compiled a memorandum on the state of Anglo-Spanish commercial relations.⁵⁸ However, British merchants with legitimate grievances against the Spanish government were few in number in the period 1813-1821. They made no efforts to unite in order to lobby the government to take a different approach and the majority of British merchants would appear to have accepted the occasional injustice as an unavoidable hazard of their business given the circumstances in Spanish America. This would almost certainly have been the argument of the British government if it ever had been forced to explain the logic of its commercial policy with regard to Spanish prize-taking in the period 1813-1821. The losses of the few would have been eclipsed by the danger into which British trade in general would have been plunged if the British government had adopted measures that antagonised Spain, destroyed the Anglo-Spanish alliance and sparked another war in Europe.

The policy adopted by Castlereagh from 1813 onwards successfully avoided this possibility. The Anglo-Spanish agreement of 1819 promised to continue to safeguard the interests of the majority of British merchants for the future, even in the event that the planned Spanish expedition to restore authority in the colonies was successful. As it happened, the expedition never departed from Cádiz. Instead, the assembled troops mutinied and marched on Madrid to command Ferdinand VII to reinstall the liberal Constitution of 1812. A period of relative tranquillity in the Spanish empire followed as the new regime attempted to reconcile the differences between Spain and the American colonies. For almost two years, all was well for British traders.

⁵⁸ TNA, FO 72/224, Wellesley to Castlereagh, 26 March 1819.

Retaliation, 1822-1823

As much as Castlereagh could claim that his policy towards Spanish prize-taking had protected merchants in the period 1813-1821, his approach had one major flaw. British trade with Spanish America was not strictly legal. Since 1810, the ports of the insurgent colonies had been declared open to foreign vessels by the unrecognised revolutionary governments and British merchants had taken advantage of this new opportunity to trade. During the Peninsular War, Spain had turned a blind eye to this trade as she knew that as an ally of Britain she was deriving some benefit from the commercial intercourse. Even after the war, as Anglo-Spanish diplomats negotiated terms for Britain's mediation in the colonial conflict, the Spanish government continued to tolerate British trade with Spanish America so long as British merchants were not supplying arms or contraband articles to the insurgents, or breaching Spanish blockades. But at no point did Spain renounce her rights to a colonial monopoly and at no point did the British government take steps to legalise the expanding trade with Spanish America. British trade with Spanish America rested on a tacit agreement. If this agreement was ever renounced by Spain, the measures implemented by Castlereagh to protect British trade in the period 1813-1821 would be useless. All British vessels trading with Spanish America would be liable to capture and condemnation and the thought that the British government could continue carefully selecting which cases warranted intervention, and which did not, would become inconceivable.

The Case of the Lord Collingwood

The flaw in the British government's commercial policy revealed itself in 1822. In September of the previous year, the Spanish privateer *La Pancheta*, from Puerto Rico, captured the British brig *Lord Collingwood* and carried her into Aguadilla, where she was condemned in December.⁵⁹ The vessel was declared a good prize, not for a breach of blockade, nor for carrying contraband articles or enemy goods. Instead, the *Lord Collingwood* was condemned for breaching the Spanish colonial laws that had prohibited

⁵⁹ For a concise account of the British government's response to the capture and condemnation of the *Lord Collingwood* see, McCarthy, 'A Local Remedy to a Local Grievance', pp.215-226.

foreign vessels from trading with the Spanish American colonies for centuries.⁶⁰ The tacit agreement under which Britain had traded with Spanish America since 1810 had been broken. When the full details of the case became known in Britain in July 1822, shockwaves were sent through the mercantile communities of the nation and the government was called upon to act.

However, when news of the capture of the *Lord Collingwood* first reached Britain in January 1822, nobody expected that she had been seized on the grounds of breaching the Spanish Laws of the Indies. Having loaded a cargo of jerked beef at Buenos Aires, the owners of the vessel and cargo, De Lisle, Janvrin & De Lisle, naturally assumed that she must have been seized ‘on the plea of a breach of blockade’.⁶¹ Reeling at their estimated loss of upwards of £6000, the owners penned a letter to the Admiralty representing their case and expressing their confidence that His Majesty’s government would ‘never suffer depredations on British property ... to pass with impunity’.⁶² Based upon this information, Castlereagh reacted as he always had, by requesting the opinion of the King’s Advocate, Christopher Robinson. After reviewing the papers sent by the owners to the government, Robinson recommended ‘that it would be proper to make a remonstrance to the Court of Spain ... against the effect of any such blockade as is here described’, but having received no notification of a blockade of Buenos Aires himself, he could give no conclusive opinion as to what course of action should be followed.⁶³

Hoping to obtain further details of this blockade, Castlereagh wrote to the Spanish ambassador in London, only to find that he too was unaware of its existence.⁶⁴ At the end of April, the ambassador informed Castlereagh that the Spanish government in Madrid also had no knowledge of any blockade of Buenos Aires.⁶⁵ Unsure of what to do next, Castlereagh asked the advice of the Admiralty and was told that in all probability the

⁶⁰ TNA, FO 316/1, no.8, Decree of Final Judgement, 22 Dec 1821.

⁶¹ TNA, FO 72/263, Barrow to Castlereagh, 3 Jan 1822.

⁶² TNA, FO 72/263, Barrow to Castlereagh, 3 Jan 1822.

⁶³ TNA, FO 83/2366, Robinson to Castlereagh, 23 Jan 1822.

⁶⁴ TNA, FO 72/262, Onis to Castlereagh, 11 Feb 1822.

⁶⁵ TNA, FO 72/262, Onis to Castlereagh, 23 April 1822.

privateer's commander was guilty of misconduct and it was likely that he had concealed the facts of the transaction from the Spanish authorities.⁶⁶ This rendered it necessary that the Spanish government be called upon to enquire into the outrage committed under its flag, the Lords Commissioners of the Admiralty stressed.⁶⁷ Castlereagh took their advice and in May 1822 directed the British minister in Madrid, Lionel Hervey, to make a 'suitable representation' upon the subject, and call the attention of the Spanish government to the alleged grounds of condemnation, which seemed to have everybody confused and appeared to Castlereagh 'to be founded neither in law nor in fact'.⁶⁸

In July 1822, clarity was brought to the case of the *Lord Collingwood* when a copy of the decree of condemnation was circulated in London. The grounds upon which the vessel was declared a 'good prize' by the Puerto Rican prize court were multiple. Having loaded her cargo at Buenos Aires, the *Lord Collingwood* was assumed to have been exporting the commodities of one of Spain's enemies.⁶⁹ Moreover, her captain had proceeded on an indirect course and was found in want of certain papers, giving the judge further reason to doubt the virtues of the *Lord Collingwood's* voyage.⁷⁰ But principally, the condemnation of the vessel and cargo rested on the grounds that she had been trading in the seas of South America without permission from the Spanish government.⁷¹

The fragility of Britain's commercial relations with Spanish America became instantly apparent. It dawned on the editor of *The Times* that this trade remained subject to the 'ridicule that the old Spaniards, under their well-known prohibitory system of colonial law, might ... capture every British merchantman engaged in it, without so much as incurring any reasonable imputation of unlawfulness or national justice'.⁷² In the case of the *Lord Collingwood*, Spain could merely state, 'we took her while engaged in a

⁶⁶ TNA, FO 72/264, Croker to Earl of Clanwilliam, 9 May 1822.

⁶⁷ TNA, FO 72/264, Croker to Earl of Clanwilliam, 9 May 1822.

⁶⁸ TNA, FO 72/254, Draft to Hervey, 31 May 1822.

⁶⁹ TNA, FO 316/1, no.8, Decree of Final Judgement, 22 Dec 1821.

⁷⁰ TNA, FO 316/1, no.8, Decree of Final Judgement, 22 Dec 1821.

⁷¹ TNA, FO 316/1, no.8, Decree of Final Judgement, 22 Dec 1821.

⁷² *The Times*, 3 July 1822.

contraband traffic, which traffic, it has been known for centuries to all the world, could not be attempted but in defiance of the Spanish colonial system', and British ministers would be 'puzzled for a rejoinder' to such an argument.⁷³ The blame for this state of affairs lay not with Spain but with the British government, *The Times* argued, for failing to formally legalise the trade. The revision of the Navigation Acts in May 1822 to include the admission of vessels under Spanish American flags had not gone far enough, the editorial stated, and official recognition was required. Hopes were expressed that British ministers would now refuse to admit 'the further right of Spain over territories of which she has lost the possession'.⁷⁴

The anxieties of merchants and calls for recognition quickly found a vent in Parliament. On 5 July 1822, two days after *The Times* printed details of the *Lord Collingwood's* condemnation, Sir James Mackintosh MP asked Castlereagh in the House of Commons if he had received any information about the condemnation of a British vessel at Puerto Rico for a 'pretended contravention' of the Spanish colonial laws.⁷⁵ If so, Mackintosh requested to know what steps had been taken to prevent further injury because he could see no mode of checking the practice recently adopted by Spain other than 'by recognizing at once the independence of the territories which she considered as colonies dependent on her'.⁷⁶ Castlereagh replied that he had 'no recollection of having heard of such an occurrence' but if it had taken place, he would very much like to see a copy of the decree of condemnation.⁷⁷ Castlereagh's claim to be unacquainted with the facts of the case was quashed by *The Times*, which scoffed at how 'the Minister told the Parliament of England, that a fact so important to her commerce – a fact so notorious – a fact which had produced an increase of the insurance on one whole class of British merchantmen of 150 per cent, never reached the ears of Government until it was mentioned on the floor of the

⁷³ *The Times*, 3 July 1822.

⁷⁴ *The Times*, 3 July 1822.

⁷⁵ Hansard, *Parliamentary Debates*, vol. 7, 5 July 1822, p.1512.

⁷⁶ Hansard, *Parliamentary Debates*, vol. 7, 5 July 1822, p.1512.

⁷⁷ Hansard, *Parliamentary Debates*, vol. 7, 5 July 1822, p.1512.

House of Commons three or four days after the news had been *public* in the city'.⁷⁸ But Castlereagh appears to have been genuinely caught out by the news that the *Lord Collingwood* had been condemned for a breach of the Spanish colonial laws. Nevertheless, he quickly got hold of a copy of the decree of condemnation and the magnitude of the case must have been instantly apparent to him.

Merchants, newspaper editors and politicians recognised, quite rightly, that the case of the *Lord Collingwood* exposed all British trade with Spanish America to capture and condemnation. This fundamentally undermined the basis of the British government's policy of neutrality. Britain had refrained from recognising the new states of Spanish America because of the importance of the Anglo-Spanish alliance in maintaining European peace. But at the same time, Britain withheld from recognising Spanish American independence because since 1810 Spain had not enforced her colonial laws and Britain had been free to enjoy the fruits of the Spanish American revolutions without having to grant recognition. The capture and condemnation of the *Lord Collingwood* removed one whole side of the argument in favour of neutrality. The British government was therefore forced to choose whether to abandon the Spanish America trade and acknowledge Spain's right to enforce her colonial laws, or to make the trade legal by recognising the independence of the former Spanish colonies. In 1822, when the trend in British policy was moving towards recognition, no British statesman was speaking out in favour of the first option, including Castlereagh, who was already planning to propose joint-European recognition of the Spanish American states when he attended the conference of the European allies later in the year.⁷⁹ But given that he planned to submit the question of recognition to the collective deliberations of the Concert of Europe, Castlereagh was reluctant to respond to the condemnation of the *Lord Collingwood* by unilaterally declaring British recognition of Spanish America's independence. When the question was raised in the House of Lords as to whether the case of the *Lord Collingwood* warranted recognition, the Prime Minister, Lord Liverpool, poured cold water on the idea. Recognition was 'a subject of great importance', he said, and whatever might be decided 'it would not become the dignity or

⁷⁸ *The Times*, 6 July 1822.

⁷⁹ Webster, *Britain and the Independence of Latin America*, vol.I, p.31.

honour of this country to take any final step without some previous communication with the Government of Spain'.⁸⁰

From the point of view of the government, neither the prospect of accepting Spain's right to a monopoly of commerce in Spanish America, nor the alternative of granting immediate recognition to the former Spanish colonies, were politically desirable responses to the capture and condemnation of the *Lord Collingwood*. Yet it was fully understood that something had to be done. In the days immediately following the revelation of the *Lord Collingwood*'s condemnation, both the Prime Minister and the Foreign Secretary, in the House of Lords and House of Commons respectively, gave their assurances that British trade with Spanish America would be fully protected. Liverpool stressed that the government considered this trade to be 'not only lawful, but as lawful as any other trade in which the merchants of this country were engaged, and equally entitled to protection'.⁸¹ Meanwhile, Castlereagh stated that he did 'not think Spain was entitled to detain British vessels, trading with those parts of South America which had declared themselves independent' and promised to adopt 'such measures as might be considered necessary to support the honour and dignity of the country'.⁸² Listeners were impressed by the swift support shown by Liverpool and Castlereagh for British trade. The Marquis of Lansdowne was 'exceedingly glad to hear' the extent to which British trade would be protected, though he reserved the right to ask questions in future regarding the government's progress.⁸³ In the House of Commons, Castlereagh's answer was deemed 'extremely satisfactory' by James Mackintosh and he was eager that the commercial interest should be at once informed that they would be protected in the exercise of their lawful rights.⁸⁴

⁸⁰ *The Times*, 16 July 1822.

⁸¹ *The Times*, 16 July 1822.

⁸² Hansard, *Parliamentary Debates*, vol. 7, 15 July 1822, p.1649.

⁸³ *The Times*, 16 July 1822.

⁸⁴ Hansard, *Parliamentary Debates*, vol. 7, 15 July 1822, p.1649.

Policy of Castlereagh, July-August 1822

Having made such promises, the government now had to find a way of protecting British trade from Spanish privateers without having to abandon trade with Spanish America altogether or making it officially legal by way of recognition. The government was really left with only one option – to persuade Spain to relinquish its claims to be able to enforce the old colonial laws, thus re-establishing British trade with Spanish America on the quasi-legal footing that it had enjoyed since 1810. Castlereagh took to this task immediately. Instructions were sent to the British ambassador in Madrid, Lionel Hervey, on 19 July 1822 directing him to bring the affair ‘under the serious consideration of the Spanish Govt’.⁸⁵ Hervey was instructed to make ‘an unqualified and formal protest’ against the sentence of the *Lord Collingwood*, which Castlereagh slammed as being ‘futile, subversive of justice, and contrary to national law’.⁸⁶ And Hervey was directed to inform the Spanish government that no result ‘short of restitution and complete reparation to the owners of the vessel’ would satisfy His Majesty’s government.⁸⁷

Castlereagh stressed that the Spanish ministers could not be allowed ‘to disavow the letter and spirit of [the] sentence’ because the principles involved in the affair ‘were of too great importance in themselves, and to the interests of H.M.’s subjects trading in South America’.⁸⁸ Here he alluded to the threat that an enforcement of the colonial laws posed to Britain’s Spanish America trade in general, and Hervey was instructed to make it clear to the Spanish government that Britain did not acknowledge Spain’s right to prohibit this trade. For this purpose, Castlereagh supplied the ambassador with copies of correspondence between Henry Wellesley and the Spanish government from 1819. When the world expected another expeditionary force to depart from Cádiz in 1819, the British government had laid down its principles regarding trade with Spanish America. The British government regarded all property in that part of the globe *bona fide* belonging to British subjects as entitled to the level of protection that neutrals were entitled to claim in

⁸⁵ TNA, FO 72/254, Draft to Hervey, 19 July 1822.

⁸⁶ TNA, FO 72/254, Draft to Hervey, 19 July 1822.

⁸⁷ TNA, FO 72/254, Draft to Hervey, 19 July 1822.

⁸⁸ TNA, FO 72/254, Draft to Hervey, 19 July 1822.

times of war, in accordance with the general principles of the law of nations.⁸⁹ Should Spanish authority be restored in America, the British government would not acquiesce in the sudden re-imposition of a colonial penal code that had for so long been practically abandoned by Spain.⁹⁰ And in such circumstances, the British government would demand that the owners of British property or their agents should be given time to withdraw or re-export their property.⁹¹ At the time, the Spanish government had accepted these principles, promising to show 'all possible indulgence to the British Trade'.⁹² From the British government's point of view, Castlereagh told Hervey in July 1822, it had therefore been 'expressly determined between the two Govts, that the restrictive Colonial System of Spain was not to bear upon the Interests of His Majesty's Subjects trading with such Ports and Places in South America as were not, de facto, in the possession and under the legislative authority of the Mother Country'.⁹³

To apply further pressure on the Spanish government to meet Britain's demands, Castlereagh also directed Hervey to bring to the attention of Spanish ministers an 'entire series' of outstanding commercial claims and grievances held by British subjects.⁹⁴ In March 1819, Henry Wellesley had compiled a memorandum on the commercial issues existing between Britain and Spain.⁹⁵ Wellesley's report listed numerous examples where the Spanish government had evaded the terms of the Anglo-Spanish treaty of 1814. These infringements included the levying of contributions on British merchants residing in Spanish territories, restrictions on the period of time granted to British masters to amend their manifests on entry in Spanish ports, the seizure of corn found on board foreign vessels in Spanish ports, the conduct of the Guarda Costas towards the Gibraltar trade, the prohibitions and duties levied on British imports, and the privileges afforded to British

⁸⁹ TNA, FO 72/222, Draft to Wellesley, 21 July 1819.

⁹⁰ TNA, FO 72/222, Draft to Wellesley, 21 July 1819.

⁹¹ TNA, FO 72/222, Draft to Wellesley, 21 July 1819.

⁹² TNA, FO 72/225, Wellesley to Castlereagh, 6 Aug 1819.

⁹³ TNA, FO 72/254, Draft to Hervey, 19 July 1822.

⁹⁴ TNA, FO 72/254, Draft to Hervey, 19 July 1822.

⁹⁵ Following paragraph based on, TNA, FO 72/224, Wellesley to Castlereagh, 26 March 1819.

consuls residing in Spain. Castlereagh argued that these outstanding grievances had ‘assumed a more serious aspect’ by July 1822 from the inattention with which they had been received by the Spanish government.⁹⁶ Castlereagh’s instructions to Hervey therefore directed the British minister to urge Spain to give redress not only in the case of the *Lord Collingwood* but in the numerous other instances in which British subjects had suffered grievous injuries. As a final inducement to compel the Spanish government to respond agreeably, Castlereagh told Hervey that he would ‘do well’ to inform the Spanish ministers that in 1819 he had authorised Henry Wellesley to threaten Spain that Britain would resort to taking reprisals if her commercial grievances were not redressed. This order had been suspended in good faith and continued to be suspended in the expectation that Spain would ‘at length become sensible of the difficult if not hazardous position’ in which the question now stood, and that Spain would ‘suffer no obstruction or delay to prevent justice being done’.⁹⁷

On 14 August 1822, Hervey delivered a note to the Spanish government closely conveying Castlereagh’s instructions and demanding the restitution of the *Lord Collingwood* and satisfaction for Britain’s other outstanding commercial grievances.⁹⁸ The only part of Castlereagh’s instructions that he omitted was the suggestion that he make it known to the Spanish government that reprisals had been considered in 1819.⁹⁹ This opening exchange marked a departure in the British government’s response to Spanish prize-taking. The old policy of making ‘suitable representations’ whilst the owners of captured vessels prosecuted their claims in the Spanish courts of appeal had been abandoned. That policy was designed to keep the issue of British losses on a private level, as disputes between individuals, so as not to have any impact on the government’s policy of neutrality. But because the case of the *Lord Collingwood* directly threatened Britain’s neutrality it was not classed as a private dispute but as a national concern. The British government was the aggrieved party and principal claimant, while the Spanish government

⁹⁶ TNA, FO 72/254, Draft to Hervey, 19 July 1822.

⁹⁷ TNA, FO 72/254, Draft to Hervey, 19 July 1822.

⁹⁸ TNA, FO 72/257, Hervey to Castlereagh, 13 Aug 1822.

⁹⁹ TNA, FO 72/257, Hervey to Castlereagh, 13 Aug 1822.

was held ultimately responsible. Castlereagh's decision to approach the matter in this fashion was based upon the advice of the King's Advocate, who had shown Castlereagh in early July that legal grounds existed for holding the Spanish government to account for the condemnation of the *Lord Collingwood*. As far as Christopher Robinson was concerned, the fact that the Puerto Rican prize court had grounded its sentence on Spanish legislation dating back to 1803 and 1816 meant that the Spanish government had failed to promulgate new guidelines for its public officers in accordance with the tacit agreement between Britain and Spain regarding trade with Spanish America.¹⁰⁰

Castlereagh's instructions to Wellesley in July 1822 also marked a departure from past policy in another respect. The case of the *Lord Collingwood* had increased the threat posed by Spanish prize-taking to the British government's wider foreign policy objectives. But the increased threat brought with it certain opportunities. By directly involving the British government in the matter, Castlereagh opened up the possibility of exploiting the situation to further Britain's wider interests. If the Spanish government could be coerced into relinquishing its claims to a monopoly of trade in Spanish America, it might at the same time be driven to give redress for other commercial grievances. The case of the *Lord Collingwood* was therefore used as the spearhead to obtain reparations for all outstanding commercial grievances and to secure more favourable terms of trade from the Spanish government in future. This opportunism marked a new feature of the British government's response to predatory activity in the early nineteenth century, which Castlereagh's successor, George Canning, would develop even further.

Policy of Canning, Sept-Dec 1822

From July 1822 onwards, the British government took, in Castlereagh's words, a 'deep interest' in the discussions relating to Spanish prize-taking.¹⁰¹ When delivering his instructions to Hervey in July 1822, Castlereagh stipulated that the task required Hervey's 'best exertions' and he declared himself anxious to hear from the Ambassador at an early

¹⁰⁰ TNA, FO 83/2366, Robinson to Castlereagh, 8 July 1822.

¹⁰¹ TNA, FO 72/254, Draft to Hervey, 19 July 1822.

date.¹⁰² But months passed without an answer. During this time, the reins of the Foreign Office passed from Castlereagh to Canning. The new Foreign Secretary shared Castlereagh's opinion that the case of the *Lord Collingwood* was 'a matter of direct national concern', and he conveyed this point of view in his instructions to the new British minister in Madrid, William à Court, on 18 October 1822.¹⁰³ In these instructions, Canning stated that Britain had been 'trifled with too long ... in matters so vitally important', and he directed à Court to repeat Hervey's protest of 14 August 'in a tone which shall preclude delay and elicit a categorical answer'.¹⁰⁴

In an attempt to force Spain's hand, Canning did what Castlereagh and the Prime Minister had both shied away from doing only months previously. He authorised William à Court to inform the Spanish government that the Britain might go so far as to unilaterally and formally recognise the independence of Spanish America in order to protect its shipping. The *Lord Collingwood* had been condemned, in part, for trading with the so-called rebels of Buenos Aires, Canning reminded à Court, 'And this in the year 1821! Long after Buenos Ayres has ceased to yield obedience to the Mother Country, and after every vestige of Spanish Authority has disappeared from the precincts of that Colony'.¹⁰⁵ British neutrality had been maintained on the condition distinctly admitted by Spain that her trade with the revolted colonies would remain free and unmolested, Canning continued, begging the question whether it was possible 'that the Spanish Government can flatter Itself that It shall continue to enjoy the benefit of that forbearance when the condition which was annexed to it is withdrawn?'.¹⁰⁶ Canning thought not.

The condemnation of the *Lord Collingwood* gave the British government two choices – it could acquiesce in the pretensions of Spain and obsequiously prohibit trade with the Spanish Main, or it could legalise that trade by extending public recognition to the Spanish American governments. À Court was instructed to assure the Spanish Ministers

¹⁰² TNA, FO 72/254, Draft to Hervey, 19 July 1822.

¹⁰³ TNA, FO 72/258, Draft to à Court, 18 Oct 1822.

¹⁰⁴ TNA, FO 72/258, Draft to à Court, 18 Oct 1822.

¹⁰⁵ TNA, FO 72/258, Draft to à Court, 18 Oct 1822.

¹⁰⁶ TNA, FO 72/258, Draft to à Court, 18 Oct 1822.

that the latter was the course to which the British government would preferably resort.¹⁰⁷ Canning urged à Court to make it clear to the Spanish Secretary of State when delivering this message that no hostile or unfriendly feeling underpinned British policy, but Spain had breached a 'positive compact' and while redress had been pursued amicably, the time had come to apply remedies independent of Spanish authority or concurrence.¹⁰⁸ He admitted that the issue of recognition remained a matter of 'grave deliberation' and may be determined 'by considerations of more general policy' but His Majesty's decision would be 'quickened by the experience of those injuries to the Commercial Interests of His Subjects' and Spain had forfeited the right to complain against such measures.¹⁰⁹

In the following month, as Canning awaited a reply from à Court, more reports arrived at the Foreign Office complaining of further Spanish depredations, such as the capture of the British vessel *Zelia*.¹¹⁰ In consequence, the Admiralty notified the Foreign Office on 11 November that it had resorted to giving convoys to British merchantmen proceeding to La Guaira and Maracaibo following applications from merchants engaged in the Colombia trade.¹¹¹ Canning decided that he should no longer wait for a reply from the Spanish government. A memorandum was prepared and presented to the Cabinet on 15 November 1822 in which he sought the approval of his colleagues to take unilateral military action to obtain redress for Britain's commercial grievances and prevent similar injuries occurring in future.¹¹² In order to persuade the Cabinet of the necessity of taking firmer action, Canning emphasised the threat Spanish prize-taking posed to Britain's wider interests. He warned the Cabinet that the issue was starting to make Britain look weak, stating that 'the accustomed awe of our maritime preponderancy is daily diminishing in the eyes of all nations'.¹¹³ Canning reflected that the only measures adopted since the capture

¹⁰⁷ TNA, FO 72/258, Draft to à Court, 18 Oct 1822.

¹⁰⁸ TNA, FO 72/258, Draft to à Court, 18 Oct 1822.

¹⁰⁹ TNA, FO 72/258, Draft to à Court, 18 Oct 1822.

¹¹⁰ TNA, FO 72/265, Croker to Planta, 19 Oct 1822.

¹¹¹ TNA, FO 72/266, Croker to Planta, 11 Nov 1822.

¹¹² TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

¹¹³ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

and condemnation of the *Lord Collingwood* had been to give convoy to merchant vessels trading with Colombia. 'Can anything be more preposterous', he begged, 'than the relation in which the first maritime power of the world is thus placed towards its friends, and the light in which it is exhibited to its rivals? Convoy in a time of peace! and against the attacks of a nation with which we are professedly in amity'.¹¹⁴

While Spanish privateering was exposing British weaknesses, it was illuminating the growing strength and ambitions of Britain's rivals, Canning warned. Comparing British policy to that of the United States, he argued that the American policy was 'a more straight forward course' and presented itself 'before the world in a more intelligible position'.¹¹⁵ While Britain had delayed, for Spain's sake, acknowledging the separate existence of her colonies, trading with them on Spain's terms and in continued faith of Spain's connivance, protecting British vessels from depredations not by reprisal but by convoy, the United States had recognised the *de facto* independence of the Spanish colonies, claimed a right to trade with them and avenged interruptions to that trade by seizing the Spanish privateer *Pancheta* and carrying her into a port in the United States. But Canning warned the Cabinet that the United States could potentially use the issue of protecting its citizens to go further, perhaps by undertaking a military occupation of Cuba.¹¹⁶ That such an acquisition had been in the sights of the United States had long been rumoured at Havana, but Canning attached to his memorandum a letter from Captain Charles Malcolm of H.M Yacht *William & Mary*, which he stated gave to these rumours a degree of 'countenance and probability, which entitle the proposed project to serious reflection'.¹¹⁷ Canning wondered 'whether any blow that could be struck by any Foreign Power in any part of the world, would have a more sensible effect on the interests of this country [Britain] and on the reputation of its Government'.¹¹⁸ The possession by the United States of both shores of the Channel through which the Jamaica trade had to pass

¹¹⁴ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

¹¹⁵ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

¹¹⁶ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

¹¹⁷ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

¹¹⁸ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

would, in time of war with the United States, amount to the suspension of that trade 'and to a consequent total ruin of a great portion of the West Indian interests'.¹¹⁹

To adequately protect British trade and check the ambitions of the United States, Canning recommended that diplomacy be substituted for military action. The Foreign Secretary declared:

The cure for all the evils and dangers of the present state of things in the West Indian seas is to be found ... not in a perseverance in that system of forbearance and submission which we have hitherto observed towards Spain, but in a prompt and vigorous vindication of our rights by the means which Providence has placed in our power.¹²⁰

The providential means to which Canning referred was the Royal Navy. It was not necessary to declare war on Spain, Canning reassured the Cabinet, but the navy could be utilised to apply what he described as 'a local remedy to a local grievance'.¹²¹ The harbours of Cuba, Puerto Rico and Puerto Cabello, Canning insisted, should be made answerable for the injuries inflicted by ships and perpetrators finding shelter ashore.¹²² His plan involved deploying a sizeable naval squadron to sail first to Puerto Rico and demand the restitution of the *Lord Collingwood* and any other British vessels 'taken and condemned under the like unjust pretences'.¹²³ Should the local authorities fail to give satisfaction, the squadron would then be authorised to detain every Puerto Rican merchant vessel fallen in with as a deposit for the indemnification of the injured British merchants. Meanwhile, any Spanish armed vessel found cruising in those seas would be captured or destroyed. Part of the squadron would also proceed to Puerto Cabello to remonstrate against the blockade declared by the commander of that port, and if finding British vessels detained on the grounds that they had been trading with the former Spanish colonies, the squadron would begin to detain Spanish shipping along the same lines as at Puerto Rico.

¹¹⁹ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

¹²⁰ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

¹²¹ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

¹²² TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

¹²³ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

Canning's 'local remedy' promised to alleviate the threats posed by Spanish privateering to Britain's wider interests. The Spanish colonial laws would be given up and British merchants would be able to navigate freely in Spanish American waters once more. The presence of the naval squadron would be nothing other 'than desirable, with a view to keep in check the Americans', while the government could act on its own terms as opposed to having measures forced upon it 'by the inevitable course of events and by the growing impatience of the nation'.¹²⁴ But as the threat to Britain's national interests had escalated in the previous month, Canning, like Castlereagh before him, saw an opportunity to turn the issue to Britain's advantage. Not only did he continue Castlereagh's policy of using the case of the *Lord Collingwood* as a spearhead to force Spain to address a series of commercial disputes, Canning went much further and proposed to the Cabinet that the 'present crisis' gave Britain a perfect pretext to grant recognition to the new states of Spanish America.¹²⁵

Since his appointment as Foreign Secretary in September, this was an opportunity that Canning had been waiting for. Like most British statesmen in 1822, Canning was aware that Britain could not postpone recognition indefinitely. But unlike Castlereagh, who had planned to make a joint statement with the other powers of the Concert of Europe recognising the independence of Spanish America, Canning wanted recognition to be an exclusively British act.¹²⁶ When he entered the Foreign Office in September 1822, one of his first moves was to write to the Duke of Wellington, who was about to attend the Congress of Verona as Britain's representative, to insist that the Duke under no circumstances pledge his government against recognition and instead to hint that Britain might be compelled to recognise the colonies before the next parliamentary sessions.¹²⁷ The case of the *Lord Collingwood* and the growing threat to British trade with Spanish America in general provided Canning with an ideal opportunity to justify a unilateral

¹²⁴ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

¹²⁵ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

¹²⁶ For a comparative analysis of Castlereagh and Canning's policies, see, Lee, *Aspects of British Political History*, pp.36-52.

¹²⁷ Temperley, *Life of Canning*, p.175.

policy of recognition by the British government, which under any other circumstances would have endangered the peace of Europe by inciting a Spanish riposte or causing a rift with the other Powers of the Concert of Europe. All Canning had to do was persuade a reluctant Cabinet to come round to this point of view. The second half of his memorandum of 15 November 1822 was designed to accomplish this feat.

British losses to Spanish privateers were a product of Britain's neutrality and the ambiguous status of British commerce in Spanish America, Canning began. Now was surely the time, he argued, 'to reconsider a system at once so romantick and so thankless with regard to Spain, and so ruinous and so disparaging to ourselves'.¹²⁸ By late 1822 it was clear that Spain had lost the majority of her American colonies and Canning stressed that 'No man will say that there is reasonable hope of her recovering that jurisdiction'.¹²⁹ And yet Spain no longer respected Britain's neutrality, he stated, because vessels had been taken not only for breaching blockades or carrying enemy property, but merely for trading with the colonies. The tacit compact by which British trade was to remain uninterrupted in return for non-interference in the Spanish American conflict had been forgotten or renounced by Spain. 'What resource have we', Canning asked, 'but to take away all pretext for the enforcement of these absurd and obsolete pretensions against us, by conferring on the Colonies ... an independent instead of a Colonial character, thus cutting short all disputes as to Spain's Colonial jurisdiction'?¹³⁰ 'No man will say that under such circumstances our Recognition of these States can be indefinitely postponed', he declared.¹³¹ The time to recognise the independence of the new states was now, he went on, because it was in vain to hope that any Spanish government would ever concur with such recognition and it was improbable that another moment would ever arrive when the wrongs done by Spain would set the British government 'more entirely free to take that course with respect to her Colonies'.¹³² Moreover, Britain's gains would not be offset by

¹²⁸ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

¹²⁹ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

¹³⁰ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

¹³¹ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

¹³² TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

any major political fallout in Europe because the Spanish government had already been apprized that some steps would soon be taken to vindicate the honour of the British flag and the security of British commerce, and an intimation of the probability of recognition had already been conveyed. ‘No man surely will say that we should pass by an opportunity, when all things conspire to render this step at once most justifiable towards Spain, and most acceptable to her late Colonies, and most beneficial to ourselves’, Canning pleaded.¹³³

Recognition in late 1822 promised to secure British trade in Spanish America in the long term, at the same time as having no negative effect on European affairs. Hoping to have impressed this view on the Cabinet, Canning resolved to prepare a paper on the issue of recognition which he would submit for the Cabinet’s approval by the time of the Duke of Wellington’s return from the Congress of Verona. Whatever the Cabinet thought of Canning’s proposal to recognise the independence of the Spanish American states, his colleagues gave their immediate approval to his plan of applying a ‘local remedy’ to remove the threat of Spanish privateering and re-establish Britain’s right to trade on the basis that it had existed between 1810 and 1821. Canning directed the Admiralty to ready a naval force for the task and on 5 December 1822, Sir Edward Owen was appointed to the command of a substantial six-vessel squadron consisting of the flagship HMS *Gloucester*, of 74 guns, *Phaeton*, 46, *Eden*, 26, *Valorous*, 26, the *Billette* sloop and the *Pioneer* schooner.¹³⁴ As this squadron was drawn together in Plymouth Sound and readied for foreign service, the question as to whether Owen would sail in pursuance of his orders to take reprisals in the West Indies continued to hinge upon the Spanish government’s answer to the repeated British protests of August and November.

The Spanish Reaction

On 13 December, William à Court transmitted a copy of the Spanish government’s reflections on the case of the *Lord Collingwood*.¹³⁵ As the vessel had been condemned for

¹³³ TNA, FO 72/266, Memorandum to the Cabinet, 15 Nov 1822.

¹³⁴ TNA, FO 72/267, Croker to Canning, 5 Dec 1822.

¹³⁵ TNA, FO 72/259, à Court to Canning, 13 Dec 1822.

trading within Spanish territorial limits without the permission of the Spanish Admiralty, the King and his ministers considered the condemnation to be founded on grounds that were both 'legal and solid'.¹³⁶ One of the fundamental laws of Spain, which remained unrepealed, had been breached by the Captain of the *Lord Collingwood*.¹³⁷ The 1819 agreement could not be claimed as a cover for such proceedings, wrote the Spanish Foreign Secretary, Evaristo de San Miguel. He was sure that William à Court was 'aware, of course ... of the nature of these Resolutions' and must have known 'that they were confined to certain Instructions, which were given to the Commander of the Expedition destined for South America'.¹³⁸ As far as the Spanish government was concerned, these instructions did not constitute a law or a permanent engagement, they were given for a particular lease, under particular circumstances, and because the expedition never sailed for South America and the commander's instructions had been kept secret, such temporary agreements would never have been known in Puerto Rico.

San Miguel made it clear that the answer of his government consisted only of the reflections of the King's ministers and was not a decisive opinion on the legality of the case – it was not within the sphere of the Executive to interfere in judicial cases, he explained.¹³⁹ The Spanish ministers were prevented by the fundamental laws of Spain from interfering in any way in the case because the Constitution granted the judiciary absolute independence. However, the Constitution also established tribunals by which sentences given in inferior courts could be revised. To these courts of appeal, San Miguel suggested the owners of the *Lord Collingwood* should apply, adding that the King and his ministers had been surprised that the British government had made a formal reclamation and demanded indemnification in the case without the owners having first gone through this standard procedure. As to the other commercial grievances attached to the British protests of August and November 1822, San Miguel waived them aside, arguing that it was an inappropriate time to discuss them.

¹³⁶ TNA, FO 72/259, à Court to Canning, 13 Dec 1822.

¹³⁷ TNA, FO 72/259, à Court to Canning, 13 Dec 1822.

¹³⁸ TNA, FO 72/259, à Court to Canning, 13 Dec 1822.

¹³⁹ TNA, FO 72/259, à Court to Canning, 13 Dec 1822.

The divergent perceptions of the British and Spanish governments with regard to the legitimacy of Spanish claims to be able to exercise territorial jurisdiction over Spanish America, and of the nature and extent of the Anglo-Spanish agreement of 1819, were now clear. From the British perspective, the Spanish answer demonstrated that diplomacy had reached its limits and reprisals were the only viable course of action. In his report of 13 December 1822 regarding the Spanish note, William à Court lamented that ‘a more unsatisfactory document could hardly ever have been penned’.¹⁴⁰ It evaded the demand for restitution and indemnification in the case of the *Lord Collingwood* and justified the condemnation on the very grounds that the British government required its disavowal. And because Spain dismissed the 1819 agreement as a mere temporary arrangement and intended to maintain the right to capture British vessels in the South American seas, à Court was of the opinion that the Spanish government would only satisfy the British demands if instilled with ‘the conviction of impending danger’.¹⁴¹

On 14 December 1822, the day after à Court had dispatched his report to Canning giving the Spanish government’s answer to the British protest, a messenger arrived in Madrid with correspondence from the Foreign Office. In amongst Canning’s letters, à Court found dispatch no.16, notifying him that preparations were now underway to prepare a naval squadron to sail for the West Indies.¹⁴² À Court lost no time in relaying this message to the Spanish government and immediately submitted a memorandum to San Miguel. The Spanish Secretary of State begged à Court for more time and submitted the memorandum to the Cortes, where the issue was discussed for three consecutive days. The official reply, written by San Miguel, spoke of the Spanish government’s astonishment at the tone of the British memorandum and vowed that Spain would not be swayed by British attempts to intimidate her. The Spanish government criticised the one-sided nature of the British course of action. ‘Great Britain states her own Grievances. She weighs them in Her own scale. She determines upon the satisfaction which must be given, and this She is now preparing to take with Her own hands’, San Miguel reflected, ‘On what code of

¹⁴⁰ TNA, FO 72/259, à Court to Canning, 13 Dec 1822.

¹⁴¹ TNA, FO 72/259, à Court to Canning, 13 Dec 1822.

¹⁴² TNA, FO 72/258, Draft to à Court, 24 Nov 1822.

International Law are such proceedings founded?’ he pondered.¹⁴³ The Spanish Foreign Secretary warned Britain that his government would not ‘listen to any other Voice than that of Duty, or obey any Laws but those dictated by Justice’.¹⁴⁴ The Spanish government therefore steadfastly refused to violate the Constitution by interfering to affect the restoration of the *Lord Collingwood* and other captured British vessels.

But some concessions were offered to the British government. Orders were issued to the Commander-in-Chief in South America to lift the blockade of Colombia, while hints were also given that the Cortes might come to an arrangement whereby British claimants would be compensated for past losses, but only in cases where the Spanish courts of appeal had already ruled against the Spanish captors. Such concessions fell short of British expectations. À Court struggled to contain his disbelief at the ‘haughty and offensive’ tone of the Spanish government’s reply and he could only speculate in his report to Canning that liberal French propaganda had influenced the ‘absurd reasoning’ of the Spanish government, or that the Spanish ministers remained unconvinced that the British government would ever carry out its threat of reprisals.¹⁴⁵ Either way, William à Court saw the Spanish reply as having extinguished ‘all hope of an amicable settlement, and ... all possibility of avoiding the alternative of immediate reprisals’.¹⁴⁶

But two days later the diplomatic impasse was suddenly overcome. À Court was invited to an interview with San Miguel on 24 December 1822. The Spanish Secretary of State hastily excused himself for all the offensive parts of his answer to à Court’s memorandum and thrust papers in front of the British minister that were to be taken immediately to the Cortes demanding full powers from that body to settle all differences between Britain and Spain.¹⁴⁷ This settlement would include the repeal of the Spanish colonial laws, the immediate payment of claims already acknowledged by the Spanish government as being just, and an arrangement whereby other claims, including those

¹⁴³ TNA, FO 72/259, à Court to Canning, 22 Dec 1822.

¹⁴⁴ TNA, FO 72/259, à Court to Canning, 22 Dec 1822.

¹⁴⁵ TNA, FO 72/259, à Court to Canning, 22 Dec 1822.

¹⁴⁶ TNA, FO 72/259, à Court to Canning, 22 Dec 1822.

¹⁴⁷ TNA, FO 72/259, à Court to Canning, 22 Dec 1822.

arising from captures of British vessels in the West Indies, would be investigated and settled accordingly.¹⁴⁸ San Miguel expressed his hope that these concessions would be sufficient to compel the British government to suspend its naval operations in the West Indies. À Court wrote home immediately to inform Canning of this turn of events.

On receipt of William à Court's letter, Canning directed the Admiralty to issue orders to Commodore Sir Edward Owen to suspend his operations until further notice. A frigate was immediately dispatched from Plymouth charged with the task of overtaking Owen's squadron at Barbados or Puerto Rico before a blow had been struck in anger. Canning hoped that this chase across the Atlantic would not be in vain, but in any case, the prompt action of the British government would demonstrate Britain's desire to meet the conciliatory overtures given by San Miguel on Christmas Eve.¹⁴⁹ While Canning anxiously awaited news from the West Indies, the Cortes in Madrid unanimously passed the resolutions outlined by San Miguel in his interview with William à Court on 24 December. The Cortes confirmed that the blockade of Colombia was null and void.¹⁵⁰ It stopped short of repealing the restrictive colonial laws that prohibited foreigners from trading with Spanish America but it was conceded that British vessels should be permitted to trade with the provinces no longer *de facto* under Spanish rule for a period of ten months, in order to allow for the two governments to reach a final arrangement.¹⁵¹ The Spanish government accepted responsibility for having done Britain wrong by capturing her vessels and consented to the formation of a mixed commission, consisting of Spanish and British representatives, to investigate the claims of British subjects.¹⁵² In order to liquidate these claims, a sum of 40,000,000 *reales de vellón* (approx. £500,000) was to be placed on the Great Book of Spanish debts, to be augmented or diminished as required.

When news arrived from the West Indies, it transpired that Owen had received his revised orders just in time. On 5 February he had been readying his squadron at Barbados

¹⁴⁸ TNA, FO 72/259, à Court to Canning, 24 Dec 1822.

¹⁴⁹ TNA, FO 72/268, Draft to à Court, 7 Jan 1823.

¹⁵⁰ TNA, FO 72/269, à Court to Canning, 8 Jan 1823.

¹⁵¹ TNA, FO 72/269, à Court to Canning, 8 Jan 1823.

¹⁵² TNA, FO 72/269, à Court to Canning, 8 Jan 1823.

to sail for Puerto Rico the following day, but on receipt of his new instructions he suspended his original orders and placed himself under the command of Rear-Admiral Rowley on the Jamaica Station.¹⁵³ Reports from Cuba in February 1823 noted that ‘the greatest alarm’ had been caused among Spanish merchants by the approach of Owen’s squadron, but they could now breathe a sigh of relief.¹⁵⁴ And so too could George Canning, because in the weeks prior to Owen’s mission being called off, his resolve to maintain an assertive stance towards Spain had been gradually eroding. While the capture and condemnation of the *Lord Collingwood* had initiated a period in which Castlereagh and Canning had increasingly politicised the issue of Spanish prize-taking, culminating in mid-November when Canning proposed that the Cabinet use the prize case to justify recognising the independence of Spanish America, European events in November and December had reversed this trend, as new and substantial threats to Britain’s national interests had emerged.

Dispatches from the Duke of Wellington at the Congress of Verona in October and November 1822 had shown Canning that it was becoming increasingly likely that France would invade Spain in order to overthrow the liberal government and restore Ferdinand VII to the full extent of his powers. The increasing threat of a French invasion eroded Canning’s resolve to make an issue of Spanish privateering in the West Indies. When orders were given to the Admiralty to ready a squadron on 24 November 1822, Canning still had high hopes that Spain would be spared from invasion. However, by 3 December Canning was instilled with the firm belief that Britain would have to take active steps to persuade France not to invade Spain and he instructed Wellington to remain in Paris for that purpose.¹⁵⁵ At the same time, Canning realised that he would have to take a backwards step with regard to the proposals outlined in his memorandum of 15 November 1822. Plans to recognise Spanish American independence were shelved. On 9 December, Canning wrote to William à Court directing him to inform the Spanish government that the

¹⁵³ TNA, FO 72/280, Barrow to Planta, 13 March 1823.

¹⁵⁴ TNA, FO 72/275, Kilbee to Planta, 28 Feb 1823.

¹⁵⁵ Yamada, ‘George Canning and the Spanish Question’, p.351.

question of political recognition had been ‘suspended for a time’.¹⁵⁶ Canning hoped that such deference to Spain ‘may ... incline her the more to seek our Mediation with France’.¹⁵⁷

Despite shelving plans to recognise Spanish American independence, preparations to send a squadron to the West Indies to take reprisals for British losses continued, regardless of events in Verona. By its very rhetoric, the ‘local remedy’ was isolated from Continental affairs and it was still desirable to take some action against the activities of Spanish privateers to resurrect British trade with Spanish America to the quasi-legal footing it had previously enjoyed. But Canning was careful to point out in his instructions to à Court, that he should inform the Spanish government that the ‘local remedy’ was a unilateral act and was driven by the sole motive of protecting British commerce and obtaining justice for injured British merchants.¹⁵⁸ À Court duly complied with these directions when delivering news of Britain’s intention to take reprisals. The Spanish government was assured that Britain had ‘no desire to interfere in the internal affairs of Spain, no concert, nor connexion with any other Power in the discussions which may now be pending, & no ambitious views of aggrandizement’.¹⁵⁹ The sole and only object of the British course of action in the West Indies was ‘comprized in one word, Justice!’¹⁶⁰

On 24 December, à Court received further instructions from Canning that demonstrate the ever-increasing reluctance of the British government to take a firm stance on the issue of Spanish predatory activity. Canning informed the British Ambassador to adopt a different tone in his communications with Spain. Since his arrival in Madrid, à Court, by his own admission, had appeared ‘in the light of a stern, unrelenting creditor’ but now Canning instructed him to be ‘conciliatory and yielding’ in his discussions with the

¹⁵⁶ Webster, *Britain and the Independence of Latin America*, vol.II, Canning to à Court, 9 Dec 1822, p.401.

¹⁵⁷ Webster, *Britain and the Independence of Latin America*, vol.II, Canning to à Court, 9 Dec 1822, p.401.

¹⁵⁸ TNA, FO 72/258, Draft to à Court, 24 Nov 1822. Yamada asserts that the posting of these instructions was delayed until 3 Dec 1822.

¹⁵⁹ TNA, FO 72/259, à Court to Canning, 22 Dec. 1822.

¹⁶⁰ TNA, FO 72/259, à Court to Canning, 22 Dec. 1822.

Spanish government ‘with a view to engage confidence, and to bring on the solicitation for our mediation’.¹⁶¹ While à Court acknowledged that preventing a Franco-Spanish war had become the ‘great Object’ of British diplomacy, he feared that ‘any relaxation of tone or language’ would be fatal to the efforts made to secure redress for Britain’s commercial grievances. But luckily, it was on the same day that à Court was describing to Canning the awkward predicament in which his new orders had placed him that San Miguel made known the Spanish government’s willingness to satisfy the British demands.

A Great Point Gained?

In responding to Spanish prize-taking activity between July 1822 and January 1823, Castlereagh and Canning both aimed to re-establish British trade with Spanish America on the quasi-legal footing that it had enjoyed since 1810. Such an outcome would avoid the alternatives of either accepting Spanish claims to a colonial monopoly and abandoning British trade with Spanish America, or making the trade legal by recognising the independence of the former Spanish colonies. In pursuing this objective, Castlereagh and Canning both saw opportunities to make further gains that would be beneficial to British interests. Castlereagh attached a series of outstanding commercial grievances to his claim for the restoration of the *Lord Collingwood*, while Canning added to this by attempting to use the dispute as a justification for recognising the independence of Spanish America in November 1822.

When the Spanish Cortes passed its resolutions in January 1823, the principal objective of the British government’s response to Spanish predation was met. Canning had successfully asserted Britain’s right to trade with Spanish America and from that point onwards Spanish predators would never again seize British merchantmen merely for trading in the South American seas without the permission of the Spanish government. Equilibrium was thus restored to the British government’s policy of neutrality in the Spanish American Wars of Independence. Most pleasing of all for the British government was that this was achieved without having any negative consequences for the Anglo-

¹⁶¹ TNA, FO 72/259, à Court to Canning, 24 Dec 1822.

Spanish alliance. A close bond between Britain and Spain was becoming increasingly vital in late 1822 and early 1823 as the security of Europe balanced on a knife-edge. The diplomatic resolution of the dispute over Spanish prize-taking in January 1823 meant that the issue could be quickly brushed aside and the two countries could concentrate on preventing a French invasion. As William à Court noted in a letter to Canning on 8 January 1823, the amicable settlement had paved the way for British government to 'draw closer its friendly relations with Spain' in the hope that she would accept Britain's offer to mediate in the dispute with France.¹⁶² The resolutions of the Cortes in January 1823 were therefore 'a great point gained'.¹⁶³ Canning evidently concurred as the British government signed a convention with Spain in March 1823 officially authorising the creation of an Anglo-Spanish claims commission.¹⁶⁴

Whether British merchants shared à Court's interpretation is a more contentious point. All merchants with an interest in the Spanish America trade must have been pleased to learn that the Spanish government would no longer be claiming the right to prohibit foreigners from trading with the colonies that had achieved *de facto* independence. Those merchants with outstanding grievances against the Spanish government must also have been happy to hear that the Cortes had pledged to establish a mixed commission to investigate their claims and had set aside a sum of money to liquidate those that were deemed legitimate. Not only could the owners of the *Lord Collingwood* and other vessels taken in the early 1820s submit claims to the commissioners, so too could those British subjects whose claims dated back to the period 1813-1821, such as the parties interested in the *Betsey* and the *Rover*. Moreover, British subjects who had incurred losses as a result of other prejudicial Spanish commercial practices could also submit claims to the mixed commission thanks to Castlereagh's insistence in July 1822 that the case of the *Lord Collingwood* be used as a spearhead to settle all outstanding grievances against the Spanish government. But only time would tell if the claims commission established in 1823 would

¹⁶² TNA, FO 72/269, à Court to Canning, 8 Jan 1823.

¹⁶³ TNA, FO 72/269, à Court to Canning, 8 Jan 1823.

¹⁶⁴ TNA, FO 94/297, Convention for the amicable adjustment of British subjects' grievances, 12 March 1823.

effectively redress the injuries inflicted by Spanish predators since 1813; this is the subject of the next chapter.

Chapter Six

Great & Almost Insuperable Difficulties

Despite being happy that Spain had capitulated to British demands regarding Spanish prize-taking in 1822-1823, British statesmen had some reservations about whether the resolutions of the Cortes in January 1823 would adequately satisfy the grievances of British merchants. William à Court noted in a letter to Canning on 8 January 1823 that the amicable settlement had the potential to offer only a 'half satisfaction'.¹ The government's political objectives had certainly been met by the resolutions of the Cortes. À Court admitted that it was 'politic and advisable' to accept the Spanish concessions, but still, he expressed concern that British merchants would not receive the compensation to which they were entitled.² He warned Canning that the deposit of 40,000,000 *reales* by the Cortes was scarcely equal to a fourth of the claims advanced by British subjects, while the proposed scheme of arbitration via a mixed commission was likely to lead to immeasurable difficulties.³ Indeed, the agreement of 1823 led to 'great and almost insuperable difficulties', as the British and Spanish governments were forced to admit in 1828 when they concluded a second convention with a view to liquidating the claims of British and Spanish subjects.⁴ But with the signing of this second accord, hopes remained that the grievances of British merchants would be adequately redressed. The following chapter assesses the work of the Anglo-Spanish claims commission between 1823 and 1830, and

¹ TNA, FO 72/269, à Court to Canning, 8 Jan 1823.

² TNA, FO 72/269, à Court to Canning, 8 Jan 1823.

³ TNA, FO 72/269, à Court to Canning, 8 Jan 1823.

⁴ TNA, FO 94/298, Convention for the amicable adjustment of British subjects' grievances, 28 Oct 1828.

evaluates its effectiveness in redressing the injuries sustained by British subjects as a result of Spanish predation.

Preparation

On 12 March 1823, the British and Spanish governments signed a convention by which it was agreed that a mixed commission consisting of two British and two Spanish representatives would be established in London to investigate the claims of the subjects of both nations.⁵ On 4 October 1823, George Canning appointed Edward J. Dawkins and Robert Albion Cox as commissioners to execute the Anglo-Spanish convention. The appointees were informed that they would be joined by the two nominees of the King of Spain – Don Diego Colón and Don Justo Machado. Enclosed in Canning's dispatch was a copy of the Anglo-Spanish convention. Its seven articles stipulated that the mixed commission would sit in London and examine the cases brought before it of the capture or seizure of British vessels and property, from the declaration of peace between Britain and Spain on 4 July 1808 to the date on which the convention was signed. The commission would also adjudicate claims submitted by Spanish subjects if there were any outstanding claims for the capture or detention of Spanish property by Britain in the same period. Claimants would have six months from the first meeting of the commission to submit their claims, after which time no further claims would be admitted. In the event that the decision of the commission was divided in a given case, the Spanish envoy in London and the King's Advocate would act as arbitrators, if their judgements remained opposed, cases would be decided by the drawing of lots. The convention required Spain to transfer the assignment of 40,000,000 *reales* on the Great Book of Spanish debts with immediate effect to the commissioners for the payment of the indemnifications they would later award, while any Spanish claims admitted by the commission would be paid by Britain in stock or by equivalent in money.

⁵ TNA, FO 72/293, Draft to Commissioners, 4 Oct 1823.

Canning told Dawkins and Albion Cox that the convention was to serve 'as the general Basis and Rule' for their conduct.⁶ He was sure that the two men would proceed with 'the fairest and most honourable principles, and without pressing too far for any doubtful claims'. But in order 'for the clearer manifestation of the Spirit with which his Majesty [had] been actuated in concluding the ... convention', Canning requested that throughout the examination, liquidation and arbitration process, Dawkins and Albion Cox would 'endeavour to combine a fair and conscientious zeal for the private interests of H. M.'s Subjects, with the maintenance of the strictest justice towards the Government of Spain, and with the promotion of a Spirit of Conciliation and Harmony between the two Countries'.⁷ Dawkins and Albion Cox were thus advised to put themselves in immediate contact with the Spanish commissioners and set about executing their duties. Canning only added that the two commissioners should report their proceedings to the Foreign Office 'from time to time'.⁸

The opening exchange between the British and Spanish commissioners was amicable enough and gave Dawkins and Albion Cox reason to be optimistic about the future course of proceedings. A notification was published of the creation of the commission on 11 October 1823 and two days later a memorandum was inserted in the *London Gazette* inviting all persons having claims to send them with supporting evidence to the office of the commission at No.12 Manchester Buildings, Westminster.⁹ The British commissioners were anxious from an early stage to ascertain whether their Spanish counterparts held the required inscription to the amount of 40,000,000 *reales* and to see it assigned to the four commissioners in accordance with the stipulations of the convention. At a meeting on 13 October, the issue was raised by Dawkins and Albion Cox. The Spanish commissioners duly produced the inscription and it was arranged that the four men would meet the following morning to proceed together to the Bank of England in order to deposit the inscription. But Diego Colon and Justo Machado never kept to the

⁶ TNA, FO 72/293, Draft to Commissioners, 4 Oct 1823.

⁷ TNA, FO 72/293, Draft to Commissioners, 4 Oct 1823.

⁸ TNA, FO 72/293, Draft to Commissioners, 4 Oct 1823.

⁹ TNA, FO 72/293, Commissioners to Canning, 23 Oct 1823.

arrangement. The following day they explained to Dawkins and Albion Cox that a recent edition of the *Gaceta de Madrid* had reported that a decree had been issued by King Ferdinand VII on 1 October by which all the legislation passed by the outgoing constitutional regime was annulled. The Spanish commissioners could do nothing, they said, until fresh instructions were received from Spain.¹⁰

This was to be the first of a series of delays. The British commissioners were determined to continue receiving and logging British claims while they waited for the Spanish problem to be resolved. In total, 331 British claims were received at the Manchester Buildings, seeking approximately £2,600,000 in compensation from the Spanish government.¹¹ The sources of injury were numerous. In 1826, these claims were grouped into seven different classes, marked A-H, by the secretary of the commission.¹² Class A consisted of 66 claims seeking £446,013 in compensation for the value of vessels and property confiscated for an alleged infraction of the Spanish colonial laws. A further £278,885 was pursued by claimants whose 91 claims fell into Class B, consisting of those seeking damages for the condemnation or injury of vessels for having an alleged connection with the independents of America. Class C comprised of 43 claims, amounting to £56,675 for losses incurred as a result of captures made by pirates in the American seas. Cases of capture by vessels under the flags of Britain's enemies and subsequently detained by Spanish authorities had given rise to 12 claims that were grouped into class D and amounted to £41,006. A further 8 claims, forming Class E, sought £305,477 for the seizure of property prior to July 1808 and detained beyond that date. The 76 claims falling into class F sought the highest returns – £1,102,510 for cases of forced loans and the arbitrary seizure of vessels for public service or alleged irregularities in trading. Into Class G fell 17 claims amounting to £100,595, the legitimacy of which had been acknowledged by the Spanish government and bills had been issued to the claimants, but as yet remained

¹⁰ TNA, FO 72/293, Commissioners to Canning, 23 Oct 1823.

¹¹ TNA, FO 316/64, Register of Claims. For the estimated total value of the British claims see, TNA, FO 72/294, Commissioners to Canning, 14 Oct 1824. In this report to Canning, Dawkins and Albion Cox estimated the total value of claims at £2,679,836 to the nearest pound.

¹² Following paragraph based on, TNA, FO 72/334, Jameson to Planta, 24 June 1826. All values to the nearest pound, includes claims rejected or withdrawn by June 1826.

unpaid. And finally, 18 cases in Class H related to contractual arrangements made with the Spanish government or Spanish commanders and sought £311,759 in compensation.

The commission clearly had its work cut out if it was to adjudicate all these claims. But following Ferdinand's decree of 1 October 1823, Diego Colon and Justo Machado were recalled to Spain. Not until April 1824 had their replacements, José de Heredia and Francisco Taxon, set foot in London. Any hopes that the arrival of the new Spanish commissioners would permit the investigation process to finally begin were quickly dashed. At the first conference of the newly-constituted commission on 22 April 1824, the Spanish representatives argued that the six month period for receiving appeals should date from the day of that meeting and not from the first meeting of the commission on 11 October 1823.¹³ They argued that the original meeting was never made known to the Spanish government and unless the term was extended, Spanish claimants would derive no benefit from the convention. Dawkins and Albion Cox were sympathetic, understanding that Spanish subjects had been deprived of the aid of their commissioners for several months. While rejecting the request on the basis that it would annul their proceedings undertaken since October, they did agree, on the condition that Canning sanctioned the move, to an extension of the time allowed for appeals to be received. On 29 April, Canning gave his approval to the extension on the condition that the commissioners proceeded immediately to investigate the claims received thus far.

Having made this concession, the British commissioners hoped to resolve a second issue that had emerged in the first conference with Heredia and Taxon on 22 April. The Spanish commissioners had made it known at that meeting that they had in their possession no replacement inscription for the 40,000,000 *reales* required by the commission before it embarked on the process of adjudicating claims. However, they gave their assurances to Dawkins and Albion Cox that they had urged their government to send one as soon as possible and expected its arrival 'from day to day'.¹⁴ But until the inscription arrived, the Spanish commissioners declared that they could not proceed to investigate claims without infringing article three of the convention. The British commissioners expressed their

¹³ TNA, FO 72/293, Commissioners to Canning, 23 April 1824.

¹⁴ TNA, FO 72/293, Commissioners to Canning, 26 April 1824.

‘surprise and disappointment’ at this avowal.¹⁵ They admitted that the assignment of a new inscription ought to have been the first step towards the fulfilment of the commission’s duties but proposed that they should deviate from the regular course and proceed to examine claims regardless, in anticipation of the swift arrival of the inscription. Notifying the Spanish commissioners on 30 April that Canning had acceded to their request that claimants be given a further six months to submit claims, Dawkins and Albion Cox were confident that the Spanish commissioners would proceed to examine claims despite not having received the inscription from their government.¹⁶

On 3 May, the Spanish commissioners rejected this proposal. The ‘short, though unavoidable, delay’ of the remittance of a new inscription did not give them grounds to infringe article three of the convention by proceeding to investigate claims.¹⁷ They were ‘mere executors of the Convention’ and did not possess the power to alter its stipulations.¹⁸ In response, Dawkins and Albion Cox refrained from signing the notification that claimants would be granted a further six months to submit their claims, which was necessary for the notice to proceed to publication in the *London Gazette*.¹⁹ To Canning, they reported that it was ‘in vain to look to Mssrs. Heredia and Taxon ... for that zeal and liberality, which are essential to the interests of all parties, and which are almost enjoined by the terms of the convention’.²⁰ They pointed out that the Spanish commissioners had been quite willing to infringe the sixth article of the convention by extending the period allowed for claims to be submitted but refused to do so with regard to article three.

In the first seven months of its existence, the Anglo-Spanish commission had fallen way short of the expectations of British merchants and as Dawkins and Albion Cox reported to Canning on 7 May 1824, ‘the greatest anxiety and disappointment’ was felt by

¹⁵ TNA, FO 72/293, Commissioners to Canning, 26 April 1824.

¹⁶ TNA, FO 72/293, Commissioners to Canning, 5 May 1824.

¹⁷ TNA, FO 72/293, Commissioners to Canning, 5 May 1824.

¹⁸ TNA, FO 72/293, Commissioners to Canning, 5 May 1824.

¹⁹ TNA, FO 72/293, Commissioners to Canning, 5 May 1824.

²⁰ TNA, FO 72/293, Commissioners to Canning, 5 May 1824.

the British claimants.²¹ The agent representing the majority of the claimants was Simon Cock, who had written to the commissioners from his New Broad Street office the previous day. It was with the 'utmost reluctance' that he addressed the commissioners in the language of complaint, but the inconveniencies experienced by a number of his clients had become 'so incessant and urgent' that Cock felt compelled to request an explanation for the delay in the examination of their claims, especially because it was generally known that the Spanish commissioners had been in London for several weeks.²² Dawkins and Albion Cox referred the matter to George Canning stating that they were reluctant to give an explanation that might taint the reputation of their Spanish colleagues but at the same time they felt that the British government would be dealt 'the greatest injustice' if the real cause of the delay was not made clear to Simon Cock and the British claimants.

Canning was well aware at this point of the dilatory behaviour of the Spanish commissioners and was also aware of the discontent brewing amongst the British claimants. On 8 June 1824, Canning's secretary, Joseph Planta, wrote a private letter to Dawkins, which allowed him to state 'with greater freedom' Canning's feelings as to the conduct of the Spanish commissioners.²³ Canning knew that they had 'intentionally interposed every delay, which they could possibly, by any ingenuity, create in the commencement of their duties under the Convention'.²⁴ But with memorials 'pouring in upon him' from the City and from various other commercial towns in England complaining of the delays, it was highly probable that the subject, if a speedy remedy were not immediately applied, would be pressed upon Canning in parliament.²⁵ Planta assured Dawkins that Canning would no longer 'submit to be trifled with by the Spanish commissioners'.²⁶ The British commissioners were thus authorised to raise two 'political points' in their discussions with the Spanish representatives that Canning hoped would

²¹ TNA, FO 72/293, Commissioners to Canning, 7 May 1824.

²² TNA, FO 72/293, Commissioners to Canning, 7 May 1824.

²³ TNA, FO 72/293, Planta to Dawkins, 8 June 1824.

²⁴ TNA, FO 72/293, Planta to Dawkins, 8 June 1824.

²⁵ TNA, FO 72/293, Planta to Dawkins, 8 June 1824.

²⁶ TNA, FO 72/293, Planta to Dawkins, 8 June 1824.

remove all obstacles. Firstly, the Spanish commissioners were to be reminded that the orders to the Admiral in the West Indies to seize Spanish shipping in late 1822 had not been revoked and Planta added that he knew little of Canning 'if he be not the man, to cause directions to be forthwith sent, to the King's Officers in the West Indies, to execute their original instructions'.²⁷ Moreover, Planta authorised Dawkins to raise the prospect of British recognition of Spanish American independence if the Spanish commissioners refused to investigate British claims, 'for where can Mr Canning find means of satisfying the just claims of the injured British subjects, so well as in the opening which such a recognition could not fail to give to their Commerce and Industry'?²⁸

When Dawkins delivered these threats to the Spanish commissioners on 12 June 1824, they had the desired effect. José de Heredia was thrown into 'a violent passion' and his parting words to Dawkins were, 'I have told you before that I am determined not to proceed, and those threats only confirm that determination'.²⁹ But on 16 June, the Spanish commissioners made an offer 'to proceed forthwith in the adjudication of claims', provided that they would be exempt from any blame in the event that claims were admitted without the inscription having been received and assigned to the commission.³⁰ The offer pleased Canning, who directed Dawkins and Albion Cox to accept it, informing them at the same time that the question of the inscription was being discussed by the Spanish government and the British ambassador in Madrid and was soon expected to be brought to a favourable conclusion.³¹ An agreement was finally reached at the next meeting of the commission and finally the process of examining claims could begin.

²⁷ TNA, FO 72/293, Planta to Dawkins, 8 June 1824.

²⁸ TNA, FO 72/293, Planta to Dawkins, 8 June 1824.

²⁹ TNA, FO 72/293, Dawkins to Planta, 12 June 1824.

³⁰ TNA, FO 72/293, Commissioners to Canning, 16 June 1824.

³¹ TNA, FO 72/293, Draft to Commissioners, 22 June 1824.

Adjudication

While the hurdle of compelling the Spanish commissioners to initiate proceedings had been cleared, the adjudication process quickly threw up new obstacles that were far more formidable to overcome. On 6 August 1824, the British commissioners reported that although the Spanish representatives had shown ‘much assiduity in the examination of claims’, whenever a decision was necessary they continued to ‘evinced a disposition to delay’.³² The first three claims considered by the board lacked sufficient evidence and were accordingly adjourned until the deficiency had been rectified. With regard to the case of the *Scorpion*, captured in 1808 by Spaniards near Santiago de Chile, the decision of the commissioners was divided and consequently referred to the British and Spanish arbitrators. On 25 August, Dawkins and Albion Cox told Canning that they had hoped to be able to announce that the first British claim, although it might have been lost in decision by lot, had at least enjoyed all the advantages secured to it by the convention. But the Spanish commissioners ‘having exhausted their own means of procrastination’ had found a new obstacle to the settlement of the claim.³³ The referee specified in the convention was a minister plenipotentiary but he had left London prior to the referral of the case of the *Scorpion* and been succeeded by a chargé d’affaires, whose rank was insufficient to act as an arbitrator. The decision would have to wait, argued the Spanish commissioners, until a person of sufficient rank had arrived in London. Of the many devices employed by Heredia and Taxon to counteract the progress of the commission, this was ‘one of the most unjustifiable’, seethed the British commissioners.³⁴

The case of the *Scorpion* was adjourned while the British commissioners awaited Canning’s instructions. As the work of the commission continued, other differences of opinion emerged. It soon became apparent that in all the British claims submitted to Dawkins and Albion Cox, there was, in addition to claims for the value of detained property, a charge for interest during the period between the detention of the property and adjudication of the claim by the commission. The Spanish commissioners opposed the

³² TNA, FO 72/293, Commissioners to Canning, 6 Aug 1824.

³³ TNA, FO 72/293, Commissioners to Canning, 25 Aug 1824.

³⁴ TNA, FO 72/293, Commissioners to Canning, 25 Aug 1824.

demand for interest on the grounds that there was no mention of such a provision in the convention of March 1823. But the British commissioners said that they could not concede the point because it involved nearly a third of the whole amount of the British claims. Moreover, Dawkins noted that previous commissions created by the Anglo-French convention of November 1815 and the Anglo-American Treaty of 1794 both made allowances for interest.³⁵ Yet again, they applied to Canning for the opinion of His Majesty's government.³⁶

The next stumbling block came when the period for receiving claims finally elapsed on 12 October 1824. The British and Spanish commissioners traded the lists of claims that had been received from their respective countrymen and Dawkins and Albion Cox were shocked to find that the majority of Spanish claimants sought compensation for losses occasioned by the British army during the Peninsular War. The 99 Spanish claims submitted to the commission sought £1,193,746 for their liquidation. Of these claims, 70 were for losses incurred during the Peninsular War with almost £1,000,000 being claimed by the town of San Sebastian alone. The British commissioners conceived that these claims were 'inadmissible' and requested that Canning immediately send a note to the Spanish commissioners to that effect. 'Such a general declaration ... would save much time to the Commission and would spare a protracted discussion upon each particular claim', the British commissioners pleaded.³⁷ If the military claims were rejected, the Spanish claims would number only 29 and amount to only £33,921.³⁸

Regarding the issues of arbitration, interest and military claims, Canning sided with the interpretations of the British commissioners. In the case of the *Scorpion*, the commissioners should proceed to arbitration, Canning argued, suggesting that the commissioners adopt the scheme of arbitration employed by the Anglo-Portuguese commission established in 1817. The Spanish commissioners rejected this proposal.³⁹

³⁵ TNA, FO 72/293, Dawkins to Planta, 22 Sept 1824.

³⁶ TNA, FO 72/293, Commissioners to Canning, 20 Sept 1824.

³⁷ TNA, FO 72/294, Commissioners to Canning, 14 Oct 1824.

³⁸ TNA, FO 72/294, Commissioners to Canning, 14 Oct 1824.

³⁹ TNA, FO 72/294, Commissioners to Canning, 10 Nov 1824.

With regard to the Spanish commissioners' refusal to admit interest on claims on the grounds that there was no mention of interest in the convention, Canning did not consider their point of view 'to be founded on a just interpretation of the Treaty'.⁴⁰ The terms of the convention provided for compensation 'according to equity', which may be presumed to imply an allowance of interest, in some cases at least, the Foreign Secretary argued.⁴¹ Canning suggested that the commissioners decide the matter of interest on a case by case basis.

Canning's attitude towards the military claims advanced by the Spanish commissioners was far less conciliatory. It was with 'no little astonishment' that he learnt of the claims advanced by Spanish subjects.⁴² The sole and well-understood aim of the convention in March 1823 had been to put a stop to Spanish depredations, Canning reminded the commissioners, and securing just reparations for the British subjects that had already sustained injuries. At the time the convention was signed, Canning continued, it was 'distinctly and officially recorded' by William à Court that the provision made for Spanish subjects to submit claims to the mixed commission was added to article one in the event that Owen's squadron, sent to the West Indies in December 1822 to take reprisals, had seized Spanish property before receiving his orders to suspend his operations. If Great Britain were to bring forward against Spain the cost of the Peninsular War, undertaken for the defence of Spain herself and carried on to her final liberation, 'such a claim would exceed a thousand fold any losses sustained by Spanish individuals in the prosecution of the contest'.⁴³ Canning admitted being 'really at a loss for words to express the mixture of feelings' stirred up by the claims of such individuals 'against ... the Ally who expended so much treasure as well as blood in their behalf'.⁴⁴ He directed Dawkins and Albion Cox to signify to the Spanish commissioners that the British government 'protests, and will protest

⁴⁰ TNA, FO 72/294, Draft to Commissioners, 18 Oct 1824.

⁴¹ TNA, FO 72/294, Draft to Commissioners, 18 Oct 1824.

⁴² TNA, FO 72/294, Draft to Commissioners, 25 Oct 1824.

⁴³ TNA, FO 72/294, Draft to Commissioners, 25 Oct 1824.

⁴⁴ TNA, FO 72/294, Draft to Commissioners, 25 Oct 1824.

if necessary in the face of the world against the admission of any such pretension on the part of Spanish subjects'.⁴⁵

In February 1825, a new Spanish commissioner, Mateo de la Serna, arrived in London to replace José de Heredia. Hopes were high in the Manchester Buildings that this new appointment would bring a resolution to the problems that had dogged the commission since its inception in 1823. Three months previously, the issues surrounding arbitration, claims for interest and Spanish military claims had been represented to the Spanish government by the British ambassador in Madrid, while negotiations were ongoing regarding the assignment of a new inscription to the commissioners. It was anticipated that Mateo de la Serna would bring definitive answers from the Spanish government to these important questions. When the commissioners assembled on 19 February 1825, four questions were put to de la Serna: did he carry the inscription for 40,000,000 *reales* from his government? Was he authorised to state the sentiments of his government on the question of allowing interest on claims? Was he the bearer of any answer to the objections raised against the claims arising out of the Peninsular War? And, had he ascertained the opinion of his government respecting the mode of deciding by the lot the claims on which referees were divided? To all of these questions, de la Serna answered in the negative. Dawkins and Albion Cox glumly reported to Canning that the Spanish commissioners 'could return no other answer ... than that their government was still engaged in considering how to provide the sum stipulated by the Convention, and in deciding upon the points above mentioned'.⁴⁶

The following month, Dawkins felt compelled to write a memorandum damning the behaviour of the Spanish commissioners, which he sent to the Foreign Office on 20 March 1825. When the convention of March 1823 was signed between Britain and Spain it promised to be 'easy of execution' but the French invasion of Spain and the restoration of Ferdinand's government to full powers had thrown up obstacles, Dawkins lamented.⁴⁷ Following the overthrow of the constitutional regime, the convention was to be executed

⁴⁵ TNA, FO 72/294, Draft to Commissioners, 25 Oct 1824.

⁴⁶ TNA, FO 72/334, Commissioners to Canning, 21 Feb 1825.

⁴⁷ TNA, FO 72/334, Memorandum by E. J. Dawkins, 20 March 1825.

‘by ministers hostile to the Government that concluded it’.⁴⁸ The King had ratified the convention with the greatest reluctance and his commissioners could feel secure that whatever difficulties emerged would be attributed by Ferdinand to the defects in the convention, for which the outgoing government was responsible, as opposed to a want of zeal on the part of the Spanish commissioners. Spain’s purpose was delay, argued Dawkins, and she could equally accomplish it by asking too much or yielding too little. The convention was thus unworkable.

A Private Alternative?

Several British claimants had reached this conclusion long before Dawkins and Albion Cox. The agent acting on behalf of the majority of the claimants, Simon Cock, had long been working towards coming to a private arrangement with the Spanish government independently of the mixed commission. As early as December 1823, he had written to the Foreign Office suggesting that the terms of the convention be revised to alleviate the problems faced by the mixed commission. At the time, Canning replied that he did not think it expedient to propose any change to the stipulations of the convention. Eighteen months down the line, with the commission yet to liquidate a single claim, Cock reported to the Foreign Office that several claimants were ‘greatly distressed’.⁴⁹ In some cases, his agency had ‘from time to time afforded them relief’, but many other claimants were amassing expenses as they waited in town in the expectation of being required to attend the commissioners, while the whole of them were ‘most anxious for the realization of the hopes which the Convention had led them to form’.⁵⁰

Simon Cock was instilled with the belief that the delays caused by the Spanish commissioners were the result of the Spanish government’s inability to provide the means of payment in the manner prescribed by the convention. This much had become apparent when Cock had held discussions with Don Zea de Bermudez, the Spanish representative in

⁴⁸ TNA, FO 72/334, Memorandum by E. J. Dawkins, 20 March 1825.

⁴⁹ TNA, FO 72/310, Cock to Planta, 26 April 1825.

⁵⁰ TNA, FO 72/310, Cock to Planta, 26 April 1825.

London, in July 1824. Zea de Bermudez had stressed that it was impractical to make payment to the British claimants by inscriptions on the Great Book and asked Cock whether the claimants would be willing to accept an arrangement whereby a fixed sum would be paid to them, either in money or in bonds, which could be divided proportionately among them. After ascertaining the full amount claimed by British subjects and consulting with the principal claimants represented by his agency, Cock wrote to Zea de Bermudez on 5 August 1824 stating that £807,000 in money, or £1,500,000 in bonds, would be sufficient to satisfy the British claims on the Spanish government.⁵¹ The claimants represented by Cock had also declared their willingness to relinquish parts of their claims in the event that further claimants came forward prior to the closing date for submission on 11 October 1824. A couple of days later, Zea de Bermudez left for Madrid with the intention of referring the matter to the Minister of Finance, and he had ‘little doubt that the proposal would be favourably entertained’.⁵²

When Cock reported these conversations to the Foreign Office on 26 April 1825, he had not heard from Zea de Bermudez since his departure from London eight months previously. Moreover, the claims submitted to the commission between August and October 1824 had far exceeded expectations. The £800,000 proposed to Zea de Bermudez as being sufficient to liquidate the British claims would no longer be enough. Nevertheless, the claimants represented by Simon Cock were still hopeful that the deal was not dead and clothed their agent ‘with full powers to enter into any arrangement’ as long as it had Canning’s concurrence.⁵³ Joseph Planta conveyed the Foreign Secretary’s reply on 30 April.⁵⁴ For several reasons, Canning had doubts about Cock’s proposal. If delays had been occasioned by the Spanish commissioners due to an inability to pay, it seemed unlikely that diminishing the amount required on the condition of immediate payment would remove that obstacle. If, in addition to Spain’s inability to pay, the Spanish commissioners were also delaying proceedings in order to avoid a final settlement,

⁵¹ TNA, FO 72/310, Cock to Planta, 26 April 1825.

⁵² TNA, FO 72/310, Cock to Planta, 26 April 1825.

⁵³ TNA, FO 72/310, Cock to Planta, 26 April 1825.

⁵⁴ TNA, FO 72/310, Cock to Planta, 26 April 1825.

Canning urged Cock to consider whether a new proposal would not afford the Spanish government the further opportunity for fresh discussions and delays. So long as Britain pressed for the execution of the original convention she was 'fortified by the letter of a written Instrument, signed and sealed by Spain', but if the government proposed any modification to the precise stipulations of the convention, Cock was warned, 'we invalidate our right to call for its literal execution and set Spain at liberty to begin deliberating anew as to the acceptance of that new proposal'.⁵⁵ Nevertheless, if Cock had reasons for believing confidently that Spain had at its disposal the means of paying a sum *en bloc*, and if all the British claimants without exception favoured such a compromise, Canning would support the proposal.

With this glimmer of hope, Cock continued his efforts to negotiate a private settlement on behalf of the claimants. He was aware that some claimants were opposed to his endeavours but with the majority in favour he declared to the British commissioners in early 1826, that he was willing to 'incur the fatigue and inconvenience of a journey to Madrid' in order to reach an agreement with the Spanish government.⁵⁶ His efforts were in vain. On 19 June 1826 he informed the Foreign Office of his failure to reach a compromise and requested that Canning would press for the execution of the convention in its original format.⁵⁷ But early in 1827, the Spanish Foreign Secretary, Manuel González Salmón, officially announced to Simon Cock that he had been authorised by the King to arrange, adjust and conclude definitively an arrangement for the liquidation of British claims.⁵⁸ A meeting was scheduled between Simon Cock and two Spanish representatives in Paris and a deal was struck there on 4 February 1827.⁵⁹ In contrast to the mode of payment established by the convention of March 1823, under the proposed scheme the Spanish government would deliver to Simon Cock, as principal agent of the British claimants, the set figure of 300 million *reales* (£3,000,000) in annuities, bearing an interest

⁵⁵ TNA, FO 72/310, Draft to Cock, 30 April 1825.

⁵⁶ TNA, FO 72/334, Dawkins to Planta, 14 Feb 1826.

⁵⁷ Referred to in TNA, FO 72/336, Cock to Planta, 4 Jan 1827.

⁵⁸ TNA, FO 72/336, Cock to Planta, 4 Jan 1827.

⁵⁹ For a copy of the agreement, see TNA, FO 72/336, Cock to Planta, 15 Feb 1827.

of five per cent per annum. One tenth of this sum would be deposited in the Bank of England as a guarantee for the satisfaction of any claimants who dissented from this arrangement. On 15 February 1827, Simon Cock wrote to George Canning to inform the Foreign Secretary of the Spanish proposition.⁶⁰

Having ‘no other object in view in concluding the convention with Spain but to obtain satisfaction for the British claimants’, Canning did not oppose the private arrangement made between Cock and the Spanish government to achieve that objective.⁶¹ This was the opinion Canning conveyed to Jameson and Egan, who had replaced Dawkins and Albion Cox as British commissioners following the former’s appointment to proceed to the Congress of Panama as Britain’s representative and the latter’s death in mid-1826. However, Canning was aware that a small number of claimants were opposed to Cock’s deal and felt it ‘indispensably necessary’ to ensure that their interests were not ‘sacrificed to the opinion of a Majority however great’.⁶² The orders issued by the Foreign Office to the British commissioners were therefore to communicate with Simon Cock and assist his efforts to accomplish the objectives of the claimants who he represented, but also to concert with him on the best mode of securing the interests of the ‘dissentient’ claimants, if any remained after the deal was explained to them.⁶³

Bringing the claimants to a consensus regarding an alternative settlement proved a major stumbling block to Cock’s efforts. Prior to going to Madrid in early 1826, Cock had informed the British commissioners that the great body of the claimants had ‘not only signified their consent’ but had ‘expressed their most anxious hope’ that an arrangement would be effectuated.⁶⁴ But there were other claimants who were less enthusiastic. When Cock returned from Madrid without success, resistance to his alternative arrangement began to stiffen. By December 1826, Simon Cock had informed the British commissioners

⁶⁰ TNA, FO 72/336, Cock to Planta, 15 Feb 1827.

⁶¹ TNA, FO 72/334, Draft to Commissioners, 24 Feb 1827.

⁶² TNA, FO 72/334, Draft to Commissioners, 24 Feb 1827.

⁶³ TNA, FO 72/334, Draft to Commissioners, 24 Feb 1827.

⁶⁴ TNA, FO 72/334, Dawkins to Planta, 14 Feb 1826.

that 47 claimants refused to accede to his proposals.⁶⁵ The commissioners had also received a letter from another agent who stated that 21 of his clients also dissented, but without the names of these claimants, Jameson and Egan were unsure whether they had been included in Cock's previous estimate. Regardless of the precise number of dissentients, the British commissioners were of the opinion that events in late 1826 had 'increased the disinclination of the Claimants to detach their interests from the guardianship of the Government'.⁶⁶ Prior to his departure to Paris, Cock was aware that although he had the support of approximately nineteen out of every twenty claimants, a few still entertained 'a confident expectation of obtaining payment in full of their demands, in sterling money ... under awards to be given by the mixed commission' and thus opposed his journey to France.⁶⁷ During the negotiations, he explained the problem of the dissentient claimants to the Spanish representatives and secured the provision that their claims would be guaranteed by depositing in the Bank of England one tenth of the bonds that would be delivered to Simon Cock under the proposed scheme.

On his return to London with a potential agreement in prospect, Cock was pleased to inform the Foreign Office that the principal claimants were satisfied with the arrangement 'as being the best that under existing circumstances could be made'.⁶⁸ He hoped that the dissentients would also agree to the arrangement when the details were explained to them, especially given that the British commissioners, Jameson and Egan, would be offering their services to achieve this objective. The first meeting of the parties concerned did not go according to plan. Jameson and Egan began by explaining Cock's alternative arrangement to the dissentient claimants, who numbered 44 and sought compensation to the amount of just over £300,000.⁶⁹ Following this explanation, eight of the dissentients agreed to take the bonds under Cock's arrangement but all the others refused to accept this mode of payment or the reduction of any part of their claims. They

⁶⁵ TNA, FO 72/334, Commissioners to Planta, 27 Dec 1826.

⁶⁶ TNA, FO 72/334, Commissioners to Planta, 27 Dec 1826.

⁶⁷ TNA, FO 72/336, Cock to Planta, 4 Jan 1827.

⁶⁸ TNA, FO 72/336, Cock to Planta, 15 Feb 1827.

⁶⁹ TNA, FO 72/334, Commissioners to Planta, 2 April 1827.

argued that the bonds tendered as payment would be insecure and refused to reduce their claims, not for their own benefit but because any surplus following the settlement of the British claims would be credited to Simon Cock. Much 'warmth of remark having been excited' by this discussion, the commissioners thought it prudent to close the negotiations by requesting the dissentient claimants to state the lowest sum which they would accept in satisfaction of their claims, bearing in mind that payment would be immediate and their claims would not have to be examined by the commissioners.⁷⁰ Their initial reply was £273,922 but after a swift revision they estimated that £260,157 would be sufficient to liquidate their claims, which Jameson and Egan considered as being a sum 'equitably reduced under the circumstances'.⁷¹

The commissioners passed the estimate on to Simon Cock and awaited his reply as to whether he had the ability to meet the demands of the dissentient claimants under his proposed arrangement. Cock distrusted the estimate despite its endorsement by Jameson and Egan. He requested access to the documents submitted in support of the dissentients' claims, but when this was refused by those parties and by the British commissioners he criticised the dissentient claimants for having 'exerted their utmost power' to prevent his making any alternative arrangement to the convention of March 1823.⁷² He now had 'doubts in his mind of the prudence of entering into any arrangement to that effect'.⁷³ It appeared that hopes of a consensus were fading. While Cock pondered whether his efforts had been wasted, the British commissioners vented their frustration at the impasse to Canning. They complained of the 'very ungracious way' in which their mediatory services had been received by Simon Cock and were offended that he had 'most unwarrantably' ascribed to them the creation of all difficulties and directly charged them with having encouraged opposition.⁷⁴ Compounding their indignation was the fact that they were also

⁷⁰ TNA, FO 72/334, Commissioners to Planta, 2 April 1827.

⁷¹ TNA, FO 72/334, Commissioners to Planta, 11 April 1827.

⁷² TNA, FO 72/334, Commissioners to Planta, 11 April 1827.

⁷³ TNA, FO 72/334, Commissioners to Planta, 11 April 1827.

⁷⁴ TNA, FO 72/334, Commissioners to Planta, 11 April 1827.

being accused by some of the dissentient claimants of showing a partiality towards Cock's proposal and attempting to force them to accede to it against their wishes.

In the midst of these arguments, the Foreign Office received a letter from the British ambassador in Madrid, Frederick Lamb, reporting that the two Spanish representatives who had negotiated an arrangement with Simon Cock in Paris were alleged to have deviated from the instructions of their government.⁷⁵ As a result, the Spanish Foreign Secretary had disavowed the deal. The private endeavours of Simon Cock had achieved no result other than to delay the execution of the public measures initiated in 1823. In June 1827, the new Foreign Secretary, Earl Dudley, issued instructions to Jameson and Egan to resume their labours and proceed with the investigation of claims in accordance with the original convention.⁷⁶

But Jameson immediately responded by pointing out the impossibility of proceeding under the convention of March 1823.⁷⁷ The private efforts of Simon Cock had attempted to obviate the same difficulties that had impeded the course of the mixed commission for years. Those efforts had failed and the difficulties remained. The chief obstacle in executing the convention was the impracticability of articles three and five, Jameson explained, which had arisen from the 'peculiar' state of Spanish credit in the money market, where the inscription stipulated by article three was not saleable and consequently its value could not be estimated according to the terms of article five. No individual could be expected to support the credit of Spain against the force of circumstances which affected it, Jameson argued, and neither could the British government be expected to aid such a measure in order to give effect to the articles of the convention. The British commissioner therefore concluded that as private efforts had failed and public effort, on the part of the commission, could not consistently be made to give effect to the articles of the convention, its articles were rendered 'nugatory'.⁷⁸ In his opinion, a

⁷⁵ Correspondence referred to in TNA, FO 72/336, Cock to Planta, 18 June 1827.

⁷⁶ TNA, FO 72/334, Draft to Commissioners, 4 June 1827.

⁷⁷ TNA, FO 72/334, Jameson to Lord Howard de Walden, 7 June 1827.

⁷⁸ TNA, FO 72/334, Jameson to Lord Howard de Walden, 7 June 1827.

compromise would never be reached by private effort and only the two governments could renegotiate the terms of the convention to achieve its objectives.

A Public Solution

Dudley agreed with Jameson's assessment and in the second half of 1827 negotiations began between the British and Spanish governments to reach a final compromise. In June 1827, the Spanish government sent the Count of Ofalia to London, where the Spanish envoy was charged with the task of negotiating a settlement. On 17 September 1827, the Count delivered to Dudley a *projêt* for a new convention to liquidate British claims.⁷⁹ Under Ofalia's scheme, the Spanish government would pay £700,000 in cash, in four annual instalments, in satisfaction of the whole amount of British claims. In return, the British government would pay £250,000 to liquidate the claims of Spanish subjects. The two governments would be at liberty to appoint their own commissioners to take cognizance of the claims of their own subjects and award compensation to those claimants whose cases were proved. Dudley submitted the *projêt* to Jameson for his expert opinion. The British commissioner noted that £700,000 was insufficient to liquidate the British claims. The estimate was based on the provisional deal made between Simon Cock and Zea de Bermudez in July 1824 but since then, as Jameson pointed out, the commission had received a further 94 claims amounting to over £400,000.⁸⁰ Jameson estimated a figure closer to £1,000,000, exclusive of interest, would afford an equitable payment of the British claims. The other disagreeable part of Ofalia's proposal was that after discounting Spanish losses occasioned by the Peninsular War, Spanish claims amounted to only £145,346, less by £100,000 than the figure demanded in the draft *projêt*.

The following month, the advice of the British commissioners was again sought by the Foreign Office. Dudley asked Jameson and Egan to supply him with an accurate estimate of the amount of money that would be sufficient to liquidate all equitable claims of British subjects upon the Spanish government. After a review of the claims, the

⁷⁹ TNA, FO 72/334, Jameson to Foreign Office, 21 Sept 1827.

⁸⁰ TNA, FO 72/334, Jameson to Foreign Office, 21 Sept 1827.

commissioners replied that the sum total of British claims stood at £2,737,157.⁸¹ But excluding those claims that were beyond the cognizance of the commission or claims that had been privately settled, the amount claimed was £1,042,613. This estimate was calculated without judicial investigation and Jameson and Egan pointed out to Dudley that a number of claims lacked sufficient evidence while others were clearly exaggerated. They therefore asserted that £1,000,000 would be sufficient to pay the principal of every equitable demand.

As the negotiation process continued at the Foreign Office, Simon Cock, who was said to be ‘so much fugged at the compromise going on without his intervention’ that there was ‘no getting a rational opinion from him’, attempted to give the claimants a voice in the proceedings.⁸² On 25 October 1827 he wrote a letter to Edward Dawkins, who since his return from the Panama Congress appears to have acted in an advisory capacity on behalf of the commission on which he used to sit. Cock spoke of how the claimants had declined to authorise him to make any further offers on their behalf but were ready to consider a proposal made on the authority of the British government. Nevertheless, the claimants would not accept a sum of less than £1,500,000 in satisfaction of their demands, Cock warned.⁸³ Such warnings made little impression on Dawkins, he declared himself unaware of the details of the deal being negotiated by the two governments but if it was to be effectuated, ‘a reference to the opinions of the claimants will be quite unnecessary’ he told Simon Cock.⁸⁴

On 28 October 1828, the Count of Ofalia and the Earl of Aberdeen, who had succeeded Dudley as Foreign Secretary earlier in the year, agreed upon a new convention to satisfy the claims of British and Spanish subjects.⁸⁵ Under the revised terms, the Spanish government would pay £900,000 to Britain in specie as the amount of the whole of

⁸¹ TNA, FO 72/334, Commissioners to Lord Howard de Walden, 24 Oct 1827.

⁸² TNA, FO 72/334, Dawkins to Lord Howard de Walden, 27 Oct 1827.

⁸³ TNA, FO 72/334, Dawkins to Lord Howard de Walden, 27 Oct 1827.

⁸⁴ TNA, FO 72/334, Dawkins to Lord Howard de Walden, 27 Oct 1827.

⁸⁵ TNA, FO 94/298, Convention for the amicable adjustment of British subjects’ grievances, 28 Oct 1828.

the claims presented to the mixed commission in 1823-1824. Spain would pay £200,000 of this sum on the day on which ratifications were exchanged, with another equal instalment due after three months. The £200,000 that the two statesmen agreed was owed by Britain to Spain for the settlement of Spanish claims would count as the third instalment of the Spanish payments. The convention stated that the remaining £300,000 could be paid to Britain in two instalments of £150,000 in specie, after six and nine months from the exchange of ratifications, or the same amount could be paid in certificates of inscriptions, bearing an interest of five per cent per annum and payable half yearly in London at a discount of fifty per cent. The new convention legally bound the governments of both countries to adjudicate the claims of their own subjects within twelve months from the exchange of ratifications. This took place on 8 December 1828.

A Bill to carry into execution the stipulations of the convention was passed in Britain on 6 April 1829.⁸⁶ This piece of legislation divided the British claims into four classes, A-D, which reflected the split between the claimants that had been in evidence in 1826-1827 as Simon Cock had tried to negotiate a private arrangement. Class A consisted of the claims of all the individuals who had not placed themselves under the agency of Simon Cock, the majority of whom had formed the opposition to his efforts in 1826-1827. To liquidate their claims £155,000 was set aside. Claims falling into Class B were those that had previously been rejected by the mixed commission and were allocated £45,000. Four claims were identified that would have fallen into Class B had the mixed commission continued its work, and these were placed into Class C and allocated £300,000. But the majority of claims fell into Class D, which was apportioned the greatest share of the money delivered by Spain. Class D consisted of all the claims under the agency of Simon Cock and £400,000 was set aside for their liquidation.

As the Bill was being drafted, Jameson and Egan had been working behind the scenes preparing themselves to adjudicate the British claims. They were joined by two new appointees, Michael Quin and Thomas Comyn. While Jameson and Egan agreed to examine the claims in Classes A and B, Quin and Comyn assumed the responsibility of

⁸⁶ 'A Bill to carry into execution the stipulations of a convention between His Majesty and His Catholic Majesty, for the settlement of certain British claims upon Spain, and of certain Spanish claims upon the United Kingdom', 19th Century House of Commons Sessional Papers, 1829 (137) II, 179.

adjudicating Classes C and D. The four commissioners agreed to conduct their examinations in accordance with five principles of adjudication.⁸⁷ These principles stipulated that all claims, except those excluded by the terms of the Bill, were to be considered valid where a positive loss was proved by sufficient evidence. All demands for expenses in the prosecution of claims, and for interest on the original amount of losses were to be excluded. The amount awarded would be proportionate with the sums allotted to the classes under which they were enumerated. In April 1829, the Bill was passed and with their principles already agreed, the four commissioners got to work.

In contrast to the previous six years, the adjudication of British claims was carried out quickly and without complications. On 4 July 1829, the four commissioners submitted their first quarterly report to the Foreign Office.⁸⁸ The Bank of England had received £400,000 in cash from Spain as stipulated by the convention of October 1828, and ahead of schedule, Spain had also delivered £300,000 in certificates of inscriptions on the Great Book of Spanish Debt. Of the 331 British claims, the commissioners had examined 142 by July 1829 and paid out over £200,000 in instalments to the claimants whose cases had been proved by the evidence submitted in 1823-1824. By December 1829, Jameson and Egan reported that all claims in Classes A and B had been adjudicated.⁸⁹ Of the 67 claims in Class A, 61 had been awarded and paid in full, one claim had been paid in part and another had been awarded but no claimant had appeared to collect their compensation. The remaining four claims had been rejected by the commissioners. Of the £155,000 allotted to Class A, four per cent was deducted to cover the costs of the commission, leaving £148,000 for the liquidation of claims. After adjudication, £142,840 had been paid out to claimants in compensation for their losses and the surplus was added to the money allocated to Class B.⁹⁰ The surplus was welcomed by claimants in Class B. After deducting four per cent from the £45,000 assigned to Class B by the Bill, £43,200 remained to satisfy the claimants. But after adjudicating each claim, rejecting one and

⁸⁷ TNA, FO 72/360, Commissioners to Backhouse, 25 March 1829.

⁸⁸ TNA, FO 72/360, Commissioners to Aberdeen, 4 July 1829.

⁸⁹ TNA, FO 72/361, Commissioners to Aberdeen, 3 Dec 1829.

⁹⁰ Figures to the nearest pound.

allowing fourteen, the amount awarded to each claimant equated to only eight shillings in every pound claimed. Quin and Comyn also reported their progress on 3 December 1829 in assessing claims in Classes C and D. Adjudicating the claims in Class C had proved difficult owing to a want of evidence but Quin and Comyn had ‘a confident hope’ in early December 1829 that their endeavours would be complete later in the month, with the exception of perhaps four or five of the more complicated claims.⁹¹

Those claims awaiting a final decision dragged on for a number of months but for all intents and purposes the work of the commissioners was complete by the end of 1829. The 331 claims submitted to the mixed commission in 1823-1824 had been examined, adjudicated and compensation, where applicable, had been awarded to the claimants. In amongst the awards granted to those claimants from whom forced loans had been extracted by Spaniards, who had entered into contracts that were never honoured, or had seen their property seized by Britain’s enemies and detained in Spain, were the shipowners, merchants and underwriters who had suffered losses as a result of Spanish privateering and naval activity during the Spanish American Wars of Independence. The owners of the *Lord Collingwood*, whose case had been the catalyst for the convention with Spain in 1823, had their claim adjudicated by commissioners Comyn and Quin in 1829. De Lisle, Janvrin & De Lisle had submitted a claim for £7901 12s 7d to the mixed commission in late 1823. Upon examination in 1829, Comyn and Quin admitted the claim but were obliged to disallow any claims for charges or expenses excluded by the Act or not established by sufficient evidence. On these grounds, £2958 7s 8d of the claim was disallowed. After deducting four per cent of the amount awarded as a contribution to the costs of the commission, De Lisle, Janvrin & De Lisle, received a payout of £4745 10s 4d.⁹² The master of the *Lord Collingwood*, Thomas Domaille, had also submitted a claim to the commission for the value of nautical equipment and apparel on board the vessel at the time of her capture. Of his claim for £300, the commissioners were obliged to disallow

⁹¹ TNA, FO 72/361, Commissioners to Aberdeen, 3 Dec 1829.

⁹² TNA, FO 316/28, Award Entry Book C & D.

£133 7s 6d and deduct four per cent from the remainder, awarding Domaille £159 19s 2d in compensation.⁹³

Other merchants who had fallen foul of Spain's brief attempt to enforce her colonial laws in the period 1821-1823 were also reimbursed. Thomas Oliver, who had appeared before the commission in 1825 in a state 'little short of starvation' managed to survive long enough to receive his compensation in 1829.⁹⁴ Oliver had estimated the loss of the *Zelia* and her contents, including his 'private adventure' at over £12,000 and submitted a claim to this effect in 1823. The commissioners found no satisfactory evidence amongst the documents submitted by Oliver to prove that he had 'private adventure' on board at the time of capture, and disallowed over £5300 of his claim, in addition to deducting the standard four per cent from the total awarded. Oliver therefore received just over £6600. The case of the *Zelia* had also given rise to other claims. The underwriters Edward & Jasper Vaux, of London, had honoured their arrangement with Oliver to compensate him to the amount of £400 following the loss of the vessel. Oliver had paid a premium of £33 12s for this insurance prior to the *Zelia*'s voyage, which Comyn and Quin deducted from the claim of the underwriters, but the remainder was awarded, which minus four per cent saw Edward & Jasper Vaux receive a payout of just over £350.⁹⁵

Compensation was also awarded to merchants whose cases had been represented to the Spanish government by British diplomats in the period 1810-1821, before their losses, as Castlereagh stated in July 1822, had 'assumed a more serious aspect' following the capture and condemnation of the *Lord Collingwood*.⁹⁶ From the cases submitted to the mixed commission it is clear that the endeavours of British merchants to obtain reparations by appeal in Spanish courts, as they were directed to do by the Foreign Office prior to 1822, had been largely unsuccessful. The owners of the *Betsey*, who reported running into difficulties in prosecuting their appeal in 1813, submitted a claim to the British commissioners for £2727 16s 8d for the value of the vessel and her cargo of mules seized

⁹³ TNA, FO 316/28, Award Entry Book C & D, vol.1.

⁹⁴ TNA, FO 72/334, Dawkins to Planta, 2 June 1825.

⁹⁵ TNA, FO 316/29, Award Entry Book C & D, vol.2.

⁹⁶ TNA, FO 72/254, Draft to Hervey, 19 July 1822.

by a Spanish privateer. The full amount of their claim was awarded and paid to their agent, Charles Barry, in five instalments between June and October 1829.⁹⁷ The capture of the *Rover* for carrying contraband, declared unjust by Castlereagh in 1814, also yielded awards from the commission in 1829. The Jersey-based owner of the vessel sought £10,477 19s 4d for the value of the vessel and cargo. Given that he had received £400 from underwriters immediately after the incident, this sum was deducted from the claim by Jameson and Egan, and after subtracting four percent from the remainder, the *Rover*'s owner received £9674 17s. John and Elisha Tupper, who were underwriters at Lloyd's and had compensated the owner of the *Rover* to the amount of £400 also sought compensation from the commission. After disallowing the £100 premium paid by Janvrin and deducting four per cent, the underwriters received £288 in satisfaction for their unjust losses.⁹⁸

While most claimants quickly came forward to accept their payments, a small number never appeared before the commission to collect their awards. This prevented the commission from being officially terminated for a number of years. In September 1830, the Foreign Secretary, Lord Aberdeen, acknowledged that it was impossible to close the commission while a chance remained that claimants would come forward to collect their awards.⁹⁹ He therefore directed the commissioners to place advertisements in the *London Gazette* and other principal public papers notifying claimants of the money due to them.¹⁰⁰ Because the business of the commission had been reduced to 'a very narrow compass', Aberdeen directed the commissioners to inform the clerks and other employees that their services would no longer be required after October 1830.¹⁰¹ Only Mr Cotham, the senior clerk entrusted with the care of the archives of the commission, and William May, the office keeper, would retain their positions. The occupation of the Manchester Buildings would continue until Christmas when the lease expired but after that time no permanent address was thought necessary. The commissioners were told that it would not be

⁹⁷ TNA, FO 316/27, Award Entry Book A & B.

⁹⁸ TNA, FO 316/28, Award Entry Book C & D, vol.1.

⁹⁹ TNA, FO 72/373, Draft to Commissioners, 13 Sept 1830.

¹⁰⁰ TNA, FO 72/373, Draft to Commissioners, 13 Sept 1830.

¹⁰¹ TNA, FO 72/373, Draft to Commissioners, 25 Sept 1830.

necessary for them to regularly attend the office but to be always available when their presence was required to settle any outstanding business of the commission. Not until 1832 was the commission officially closed. The commissioners obtained proof in some cases that claimants would never come forward to collect their awards, such as the seamen of the *Aurora* and the *Retrench*, to whom £79 18s had been allocated. It was thought fitting that this money should be donated instead to Greenwich Hospital.¹⁰² But in other cases, no claimants came forth and no trace of them could be found. What happened to the small surplus of money left behind remains a mystery.

A Great Point Gained?

In January 1823 William à Court had prophesised that the creation of a mixed commission to liquidate British claims would lead to ‘immeasurable difficulties’.¹⁰³ His prediction proved absolutely correct in the ensuing years. Despite predicting such problems in January 1823, William à Court had still considered the Spanish concessions to be ‘a great point gained’.¹⁰⁴ From the British government’s perspective, this was certainly the case. The creation of the mixed commission meant that the British government could call off its naval forces bound to Puerto Rico to take reprisals for the losses of British merchants. This eased the tension between the British and Spanish governments at precisely the time when closer relations were required to try and prevent the outbreak of war in Europe. The difficulties experienced by the mixed commission are unlikely to have altered the British government’s view that the convention of 1823 was an achievement. At no point throughout the period 1823-1829 was Canning or any of his successors required to intervene to an extent that the issue of British claims had to be politicised as it had been in 1822. Anglo-Spanish relations were thus unaffected by the difficulties of the commission. The British and Spanish governments both agreed in 1828 that a new convention was required and this was negotiated with little difficulty. Once signed, the new convention

¹⁰² TNA, FO 72/398, Draft to Commissioners, 18 July 1832.

¹⁰³ TNA, FO 72/269, à Court to Canning, 8 Jan 1823.

¹⁰⁴ TNA, FO 72/269, à Court to Canning, 8 Jan 1823.

paved the way for the British claims to be quickly liquidated and the British government could claim that its policy was a success.

Whether British merchants shared this interpretation is a more contentious point. The amount of money awarded to claimants in 1829 depended very much on the merits of each case. But other than the compulsory four per cent deduction to cover the costs of the commission, all merchants had the chance of obtaining the full amounts of their claims. Some certainly did, such as the owners of the *Betsey* and the *Rover*. Others were less successful. The owners of the *Lord Collingwood* saw almost half of their claim discarded due to a lack of evidence, while Thomas Oliver of the *Zelia* was unable to produce evidence to substantiate his claim for the loss of ‘private adventure’ to the value of over £5000. Perhaps these deductions meant that claimants did not receive the compensation to which they were entitled, or perhaps the lack of evidence is indicative of false or exaggerated claims on the part of some merchants. There were certainly some claims that the British commissioners considered to be exaggerated or that fell outside the jurisdiction of the commission. The British commissioners estimated in 1827 that a sum of £1,000,000 would be sufficient to equitably settle all British claims, despite the fact that the claims submitted by British merchants sought compensation in excess of £2,500,000.¹⁰⁵

But regardless of whether merchants received the full amount that they sought, or only a proportion of the amount claimed, or indeed nothing at all, every claimant was forced to wait a number of years before they received a penny. Not until 1829 were payments initiated – six years after the convention of March 1823 was signed – and for those claimants whose losses dated back to 1813, such as the owners of the *Betsey*, they had been forced to wait seventeen years for compensation. This delay must have caused financial problems for many merchants. Thomas Oliver was said to be on the brink of starvation in 1825, while some claimants never came forward to receive their awards and were presumed dead. Moreover, the awards did not include interest from the date on which British property was seized to the day compensation was awarded, neither could British merchants claim for the expenses incurred as a result of the process of adjudication. While it had suited the British government to use the claims of British merchants who had

¹⁰⁵ TNA, FO 72/334, Commissioners to Lord Howard de Walden, 24 Oct 1827.

suffered losses due to the depredations of Spanish commerce-raiders as a spearhead to obtain redress for a series of commercial grievances, the merchants themselves may have been unhappy with this arrangement. Many of the claims arising as a result of forced loans and irregularities in trading were complex cases and slowed down the work of the commission from the outset. Some of the victims of Spanish predation may well have wondered whether their claims would have been more comprehensively satisfied had the British government proceeded with its naval operations in early 1823 to recover their property directly, or to seize Spanish shipping to the same value as an indemnification for their losses.

While this alternative might have been more effective for British merchants, the fact that it was not a politically expedient policy for the British government was the crucial factor. At every stage of the British government's response to Spanish prize-taking, its wider political objectives had dictated the extent and nature of the measures implemented to protect British vessels and property. In the period 1813-1821, the British government had allowed commercial grievances to accumulate so long as Britain's neutrality was generally respected. In 1822-1823 the government had only pressed as far as necessary to achieve its objectives of restoring British trade with Spanish America to a quasi-legal footing and securing means by which past grievances could be redressed. The consequence of the British government's decision to prioritise its political objectives was that some merchants were left feeling like they had received a rough deal, but critically, just as in the case of Spanish American predation, they were unable to mobilise and effectively lobby the government to adopt an alternative commercial policy that would better suit their private interests.

Chapter Seven

The Fable of the Frog & the Ox

In theory, the British government should have had little trouble responding to Cuban-based piracy in the early 1820s. Independent Spanish American predation and Spanish commerce-raiding had thrown up political difficulties because such activity was an expression of the competing sovereignty claims of the belligerents in the Spanish American Wars of Independence. The British government had therefore been required to tread with great care. But by contrast, pirates were enemies of all mankind and it was widely held by the early nineteenth century that any state could claim the right to put them down.¹ In the House of Commons in July 1822, George Cockburn, one of the Lords Commissioners of the Admiralty, clarified the naval administration's attitude towards pirates:

If a vessel were met, sailing under a black flag, bearing an inscription – “We are friends to plunder, and enemies to every power we come up with,” – or if a ship were discovered bearing no colours whatever, there could not be any doubt as to the course to be adopted towards her.²

However, the specific characteristics of Cuban-based piracy complicated matters and forced the British government to adopt a cautious, diplomatic approach to its suppression before a military campaign could be embarked upon to extirpate the pirates from the coasts of the Spanish colony. The following chapter explains why this was the case and outlines the measures adopted to counteract the threat of Cuban-based piracy.

¹ For example see, Dodson, *Reports*, p.220.

² Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1863.

As was the case with insurgent Spanish American predation and Spanish commerce-raiding, the government's course of action was not universally accepted as being the best solution to the problem. But the criticism levelled at the British government for its response to piracy was more explosive than in the other cases examined in this thesis. So vehement were the protests of the government's critics that by 1823 they would be accused of showing self-conceit and likened to the frog in Aesop's fable of the frog and the ox, in which the former attempts to inflate itself to the size of the latter only to explode in the process. The causes and consequences of this reaction reveal much about the effectiveness of the British government's response to piracy, a discussion of which concludes this chapter.

Diplomatic Action

When reports were first received at the Admiralty Office of depredations being committed by pirates off the coast of Cuba in late 1821, it became quickly apparent that the activity had a political dimension that would make its suppression problematic. On 23 March 1822, the First Secretary to the Admiralty, John Wilson Croker, addressed a letter to the Foreign Office stating that the Lords Commissioners were growing concerned about such reports.³ Three incidents were cited, dating back to October 1821, in which British vessels had been plundered by pirates off Cape San Antonio, on Cuba's west coast. Croker explained in his letter to Castlereagh that the pirates availed themselves of the protection of the Spanish territory, 'not only by generally keeping their vessels close in with the shore, but by having a kind of establishment on shore, and by escaping ... inland when there is an appearance of danger'.⁴ This facet of Cuban-based piracy raised issues of jurisdiction, and as a result the Admiralty referred the issue to the Foreign Office with the recommendation that the Spanish government should be called upon to take immediate steps to bring the

³ TNA, FO 72/263, Croker to Planta, 23 March 1822.

⁴ TNA, FO 72/263, Croker to Planta, 23 March 1822.

pirates to justice, or at least to consent that their territorial rights should not inhibit Britain from taking the measures necessary for destroying the ‘nest of pirates’.⁵

Croker’s recommendations were congruent with the attitude shown by the British government towards prize-taking since the start of the Spanish American Wars of Independence. The initial response to the emergence of threats to British trade had always been cautious, with the political ramifications of any government intervention being the key influence on the course of action adopted. Taking unilateral action to suppress Cuban-based piracy carried certain risks of a political nature. At the forefront of Castlereagh’s mind must have been the risk it posed to Anglo-Spanish relations. Any infringement of Spain’s territorial rights in Cuba would certainly disrupt relations at a time when it was desirable to maintain strong links with that power in the interests of European security.

But the fact that piracy had taken root on Cuban soil raised further anxieties of a political nature at the Foreign Office. The strategic importance of the Spanish colony meant that all maritime Powers were keeping a close watch on political developments there, notably Britain, France and the United States.⁶ The Americans in particular were wary of the potential impact of the erosion of Spanish authority in Cuba given that its large slave population could rebel and inspire similar uprisings in the southern states of America.⁷ All three states were suspicious of one another’s intentions and had Britain acted too swiftly and with too strong a hand against the Cuban-based pirates, not only would the British government have risked offending Spain, it would also have risked a confrontation with America or France, or at least a souring of relations with the two states.

To avoid any act of provocation, Castlereagh followed Croker’s recommendations that communications be made with Spain on the subject before any unilateral action was taken. On 1 April 1822, the British Ambassador in Madrid, Lionel Hervey, was directed to call the serious attention of the Spanish government to the depredations off Cape San Antonio and to impress upon the Spanish ministers the necessity of suppressing such

⁵ TNA, FO 72/263, Croker to Planta, 23 March 1822.

⁶ Webster, *Britain and the Independence of Latin America*, vol.1, pp.34-35.

⁷ Webster, *Britain and the Independence of Latin America*, vol.1, pp.34-35.

attacks.⁸ The Spanish reply was prompt, and within six weeks of Castlereagh issuing his orders, word had been received from Hervey that the Spanish government had directed the authorities in Cuba to immediately put down the pirates.⁹

While Castlereagh saw such caution as unavoidable, several merchants questioned the government's logic. In the weeks that were spent by the British and Spanish governments exchanging correspondence on the subject of Cuban-based piracy, British vessels and property continued to be assailed by the pirates. In consequence, underwriters had increased the cost of insurance premiums on all voyages to the West Indies, affecting a large group of merchants with interests in the West India trades. These developments in mid-1822 compelled a group of merchants, shipowners and underwriters of Liverpool to address a petition to the Admiralty complaining that piracy in the West Indies was on the increase. Dissatisfied with the Admiralty's reply that the matter had been represented to the Spanish government, the merchants forwarded their petition to their local MP, George Canning. In the early nineteenth century, MPs were expected to serve as channels through which local interests could be represented in parliament, and when faced with questions of national policy they were expected to show sensitivity to local needs and conditions.¹⁰ Canning was willing to raise the issue of piracy in Parliament on behalf of Liverpool's mercantile community and presented their petition to the House of Commons on 23 July 1822. However, he stopped short of challenging the government's policy. After reading the petition, Canning declared himself sure that 'every step had been taken on the part of the British executive to remedy an evil so outrageous', before returning to his seat and watching a heated debate unfold.¹¹

Joseph Marryat, a prominent West India merchant, chairman of the Committee of Lloyd's and a forceful parliamentary speaker on colonial, maritime and commercial questions, jumped at the chance to challenge the government's response to the growing

⁸ Hansard, *Parliamentary Debates*, vol. 7, 23 July 1822, p.1728.

⁹ Hansard, *Parliamentary Debates*, vol. 7, 23 July 1822, p.1728.

¹⁰ Palmer, *Politics, Shipping and the Repeal of the Navigation Laws*, p.22.

¹¹ Hansard, *Parliamentary Debates*, vol. 7, 23 July 1822, p.1726.

threat of piracy in the West Indies.¹² ‘The diplomatic communications with Spain would produce little effect’, he prophesised, because Spain had about as much influence over the local government of Cuba as Britain had.¹³ Cuba was not nominally independent of the Spanish government but had paid no attention to the laws of Spain since 1809, when she had defied Spanish laws by opening her ports to all nations and by legalising the admission and sale of slaves, Marryat observed. Castlereagh and George Cockburn explained why diplomacy was a necessary prerequisite to dealing with the problem of piracy. Cockburn clarified that the character of Cuban-based piracy made Spanish cooperation an essential part of bringing about its eradication. Only if Spain could be induced to ‘send down a force from the Havanna, to attack their piratical settlements on the land side, while we sent a force against them on the sea side’ could the pirates be brought to condign punishment, he argued.¹⁴ Castlereagh lent his support to Cockburn’s analysis and reassured the House that ‘if, in the end, it should be found, that the Spanish government were not able to put down this system, it would then devolve upon the British government to take steps for that purpose’.¹⁵ But he warned that if a stronger approach had been taken from the outset, it would have led to ‘very great difficulty’ and would have involved ‘considerable loss of property’.¹⁶

The following week, the issue was discussed for a second time in the House of Commons. This time the government faced a more concerted attack on its response to piracy. Joseph Marryat continued to lead the rallying calls for tougher action. He accused the Admiralty of supineness because ‘no attempt was made by the British vessels of war to destroy these pirates in their strong holds’ even though they were ‘perfectly well known’ to the British cruisers.¹⁷ Only the Americans showed a disposition to put down piracy,

¹² R. G. Thorne, *The House of Commons, 1790-1820*, vol.1 (London: Secker & Warburg, 1986) pp.549-554.

¹³ Hansard, *Parliamentary Debates*, vol. 7, 23 July 1822, p.1728.

¹⁴ Hansard, *Parliamentary Debates*, vol. 7, 23 July 1822, p.1727.

¹⁵ Hansard, *Parliamentary Debates*, vol. 7, 23 July 1822, p.1728.

¹⁶ Hansard, *Parliamentary Debates*, vol. 7, 23 July 1822, p.1728.

¹⁷ Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1859.

Marryat claimed. American cruisers had wrestled a number of British vessels out of the hands of pirates and returned them to their British owners. In marked contrast, Rear-Admiral Rowley had recently refused to interfere to obtain the restitution of the British vessel *Despatch*, seized by pirates but later detained by the Spanish authorities. Marryat called upon ‘all nations ... to make common cause, and give protection to each other against the common enemies of mankind’.¹⁸

The government continued to resolutely defend its course of action, pointing out the political complexities of the issue and warning the House of the possible ramifications of taking unilateral action against the Cuban-based pirates. Cockburn argued that the Admiralty had made ‘every exertion’ to protect British shipping and was only restrained from taking what Marryat seemed to consider effectual measures ‘by a desire not to infringe the rights of other nations’.¹⁹ But this was not enough to satisfy some listeners. Mr Bright, MP for Bristol, stated that he could not acquit the Admiralty of supineness. ‘Where was the difference between America and England?’ he asked, ‘Why should the former do that which the latter had neglected to do? Had we vessels waiting in those places which were infested by the pirates?’²⁰ The want of energy proved the weakness, ‘not of the country, but of the government’, Bright alleged.²¹

John Wilson Croker leapt to the Admiralty’s defence. He stated that the Admiralty had immediately ordered a cruiser to be stationed off Cape San Antonio to cut off the pirates if possible, without violating Spanish territory, until an answer was received from Spain. But from the outset, the government had laid down the principle that if the Spanish government did not put down the pirates, Britain would do it herself. ‘It might be asked, why these principles had not been acted on?’ Croker acknowledged, but he challenged the government’s critics by asking if they were prepared to say, ‘that without giving Spain an opportunity to inquire into the matter, we should invade her colony?’²² The House had

¹⁸ Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1859.

¹⁹ Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1860.

²⁰ Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1863.

²¹ Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1863.

²² Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1864.

heard that Cuban-based piracy consisted of a system of blood and death, ‘and to avoid this, the hon. gentleman would at once plunge two nations, and the whole of Europe, in war’, Croker slammed, retorting that ‘if this was his mode of preventing blood, it was fortunate that the hon. gentleman did not direct the councils of the state’.²³

The arguments put forward by Castlereagh, Cockburn and Croker in July 1822 demonstrate that wider political concerns had influenced the British government’s response to Cuban-based piracy up until that point, just as they always had towards legally-authorised Spanish American and Spanish prize-taking. Maintaining peace was still the foremost priority of the British government. In the first parliamentary debate, Castlereagh had stated that failure to observe standard diplomatic procedures could have caused a considerable loss of property, presumably hinting at the possibility of Spain declaring war on Britain if her territorial rights were violated. This concern was stated more directly and with greater animation by Croker in the second parliamentary debate. In the case of legally-authorised Spanish American and Spanish predation, such arguments had largely won over the government’s critics. But in the case of Cuban-based piracy, criticism of government policy spilled out from the confines of the Commons. The *Liverpool Mercury* had ‘long since and frequently craved public attention’ to what it perceived to be ‘the apathy with which [the] Government heard of robbery upon robbery, and cruelty upon cruelty’.²⁴ Following the July debates, the *Liverpool Mercury*’s wish came true. Newspapers throughout the country began to report on the debates and draw attention to subsequent acts of piracy, amplifying the criticism of government policy.

Radical writers and reform-promoting journalists were particularly keen to attack the government over the issue of piracy. The *Morning Chronicle*, a prominent radical newspaper, harangued the British government for its anti-piracy measures, as did *The Times*, which had supported parliamentary reform since the Peterloo Massacre of 1819. The arguments advanced by Joseph Marryat in the parliamentary debates were replicated in these newspapers. ‘How obviously it is the interest of all maritime nations to put down this grievance we need not urge’, stated an editorial on piracy in *The Times* on 8 August

²³ Hansard, *Parliamentary Debates*, vol. 7, 30 July 1822, p.1864.

²⁴ *Liverpool Mercury*, 26 July 1822.

1822, 'nor how much blame attaches to the British Government for entangling itself in sham contests about words, while the trade and seamen of England were suffering hourly martyrdom from monsters alike indifferent to laws divine and human'.²⁵ Like the government's critics in the House of Commons, newspapers compared British policy to that of America. The *Liverpool Mercury* asked, 'is it not humiliating to find it daily verified, that our merchant vessels ... seek, when occasion offers, to put themselves under the protection of American vessels'?²⁶ All the more so, the paper continued, because 'all the while we hear the din in our ears of the adequacy and glory of our own navy!'²⁷ Similar arguments were made in *The Times* which highlighted that Britain's disgrace was being made more notorious because the press in the United States had 'seized upon the circumstance, and blazoned it throughout America in terms as contemptuous as they are true'.²⁸ American news reports were reproduced to support such statements. An article from the *Richmond Enquirer* was reproduced in *The Times* which taunted that 'the 1000 ships of Britain ... remained inactive, while their merchant-ships have fallen victims'.²⁹ 'The disgrace is theirs, the glory is ours', the article boasted.³⁰

In attacking the British government's anti-piracy measures, critics of the British government sought to use the issue of piracy to add weight to their arguments for political reform. As the *Liverpool Mercury* remarked on 13 September, the 'total neglect' shown by the government towards piracy was 'quite in character with the whole conduct of the present Cabinet'.³¹ First, the government's inability to protect its merchants was blamed on the system of patronage. Officers of the Royal Navy were condemned for having 'grossly neglected their duty' by *The Times* on the grounds that instead of chasing pirates or protecting trade, naval vessels were being employed to carry specie on behalf of

²⁵ *The Times*, 8 Aug 1822.

²⁶ *Liverpool Mercury*, 30 Aug 1822.

²⁷ *Liverpool Mercury*, 30 Aug 1822.

²⁸ *The Times*, 4 Oct 1822.

²⁹ *Richmond Enquirer*, cited in *The Times*, 7 Sept 1822.

³⁰ *Richmond Enquirer*, cited in *The Times*, 7 Sept 1822.

³¹ *Liverpool Mercury*, 30 Aug 1822.

merchants in return for a percentage.³² While this was common practice in the early nineteenth century, it did not sit well with the editor of *The Times*.³³ ‘So long as the alarm produced by pirates compels merchants to send their specie on board British men of war, and to pay the commanding officers a percentage for transporting it, we can hardly expect from those officers any attempt to crush the system of piracy, the indirect source of their profits’, the editorial warned.³⁴ Underpinning this ‘perverted’ use of British naval power, *The Times* argued, was the way in which naval officers obtained commissions. Officers were slated for being ‘the favourites or dependents of Ministers, who obtain the Court patronage in time of peace, and are appointed to ships more for emolument than honour’.³⁵

Secondly, the radical press used the issue of piracy to criticise the British government’s alignment with the Holy Alliance. The *Morning Chronicle* asked, ‘What in God’s name have Ministers to attend to, of more importance (their own emoluments and patronage excepted) than the affording the necessary naval protection to our traders?’³⁶ The paper had anticipated that the ‘embarrassed’ state of the British economy would have compelled the government to do all that it could to protect British industry, but the issue of piracy highlighted the flawed ideology of the British government. With regard to the neglect of British ministers, the paper argued that ‘the subject of the Holy alliance naturally presents itself’.³⁷ Ministers were accused of prioritising their duty to the Holy Alliance above their duty to the people of Britain, ‘lending themselves without hesitation to the views of the despotic Sovereigns of the Continent’.³⁸ The British government claimed that

³² *The Times*, 8 Aug 1822.

³³ Barry Gough, ‘Specie Conveyance from the West Coast of Mexico in British Warships, c.1820-1870: An Aspect of the Pax Britannica’, *Mariner’s Mirror*, 69: 4 (1983) pp.419-434.

³⁴ *The Times*, 8 Aug 1822.

³⁵ *The Times*, 4 Oct 1822.

³⁶ *Morning Chronicle*, 13 Sept 1822.

³⁷ *Morning Chronicle*, 13 Sept 1822.

³⁸ *Morning Chronicle*, 13 Sept 1822.

a close alignment with Europe preserved peace but this was a specious pretext, the paper scathed, the real object at their hearts was ‘preserving unrelaxed existing despotisms’.³⁹

Newspapers argued that the inability of British ministers to deal with piracy provided grounds for the removal of Castlereagh and other unpopular members of the Cabinet who personified the injustices of the political system. ‘Those ministers who have dared to defend in Parliament the naval administration under which such vexatious and revolting wrongs have been inflicted upon the free trade of England, ought to be impeached’, declared *The Times* in August 1822.⁴⁰ The same ‘cogent argument’ was made again by *The Times* in October – ‘A series of unrepaired outrages upon the merchants, must (no matter how the House of Commons be constituted) – *must* infallibly weaken the tenure by which a Minister holds office’.⁴¹

Naval Action

The extent to which this domestic pressure influenced the government’s response to Cuban-based piracy is difficult to gauge. Castlereagh committed suicide in August 1822 and was replaced by the man who had first brought the issue of piracy to parliament’s attention – George Canning. When Canning first assumed his new position as foreign secretary he found that the government had already adopted tougher measures to deal with Cuban-based piracy in early September. The Admiralty had received a letter from Earl Bathurst, Secretary for War and the Colonies, on 7 September 1822, directing the Lords Commissioners to ‘forthwith dispatch such vessels of war as you may deem necessary ... to the Havannah’.⁴² The commander of this expedition would be required to communicate with the Spanish authorities in Cuba in order to ascertain what measures had been taken against piracy and cooperate with him accordingly. If, however, it was discovered that no measures had been adopted, the commander was authorised by the British government to

³⁹ *Morning Chronicle*, 13 Sept 1822.

⁴⁰ *The Times*, 28 Aug 1822.

⁴¹ *The Times*, 4 Oct 1822.

⁴² TNA, FO 72/265, Croker to Planta, 18 Sept 1822.

‘act against the Pirates without regard ... to the territorial rights of the Spanish Government’ and ‘to land on the small islets, or keys near the shore of Cuba, to dislodge the Pirates’.⁴³ And if it was found that they had formed establishments on the shore near Cape San Antonio, or anywhere else in Cuba, the commander should ‘not forbear taking any effectual means for the destruction of such establishments’.⁴⁴

The government’s response to Cuban-based piracy had not been radically altered between July and September 1822. After all, when Croker first informed Castlereagh that the Admiralty had received reports of piracy in March 1822, he distinctly stated that Spanish territorial jurisdiction should not inhibit British efforts to put down the pirates if Spain was incapable of rising to the task.⁴⁵ Castlereagh also assured parliament in July 1822 that he had no qualms about taking stronger measures to suppress piracy if diplomatic efforts were unavailing.⁴⁶ Perhaps the criticism in the press quickened the government’s decision to adopt stronger measures against the Cuban-based pirates but it certainly never invoked a *volte-face* in government policy, which remained on its original trajectory.

With the decision already taken to dispatch a naval squadron to Cuba for the suppression of piracy, one of Canning’s first duties as foreign secretary was to set about the delicate task of breaking the news to Spain. At the same time as giving William à Court his instructions regarding the case of the *Lord Collingwood*, Canning also directed the British envoy to relay the news that Britain was sending a squadron to Cuba with orders to land troops if necessary. This deployment was justified, Canning argued, by the repeated ‘representations and remonstrances’ made to the Spanish government on the subject of piracy, which after ‘fair time allowed’ had yielded no tangible results.⁴⁷ In order to minimise the potential political fallout of Britain’s decision to violate Spanish territory, Canning reminded à Court to deliver this news tactfully. He was to assure the Spanish

⁴³ TNA, FO 72/265, Croker to Planta, 18 Sept 1822.

⁴⁴ TNA, FO 72/265, Croker to Planta, 18 Sept 1822.

⁴⁵ TNA, FO 72/263, Croker to Planta, 23 March 1822.

⁴⁶ Hansard, *Parliamentary Debates*, vol. 7, 23 July 1822, p.1728.

⁴⁷ TNA, FO 72/258, Draft to à Court, 18 Oct 1822.

Foreign Secretary that the ‘frankness and determination’ with which he had been instructed to speak was not intended ‘to convey any hostile or even unfriendly feeling’.⁴⁸

When William à Court informed San Miguel in early November that Britain had despatched a squadron to Cuba with orders to land troops if necessary, the Spanish minister declared that he was ‘filled with the deepest regret and astonishment’.⁴⁹ He cared not for the Island of Cuba, nor for the pirates who had taken refuge there, but he cared greatly for national honour, which was ‘a sentiment dearer to the Spaniard than his existence’.⁵⁰ Spanish honour had been wounded by the British course of action, San Miguel insisted.⁵¹ But only a matter of days later, à Court met San Miguel again and found ‘his language considerably softened’, no longer did he dispute the justness of Britain’s complaints, à Court reported to Canning.⁵² Meanwhile, the British squadron destined to tackle Cuban-based piracy had departed from England. On 17 September 1822, Captain Samuel Warren of HMS *Seringapatam* received orders at Spithead to put to sea as soon as possible, in company with the *Redwing* sloop and the *Grecian* cutter, and proceed to Havana.⁵³

Warren set sail on 26 September and arrived in the West Indies in mid-November to find the Jamaica squadron exerting great efforts to protect British trade from the pirates of Cuba. Underneath the diplomacy and the domestic debates, Rear-Admiral Sir Charles Rowley had been busy trying to put down the pirates. Several vessels in his squadron had been deployed to Cuba to protect the trade but the reports that came back from his captains highlighted the difficulties faced in achieving this objective. The reports of midshipman William Geary, commander of the *Speedwell* tender, between April and August 1822 spoke of the amphibious nature of Cuban-based piracy and the problems it presented. Geary reported how the geography of the island provided them with the perfect refuge. The northern coast was ‘bounded by a continued line of kays ... affording good shelter to

⁴⁸ TNA, FO 72/258, Draft to à Court, 18 Oct 1822.

⁴⁹ TNA, FO 72/259, à Court to Canning, 13 Nov 1822.

⁵⁰ TNA, FO 72/259, à Court to Canning, 13 Nov 1822.

⁵¹ TNA, FO 72/259, à Court to Canning, 13 Nov 1822.

⁵² TNA, FO 72/259, à Court to Canning, 20 Nov 1822.

⁵³ TNA, FO 72/265, Barrow to Foreign Office, 4 Oct 1822.

vessels of a slight draft of water'.⁵⁴ These geographical features had thwarted Geary's efforts to apprehend a piratical schooner that had fired a broadside and volley of musketry at his boat as it escorted a merchant vessel to the coast. Outraged by the incident, Geary tried to pursue the piratical schooner in the *Speedwell* but was sorry to have to report to Rowley, 'I found it ... impossible to get near them as I could not bring the *Speedwell* to seven feet, if I was even to take all her Ballast out: and to have attempted anything with my Boat would have been without the least hope of success as I could not throw more than seven men in her at most'.⁵⁵

Such reports convinced Rowley, as he told his superiors, 'how much depended upon the Spaniards themselves' to remove the pirates from the Cuban coast.⁵⁶ In August 1822, Rowley reported to the Admiralty that he had sent a letter to the Captain-General of Cuba on the subject on 30 July and requested his assistance in sending a force to expel the marauders from the coast.⁵⁷ While he awaited a reply, the *Sybille*, *Scout*, *Tyne* and *Speedwell*, all deployed on anti-piracy duties, went about their business as well as they could. Following further reports from his captains, Rowley's belief that success was conditional on Spanish cooperation was galvanised. After receiving a report from Captain Walcott of the *Carnation* sloop, Rowley admitted to his superiors on 12 September, 'I cannot flatter myself with the hope of annihilating these Pirates without the Governor of Cuba'.⁵⁸ And although the Spanish Admiral had agreed to meet Rowley's proposition of 30 July, as well as promising to take effectual measures to prevent the pirates re-establishing themselves elsewhere in future, Rowley was pessimistic about the chances of success given that vessels had been notoriously plundered only 50 miles from Havana in the sight of Spanish vessels of war.⁵⁹

⁵⁴ TNA, FO 72/265, Croker to Planta, 19 Oct 1822.

⁵⁵ TNA, FO 72/265, Croker to Planta, 19 Oct 1822.

⁵⁶ TNA, FO 72/265, Croker to Planta, 19 Oct 1822.

⁵⁷ TNA, FO 72/265, Croker to Planta, 19 Oct 1822.

⁵⁸ TNA, FO 72/266, Croker to Planta, 5 Nov 1822.

⁵⁹ TNA, FO 72/266, Croker to Planta, 5 Nov 1822.

By October, Rowley had decided that tougher measures had to be adopted for the protection of British trade, even without Spanish cooperation. On 6 October he sent the *Hyperion*, Captain Lillicrap, to Havana with a letter for the Captain-General proposing that a conjunct squadron be sent against the pirates. But if the Spanish authorities declined this proposition, Rowley authorised Lillicrap to take the *Hyperion*, with the *Falmouth* and *Speedwell* in company, to Bahia Honda – the pirates' most recent rendezvous. Lillicrap was then to send 'as many boats armed as may be spared ... to examine every vessel found therein, and to seize with the crew all such as there may be reason to believe have committed piratical acts, bringing them to Port Royal for trial', ordered Rowley.⁶⁰ If it was found that plundered cargoes had been deposited ashore, Lillicrap was directed to apply to the local authorities to deliver up the goods, and if no authorities were present, he was permitted to land his crew and seize the cargoes, destroying any piratical huts and establishments in the process. In his letter to the Captain-General, Rowley made it known that Lillicrap carried such orders but stressed that he had no desire to infringe the territorial rights of Spain and only to destroy the enemies of mankind.⁶¹ These proceedings were reported to the Admiralty by Rowley on 8 October 1822. The Rear-Admiral declared himself 'fully aware of the force of the orders' given to Captain Lillicrap, but he trusted that he would be 'borne out in doing so by the imperative necessity' which circumstances had imposed upon him to annihilate the pirates.⁶²

When Rowley next heard from Captain Lillicrap he was delighted to find that the Spanish authorities had 'been roused to a sense of shame' by the piracies perpetrated on the coasts of Cuba and had taken steps towards piracy's suppression. Lillicrap reported that upon his arrival in Havana in mid-October, the Captain-General had in fact already adopted the 'most prompt and decisive measures'.⁶³ Lillicrap was informed that a few days prior to his arrival several gun boats with troops embarked had been dispatched, accompanied by two brigs and some schooners, to examine a large extent of the coastline,

⁶⁰ TNA, FO 72/267, Croker to Planta, 4 Dec 1822.

⁶¹ TNA, FO 72/267, Croker to Planta, 4 Dec 1822.

⁶² TNA, FO 72/267, Croker to Planta, 4 Dec 1822.

⁶³ TNA, FO 72/279, Croker to Planta, 13 Feb 1823.

while a military force was also marching overland to close the net on the pirates.⁶⁴ The Captain-General seemed eager to have Lillicrap's assistance in executing this mission and furnished him with papers to be shown to local magistrates and authorities directing them to support his efforts to root out the marauders. Being anxious to collect the squadron placed under his command, Lillicrap immediately put to sea and embarked on his mission to rid Cuba of its pirates.

Such was the state of affairs when Samuel Warren's three-vessel squadron arrived in the region in November. In many ways, Rowley had already achieved what Warren's squadron had been sent out to do. Through diplomacy, he had compelled the Spanish authorities to take action against the pirates, but had the answer of the Captain-General been less positive, Rowley had issued orders to Captain Lillicrap to act unilaterally, even if it meant violating Spanish territory. But the Captain-General had proved himself eager to put down piracy and he even went so far as to actively support Rowley's course of action, furnishing Lillicrap with papers to assist his efforts in more remote parts of the island. Therefore, the arrival of Warren's squadron was an added bonus but was not pivotal to the Royal Navy's anti-piracy campaign.

In fact, by the end of January 1823 Warren had already returned to England. His orders had stipulated, 'when you shall judge ... that your continuance at or in the neighbourhood of Havannah is no longer necessary for the purpose of acting against the Pirates, you will return with the vessels under your orders to Spithead'.⁶⁵ This time came much sooner than many had anticipated, not least American journalists, amongst whom 'some surprise was expressed at the returning home of these vessels so soon after their arrival at Havannah, and various rumours were afloat as to the cause'.⁶⁶ 'May not their sudden departure be attributed to the fact of their having been sent out *by a political errand*, to ascertain the state of things in Cuba, and the chances of that island becoming revolutionary?' asked a Charleston newspaper on 3 January 1823.⁶⁷ But Warren's report to

⁶⁴ TNA, FO 72/279, Croker to Planta, 13 Feb 1823.

⁶⁵ TNA, FO 72/265, Barrow to the Foreign Office, 4 Oct 1822.

⁶⁶ Quoted in, *Morning Chronicle*, 12 Feb 1823.

⁶⁷ Quoted in, *The Times*, 12 Feb 1823.

the Admiralty on his arrival at Spithead on 28 January 1823 clarified that he merely ‘considered their Lordships intentions had been fulfilled’.⁶⁸ Warren came to this conclusion after observing that the North side of Cuba was ‘entirely freed from piracy’ and after having received an acknowledgement from the merchants themselves ‘that piracy is almost entirely annihilated’.⁶⁹ Warren took no credit for piracy’s decline. It had ‘been effected before my arrival by Sir Charles Rowley’s squadron and the United States men of war schooners’, he told his superiors.⁷⁰ And given that the Governor of Cuba had informed him that the Spanish Admiral had dispatched vessels to examine the whole coast, and that detachments of troops had been placed along the whole length of the coast to prevent a future accumulation of piracy, Warren had decided to return to England.

The Portsmouth-based newspaper, the *Hampshire Telegraph* could only conclude that ‘much more has been made of the subject of Piracy in the West Indies, than the circumstances justified; and that both Rear-Adml. Sir Charles Rowley ... and the Spanish Authorities in the Island of Cuba, had done all that it was possible to effect, to protect the trade and destroy the pirates’.⁷¹ Merchants reacted angrily to accusations that they had exaggerated accounts of piracy in 1822. *The Times* received a letter from one reader who responded to the *Hampshire Telegraph*’s supposition by stating that he ‘need not do more than refer to the statement from the Merchants at Havannah, and to one in the American papers, giving an official detail of no less than 23 piratical vessels taken by American cruisers, between October, 1821, and September, 1822’, which were, he argued, ‘convincing proofs’ that the subject had not been exaggerated.⁷²

As the arguments continued, statistics began to arrive from the West Indies that validated Warren’s claim that piracy was on the wane and that the Jamaica squadron had an effective strategy in place, in conjunction with U.S and Spanish forces, to win the fight. An account of the Royal Navy’s proceedings submitted to the House of Commons in June

⁶⁸ TNA, ADM 1/2722, Warren to the Admiralty, 28 Jan 1823.

⁶⁹ TNA, ADM 1/2722, Warren to the Admiralty, 28 Jan 1823.

⁷⁰ TNA, ADM 1/2722, Warren to the Admiralty, 28 Jan 1823.

⁷¹ *Hampshire Telegraph*, 3 Feb 1823.

⁷² *The Times*, 27 Feb 1823.

1823 reported that between 1 January 1821 and 31 March 1823 the ships of war on the Jamaica Station destroyed nine piratical vessels and captured a further seven.⁷³ The Colonial Department also submitted a report to parliament of the number of persons tried and condemned at Jamaica for acts of piracy in the same period. At the Surry Assize sessions in January 1823, twelve men were found guilty of piracy, although two were later pardoned.⁷⁴ The Governor of Jamaica attached an additional report to this return dated 7 April 1824, in which he stated that since 1 April 1823 a further twenty men had been found guilty of piracy in the May 1823 sessions, and six more convictions had followed in January 1824, although four of these latter men were granted pardons.

The Royal Navy's success was surpassed only by the United States. In late 1821, American warships were sent individually to Cuba to protect commerce but in 1822 a regular squadron of 13 vessels was established under Commodore James Biddle. By September 1822, the American navy claimed to have captured or destroyed 29 piratical vessels but remained frustrated by the ease with which pirates could escape ashore.⁷⁵ In 1823, the United States sent out a second pirate-hunting squadron under the command of Commodore David Porter, consisting of ten fast schooners, five cutters and a steam brig. Rather than compete for glory, the British and American squadrons cooperated well, with the spirit of camaraderie being epitomised by the kind and friendly treatment given to sick British sailors at the American base at Key West, which included taking the men for a trip round the Florida Keys in the steam brig.⁷⁶ With the added assistance of the Spanish authorities, Cuban-based piracy had been virtually eradicated by 1824.

⁷³ 'An Account of Pirate Vessels Destroyed by Ships of War on the Jamaica Station, between the 1st January 1821, and 31st March 1823', 19th Century House of Commons Sessional Papers, 1823 (517) XIII, 535.

⁷⁴ 'A Return of the Number of Persons tried and condemned, at Jamaica, between the 1st of January 1821 and the 31st of March 1823, for Acts of Piracy within the said Period', 19th Century House of Commons Sessional Papers, 1824 (421) XVI, 497.

⁷⁵ Earle, *Pirate Wars*, p.240.

⁷⁶ Earle, *Pirate Wars*, pp.243-244. For a detailed analysis of Anglo-American relations regarding the issue of piracy in the 1820s see, Mark C. Hunter, 'The Political Economy of Anglo-American Naval Relations: Pirates, Slavers, and the Equatorial Atlantic, 1819-1863' (Unpublished PhD thesis, University of Hull, 2003).

Merchant Reaction

As happy as British traders must have been with the decline of Cuban-based piracy from late 1822 onwards, many remained dissatisfied by the slowness of the British government's response when the problem was first reported earlier in the year. Discontent first surfaced when George Canning introduced the petition of the merchants of Liverpool to the House of Commons in July 1822. It spilled out onto the pages of newspapers in August and September. But in October, shortly after Warren's squadron had departed for Cuba, the difference of opinion between British merchants and British statesmen erupted and caused a rift between the Committee of Lloyd's and the Admiralty. After an angry exchange of correspondence, the two bodies decided to break off all communications with one another.

The altercation began when a letter was sent to Lloyd's on 9 October 1822 by John Wilson Croker, the Admiralty Secretary.⁷⁷ The letter was written in reply to an earlier communication from Lloyd's reporting the captures of the *Vittoria* and *Industry* by pirates off the coast of Cuba in August. Croker informed the Committee that his superiors were already aware of the incident, having received a report from Captain Walcot of His Majesty's Sloop *Carnation*, who had been stationed off Cuba in August for the protection of the trade. The latter point puzzled certain members of the Committee at Lloyd's. Two days earlier they had received a letter from the master of the *Belina*, who had just arrived in the Downs, reporting that he had spoken with the *Carnation* off the coast of Cuba in August. But rather than being stationed for the protection of the trade, Walcot had informed the master of the *Belina* that the *Carnation* was bound to Kingston carrying specie.

The Secretary of Lloyd's, John Bennett, made this discrepancy known to the Admiralty in his reply to Croker on 10 October. Croker transmitted his compliments to Lloyd's for their response and stated on 11 October that he would be 'glad to see any two gentlemen of the Committee who can make it convenient to call at the Admiralty Office'. This communication prompted a special meeting of the Committee of Lloyd's on 14

⁷⁷ Following based on extracts of correspondence between the Admiralty and Lloyd's, 9-19 October 1822, printed in the *Caledonian Mercury*, 7 Nov 1822.

October, where it was resolved that Croker's invitation would be declined on the grounds that it was not customary for members of the Committee to wait upon an Admiralty secretary at his individual request, and especially having received no information regarding the object for which their attendance was required. The snub induced Croker to list four separate occasions between 1809 and 1815 when members of the Committee had been invited to the Admiralty Office in the same form as his invitation of 11 October. As for not revealing the purpose of the appointment, Croker felt that 'it did not seem necessary to do so ... when I had only a communication to make, which the Board of Admiralty thought would be better made verbally, than in writing'. After another meeting of the Committee of Lloyd's, Bennett informed Croker on 16 October that the Committee disagreed with Croker's precedents and that they would prefer to receive information in a written format to more effectively translate intelligence to their subscribers. The Lords Commissioners of the Admiralty were unimpressed. 'Putting altogether out of consideration the very unimportant point of form which the Committee has so unnecessarily and for the first time started', Croker responded to Lloyd's, 'their Lordships ... see in your letters such marked disrespect to the Board of Admiralty, and so little confidence in their communications, that they have directed me to decline any further correspondence with the Committee of Subscribers to the rooms at Lloyd's'.

Joseph Marryat, the Chairman of the Committee of Lloyd's, was determined not to let the matter drop. At a 'very numerous' meeting of the subscribers of Lloyd's on 30 October, Marryat argued that the Committee had shown no disrespect towards the Admiralty, that they had reasonable grounds to doubt Croker's claims that the *Carnation* had been employed carrying specie in August and had not, as claimed, been stationed off Cuba for the protection of British trade.⁷⁸ 'The discussion upon the subject will not end here', Marryat promised the subscribers, and 'if my life be spared' he continued, 'I intend, when Parliament next meets, to move in the House of Commons, that copies of the letters ... be laid upon the table'. First to speak in support of Marryat was George Brown, who suggested that the subscribers pass two resolutions stating that they approved of the conduct of the Committee, and that the Committee should be authorised to take any further

⁷⁸ Following paragraph based on, *Morning Chronicle*, 31 Oct 1822.

measures that it deemed necessary with regard to the dispute. A number of subscribers voiced their support for the resolutions. Robert Humphrey Marten took issue with the tone of Croker's letters. He argued that 'the subscribers to Lloyd's had a very simple name, but they were a body of the first merchants in the world, known for their integrity, for their humanity, for the millions of property they possessed. Was it to such a body that was to be treated with disdain?' Others supported the proposed resolutions because they felt the Admiralty had neglected its duty by insufficiently protecting trade against piracy. Mr Lowe 'deeply lamented' that despite the power of the Royal Navy, British trade had been left defenceless. But it was not difficult to account for the 'disgraceful fact', he continued, for every gentleman knew 'that the commanders of ships were appointed ... as carriers of specie from one port to another'. He too would vote in favour of the resolutions.

But support for the conduct of the Committee and criticism of the Admiralty was not unanimous. A number of subscribers voiced objections to the resolutions proposed by George Brown. Mr Duer contended that the whole discussion had 'originated in a most unnecessary objection on the part of the Committee' to wait upon the Secretary of the Admiralty.⁷⁹ Had the Committee accepted Croker's invitation 'he had the best authority for saying that the whole of the process and documents on which the letter of the 9th of October was founded, would have been submitted to them'. Duer was sorry to see that the Committee had 'thrown certain advantages out of their hands on mere objections of form'. In his opinion, he could not understand why it was necessary for the Committee to communicate with the Admiralty in the first place. The business of Lloyd's was simply to secure their premiums, Duer argued, and 'if the merchants found those charges too high, and that they could not insure, then it would be for them to apply to the Admiralty'. The Committee had 'not come well out of the present dispute' and Duer declared that he would move as an amendment that they proceed to the orders of the day. Mr Carruthers rose to second the motion. He thanked the Committee for their usual 'zeal and ability' but could not thank them their conduct in this instance. He worried that the meeting might lead to a schism between the Committee and certain members of the room. Cries of "no, no!" rang through the hall. But Carruthers pointed out that a schism had already taken place between

⁷⁹ Following paragraph based on, *Morning Chronicle*, 31 Oct 1822.

the Committee and the Admiralty. He thought Croker had written in agreeable terms and that the Committee had dwelt too much on points of form.

When the resolutions were put to those gathered at the meeting, the first – that the subscribers approved the conduct of the Committee – saw only thirteen hands raised in opposition while ‘a great majority’ were in favour.⁸⁰ Before the second, and perhaps most important resolution was put – that the Committee should be authorised to pursue the matter further – George Hibbert rose to address the meeting. He had spoken on several occasions to Lord Melville, the First Lord of the Admiralty, regarding the protection of trade in the West Indies and understood from these communications that the government had faced difficulties of a political nature which prevented the adoption of measures more decisive. A recent communication with Lord Melville, Hibbert told the subscribers, had given him reason to believe that these difficulties were likely to be removed and more effectual measures would soon be taken to destroy the pirates. Hibbert was therefore anxious, and saw the same concern throughout the room, that the Committee should not close the door on communications with the Board of Admiralty. He had seen Croker at the Admiralty Office personally the day before the meeting and the Secretary had pointed to a large bundle of papers on his desk that he had been ordered to transmit to Lloyd’s or other commercial bodies for their information. Conciliation was what Hibbert aimed for and he hoped his words would help bring that objective into view. But when the second resolution was put, it was carried with only two hands held up against it.

Although the majority of the subscribers approved the conduct of the Committee of Lloyd’s and empowered Joseph Marryat to raise the issue of their discontent in the House of Commons, the meeting on 30 October had revealed differences of opinion amongst British merchants. Opposing arguments had been aired as to whether the Admiralty had acted with disrespect towards the Committee and whether the public had been deliberately misled by Croker’s claim that the *Carnation* was stationed off the coast of Cuba exclusively for the suppression of piracy.

These opposing arguments were also promulgated by the editors of different British newspapers. The *Morning Chronicle* had long complained of the ‘gross ignorance’ shown

⁸⁰ Following paragraph based on, *Morning Chronicle*, 31 Oct 1822.

by the Admiralty towards the mercantile community and numerous editorials argued that Croker's letters substantiated the newspaper's claims.⁸¹ True to form, the *Morning Chronicle* used the rift to expose what it perceived to be the government's continual quest to cling to power and oppose political reform, even at the expense of British merchants. 'The Naval Affairs of the Country have of late been conducted as if the Navy were of no use but to provide a part of that Ministerial Influence, without which we have been told that the machine of Government cannot proceed', read an article on 4 November.⁸² As the Secretary of the Admiralty, Croker was singled out in particular for perverting the use of naval power. He looked only to the interests of the naval administration and had 'preferred a good specie freight, and the profits of a passenger vessel, to that interest which common men would denominate the foundation of England's glory'.⁸³ Croker was thus compared to 'a reptile', described as 'a needy, shameless, quibbling trickster' and as 'a briefless Irish lawyer, who tumbled into Parliament by accident [and] who was baited and bullied into a good place by a Royal Concubine'.⁸⁴

While the *Morning Chronicle* sided with the British merchants and criticised the behaviour of the Admiralty, the *Glasgow Herald* asked, 'pray who are these Gentlemen composing the Committee at Lloyd's'?⁸⁵ The paper mocked the underwriters for misunderstanding their place in society and for having formed 'a very erroneous estimate of their rank and importance'.⁸⁶ On 15 November a letter was printed in which the meeting at Lloyd's in late October was sarcastically compared to the delegation of diplomats assembled at the Congress of Verona.

There is hardly anybody who has not heard of the meeting of Congress, and its deliberations, and moreover its resolutions. We do not mean that of

⁸¹ *Morning Chronicle*, 25 Oct 1822.

⁸² *Morning Chronicle*, 4 Nov 1822.

⁸³ *Morning Chronicle*, 5 Nov 1822.

⁸⁴ *Morning Chronicle*, 4 Nov 1822; *Morning Chronicle*, 1 Nov 1822.

⁸⁵ *Glasgow Herald*, 1 Nov 1822.

⁸⁶ *Glasgow Herald*, 1 Nov 1822.

Verona, but of that much more important body, the *under-writers* at Lloyd's.

The extraordinary punctilio of their High Mightinesses the Committee, which prevented two of them from taking a Hackney chariot, and calling about their own business and that of their constituents, at the Admiralty, has, it should seem, been "greatly applauded" by the subscribers generally.

...

Everybody knows that an under-writer is a man who insures ships and cargoes at certain premiums; that the greater the apparent risk, whether arising from increased vigilance on the part of pirates, or from alleged neglect on the part of the Government, the greater the premium they get for insuring to a particular part of the world where all these evils are said to exist.

Most assuredly we have a high respect for the gentlemen of Lloyd's; they are estimable and excellent in their proper sphere, and extremely useful in their particular vocation but we are quite certain, that, however ignorant their Committee may be upon matters foreign to *that* vocation, they never could *in reality* be so ignorant of their place in society, (however elevated in point of wealth from the most obscure beginnings some of them may be), as to fancy it *infra-dig* to wait upon the Secretary of the Admiralty upon their own business.

If we give these gentlemen credit for sufficient self-knowledge to waive this matter of form upon the score of their dignity, we cannot but look at the affair in another light. What we think of it we do not choose to state; but in a less honourable and more mercenary body, such *coquetting* about ceremony would, we think, have had the air of disinclination to hear anything at the Admiralty which might *lower the rate of insurance*.⁸⁷

The article serves as a reminder that for all the *Morning Chronicle*'s vitriol and for all the Committee's rhetoric about acting in the public interest, there were also those who suspected that such criticism was driven by self-interest – whether as a result of the private economic prejudices of those connected to the shipping industry, or the political interests of the radical press. From this perspective, the *Glasgow Herald* accepted the government's argument that trade was receiving as much protection as it was possible to give. An article on 1 November 1822 acknowledged that half a dozen British vessels had been plundered in 1822 but when compared to the number of vessels actually engaged in British trade, estimated at 27,000, all making three or four voyages per year, the losses were small and

⁸⁷ *Glasgow Herald*, 15 Nov 1822.

the investments involved had ‘a degree of security not enjoyed by any other property, either fixed or moveable’.⁸⁸ British officers had carried out their duties with ‘unwearied vigilance’ and far from profiteering they had taken ‘the richest bait from the freebooters, by conveying from place to place cargoes of bullion’.⁸⁹

The Fable of the Frog and the Ox

The alternative arguments did little to dissuade Joseph Marryat from calling the attention of the House of Commons to the Admiralty letters of October 1822, which to his mind contained ‘statements directly at variance with fact’.⁹⁰ In March 1823 he laid these letters before the House, stating that if other members of parliament were convinced that the public had been deceived by false representations, for the honour of the government and for the satisfaction of the public ‘the subject should be probed to the bottom, and every paper that can throw light upon it [ought] to be produced, in order that the authors of this imposition should be known, and dealt with as they deserve’. Marryat proceeded to argue his case. Statements from ‘a cloud of witnesses’ were produced to show that Captain Walcot had never been stationed off the coast of Cuba for the protection of British trade and had instead been employed in conveying specie to Jamaica. No other men of war were in the area and the trade was ‘left entirely exposed to the depredations of the pirates’.

The ‘inventive genius’ of the Secretary of the Admiralty was thus exposed. But why would Croker wish to write letters that deliberately mislead the public? Marryat questioned. In October 1822 the Admiralty ‘laboured under great unpopularity’, he recalled, with taunts being thrown in many of the public papers and ‘galling comparisons [being] made between the activity of the American ships of war, and the apathy of our own’. At such a moment, ‘nothing could be more opportune for redeeming the character of the Admiralty in the estimation of the public than the appearance of these letters in all the daily papers’, Marryat contended, adding that it operated ‘as a charm in allaying the

⁸⁸ *Glasgow Herald*, 1 Nov 1822.

⁸⁹ *Glasgow Herald*, 1 Nov 1822.

⁹⁰ Following based on, Hansard, *Parliamentary Debates*, vol. 8, 4 March 1823, pp.416-435.

irritation and disquietude of the public mind, and led to a general belief that our trade was fully protected’.

Marryat then moved on to describe to the House how Croker had treated the Committee of Lloyd’s with disrespect for pointing out the erroneous nature of his communications.

[When] the Admiralty found that these statements did not pass current with the plain men of business to whom they were addressed, they seem to have felt sore, and they treated the committee of Lloyd’s ... much in the manner that Richard the third is described by Shakespeare as treating his messengers of evil tidings –

“Out on ye owls, nothing but songs of death?

There, take thou that, will thou bring better news:”

and the king, suiting the action to the word, gives the poor fellow a good knock down blow.⁹¹

In a tone of offended dignity, the Admiralty then broke off all communications with the Committee of Lloyd’s, Marryat told the House. He therefore wanted answers and moved that copies of letters and extracts of log books be produced to establish the true disposition of the naval squadron in the West Indies in August 1822.

Defending the Admiralty was Sir George Cockburn, who claimed that he could prove to the House that Marryat’s statement was erroneous, and his comments unfounded. First he gave an alternative interpretation of the ‘angry correspondence’ that had taken place in October 1822. Cockburn clarified that Captain Walcot of the *Carnation* had received specific orders to take up station off Cape San Antonio, Cuba, in August 1822. However, after falling in with two plundered vessels he thought it proper to vary his orders by leaving the station in order to fall in with merchant vessels bound from Jamaica to Havana and escort them safely along the shore. After seeing seventeen vessels around Cape San Antonio, and learning from the master of the merchant vessel *Clarendon* that she was the stern-most ship of the season, Walcot considered his duty performed, reported his movements to his superiors and returned to Jamaica. The ‘spirit and substance’ of the

⁹¹ Hansard, *Parliamentary Debates*, vol. 8, 4 March 1823, p.427.

information received at the Admiralty Office from the West Indies was therefore 'truly given' when Croker wrote to Lloyd's in October 1822.

When they were giving this information, the Admiralty 'had no idea of their words being twisted from the sense in which they were used' and were surprised when the reply from Lloyd's was received in which accusations were made of misinformation. Assuming that the Committee of Lloyd's was unaware that the *Carnation* had fallen in with the plundered vessels and received new information, Croker invited two members of the Committee to the Admiralty Office to relay the details of Walcot's report, which was too sensitive to be put in writing, Cockburn argued. But this invitation was rejected 'in a manner which rendered it impossible to continue the correspondence with them'. While the Admiralty was willing to give 'all the information in their power, not only to a body of merchants, but to any individual ... they could not submit to the marked disrespect with which they had been treated'. Cockburn assured the House that such a step would never have been taken if it had posed a threat to the public interest but because the Admiralty already communicated with committees of shipping and committees of trade, it was not altogether necessary to keep up a correspondence with Lloyd's. He hoped that the House would approve of the Admiralty's conduct in its communications with the Committee.

As for the insinuation made by Marryat that the Admiralty had deliberately misled the public in response to statements and complaints in the columns of newspapers in autumn 1822, Cockburn declared that 'there was more mind at the Admiralty than to care twopence about those statements'. Cockburn was confident that the Admiralty had done its utmost to protect the trade. Of the nine or ten vessels that were in the West Indies in late 1822 'there was not a single vessel but was employed for the benefit and protection of the merchants'. The latest reports indicated that 19 pirate vessels had been captured, 20 of their crewmen killed, 40 taken prisoner by the Royal Navy and 17 by the local Spanish authorities, making a total of 77 captives 'most of whom would doubtless be hanged, and that would prove the greatest check to their manning their vessels in future'. Marryat's accusation that officers had been speculating and making money by shipping specie was also dismissed. Cockburn reminded the House that in 1822 the merchants of Glasgow had applied for greater facility to be given for the freight of specie in vessels of war and so he had sent out orders to the Admiral on the Jamaica Station to that effect. It was, therefore,

rather hard to turn around upon him and make it a matter of accusation against him, he insisted. Cockburn opposed the production of the papers moved for and returned to his seat.

Following Cockburn's defence, Joseph Marryat cut a lonely figure in the Chamber of the House of Commons. Support for Marryat's motion was not forthcoming. Some MPs, such as Sir Isaac Coffin, vehemently defended the Admiralty. Coffin told the House that the conduct of the Committee of Lloyd's reminded him of the fable of the frog and the ox, in which a frog tries to inflate itself to the size of an ox, only to burst in the attempt. The moral of the fable – that self-conceit leads to self-destruction – was, in Coffin's opinion, applicable to the behaviour of the Committee of Lloyd's in this instance. As a former naval officer, Coffin was ready to declare 'that no board had done so much for the country as the present board of Admiralty. The behaviour of these gentlemen at Lloyd's had been most indecent. The charge against the Admiralty, Coffin trusted, would 'be treated with contempt' by the other members of the House.

Other listeners generally agreed that Cockburn had provided a satisfactory response to Marryat's accusations and showed no support for his motion. But some did express the feeling that more should have been done by the Admiralty to protect British trade in 1822. Henry Bright agreed with much of Cockburn's statement but 'was not satisfied that sufficient protection had been afforded by the Admiralty to the trade on the West India station'. He quoted a resolution of the merchants of Kingston complaining that the seas were 'infested by pirates' and expressed his hope that the Admiralty would 'take care to protect the trade in the ensuing season'. Thomas Wilson likewise considered that the conduct of the Admiralty had been justified by Cockburn's statement, but he could not say he was satisfied 'that the trade had received all the protection to which it was entitled'. Throughout the Chamber, MPs expressed their regret that the misunderstanding had ever taken place and that the representatives of the Committee of Lloyd's had not accepted the Admiralty's invitation in October. One such speaker, Alderman Thompson, tempered his lament by expressing his hopes 'that a good understanding would for the future exist' and that Marryat would withdraw his motion.

This suggestion was seconded by George Canning, the Foreign Secretary, who rose to have the final say in the debate. He trusted that 'every fair purpose which could

have been hoped for had been answered by the discussion'. It was agreed by all that the correspondence between the Admiralty and the Committee of Lloyd's was beneficial to the public and Canning hoped that none of the disagreements and misunderstandings which had broken out would continue. 'If any difficulty still existed as to the mode in which the invitation should be couched', perhaps the gentlemen 'might consult Dr. Trusler's principles of politeness, or some other book of equal weight, and then they would readily devise some means of giving the invitation, by which the possibility of giving unintentional offence might be avoided', Canning suggested.

But there was another point of a more serious nature that Canning wished to make. He trusted that Marryat would not persevere in obtaining a vote which would cast blame on the Admiralty 'when, in fact, there was no real ground for censure'. The Admiralty could not be held responsible for the losses of British merchants because the measures that had been taken were 'not merely a matter of department'. Canning explained that no amount of naval force could have achieved the objective of extirpating the Cuban pirates due to the coastal-based nature of their depredations. A land force was required to combat the pirates, consisting of either Cuban troops stationed on the island or British soldiers landed by vessels of war. Because the British government doubted whether Spain would cooperate, British ministers had determined that 'all circumstances should be well weighed up before any decisive step should be taken'. Canning reminded the House that European newspapers had been filled with rumours of a British annexation of Cuba in autumn 1822, necessitating the government's cautious approach. The Admiralty was thus free from blame, Canning argued, because the question of suppressing Cuban-based piracy 'was a matter of state, not a matter of department'.

The policy that the government had followed was one of caution, followed by decisive action when orders were given to land British troops on Cuban soil. These orders had at first 'evinced some national, and ... very natural pride' in the Court of Spain, Canning reported to the House. Although Spanish ministers soon acquiesced, their initial reaction vindicated the step-by-step approach taken by the British government and therefore, Canning declared that 'every man must agree that delay was necessary' before decisive measures could be adopted. Having made his case that there was nothing else that the government could have done to protect British trade from piracy, Canning concluded

that the only question remaining 'related rather to the graces, than to the matter of the subject; it was rather a point of politeness than of serious importance'. He therefore expressed his hope that Marryat 'would give the first example of good humour, by withdrawing his motion' and he trusted 'that the intercourse would in future be carried on with that urbanity and spirit of conciliation which could alone make it useful'.

Marryat conceded defeat and withdrew the motion. He pleaded innocent to any charge that the Committee of Lloyd's had only pressed their case on behalf of their private interests and claimed instead to have been driven by an 'imperious sense of public duty'. But what Marryat had been forced to accept was that it was the government's prerogative to decide what was in the public interest. In the case of Cuban-based piracy, the government had considered the potential political threats of rash action to outweigh the damage being done to the British mercantile marine. This had caused much discontent, but however well the dissatisfied could put together a case for the government to alter its approach, and regardless of the level of support that they had managed to obtain from the wider mercantile community and the radical press, there was nothing that could be done to compel the government to yield to their point of view.

Conclusion

A Sure Defence against the Foe?

In the early nineteenth century, the British government was accused of showing an ‘invincible apathy’ towards the impact of maritime predation on the British mercantile marine.¹ Historians might also be accused of showing a lack of interest in the embroilment of the British merchants in the upsurge of commerce-raiding activity that accompanied the Spanish American Wars of Independence. The extent and nature of the problems faced by British merchants have remained obscure, the measures implemented by the British government largely unidentified, and without a thorough investigation of the response of British statesmen to these difficulties, the validity of the criticism of government policy promulgated by contemporary newspapers has gone unchallenged. This study of British policy towards maritime predation between 1810 and 1830 has therefore added a new dimension to the existing literature on commerce-raiding activity during the Spanish American Wars of Independence.

Maritime predation posed a threat to British trade and shipping throughout the period 1810-1830. While this has never been denied in previous works, the complexity of the threat facing British merchants has been overlooked. This study has demonstrated that British merchants faced a multi-faceted threat during the Spanish American Wars of Independence, the nature and extent of which fluctuated over time. Throughout the period, British merchants faced the typical hazards faced by all neutrals in wars since the 1750s. This threat intensified in the 1820s as Spanish commerce-raiders were authorised to enforce the Laws of the Indies by preying upon all foreign shipping entering rebel ports. In addition to the dangers occasioned by legally-authorised predation, British vessels also faced the prospect of being captured and plundered by those operating beyond the law.

¹ *The Times*, 8 Oct 1822.

Privateers who flouted the rules and regulations decreed by governments and pirates who settled on the shores of the Spanish colony of Cuba in the early 1820s posed a threat to British trade and shipping.

These threats became a reality for a number of British merchants. Whereas previous works have only been able to go so far as to state that commerce-raiders were a 'source of serious annoyance to British vessels', this study has utilised quantitative and qualitative data to establish more precisely the impact of predation on the business of British merchants in the period 1810-1830.² The distress suffered by British traders could range from the mere inconvenience of being overhauled and boarded at sea, to the severity of losing an entire vessel and all its contents. But however distressing maritime predation could be on a microeconomic level, it had no significant impact on the British economy as a whole.

Given that previous studies have failed to appreciate the threat facing British trade and the impact of predation on the business of British merchants, they have been ill-equipped to examine the response of the British government. This study has replaced the anecdotal accounts of naval operations given in past works with a thorough analysis of the British government's response to maritime predation in the period 1810-1830. The British government was well aware of the economic difficulties faced by British traders, it was concerned for their plight and it was anxious to protect their interests. However, British statesmen recognised that it was a delicate question of a political nature how far they could go to alleviate the problems complained of by those affected. Commerce-raiding was an integral part of the Spanish American Wars of Independence and the British government was following a specific line of policy with regard to that conflict. Neutrality was paramount for many years. Initially, this policy promised to derive the economic benefits of access to Spanish American markets without compromising the Anglo-Spanish alliance, both of which were considered crucial to the war effort against the French. From 1815 onwards, neutrality continued to be essential as trade with Spanish America promised to facilitate Britain's economic recovery, while the Anglo-Spanish alliance formed a key component of the collective security system established to maintain a lasting peace in

² Bealer, 'The Privateers of Buenos Aires', pp.201-202.

Europe. Despite the maintenance of peace being the over-riding aim of British policy after 1815, British statesmen were wary that peace would not be maintained indefinitely. A policy was therefore adopted in early 1825 whereby official recognition of Spanish American independence was granted and the British government endeavoured to enlist the new states as future allies against the United States and France.

Throughout the period 1810-1830, these wider political objectives dominated the British government's response to commerce-raiding activity. The policy pursued towards predation did have an economic element; one of its principal functions was, after all, to protect the interests of British merchants. But the government's political concerns limited the extent to which British statesmen were willing to go defend British trade. In response to Spanish American prize-taking, Castlereagh delegated the task of protecting British commerce to the Admiralty, thereby disassociating the government from the measures implemented and protecting British neutrality by avoiding having to make a definitive statement with regard to the legitimacy of the sovereignty claims of Spanish American insurgents. After 1823, a consular strategy was implemented to protect British traders but consuls were authorised to intervene in prize cases only in a limited capacity whenever an infringement of the law of nations was identified. Such an approach respected Colombia's sovereignty and thus ensured that relations remained amicable and the possibility of entering into future alliances against Britain's rivals remained open.

Protecting British trade from Spanish commerce-raiding required a different response but the government's wider political objectives continued to dictate the measures implemented. In the period up to 1821, Castlereagh reviewed prize cases on their individual merits. In order to demonstrate a respect for Spain's rights as a belligerent and thus preserve Britain's neutrality, Castlereagh chose not to intervene in prize cases where British vessels had been found breaching the law of nations. In cases of unwarranted capture, he directed the British ambassador in Madrid to intervene but only to a limited extent by making 'suitable representations' to facilitate the private appeals of British claimants. In 1822 firmer action was taken because the activities of Spanish privateers and the judgements of Spanish tribunals shook the foundations of British policy towards Spanish America. If regular British trade with Spanish America was prohibited, the argument in favour of neutrality was no longer valid and Castlereagh, as well as Canning

after him, sought to restore the tacit agreement under which British trade with Spanish America had been conducted since 1810. To meet this objective a 'local remedy' was applied by which a naval squadron was dispatched to the West Indies with orders to seize Spanish shipping. Spanish diplomats instantly capitulated and met the British demands. At one point Canning toyed with the idea of using predatory activity as grounds to justify a policy of recognition. However, his backtracking in December 1822 when new threats to European security emerged gives the clearest indicator of the extent to which the government's response to commerce-raiding activity was dictated by its wider political objectives in this period.

Cuban-based piracy evoked a third type of response. But as with the British government's response to legal predation, the measures implemented to counter this threat in the early 1820s were dominated by a political rationale. In order to avoid sparking an armed conflict, a cautious diplomatic approach was initially adopted to show respect for Spanish territorial jurisdiction in Cuba. Not only did this avoid antagonising Spain, it also avoided the possibility of antagonising rival maritime powers. Having gone through this diplomatic process and guarded against any political fallout, the British government then initiated naval action to rid Cuba of its pirates by dispatching a squadron with orders to land troops on the island if necessary.

Having established and explained the measures implemented by the British government in response to maritime predation in the period 1810-1830, this study provides a platform from which to reassess the assertions of previous works with regard to the character of predation in the early nineteenth century, the motivation of those individuals who participated in the activity, and the contribution of commerce-raiding to the outcome of the independence conflict. In terms of the character of early nineteenth-century predation, the clandestine nature of insurgent privateering, as practiced from North American ports, has caused several historians to argue that there was a substantial overlap between privateering and piracy in this period, of the type not seen since the seventeenth century.³ Such arguments are based largely upon the depictions of maritime predation in

³ Marx, *Pirates and Privateers*, p.278; Lubbock, *Cruisers*, p.59; Bealer, 'The Privateers of Buenos Aires', p.42, 50.

newspapers, court records generated in the United States, and the personal correspondence of some of the individuals involved.⁴ The findings of this study suggest that caution should be exercised in accepting such conclusions. This study has established for the first time the British government's perception of maritime predation during the Spanish American Wars of Independence and found that it was complex and often esoteric. No definitive statement was ever made with regard to the legitimacy of insurgent privateering, while Spanish predation was tolerated in some circumstances but not in others. The British government's perception of predation therefore exposes the subjectivity of the source material available. Just as British statesmen viewed predation in terms that best suited their own interests, so too would have newspaper editors, legal professionals, merchants, and indeed, commerce-raiders themselves. This raises doubts as to the validity of the arguments put forward in previous works regarding the character of early nineteenth-century predation because they often take the statements of a small number of individuals as being accurate, without considering the self-interest with which they were imbued. Future studies should therefore take a more critical approach to their use of the sources available and incorporate various contemporary perceptions of predation into their analyses. This would more effectively connect studies of nineteenth-century maritime predation to the broader historiography on the subject. In contrast to the current state of knowledge it may be found, as David Head has suggested, that maritime predation during the Spanish American Wars of Independence had more in common with its immediate antecedents in the eighteenth century as opposed to being a throw-back to the days of Henry Morgan and Blackbeard, as has been assumed until recently.⁵

The need for further research regarding the character of early nineteenth-century predation should not be underestimated because it has a significant bearing on how the motivations of individuals who participated in prize-taking activity is currently understood. Historians have argued that the blurring of the distinction between privateering and piracy was a facet of the money-hungry mentality of those who put to sea for the purpose of

⁴ In particular, see, Bealer, 'The Privateers of Buenos Aires'; Griffin, 'Privateering from Baltimore'; Keen, *David Curtis DeForest*.

⁵ Head, 'A Different Kind of Maritime Predation', n.pag.

making prizes. But if privateering and piracy were more distinct in this period than has been supposed, the motivations of the individuals concerned could also have been miscalculated in previous studies. David Head has already begun the process of re-examining the motivations of those who deployed their capital and labour in commerce-raiding ventures during the Spanish American Wars of Independence. This study suggests that his example should be followed.

Moreover, the findings of the current work should be factored into these future analyses. Head's examination of privateering from Baltimore has revealed that although privateersmen broke laws in the early nineteenth century, the disposition of the authorities still shaped how they conducted themselves.⁶ The disposition of the British government is highly likely to have been a factor in the decision-making process that saw individuals deploy their capital and labour in prize-taking enterprise, whether in its legal or illegal forms. When it became apparent that the Royal Navy would tolerate the activities of insurgent privateers, as long as they adhered to the rules and regulations laid down by Spanish American governments, it is likely that a significant incentive was offered to investors and seafarers to undertake privateering ventures. Similarly, when Cuban-based pirates watched the Royal Navy hesitate when confronted with the dilemma of whether or not to pursue them onto the shores of the Spanish colony, numbers in their ranks may well have been inflated, or at least sustained, as the possibility of capture and execution remained unlikely. At other times, British policy towards predation may have acted as a disincentive for potential investors in commerce-raiding activity, most notably when the Royal Navy was empowered to land on the shores of Cuba and when the squadron under Sir Edward Owen was dispatched to the West Indies to seize Spanish privateers and merchant vessels in retaliation for the condemnation of the *Lord Collingwood*. The likelihood that British policy had a bearing on the perceived profitability of maritime predation means that it should be factored into future evaluations of the motivations of individuals who engaged in commerce-raiding activity.

If this hypothesis could be verified in future studies another example of how British policy indirectly influenced the outcome of the Spanish American Wars of

⁶ Head, 'A Different Kind of Maritime Predation', n.pag.

Independence would be provided. If British policy acted as an incentive or a disincentive to private individuals to deploy their capital and labour in predatory activity, this would have potentially increased or reduced the military capabilities of the belligerents. Such findings would add depth to the studies of Webster, Blaufarb and Bousquet.⁷ While their works have all argued that Britain's overarching policy towards Spanish American independence had a bearing on the character, duration, and outcome of the conflict, future studies might well show that subordinate aspects of British policy, such as the course of action adopted towards maritime predation, also had an impact on events.

The second major theme of this study has been to evaluate the effectiveness of the British government's measures to protect British trade and shipping against maritime predators in the period 1810-1830. Given the premium that British statesmen placed on ensuring that their responses to predatory activity did not affect the pursuit of the government's wider political objectives, this study has argued that from the British government's point of view, the measures implemented to protect British trade were highly successful. The government's wider political objectives were in no way compromised by its response to commerce-raiding activity.

The good will of Spanish American governments was never lost as a result of the naval and consular strategies devised to protect British merchantmen from the depredations of armed vessels operating under their flags. When recognition was finally granted to Argentina, Colombia and México in 1825, British commissioners and consuls noted an outpouring of gratitude in the new states for British policy. From Bogotá, Colonel Hamilton reported that news of British recognition was met by 'Rockets ... flying in all directions, bands of musick parading the street, and the Colombians galloping about like madmen'.⁸ Describing a meeting with Pedro Gual, Hamilton recalled that the minister for foreign affairs 'got me in his arms, and I really thought at one time he would have

⁷ Webster, *Britain and the Independence of Latin America*, vol.I, pp.71-79; Blaufarb, 'The Western Question', 38 pars; Nicole Bousquet, 'The Decolonization of Spanish America', pp.497-531.

⁸ Webster, *Britain and the Independence of Latin America*, vol.I, Hamilton to Planta, 8 March 1825, p.385.

squeezed me inside out'.⁹ The only differences between British and Colombian representatives appear to have been over matters of etiquette as opposed to matters of policy. 'The Minister of Finance, Castillo, has never given one dinner since our arrival in Bogota, although he has dined with me at least eight or nine times!!' grumbled Colonel Hamilton in March 1825.¹⁰

Likewise, the British government's approach to Spanish prize-taking avoided damaging Anglo-Spanish relations. At no point did British diplomacy regarding the losses of British merchants have a negative impact on the Anglo-Spanish alliance. Even in late 1822, when diplomatic efforts were backed-up by the threat of force, the alliance remained intact. In this particular instance, not only did Canning avoid damaging the government's wider interests, he nearly managed to use the issue of predation to enhance those interests by recognising Spanish American independence. Although these plans were later shelved, the arguments put forward probably prepared Spain earlier than might have otherwise been the case to expect British recognition in the near future. Anglo-Spanish relations also remained unaffected by the British government's response to Cuban-based piracy. Despite being initially affronted by Canning's decision to authorise the landing of troops on Cuban soil, Spanish ministers quickly accepted the necessity of such a move, while in Cuba itself the local authorities proved willing to cooperate with British naval forces for the extirpation of the pirates from the island. This cautious and cooperative approach likewise successfully avoided causing a rupture in British relations with other rival maritime powers such as the United States and France.

In addition to safeguarding the British government's wider political objectives, British statesmen could also argue that the measures implemented in response to predatory activity adequately protected the interests of British merchants. Foreign secretaries consistently used the law of nations as a reference point when responding to legal forms of predatory activity. While this was politically expedient because it demonstrated a respect for the rights of belligerents and avoided accusations of Britain interfering in the conflict, it

⁹ Webster, *Britain and the Independence of Latin America*, vol.I, Hamilton to Planta, 8 March 1825, p.385.

¹⁰ Webster, *Britain and the Independence of Latin America*, vol.I, Hamilton to Planta, 8 March 1825, p.385.

also ensured for British merchants that their standard rights as neutrals were upheld. British statesmen could therefore argue that by making sure these rights were respected, British merchants received the level of protection from the government to which they were entitled. The case of Cuban-based piracy differed slightly in that it was an illegal form of predation that all states had a right to put down. Here the government provided statistics regarding the number of piratical vessels captured and destroyed and the number of individuals arrested and convicted to prove that trade had been protected. More importantly however, British statesmen supported their argument by stating that if caution had not been exercised towards Cuban-based piracy, the losses of merchants would have been significantly higher because alternative approaches could have started wars. Indeed, this argument was used to deflect criticism of the government's response to all forms of predation. Although ministers in parliament acknowledged that government measures were not all encompassing and some merchants would be subjected to inconvenience and loss, this was considered unavoidable and preferable to the losses that would be occasioned by the many if an alternative policy was followed. The British government therefore emphasised the importance of locating its commercial policy within the context of its wider political objectives which were designed to benefit the nation as a whole and by association, British trade in general. On this basis, the British government considered its policy towards predation to be a resounding success.

But as the lyrics of the song cited at the beginning of this thesis testify, not all British merchants were convinced that the government was providing 'a sure defence against the foe'. While the government considered the losses of those merchants affected by prize-taking within a wider context, many British traders took a narrow and partial view, focussing only on the impact of predation on their own interests. As a result, the government's response to all types of commerce-raiding activity in the period 1810-1830 was criticised. Convoys were branded as being counter-productive, the intervention of consuls and diplomats was deemed inadequate, disappointment was expressed at the delays in the proceedings of the Anglo-Spanish mixed commission, the government was blamed for the losses occasioned by Cuban-based piracy because of the slowness of its response, and worse still, the government was accused of misleading the public into thinking effective measures had been taken to protect trade when they had not.

But despite such criticism, this study has demonstrated that dissatisfied merchants were incapable of effectively lobbying the British government and forcing a change in policy. For all the merchants who felt that their interests were being sacrificed by British ministers, there were other merchants, perhaps a majority, who benefitted from the measures implemented by the government in response to predatory activity. Lacking popular support, there was little that the dissatisfied could do but begrudgingly accept the government's argument that its policy was the best course of action that could be taken given the circumstances. Regardless of whether or not British merchants considered the government's policy to be 'a sure defence against the foe', it was the surest defence they were going to get.

These findings are significant for the light that they shed on the wider social, political and economic changes occurring in Britain during the early nineteenth century. The British government's response to predation illuminates the changes identified by Cain and Hopkins in their 'gentlemanly capitalism' thesis.¹¹ As pointed out by Cain and Hopkins, the gentlemanly elite came under attack in the early nineteenth century as radicals agitated for political reform. This challenge was visible in the war of words over the issue of piracy in the early 1820s when radical newspapers used the plight of British merchants to attack the system of patronage. Cain and Hopkins' argument that the ruling elite rose to this challenge by redefining its role and purpose can also be seen in the British government's response to predatory activity. The unwillingness of British statesmen to counteract predatory activity to the extent expected by British merchants is indicative of their changing attitude towards the role of the state in the economic process. Forward-looking members of the Tory government, inspired by the classical economists, adopted a more *laissez-faire* outlook after 1815 thus explaining why they refused to yield to pressure from private interests groups and confined their intervention only to cases where national interests were put at risk, such as in 1822 when Spanish privateering threatened the whole of Britain's policy towards Spanish American independence. In this respect, the actions of

¹¹ Cain & Hopkins, *British Imperialism*, pp. 53-104, 332-33.

British statesmen were typical of those identified by Platt as being practiced throughout the remainder of the nineteenth century.¹²

In addition to supporting Cain and Hopkins' argument, the current study also adds depth to their analysis by demonstrating how the gentlemanly elite's redefinition of its role in economic life impacted upon the lives of British subjects in the period 1810-1830. The debate over the effectiveness of the British government's response to predation has revealed that the changing economic outlook of British statesmen created uncertainty and controversy, and incited feelings of anger, bitterness and disappointment. Contemporary newspapers offered divergent opinions on the virtues of the government's response to predation and made contrasting prophesies with regard to the future course of British economic policy.

The *Morning Chronicle* was the foremost critic of the government and derided Castlereagh for believing 'that commerce has the power to burst through all restraints' and for having 'not conceived it necessary to grant it the protection of the British fleet'.¹³ 'That the Member for the Commercial City of Liverpool entertains such sentiments no man can believe', the *Morning Chronicle* assumed in the aftermath of Canning's appointment as Foreign Secretary.¹⁴ Other newspapers supported the government and criticised those affected by predation for not understanding the broader changes occurring in British society. In November 1822 the *Glasgow Herald* attacked the Committee of Lloyd's for exhibiting 'the arrogance likely to be generated in wealthy men by the long domination of the monied interest', but the paper warned them that the 'reign of the chrysocracy [was] near its termination, and capitalists should begin to reflect that they stand in a very different relation from that in which they did when the nation was their daily borrower, and Ministers were their humble suitors'.¹⁵

These findings raise questions about how British merchants coped in the immediate context and suggest possible avenues for future research. Upon finding British statesmen

¹² D.C.M. Platt, *Finance, Trade and Politics in British Foreign Policy, 1815-1914*.

¹³ *Morning Chronicle*, 5 Nov 1822.

¹⁴ *Morning Chronicle*, 5 Nov 1822.

¹⁵ *Glasgow Herald*, 1 Nov 1822.

resolute in their intention not to interfere to protect private interests, the question must be asked as to how British merchants proceeded without the direct involvement of the British government. The works of Neff and Feldbaek have highlighted that neutral merchants were capable of devising ‘devious stratagems’ to avoid the depredations of belligerents after 1750.¹⁶ Neff points out that the introduction of a continuous-voyage principle by the British government in the eighteenth century was a reaction to the practice that developed amongst merchants of laundering the colonial goods of the enemy by taking them to neutral states and re-exporting them to the belligerent mother country.¹⁷ In the period 1750-1807, Feldbaek has demonstrated that Danish merchants carefully selected their routes and procured false invoices and ship’s papers to avoid British and French privateers.¹⁸

The current study has hinted that in the absence of government intervention, those affected by predatory activity in the period 1810-1830 adopted various coping strategies. Underwriters raised insurance premiums in accordance with the perceived risks, Simon Cock worked tirelessly towards negotiating a private arrangement to liquidate the claims of British subjects when the convention of March 1823 appeared unworkable, and in the mid-1820s a group of British merchants established a committee to pursue claims against the government of Colombia. These examples are merely those that came to the attention of the government and therefore appear in the archives of the Foreign Office, but in all probability there were others. An article in the *Liverpool Mercury* on 20 September 1822 claimed that in consequence of the ‘supineness of the Government, and the activity of the buccaniers, several vessels in this port are now actually arming, as they were accustomed to during the war’.¹⁹ The extent to which this practice and other measures were adopted by British merchants, whether they were effective, and how they impacted on the business of individuals and on the patterns and profitability of certain trades are questions that might

¹⁶ Neff, *Rights and Duties of Neutrals*, p.66.

¹⁷ Neff, *Rights and Duties of Neutrals*, p.66.

¹⁸ Ole Feldbaek, ‘Privateering, Piracy and Prosperity: Danish Shipping in War and Peace, 1750-1807’, in Starkey et al, *Pirates and Privateers*, pp.236-238.

¹⁹ *Liverpool Mercury*, 20 Sept 1822.

well be asked in future studies. Such research would add further depth to knowledge and understanding of the impact of predation on the British mercantile marine and also allow further reflection on the significance of broader social, political and economic changes in Britain in the early nineteenth century.

Appendix One

The Commerce-Raiding Database

In order to assess the impact of maritime predation on the British mercantile marine, prize action data was extracted from documentary sources and collated in a database. A prize action can be defined as an encounter between a predatory vessel (pirate, privateer, or naval vessel) and a merchant vessel, in which the former endeavoured to make prize of the latter.¹ Prize actions had one of three outcomes. Merchant vessels were seized and carried off by maritime predators, plundered of items but released by their captors, or in cases where no prizes were made, merchant vessels were only interrupted before being permitted to proceed. Prize actions took place regularly between 1810 and 1830. The database constructed for this study was designed to include those prize actions occurring as a result of predatory activity during the Spanish American Wars of Independence and involving British merchantmen.

Prize action data was extracted from contemporary newspapers and the records generated by the British government in the period 1810-1830. The first source to be analysed was the shipping newspaper *Lloyd's List*, printed twice-weekly throughout the period covered by this study. *Lloyd's List* was regarded by contemporaries as 'the most correct, authentic, and official document of the kind'.² As the paper was circulated throughout Europe as well as in Britain, intelligence was provided with a broad geographical and topical scope, with considerable attention being devoted to the subject of maritime predation in the Western Hemisphere in the early nineteenth century.³ An

¹ The methodology used in constructing this database was closely modelled on that of Carl Swanson in *Predators and Prizes: American Privateering and Imperial Warfare, 1739-1748* (Columbia, S.C.: University of South Carolina Press, 1991).

² Wright and Fayle, *History of Lloyd's*, p.77.

³ Wright and Fayle, *History of Lloyd's*, p.72.

analysis of every issue of *Lloyd's List* between 1810 and 1830 yielded 305 entries in the commerce-raiding database. *The Times* was also systematically examined, supplying supportive and additional evidence to the dataset. All issues have survived from the period 1810-1830, but as a national British newspaper *The Times* focussed much less on shipping intelligence and had a more limited geographical scope than *Lloyd's List*. However, news items provided additional details to many of the prize actions entered into the database from *Lloyd's List*. Moreover, 12 prize actions were identified in *The Times* that were overlooked by the reporters at Lloyd's, these instances were entered into the commerce-raiding database.

A number of prize actions were added to the database from government sources. From the Foreign Office correspondence archives and the records of the Anglo-Spanish claims commission, 37 additional prize actions were extracted, while supplementary evidence was added to existing entries. A similar analysis of the correspondence of the British Admiralty yielded a further 15 prize actions. To ensure that the database was not overly Anglo-centric, prize action data was also extracted from foreign newspapers. A systematic analysis of the *Diario Mercantil de Cadiz* was undertaken. Given that Cadiz was Spain's principal port and was consistently assailed by insurgent privateers during the Spanish American Wars of Independence, the newspaper took a particular interest in the prize war. Often the newspaper reproduced extracts of *Lloyd's List* and consequently many prize actions encountered in its pages had already been entered into the database. Nevertheless, an additional 9 prize actions were extracted from the source. Completing the process of data extraction was an analysis of *Niles' Weekly Register*. This publication was selected as it was printed in Baltimore, which several historians have identified as a major centre for insurgent privateering activity during the Spanish American Wars of Independence. Although no new instances of prize actions were found, supplementary evidence was added to the 378 prize actions contained in the database.

Each prize action constituted a separate entry in the commerce-raiding database and had a series of variables. To qualify for inclusion in the database, the name of the potential prize vessel had to be provided in reports. This was crucial if duplicate entries were to be avoided. In cases where 'a British vessel' was reportedly interfered with, the prize action could not be recorded because the same incident may have been reported in greater detail

in a different source. In adopting this method, the commerce-raiding database probably underestimates the number of British vessels affected by maritime predation. However, the quality of *Lloyd's List's* coverage of the prize war, and the variation in the sources analysed, meant that such vague reports were infrequent.

While the name of the potential prize vessel was the only vital prerequisite for inclusion in the database, other information was recorded to permit a deeper analysis of the impact of maritime predation on the British mercantile marine. The following is a list and brief description of the fields included in the database.

- *Source*: indicates the data source for each entry.
- *Report date*: indicates the date of the data source, usually the date on which newspapers were published or letters were written by their authors in which prize actions were noted.
- *Action date*: indicates the date on which the reported prize action took place, sometimes this is an estimate based upon the information given but when no indication was given the report date was used as an approximate action date.
- *Outcome*: indicates whether the merchant vessel was seized, plundered or interrupted.
- *Location*: indicates the location of the prize action.
- *Name*: indicates the name of the merchant vessel engaged by a maritime predator.
- *Master*: indicates the name of the master of the merchant ship engaged by a maritime predator, recorded for the purpose of avoiding duplicate entries.
- *Nationality Confirmed*: indicates whether the merchant vessel was described as British in reports or whether the nationality has been estimated based upon the merchant vessel's ports of origin and destination (see below for further detail).
- *Port of Origin*: indicates the port from which the merchant vessel departed.
- *Port of Destination*: indicates the port to which the merchant vessel was bound.
- *Cargo*: provides information regarding the merchant vessel's cargo.
- *Financial Losses*: indicates the estimated financial losses inflicted as a result of the prize action.

- *Predator Mode*: indicates whether the maritime predator was a naval vessel, privateer or pirate.
- *Predator Mode Confirmed*: indicates whether the legal status of the predatory vessel was confirmed in reports or has been estimated based upon certain criteria (see below for further detail).
- *Predator Name*: indicates the name of the predatory vessel.
- *Predator Captain*: indicates the name of the captain of the naval vessel, privateer or pirate.
- *Predator Nationality*: indicates the nationality of the predatory vessel.
- *Predator Nationality Confirmed*: indicates whether the nationality of the predatory vessel was confirmed in reports or whether it has been estimated based upon certain criteria (see below for further detail).
- *Supplementary Sources*: provides a list of other sources from which supplementary evidence was extracted in a given case.

Extracting this information from early nineteenth-century newspapers and government records proved problematic. Reports of prize actions would not always give the nationality of the merchant vessels engaged by maritime predators, thus making it difficult to determine if vessels reportedly seized, plundered or interrupted were of British origin. Ascertaining the identity of the perpetrators responsible was also problematic. This study has shown that the terms ‘privateer’ and ‘pirate’ were often used loosely by contemporaries depending upon how predation threatened their interests. As a result, it is often difficult to determine the legal status of predatory vessels described in newspaper reports and in government correspondence as having attacked British merchantmen. The nationality of predatory vessels was also omitted in numerous reports, making it difficult to ascertain which specific groups of maritime predators were responsible for inflicting injuries on the British mercantile marine.

In order to circumvent the deficiencies of the source material, a methodology was adopted that would allow a stock of prize actions involving British vessels to be compiled with which to analyse the impact of predation on the British mercantile marine. In addition

to extracting reports of prize actions that specifically described merchant vessels as being of British nationality, prize actions were also recorded in the database whenever the victims of predatory attacks were noted to be trading between two British ports, between a British port and a British colony, or between two British colonies. It is almost a certainty that such vessels were British because the Navigation Laws remained in force throughout the period 1810-1830.⁴ Under this legislation, the coasting trade was reserved for British vessels (those built and owned in Britain or the British colonies), while ‘British ships had a monopoly of colonial carriage’.⁵ Barring some exceptions, imports into the colonies had to come from or via the mother country and exports had to go directly to Britain.⁶ Of the 378 prize actions entered into the database, 254 were of confirmed British nationality, while a further 124 were identified as being highly likely to have been British vessels.

The problem of identifying the legal status of maritime predators was more difficult to overcome. In total, 219 of the 378 prize actions contained in the database were considered in this study to have been initiated by privateers. This figure included 184 prize actions in which reports specifically labelled the perpetrators responsible as ‘privateers’. A further 35 prize actions were deemed highly likely to have been perpetrated by privateers. This figure included those predatory vessels that were given generic titles such as ‘insurgent cruizer’, ‘insurgent brig/schooner’; those whose names corresponded to those vessels that were specifically described as privateers in reports of separate prize actions; and those vessels that were commanded by captains known to be in command of vessels in the same year that were described specifically in reports elsewhere as being privateers. Naval vessels were considered in this study to have been responsible for initiating 43 prize actions against British merchantmen. In only 8 of these cases were predatory vessels specifically described as belonging to the governments of belligerent nations. However, this figure was supplemented by a further 35 prize actions in which British vessels were described as being assailed by national squadrons, primarily those belonging to Spain and Chile.

⁴ See, Sarah Palmer, *Politics, Shipping and the Repeal of the Navigation Laws* (Manchester: Manchester University Press, 1990)

⁵ Palmer, *Politics, Shipping and the Repeal of the Navigation Laws*, p.41.

⁶ Palmer, *Politics, Shipping and the Repeal of the Navigation Laws*, p.41.

The data relating to these 262 prize actions initiated by privateers and naval vessels was refined further in order to ascertain the nationalities of those vessels responsible for engaging British vessels. All reports of prize actions initiated by naval vessels recorded the nationality of those predators, but only in 134 of the 219 prize actions initiated by privateers was the nationality of the predatory vessel provided. By cross-checking the names of privateers it was possible to reduce the number of privateers whose nationality was unknown to 48. A further 27 could be distinguished as belonging to independent Spanish American countries because they were described as ‘insurgent’, ‘independent’ or ‘patriot’ privateers. However, the nationality of 21 privateers remained unknown.

Having used the above criteria to identify the legal status and nationalities of predators responsible for 262 prize actions involving British vessels, the remaining 116 had to be recorded as being perpetrated by predators of an ‘uncertain’ status. Often these predators were described in reports as pirates but sometimes they were prescribed no legal status whatsoever by reporters. It is likely that many were privateers, some may have been naval vessels, while others were possibly pirates, but evidence is too limited to determine the legal status of these predators with a high degree of confidence. However, it is still possible to extract a stock of prize actions from these 116 instances that were highly likely to have been perpetrated by Cuban-based pirates. There was a significant upsurge in the number of prize actions recorded in the database as being perpetrated by predators of an uncertain status between 1821 and 1824, with 36 out of these 116 prize actions occurring in 1822 alone. On closer inspection, many of these prize actions were described in reports as occurring off the coast of Cuba. It is highly likely that these prize actions were initiated by the Cuban-based pirates who were described in detail in various sources in the period 1821-1824. Extracting those prize actions that specifically recorded Cuba as the location, a sample of 31 prize actions was provided which has been used in this study to assess the impact of Cuban-based piracy on the British mercantile marine.

Given the deficiencies of the sources available for use in this study, it is probable that the estimated number of prize actions involving British merchant vessels is conservative. Moreover, identifying the legal status and nationality of the perpetrators responsible has also proved problematic to the point where the figures cannot be considered as being precise. Nevertheless, the argument put forward in this thesis is that

British trade and shipping was not affected to such a degree as to have an impact on the British economy on a macroeconomic level. Even if the number of prize actions involving British merchantmen has been miscalculated, it would have to be inaccurate to a massive degree to alter the argument advanced in chapter two of this study.

*Appendix Two***Anglo-Spanish Convention, 12 March 1823¹**

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Spain, equally animated by the desire of arriving at an amicable adjustment of the various complaints which have been from time to time laid before the Spanish Government of the capture of vessels and seizure and detention of property belonging to British subjects by Spanish authorities, as well as other grievances, their said Majesties have been pleased to name Plenipotentiaries for the conclusion of a Convention for the attainment of this desirable purpose to wit, His Britannic Majesty, The Right Honourable Sir William à Court, Baronet , Knight Grand Cross of the Order of the Bath, one of his Majesty's most Honourable Privy Council, and His Envoy Extraordinary and Minister Plenipotentiary to the King of Spain and His Catholic Majesty, His Excellency Don Evaristo de San Miguel, colonel of Infantry, Adjutant General on the staff of the national armies and Secretary of State for the foreign Department, who after having communicated their full Powers, have agreed upon the following articles:

I

A mixed commission, English and Spanish, consisting of two members of each nation shall be appointed, and meet in London within ten weeks after the signature of the present Convention, or sooner if possible for the purpose of taking into consideration, and deciding in a summary manner according to equity, upon all cases that shall be brought before it, properly authenticated, of the capture or seizure of British vessels, or detention of property

¹ TNA, FO 94/297

belonging to the subjects of His Britannic Majesty, from the declaration of Peace between England and Spain of the 4th of July 1808 to the date of the present Convention and also upon all cases that shall be brought before it of the capture or seizure of Spanish vessels, or detention of property belonging to the subjects of His Catholic Majesty during the same period.

II

Should any difference of opinion arise amongst the members of the said commission and their votes be equally divided, a reference shall then be made to the Spanish Envoy at the Court of London, and a Law Officer of the Crown to be named by His Britannic Majesty . If these arbitrators should also be divided in opinion, it shall be determined by lot which of the two shall definitively decide the question.

III

An assignment of Forty Millions of Rials upon the Great Book, shall, according to the Decree of the Cortes, immediately be made to the said commissioners, for the payment of such indemnification as may be awarded by the commission. This sum shall be increased, or diminished, as the Decree points out, according as a greater or lesser number of claims shall be admitted as valid, exceeding in the one case, or not amounting to, in the other, the whole amount of the sum in the first instance so pointed.

IV

The claims of Spanish subjects, which shall be acknowledged just, shall be paid by the British Government either in Stock, or by an equivalent in Money.

V

As soon as the commission shall have admitted any claim as valid, and determined the amount due to the claimant, they shall assign or transfer in favour of such claimant a portion of the said Rentas equivalent to the amount awarded, estimating the value thereof according to the current price in London, of the said Rentas at the time of making such assignment or transfer.

VI

No claim shall be admitted which shall not be submitted to the commission within six months after its first meeting.

VII

A person shall be named by each Government for the selection and transmission of whatever papers or documents it may be necessary to forward from Madrid for the consideration of the commission, and to arrange the transfer of the Rentas as the respective amounts shall be awarded.

In witness whereof we the undersigned Plenipotentiaries of their Britannic and Catholic Majesties, duly authorised by our full powers, have signed two originals of the present Convention and have affixed thereunto the seals of our arms in Madrid this twelve day of March one thousand eight hundred and twenty three.

Evaristo San Miguel

William à Court

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