The War of 1812: Causes, Conduct and Consequences

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Jean-René Thuot is a History professor at *Université du Québec à Rimouski* (UQAR, Quebec, Canada). His research interests focus on social reproduction mechanisms in the Canadian colonial rural context through the analysis of recruitment in local institutions. The formation of the French-Canadian elite is one of his main concerns. On those themes, he recently published *Les figures du pouvoir à travers le temps – Formes, pratiques et intérêts des groupes* élitaires *au Québec, XVIIe-XXe siècles* (Presses de l'Université Laval, 2012). He is currently working on the relation to the built environment of that same elite, contributing to the field of landscape history.

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Introduction

Phillip Buckner

2012 marked the bicentennial of the beginning of the War of 1812. This seemed an appropriate time to hold an international conference revisiting the scholarly debates over the causes, the conduct and the consequences of the War, as well as the way in which the War has been remembered and commemorated in Canada, Britain and the United States. The Conference on 'The War of 1812: Memory and Myth, History and Historiography', sponsored by the Canadian Studies programme at the Institute for the Study of the Americas, was held at the University of London on 12–14 July 2012. Nearly 60 papers were given by scholars from Canada, Britain and the United States, making this likely to be the largest academic conference held anywhere focusing on the War of 1812. Because so many papers were given at the Conference it was decided that two issues of the *London Journal of Canadian Studies* should be devoted to the theme of the War of 1812 and contain papers presented at the Conference. A number of other papers were also published in scholarly journals across North America. Indeed, it is likely that the Conference held at the University of London resulted in the publication of more papers about the War of 1812 than any other conference. The Conference therefore made a substantial and lasting contribution to the existing scholarship on the War of 1812.

In dividing up the papers to be published in the two issues of the *London Journal of Canadian Studies* it was decided to have one issue containing a selection of the papers on the North American context of the War of 1812 and a second issue containing papers focusing on 'Canadian Historical Memory and the War of 1812'. The current volume therefore contains papers on the more general theme of 'The War of 1812: Causes, Conduct and Consequences'. The first paper on 'The Legacy of the War of 1812' is by the American scholar, Donald Hickey, whose book on *The War of 1812: A Forgotten Conflict* remains the best general study of the War. It is followed by an important original contribution on Imperial-Indigenous

negotiations during the War in Eastern British America by John Reid, one of Canada's most important scholars working in the field of Indigenous history. Two of the papers, by Edward Martin and Faye Kent, offer important perspectives on the 'Privateering War of 1812' in the Northeastern Borderlands encompassing Maine and the Maritimes. Sarah Lentz contributes a paper on the much-neglected subject of the financing of the War and Jean René Thuot a paper with broad implications on the subject of the contribution of the War of 1812 to the evolution of French-Canadian identity. The companion volume-Volume 29 (Autumn 2014) – on the Canadian historical memory of the War contains five more important papers, making eleven papers in all.

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The Legacy of 1812: How a Little War Shaped the Transatlantic World

Donald R. Hickey

Abstract

The War of 1812 may have been a small and inconclusive war, but it had a profound and lasting impact of all the belligerents. The war may be largely forgotten, but it left a huge legacy that is still evident today. Wars can best be measured by their consequences, and the legacy of this war was both multifaceted and lasting. The conflict shaped both the United States and Canada as well as their relationship with Great Britain for nearly a century thereafter. It helps to explain how the Anglo-American alliance originated and why the British welcomed the Pax Americana in the twentieth century, as well as why Canada never joined the American Union and why American expansion after 1815 aimed south and west rather than north. It was during the War of 1812 that the great Shawnee leader Tecumseh earned his reputation, Laura Secord became famous, and Andrew Jackson began his rise to the presidency. Its impact on American culture was also far reaching and produced 'The Star-Spangled Banner', Uncle Sam and 'Old Ironsides', amongst other symbols of United States nationhood.

The Forgotten Conflict

Why is a war with such a profound impact as the War of 1812 largely forgotten today? One reason is that it looked more to the past than to the future. Americans saw the war as a vehicle for vindicating U.S. sovereignty, as a way of completing the American Revolution. In fact, the contest is still called 'America's second war of independence'.

The war also resembled the colonial wars of the seventeenth and eighteenth centuries in that it originated over issues in Europe but was fought in North America. It is the only U.S. war to fit this pattern.

Great Britain and France had been at war off and on since 1689 in what is sometimes called the Second Hundred Years War. At issue was who would dominate Europe and the wider world. The French Revolution touched off a general European war in 1792, and when Britain joined France's enemies the following year, the two nations found themselves in the final phase of their century-long struggle for power. The French Revolutionary Wars (1793–1802) ended with a temporary suspension of hostilities as a result of the Peace of Amiens, but shortly thereafter the two nations resumed their struggle in the Napoleonic Wars (1803–1815). The War of 1812 was a direct outgrowth of this contest.

In 1805, the British tightened their control over the high seas by winning a decisive naval battle against a combined French and Spanish fleet at Trafalgar. But six weeks later, Napoleon won an equally decisive battle at Austerlitz over Britain's allies on the Continent. These two battles left the major antagonists supreme in their respective elements but unable to effectively engage one another. France sought to break the deadlock by targeting the British economy with the Continental Decrees, which barred all British ships and goods, and even neutral ships and goods that had passed through Britain, from the Continent. The British retaliated with the Orders-in-Council, which banned all ships and goods that had not passed through Britain from the Continent. The British later modified the Orders-in-Council to establish a more conventional naval blockade of the Continent, but the effect was the same. American merchants seeking to trade with Europe were caught in the middle and suffered extensive losses. Between 1807 and 1812, Britain and France and their allies seized some 900 American ships for violating their decrees or for committing other transgressions.

The French and British restrictions, and the property losses they entailed, threatened U.S. prosperity and cast an ominous shadow over U.S. relations with both nations. In addition, other British practices on the high seas put a further strain on Anglo-American relations. Most exasperating was the British practice of impressment, which was the removal of seamen from American merchant ships to fill out the crews of the undermanned Royal Navy. The British professed to target only their own subjects, but American tars often got caught in the dragnet. Between 1793 and 1812 an estimated 15,000 Americans were forced into British service. The United States could usually secure the release of those seamen whose American citizenship could be proven, but the

process could take years. In the meantime, American victims of impressment were subjected to the harsh discipline of the Royal Navy and to all the horrors of a war that was not their own.[1]

After a futile attempt to force the European belligerents to show greater respect for American rights with trade restrictions, the United States in June 1812 declared war on Great Britain, mainly to force her to give up the Orders-in-Council and impressment. War was undertaken, in other words, to vindicate America's neutral rights. In the language of the day, it was a war to secure 'Free Trade and Sailors' Rights'. These issues do not resonate with people much today. Nations no longer go to war over neutral rights, and this has doubtless contributed to the obscurity of the war.

Because the United States in 1812 could not challenge the British at sea, it targeted Canada instead. Britain's North American provinces contained only 500,000 people (compared to 7.7 million for the United States), and the loyalty of the old French population as well as the recent American immigrants who had moved north to take advantage of cheap land and low taxes was open to question. Many Americans expected to be welcomed as liberators. They anticipated what Republican anti-war critic John Randolph of Virginia called 'a holiday campaign'.[2] 'The idea has been very prevalent', conceded a Republican newspaper as the campaign of 1812 was winding down, 'that Canada might be easily conquered.… It was supposed that the show of an army, and a few well directed proclamations would unnerve the arm of resistance and make conquest and conciliation synonymous'.[3]

Targeting Canada added to the confusion over what had caused the war. Today most Canadians, and some Americans, are convinced that the maritime issues were a blind, a pretext to seize and annex Canada. It is easy to see the appeal of this idea. Not many people today can explain the finer points of neutral rights under international law in the Age of Sail, but everyone can understand a land grab, and a war undertaken to seize Canada fits nicely into the larger framework of American expansion. But this interpretation confuses ends and means. As Henry Clay, the leading congressional War Hawk, put it in late 1813, 'When the War was commenced Canada was not the end but the means; the object of the War being the redress of injuries, and Canada being the instrument by which that redress was to be obtained'.[4]

Further adding to the obscurity of the War of 1812 was its outcome. It is sometimes said that everyone is happy with the result. Americans are happy because they think they won; Canadians are happier because they know they won; and the British are happiest of all because they have

forgotten all about the war. Although this assessment ignores the First Nations, who were the biggest losers, it is a fair summary of the public memory of the war in the three nations.

Americans might point to a host of impressive victories: on Lake Erie, Lake Champlain, and the high seas; at the Thames and Baltimore; and, most of all, at New Orleans. News of Jackson's spectacular victory in defence of the Crescent City reached Washington several days before the peace treaty that had been signed at Ghent, and this timing played an important role in forging the myth of American victory. Americans soon convinced themselves that Jackson's victory had produced the treaty that ended the war. In truth, however, the nation had failed to conquer Canada, and the maritime issues that had caused the war were not even mentioned in the peace treaty. At best the nation emerged from the war with a draw, and this inconvenient fact probably clouded the public's memory of the conflict.

There are other factors that have clouded the public memory. One is the unusual name of the war. It is the only U.S. war that is known by a date, and Americans were slow to embrace that name. The conflict was called 'the War of 1812' less than three months after the declaration of war, but it was commonly referred to simply a 'the war' or 'the war with (Great) Britain' or 'the war with England'.[5] After it was over, the preferred label was 'the late war' or 'the recent war' or 'the recent war with (Great) Britain'. It was not until the end of the Mexican War in 1848 that Americans found it necessary to distinguish between their two most recent wars and that the term 'War of 1812' caught on. It was only in the 1850s, when many aging veterans published their memoirs, that the phrase 'War of 1812' finally came into common and general usage.[6] But shortly thereafter, the Civil War, which in so many ways dwarfed the earlier wars with Britain and Mexico, swept those conflicts deep into the recesses of America's public memory. As much as anything else, the Civil War was responsible for transforming the War of 1812 into a forgotten conflict.

The Legacy in Canada

Once the War of 1812 ended, Canadians were eager to put the contest behind them. They willingly resumed their commercial and social relations with their neighbours across the border, and they even took part in a grand peace ball on the Detroit River frontier. But forgetting the war proved impossible. The war had exposed the tepid loyalty or

outright disloyalty of many prewar American immigrants, and the British responded after the contest by making it almost impossible for Americans to acquire land in Canada. The end of American immigration, coupled with a sharp drop in British military spending, sent Canada into a prolonged depression. Compounding this problem were repeated delays in attempts to settle claims against the British government for wartime damages. This contentious issue left a bitter legacy.[7]

Moreover, the threat from the United States never really abated. American public officials continued to talk publicly about the desirability or the inevitability of Canada joining the Union. Cross border raids carried out in the 1830s and 1860s further fuelled distrust. The immediate effect of the war was to strengthen the bonds between Canada and the Crown, but Canadians had little choice but to keep a wary eye on the United States.

After the Confederation was established in the 1860s, Canadians became increasingly aware of how crucial the War of 1812 had been in shaping their history. Already they had built a monument to Isaac Brock, the British general who had captured an entire American army at Detroit before being killed at Queenston Heights less than two months later. Brock was soon joined by other heroes: the Shawnee leader Tecumseh, who spearheaded native resistance in the West, and Laura Secord, whose timely warning of an impending U.S. raid, helped set up the victory of the British and First Nations forces at Beaver Dams. By the 1890s, Canadian Ernest A. Cruikshank was producing documents and studies illuminating the war, and with his work Canadians embraced the conflict's legacy and the American name for the war.

But Canadians, like Americans, proved selective in how they remembered the war. Local militia units were credited with an inflated role, and those residents, many of whom were recent American immigrants or of French descent, who wanted to sit out the war were forgotten. So, too, were those who engaged in outright treason, most notably a group of defectors under the leadership of Joseph Willcocks, who served with American forces on the Niagara frontier in a unit known as the Canadian Volunteers.[8]

Still, the war always meant more to Canadians than to Americans, perhaps because so much was at stake. The U.S. conquest of most or all of British Canada might well have meant that a separate nation would never emerge. Given this danger, it is easy to understand why Canadians might see this struggle as their war of independence. Indeed, in a public opinion poll conducted in 2000, Canadians ranked the war as the third most important event in their history after the establishment of

the Confederation in 1867 and the completion of the Canadian Pacific Railway in 1885.[9]

Although young people in Canada today do not know as much about the war as previous generations, the Conservative Government of Steven Harper has pumped millions of dollars into an advertising and education campaign designed to elevate the profile of the war. The Harper government also reversed a longstanding policy that refused to officially honor any military units that fought in a war prior to the establishment of the Confederation. As a result of the new policy, the government in Ottawa has awarded War of 1812 Battle Honours to Canadian units that perpetuate units raised in British North America during the conflict. The government initiatives are part of a larger movement in Canada to acknowledge and commemorate the Bicentennial of the war. Given the range of activities involved, the Canadian public is unlikely to forget about this war and how it affected their homeland anytime soon.

The Legacy in Great Britain

To the British, the War of 1812 was never more than a sideshow of the more important Napoleonic Wars. It received far less press at the time, and it was quickly forgotten by the public once it was over. This is not surprising as although the British held on to Canada and their maritime rights and gave the fledgling young republic a rude awakening by occupying Washington and burning the public buildings there, their hopes of extracting major concessions when they were in the driver's seat in 1814 were dashed by the successful defense of Baltimore and Plattsburgh and by growing public weariness with the war and the taxes that it necessitated. Although the Battle of New Orleans had no impact on the peace negotiations, the defeat was so lopsided that few British subjects had any desire to remember it. The British public preferred to remember the glories of Trafalgar and Waterloo rather than anything that had occurred on the other side of the Atlantic. Although the University of London sponsored a major international conference on the war in 2012, otherwise the Bicentennial generated little interest in Great Britain, and the very phrase 'War of 1812' is still likely to conjure up, to the British, images of Napoleon's invasion of Russia.[10]

One consequence of the war, however, was to exacerbate army-navy relations in Great Britain. Although in reality the two services cooperated pretty well during the conflict, especially in a host of operations in the Chesapeake, there was a tendency to blame any defeat in joint operations

on the other service. Thus after its defeat on Lake Champlain, the Royal Navy put the blame on the army's ranking officer, Sir George Prevost, claiming that he had hurried the British squadron into battle before it was ready. Similarly, the army blamed its defeat at New Orleans on the navy, claiming that it was driven by an obsession with prize money and that it had failed to provide adequate logistical support.

The legacy of the war for the British government was more complex. The British public might be eager to forget the war, but British leaders did not have that luxury because of the continuing threat posed by the growing and expansive republic to the south of Canada. British officials had concluded at the end of the war that relying on the indigenous peoples to help defend Canada was not a long-term solution that was likely to work. Hence, the British abandoned their First Nation allies.

The only obvious alternative was to beef up the defenses of Canada quite significantly. The construction of Rideau, Ottawa River, and Welland canals made the British less dependent on the St. Lawrence River and thus promised more secure supply lines but finding the resources to defend Canada effectively was another matter. Despite considerable money spent, study after study showed that much more was needed, and yet Canadians made it clear that they considered this an imperial responsibility to which they were unwilling to contribute.

It did not take British officials long to conclude that their best option was to seek an accommodation with the United States. An assertive and aggressive America that looked west or south for new territory need not threaten Canada, nor was it likely to pose a danger to Britain's two principal foreign policy objectives in the nineteenth century: maintaining a balance of power on the European continent and keeping the sea lanes open to British trade.

In the years after 1815, the British sometimes sacrificed interests elsewhere in the Empire to keep the United States happy. A commercial treaty in 1815 was followed by the Rush-Bagot Agreement in 1817 that demilitarized the border. A series of boundary agreements followed between 1818 and 1846 that fixed the border between the United States and British Canada in those places where it was in dispute. The road to accord was a bumpy one, and there were even a couple of war scares, but each side realised that it had more to gain by remaining at peace. The Treaty of Washington in 1871 was a landmark in the process. It resolved most of the outstanding issues. By the 1890s, issues that had once caused tension had either been resolved or had faded away. As a result, a genuine accord emerged.

By the early twentieth century, it was clear to many people that Britain and the United States shared not simply a common language and a similar culture but also a host of fundamental values that included an attachment to liberty, the rule of law, and free markets. A virtual alliance emerged between the two co-belligerents in World War I, and that turned into an actual alliance in World War II. That alliance endures today, and the accord that undergirds it explains why the Pax Britannica of the nineteenth century gave way relatively seamlessly to the Pax Americana of the twentieth.

The Legacy in the United States

In contrast to Canada and Great Britain, Americans, riding the crest of the wave of victory that the successful defence of Plattsburgh, Baltimore, and New Orleans seemed to have brought, showed no desire to put the war behind them. For more than a generation after 1815 the conflict played a central role in the public memory, shaping the military, political, and cultural landscape of the republic and opening the door to a territorial expansion that extinguished Native American land claims and pushed American settlement ever further west. For the generation that controlled the nation's destiny until the Civil War, the War of 1812 was a defining moment, an important benchmark, that shaped the growth and development of the young republic.

The Army and Navy

One of the lessons learned by the United States was the importance of preparing for war in time of peace. Like the Federalists before them, Republicans during and after the war embraced the ancient Roman doctrine: *ad bellum pace parati*—to ensure peace prepare for war. The postwar army was set at 10,000 (plus another 2,000 in the corps of engineers), which was four times the size of the peacetime army adopted by Republicans at the beginning of their ascendancy in 1802. Republicans also enacted a naval expansion program during the war, a program that was continued afterwards. Although the nation was forced to pare down its military establishment when the panic of 1819 and the ensuing recession cut into tax revenue, it nonetheless carried a much larger army and navy after the War of 1812 than before. There was a certain irony in this

because the world was a far less dangerous place after the War of 1812 than it was before the war.

Both services also emerged from the war with a cadre of leaders who had proven themselves on the battlefield. The postwar army was dominated by Andrew Jackson, Jacob Brown, and Winfield Scott as well as a host of lesser lights who had starred in the war, including Alexander Macomb, Edmund P. Gaines, and Zachary Taylor. By the same token, the postwar navy was dominated by men who had proven themselves in the War of 1812 at sea: Stephen Decatur, Oliver H. Perry, Thomas Macdonough, William Bainbridge, and Charles Stewart.

Both services had emerged from the war with a greater sense of professionalism, and the steady influx of fresh army officers from the U.S. Military Academy combined with the creation of the Board of Naval Commissioners ensured that this commitment to professionalism would continue. As a result, both services found themselves better prepared to carry out their duties and help the nation achieve its objectives in future wars.

The Political Aftermath

The unmistakable political winners in the war were the Republicans. They claimed that the war had been a success, and they took credit for that success. As a result, Republican popularity after the war soared. The war helped make four presidents: James Monroe, who had served as secretary of state and secretary of war; John Quincy Adams, who had served on the peace delegation; Andrew Jackson, who had defeated the Creeks at Horseshoe in 1814 and the British at New Orleans in 1815; and William Henry Harrison, who had defeated the Native Americans at Tippecanoe in 1811 and a British and indigenous force at the Thames in 1813. A fifth future president, Zachary Taylor, launched his military career with the successful defense of Fort Harrison in the Indiana Territory in 1812. The war also helped make three vice presidents: Daniel D. Tompkins, who had served as the wartime governor of New York; John C. Calhoun, one of the leading War Hawks in Congress; and Richard M. Johnson, who had been a congressional War Hawk in 1812 and was credited with killing Tecumseh in the Battle of the Thames the following year.

Those who served in the army or navy during the war or had been called out for militia duty had an advantage in the pursuit of any elected office, and those who had actually taken part in combat had an even greater advantage. The Battle of the Thames, which became

a kind of Bunker Hill in western myth and legend, was particularly fruitful in this respect. It produced a president (Harrison), a vice president (Johnson), three governors, three lieutenant governors, four U.S. senators, twenty congressmen, and a host of successful candidates for lesser officers.

The Federalists, on the other hand, were the big political losers. Although their steady gains in congressional and state elections during the war suggested that their opposition to the conflict had considerable appeal, once the war ended that appeal dissipated. Those who had opposed the war were now dismissed as traitors who had abandoned the nation in its time of need, and all the wartime failures were blamed on them. The party was headed for the dustbin of history anyway because it was out of touch with the rising spirit of democracy and territorial expansionism that marked the postwar nation. But the taint of opposing America's second war of independence hastened the party's demise. The Federalists put up their last presidential candidate in 1816, and although the party lingered on in several New England states for another decade or two, it was but a shadow of its former self.

Territorial Expansion

The principal target of the United States during the war was Canada. Although Quebec was virtually impregnable, with stout defenses and accessible to the Royal navy in warmer months, sparsely populated and poorly defended Upper Canada seemed to be within reach. Whether the United States could have or would have held on to this territory if it were conquered was rendered moot by the failure of American arms. Canada remained in British hands at the end of the war, which left the young republic to the south without any leverage to win concessions on the maritime issues.

Although the United States did not conquer Canada during the war, it did acquire territory from another European power, neutral Spain. Spain, which had lost East and West Florida to the British in the Seven Years War, had won the territory back in the settlement at the end of the American Revolution. But Spain's control over the Floridas remained weak. In 1810, the United States had seized a slice of West Florida, claiming that it was part of the Louisiana Purchase. In 1813, it occupied the rest of West Florida—the territory south of the 31st parallel between the Pearl and Perdido rivers (about 6,000 square miles)—and it retained this after the war ended.

More important was the boost that two victories over the indigenous peoples gave to U.S. expansion in the West. The defeat of the Native Americans and the death of Tecumseh at the Thames led to the collapse of the great Shawnee leader's western confederacy. Thereafter, most of the Native Americans who had been allied to Britain made peace with the United States and either switched sides or sat out the war. This treaty, coupled with another nineteen signed after the Anglo-American conflict was over, opened the door to unfettered U.S. territorial expansion in the Old Northwest.

Much the same happened in the Old Southwest in the wake of Jackson's decisive victory over the Creeks at Horseshoe Bend in March of 1814. The following August, Jackson forced all Creek leaders, friend and foe alike, to agree to the Treaty of Fort Jackson, which transferred some 23 million acres of Creek land to the United States. This was one of the largest land grabs in American history, and it opened the door to U.S. expansion into the Old Southwest.

The indigenous peoples were the biggest losers in this war. Not only did they lose the two major wars with the United States, but they suffered proportionally more deaths in the war (7,500 compared to 10,000 for the British and 20,000 for the United States). Article IX in the Treaty of Ghent was supposed to restore the Native Americans to their status as of 1811, but the United States claimed that this provision was superseded by the treaties signed during and after the war. The British showed no interest in contesting this position but instead abandoned their native allies (some 80 percent of whom lived on the American side of the border). This left them without a European ally to serve as a counterweight to the United States and put them entirely at the mercy of the expansive young republic.

American Culture

In a host of different ways, the War of 1812 shaped the American cultural landscape. One effect was to boost the Anglophobia that still persisted from the American Revolution. While the war was raging, the U.S. House of Representatives issued a major and lengthy report that accused the British of complicity in the Native American atrocities in the West and took the British to task for depredations against civilians in the Chesapeake and for the mistreatment of prisoners of war.[11] Republican newspapers and magazines printed this inflammatory document and continued to report similar British misdeeds long after the war was over. Especially

galling to Americans was the Dartmoor Massacre, which occurred after the war was over when local militia serving as guards fired on Americans in a British prisoner-of-war facility, killing six and wounding another sixty. The bad feeling that persisted after the war was a convenient issue for aspiring politicians to exploit and an additional obstacle that the British had to overcome in their ongoing search for peaceful relations with the United States.

On a more positive note, the war gave Americans a host of symbols that helped define the nation. The U.S. frigate *Constitution* earned its nickname in its first battle and ended the war with an unblemished record of successful cruises that gave 'Old Ironsides' iconic status. The U.S. flag enjoyed a new-found respect from Americans, and although the Fort McHenry flag remained in private hands until the twentieth century, it was periodically hauled out for display, reminding Americans of the successful defense of Fort McHenry. Today the flag is preserved in the Smithsonian's National Museum of American History and is one of the nation's most treasured physical relics from the war. Similarly, 'The Star-Spangled Banner', which the Fort McHenry flag inspired, became an increasingly popular tune and was finally designated as the national anthem by Congress in 1931. The term 'Uncle Sam', first used in 1810 to refer to the U.S. government, came into wide usage during the war even though the popular image we associate with the name did not appear until Thomas Nast started using it in his *Harper's Weekly* cartoons in the 1870s.

The American rifle also emerged from the war with an elevated status, although it took a song in the 1820s - 'The Hunters of Kentucky' - to fix the name of the weapon and to suggest, however inaccurately, that it had been a game-changer at New Orleans. (In reality, U.S. artillery did most of the damage in the battle). In addition, U.S. regulars wore grey coats on the Niagara frontier in 1814 because of a shortage of blue material. Cadets at the U.S. Military Academy wore grey uniforms for the same reason, and after the war they continued this tradition to honour the performance of the regulars.

Americans also derived sayings from the war that enjoyed considerable popularity. 'Free Trade and Sailors' Rights' was appropriated by various groups up to the U.S. Civil War to promote their causes.[12] In the election of 1840, the Whigs elevated William Henry Harrison to the presidency with the slogan 'Tippecanoe and Tyler too'. Even more lasting were the slogans that came out of the naval war. 'Don't give up the ship', which Captain James Lawrence supposedly uttered after being mortally wounded in the *Chesapeake-Shannon* engagement, became the slogan

of the U.S. Navy and persists today in general conversation. Likewise, Master Commandant Oliver H. Perry's succinct after-action report – 'We have met the enemy and they are ours' - also endures in the lexicon of everyday usage.

Two of the biggest symbols to emerge from the war were Andrew Jackson and the Battle of New Orleans. As the man who had overcome a host of obstacles and imposed his will on a rag-tag army to defeat the Creeks in the Southwest and the British on the Gulf Coast, Jackson emerged from the war as the outsized American hero who put his stamp on American history after the war. With his reputation for personal courage and determination and his commitment to democracy and slavery as well as the Indian Removal Act of 1830 and territorial expansion, he seemed to epitomise all the best and worst of growing young republic.

Jackson's greatest victory, at New Orleans, took on a life of its own. Major cities around the nation celebrated its anniversary on 8 January every year until the Civil War, and the battle transformed the way that the War of 1812 was remembered. Americans forgot the causes of the war and lost sight of how close the young republic had come to military defeat and financial collapse. What they remembered instead was how they had beat back British attempts to invade the United States, not only at Plattsburgh and Baltimore, but even more so at New Orleans. In this climatic final battle, Jackson's army had single-handedly defeated the conquerors of Napoleon and the Mistress of the Seas, and in the eyes of most Americans that was all that mattered.

Today most Americans remember the cultural legacy of the war but not the war itself. That has changed to some extent since the commemoration of the Bicentennial. Although the United States lagged behind Canada at first, several federal agencies - the U.S. Navy, the National Portrait Gallery, the National Park Service, and the U.S. Postal Service - each played their part in commemorating the war. With Maryland taking the lead, those states that had a role in the war were also active, and local 1812 sites everywhere hosted major events to commemorate their 200th anniversaries. As a result, the American public received a long overdue education on the War of 1812.

Notes

1 Joshua J. Wolf, '"The Misfortune to Get Pressed": The Impressment of American Seamen and the Ramifications on the United States, 1793-1812' (PhD dissertation, Temple University, 2015), chapter 2, especially p. 52.

2 Speech of John Randolph, December 16, 1811, in *Annals of Congress: Debates and*

Proceedings in the Congress of the United States, 1789–1824, 42 vols. (Washington, DC: Congress, 1834–56), 12th Congress, 1st session, 541.

3 Boston *Yankee*, 6 November 1812.

4 Clay to Thomas Bodley, 18 December 1813, in James F. Hopkins and Mary W. M. Hargreaves, eds., *The Papers of Henry Clay*, 11 vols. (Lexington, KY, University of Kentucky Press, 1959–92), 1:842.

5 For the first known use of the term, see *New York Statesman*, 8 September 1812.

6 For the development of the use of this label for the war, see Donald R. Hickey, *Don't Give Up the Ship! Myths of the War of 1812* (Champaign IL: University of Illinois Press, 2006), Appendix D.

7 George Sheppard, *Plunder, Profits and Paroles: A Social History of the War of 1812 in Upper Canada* (Montreal: McGill Queen's University Press, 1994), chapters 5, 7–8.

8 See Donald E. Graves, 'Joseph Willcocks and the Canadian Volunteers: An Account of Political Disaffection in Upper Canada during the War of 1812', Master's thesis (Ottawa: Carleton University, 1982).

9 See Anne McIlroy, 'Confederation Wins the Vote for the Greatest Event in Our History', *Toronto Globe and Mail*, 18 September 2000.

10 See, for example, Christopher Duffy, *Borodino and the War of 1812* (London: Cassell, 1999).

11 'Report on Spirit and Manner in which the War is Waged by the Enemy', 31 July 1813, in U.S. Congress *American State Papers: Military Affairs*, 7 vols. (Washington, DC: Congress, 1832-61),1:339-82.

12 For more on this phrase, and its lasting appeal up to the Civil War, see Paul A. Gilje, *Free Trade and Sailors' Rights in the War of 1812* (Cambridge: Cambridge University Press, 2013).

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'In the Midst of Three Fires, a French one, an American one, and an Indian one': Imperial-Indigenous Negotiations during the War of 1812 in Eastern British America

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Abstract

This essay argues that the War of 1812 in Eastern British America, despite the near-absence of land-based conflict in this region, marked a turning point in an imperial-Indigenous relationship that differed notably from comparable relationships elsewhere in North America because of the relatively late advent of substantial settler colonization. Diplomacy, which led in 1812 to the conclusion of a series of neutrality agreements in the borderland jurisdiction of New Brunswick, contributed to the forestalling of outright military conflict in the region. But diplomacy of this nature at the same time reached the end of its effective life, as the balance tipped towards a settled environment that eroded the effectiveness of the formerly powerful diplomatic tools of Indigenous-imperial negotiation.[1]

Introduction

The land war between Great Britain and the United States between 1812 and 1815 was fought primarily in central areas of North America. Further east, the fighting took place largely at sea, while land conflict was confined to the immediate aftermaths of seaborne descents such as those by British forces on Washington and Castine. Accordingly,

conventional understandings of the Indigenous role in the War of 1812 have centred on themes distinctive to the peoples of the upper Laurentian and Great Lakes regions, notably the Haudenosaunee. The competition between Great Britain and the United States for native alliances, the internecine disputes that resulted, the cost in terms of loss of life and economic disruption for those Indigenous nations involved, and the ultimate betrayal of hopes for a guaranteed post-war space: these have been prime concerns of historians. Important as those themes remain, however, they lack explanatory power in the context of another major region, that of Eastern British America. In this more easterly context, the War of 1812 saw little land-based conflict at all. Yet it had profound significance as a turning point in an imperial-Indigenous relationship that differed notably from comparable relationships elsewhere because of the relatively late advent of substantial settler colonization. Here, the War of 1812 marked the fading from historical significance of a relationship that had passed its high-water mark some thirty years previously, and now manifestly yielded its centrality to a configuration of colonial-Indigenous relationships that had an entirely different tenor. Diplomacy, which led in 1812 to the conclusion of a series of neutrality agreements in the borderland jurisdiction of New Brunswick, contributed to the forestalling of outright military conflict in the region. But diplomacy of this nature at the same time reached the end of its effective life, as the balance tipped towards a settled environment within which the earlier diplomatic tools of Indigenous-imperial negotiation were no longer powerful.[2]

Three fires

At a meeting of the Council of the colony of Cape Breton Island in April 1794, Ingram Ball declared that the colony stood in danger of being placed 'in the midst of three [fires], a French one, an American one, and an Indian one.'[3] An army officer during the Revolutionary War and older brother of the naval officer Alexander John Ball, he was well positioned to appraise the consequences for the colony if hostilities with the United States were added to the existing war with France.[4] In considering the Mi'kmaw population as a serious threat to British control of the island, if combined with French and US action, Ball reflected views that had been expressed on a number of occasions at Council meetings. A year earlier, for example, the Council had recorded its anxiety that the colony was, in effect, defenceless in the face of either 'the sudden Attack of an

Enemy' or 'the unsettled and violent temper of the native Savages.'[5] Such apprehensions also characterized neighbouring colonies. In early 1794, Nova Scotia's Indian Commissioner, George Henry Monk, reported to Governor John Wentworth that 'the Indians appear more restless and dissatisfied with their situation than I have ever known them to be; some of the more intelligent [i.e. well-informed] among them make circuitous visits to the different Tribes, and give false reasons for such long and unusual Excursions.'[6] That spring, the governor of New Brunswick, Thomas Carleton, reported to London of the Mi'kmaw and Wəlastəkwiyik inhabitants within the claimed boundaries of that colony that 'in the present posture of affairs it is certainly requisite to guard against their dissatisfaction, especially as, in case of hostilities here, there would be great danger of their being drawn away to take part with the Enemy, by a Tribe in the eastern parts of the State of Massachusetts, who have long been under the religious and political influence of that Government.'[7]

These concerns reflected two wider realities that would persist into the era of the War of 1812. One was the possibility that the American Revolution had left unfinished business that would have to be resolved ultimately by a second round of warfare. As Alan Taylor has recently argued, the similarities between English-speaking settler populations, despite the ideological divide that had been evident in the Revolution, meant that in Upper Canada – and the same went for Eastern British America – 'Americans remained the majority on both sides of the border.' Thus, for Taylor, 'the Civil War of 1812.'[8] The implications of the incomplete separation identified by Taylor were compounded in Eastern British America by the imperfections of even the geographical separation. The Treaty of Paris (1783) had left the Massachusetts-Nova Scotia boundary (eventually the Maine-New Brunswick boundary) to be settled by ongoing negotiations. Although efforts to find the '"true" St. Croix' – the elusive river the identification of which was central to defining the disputed boundary – were proceeding civilly enough during the 1790s, the potential for instability was plain for all to see and would become even more evident as US-British relations deteriorated after 1800.[9]

The second reality was that settler colonization on a substantial scale in Eastern British America was of recent enough vintage during the years between the Revolution and the outbreak of the War of 1812 that its implications for Indigenous nations and for Indigenous-imperial relations were still in a process of development. The approximately 14,000 Acadian colonists who, prior to the expulsion of 1755–1762, had been settled primarily in clusters around the Bay of Fundy, had left most of the Mi'kmaw, Wəlastəkwiyik and Passamaquoddy territories intact. Without

suggesting that the environmental consequences of the fur trade, and even of limited colonial settlement, were inconsequential, the geographical footprint of settlement remained slight. The immigration of some 8,000 New England Planters during the early 1760s, and smaller streams of immigration that were likewise facilitated by the modest advancement of the British ability to project imperial power that had been provided by the founding of Halifax in 1749, returned the non-Indigenous population to somewhere close to that which had prevailed before 1755 but did little to expand its territorial reach.[10] In this context, imperial-Indigenous negotiation – conspicuously reflected in treaties concluded between 1725 and 1779 but most significantly in 1760–61 – and a distinctive pattern of cross-cultural 'friendship' proved indispensable to the security of the British presence in what remained primarily an Indigenous space.[11] A new and demonstrably different phase of settler colonization began during the later years of the Revolution, with the Loyalist migration. In excess of 30,000 Loyalists, free and enslaved, made their way to the region between 1782 and 1784, and their numbers were supplemented by Scots in numbers that soon became comparable, as well as by other migrants. The impact on the physical environment and on the Indigenous economy was immediate and marked. The effects of territorial dispossession and land clearance for agriculture were compounded by pressure on fish and animal populations. Reports of Indigenous displacement, impoverishment, and vulnerability to disease began to multiply. Yet the existing imperial-Indigenous relationship based on friendship and negotiation was not erased. Nor, in the minds and in the discourse of Indigenous leaders who made known their views of colonial settlement to imperial officials, was the relationship even eclipsed. It provided a framework within which the ever-advancing tide of aggrievement and consternation could be expressed and could frequently gain a serious hearing by imperial officials.[12]

Why, however, should these officials have been swayed by the objections voiced on behalf of peoples who ostensibly, as George Henry Monk put it, owed their troubles to their own inability as 'Savages' to break free of a life of 'Idleness and Sport'?[13] The only reasonable option to remedy this state of affairs, for Monk, was for the imperial state to provide a rigorous agricultural training that 'some of the sedate Men among them' would be prepared to accept in return for temporary provision of food and clothing. 'Such an Establishment,' Monk assured Governor Wentworth, 'would be the Business of a few Years only, and much less Expence on the whole, than to furnish them with occasional relief till they become Extinct.'[14] Constructions of savagery, however, were two-sided. Contempt

for a perceived fecklessness was one side; the other was fear. As Taylor has documented for the Canadian realm of operations during the War of 1812, an intense dread of Indigenous tactics became in itself a military factor that in general worked in favour of British forces fighting in concert with native allies.[15] In New Brunswick, the senior British officer Joseph Gubbins observed in 1813 that it had been a justifiable decision on the part of British authorities not to arm Indigenous warriors, because of the risk of reciprocal action: 'such a measure would have certainly been followed by a retaliatory one on the part of the enemy, and the lives and property of the inhabitants of both frontiers would have been placed at the mercy of savages without promoting the general object of the war.'[16] Fear was melded, for imperial officials in Eastern British America, with rational apprehension. When Wentworth reported to London in October 1807 that 'they [Mi'kmaw forces] might prove very mischievous upon the scattering unprotected settlements,' or when Major-General Martin Hunter noted as president of the New Brunswick Council in the following year that 'the Indian Natives of New Brunswick … would be formidable as Enemies in a Country where the settlements are made fronting on the Rivers, with a wilderness every where close upon the Rear,' such professional opinions represented simple reality in an area of North America where settler colonization had only recently advanced to the point of doing critical damage to the existing environment and the Indigenous economy and where the projection of imperial power remained hesitant and uncertain.[17]

The possibility of multiple hostilities also weighed heavily in imperial officials' calculations, especially when combined with their efforts to decipher the meaning of inter-Indigenous alliances and diplomacy. Accordingly, while calculations of French naval and military strengths and occasional false reports – as when Wentworth reported in September 1796 that 'the French have made a descent on Newfoundland. Their future destination is yet uncertain'[18] – were bracketed with speculations as to US intentions, tracing of the movements of Indigenous diplomats became increasingly frequent as British-US tensions mounted. Of the four Maritime colonies, Prince Edward Island was the least affected by such concerns, to the point that the now-retired but long-serving Governor Edmund Fanning commended Island Mi'kmaq in 1806 for their 'orderly, peaceable, and inoffensive Behaviour.'[19] British concerns on Cape Breton Island, however, centred on Mi'kmaw connections both with compatriots in western Newfoundland and with French naval vessels in that area. The island's lieutenant-governor, William Macarmick, commented in September 1794 on the need for 'detering the Indians from attempting to

disturb the quiet of this Government, as they have been taking Measures to increase their Numbers – several families of the Micmacs having lately arrived here from Newfoundland.'[20] Macarmick's successor David Mathews, some three years later, linked the potential Mi'kmaw threat explicitly with the French: 'the Old Man who was their Leader when the french possessed this Island is still alive and has much influence with the whole Tribe, he has always appeared much attached to the french and has on some occasions recently manifested a Disposition to be troublesome, from which Consideration I cannot help deeming it both prudent and Political to Endeavor to conciliate and keep them quiet during the War.'[21]

The movements of Cape Breton Mi'kmaq were also scrutinized from Nova Scotia, although in a wider and more continental geographical context. In the spring of 1804, Wentworth observed to Cape Breton's military commander that 'some Cape Breton Indians had been in Canada in Conference with those Tribes; on their return they have been spreading seditious ideas among these poor miserable wretches [Nova Scotia Mi'kmaq], who are made to believe that Canada will be invaded by 24,000, french men, within two months, and that these Provinces will be subdued and possessed by the French during the ensuing summer.'[22] Wentworth's concern regarding Mi'kmaw embassies to more westerly allies was longstanding. In 1797, in the context of the supposed attempt at insurrection of the French Revolutionary sympathizer David McLane in Lower Canada, the Nova Scotia governor had sent an armed brig to intercept 'many Canoes [which] proceeded as far as the Gulf of St. Lawrence' before being 'interrupted.'[23] For Wentworth, the events of 1797 and those of 1804 were closely comparable, except that he informed the lieutenant-governor of Lower Canada, Sir Robert Shore Milnes, that the activity was greater in 1804 and that 'the Micmac Indians of this Province [Nova Scotia] have been assembled together in small parties, by some other Indians, who are not known here, and supposed to be messengers from Canada, upon some secret business…. The last Stranger Indian stayed only two days and has disappeared, soon afterwards several of ours, have come in painted red. They talk much about the French … conquering all the English.'[24] Although any Mi'kmaw plans to send warriors to Canada apparently came to nothing, some four years later George Henry Monk reported that Nova Scotia and Cape Breton Mi'kmaq were expecting a French and US invasion, and intended to 'remain neuter until they can form an Opinion of the Strength of the Enemy; and then in their own words "to join the strongest party."' In Monk's opinion, Mi'kmaw groups might divide according to locality, with some potentially supporting the

British. Nevertheless, two Mi'kmaw emissaries had recently returned from Canada, where 'there were many Men from the United States, with the Canada Indians, and much talk of War among them.'[25]

There was also a further geographical dimension to imperial apprehensions regarding Indigenous diplomacy during the years leading up to the War of 1812, which was of concern to Nova Scotia but even more immediately to New Brunswick. Wentworth reported to London in 1804 that Mi'kmaw plans involved sending 2000 warriors to Canada – 'in which case they must be joined by the Marisite [Maliseet] Indians of New Brunswic [sic], and Penobscots who inhabit in the eastern district of Massachusetts, near to Passamaquoddy.' He was sceptical of the numbers and the likely quality of any Indigenous force of this kind, but still wasted no time in sharing the information with Milnes and with the President of the New Brunswick Council, Gabriel George Ludlow, in communications marked 'secret.'[26] New Brunswick governors and administrators from Carleton to Hunter had entertained similar disquietudes regarding possible Indigenous action spanning the disputed border, and in 1807 Hunter – at the time commander of the Nova Scotia military district, which included New Brunswick – had both the Nova Scotia and New Brunswick militia alerted in anticipation of a US invasion and warned that the frontiers were unprotected 'not only against any American force but a Tribe of Savages they have in pay ready to act on hostilities commencing.'[27] By the following year, colonial inhabitants of St Andrews, according to the record of a meeting held there with unspecified – though including Passamaquoddy – 'delegates of the Indians … [who] appeared in full Indian dress with a Mohawk interpreter,' were 'greatly alarmed lest the Indian should, in the case of war with the united states, take arms against the English.' Although some reassurance was apparently derived from the statement of the Indigenous representatives 'that they were King George's men and desired to be neutral and to trade with both parties,' the tensions were evident.[28] That they persisted, at least in the estimation of a senior officer of the New Brunswick Fencibles, was shown in Lieutenant-Colonel Charles MacCarthy's warning on 3 July 1812 that no effort should be made to redistribute muskets to the most potentially active militia units, 'as nothing could tend so much to create dissatisfaction and alarm among the Inhabitants of the Country as to be under the necessity of taking their arms from those who may not be called out, especially on account of the Indians, who tho' not very numerous, are not at all to be depended upon.'[29]

Thus, although the statements of governors and other senior imperial officials were frequently bracketed with observations that

Indigenous groups throughout the area covered by the four provinces were in acute distress resulting from colonial encroachment and the resulting environmental degradation, Wentworth's comment that in a context of multiple hostilities 'it is their custom always to join those they think strongest, and that many among our tribes have not quite forget their old french attachments' also reflected a generalized perception that there was a residual threat that might expose limits to the projection of imperial power.[30] Moreover, despite undoubted deficiencies in categorizing Indigenous diplomatic networks and alliances, imperial correspondence was suffused with a sense of differential geography based on cultural affinities that paid no regard to recently-imposed provincial boundaries. Together with a knowledge of yet-unsettled terrains that would enable small Indigenous forces to 'infest an army moving through a rough Country, full of fastnesses, forests and waters, unknown but to the Indians and those Men of this Country, whose occupations employ them in the wilderness,' the result was the persistent awareness of an intellectual or imaginative as well as a geographical space that imperial coercion could not reach, and that therefore had to be reckoned as threatening in its unpredictability.[31]

Governor Wentworth had long argued for cooption where coercion could not succeed. As early as during the spring of 1793, in the earliest days of the French Revolutionary War, he had claimed that 'I have at length brought them to understand the nature of this war, and to be interested in His Majesty's Service. It is probable a company of 60 to 100 men might be raised and be of signal use, should an Ennemy attempt to make an impression upon this Province.'[32] The alternative, Wentworth argued, in the context of the encroachments of settlement, would be to risk Indigenous 'depredations.. on the dispersed settlers in this and the Neighbouring Province [of New Brunswick].'[33] Receiving no endorsement from Home Secretary Henry Dundas, who feared that the proposed company would be more expensive than it was worth, Wentworth retreated, explaining that the plan 'was intended to operate only in times of invasion; and to prevent their being employed against the province, which undoubtedly would be attempted.'[34] The governor never, however, fully abandoned the notion of recruiting among the Mi'kmaq, and as late as in 1807 he advocated having a force ready to supply scouting parties 'when War is declared.'[35] Yet in reality, despite Wentworth's claim that such recruitment could be accomplished at minimal expense, financial outlay was not the only significant consideration. Although the Earl of Bathurst, as Secretary of State for War, was willing during the summer of 1812 to countenance the use of Indigenous forces in Nova Scotia in

neighbouring areas if the only alternative was to be left with the likelihood 'that if not retained as our Friends, they will act against us as Enemies, and that if We decline to employ them, we ensure to ourselves all those Evils from which We are desirous of exempting our Enemies,' even Bathurst's justification served only to underline the fear of 'Excesses' and retaliation on which Gubbins would remark in 1813.[36]

A negotiated neutrality, however, offered a further alternative if neither coercion nor cooption could succeed. As the War of 1812 approached, strategic attention in Eastern British America moved towards the disputed boundary between New Brunswick and the District of Maine, still a district of Massachusetts but later to become the State of Maine. It was true, of course, that – as Barry Moody has argued – this proved to be 'the War to which nobody came.'[37] That it was so was no mere accident of history. Many historians have long and thoroughly documented the regional divisions within the US that saw the outbreak of a war which enjoyed little support, and little interest in fighting – on land at least – in New England.[38] Imperial officials in Nova Scotia and New Brunswick lost no time in issuing proclamations aimed at forestalling local conflicts. In New Brunswick, the *Royal Gazette* of 29 June 1812 carried news of the US declaration of war, and exactly two weeks later it printed the order of George Stracey Smyth, newly-appointed President of the Council, ordering New Brunswick colonists to avoid any damage to 'the defenceless [US] Inhabitants upon the Frontiers, so long as they shall abstain on their part from any acts of hostility and molestation towards the Inhabitants of this Province, and of the Province of Nova Scotia.'[39] Nevertheless, tranquility could not be taken for granted. On 3 July, a week before the issuance of his proclamation, Smyth spelled out New Brunswick's defensive strategy. Although its first aspiration was 'a reciprocal forbearance from Hostilities,' the response to an invasion from the southwest would be for New Brunswick forces – after making 'the best resistance' possible – to fall back to the St. John River where, as Smyth advised militia commanders, 'you will be supported by an increased population, and be succoured by the whole Military Force of the Country well Appointed with Artillery.' The overall commander of the forces in British North America, Sir George Prévost – who was also governor-general of British North America, as well as being a recent lieutenant-governor of Nova Scotia – was not optimistic. For Prévost, both Fredericton and Saint John were indefensible, although an effort would have to be made to mount some kind of defence of the river and valley. Indeed, the salience of the river as a defensible barrier was underlined by Smyth's emphasis on 'a measure of the utmost importance, which will be,

to destroy, or place out of the reach of the enemy, all Craft on the River St. John, of a burthen greater than a Canoe.'[40]

Smyth made no mention in his militia circular of the role, if any, of Indigenous forces. But the observation of his predecessor, Hunter, that they could be 'formidable as Enemies' in the particular environment of New Brunswick had been unequivocal. Hunter, promoted to Lieutenant-General, had ceded the President's duties to Smyth only on 15 June 1812.[41] Hunter, and even more so his wife, Jean Dickson – who had a group of Wəlastəkwiyik women to whom she referred as 'my "sisters"' – had cultivated direct personal ties with Wəlastəkwiyik neighbours while in Fredericton.[42] In March 1810, having previously failed to persuade the imperial government to provide for 'some occasional relief' for Indigenous communities in New Brunswick, Hunter had succeeded in a more modest request to the New Brunswick Assembly to pay £50 per annum to support a Roman Catholic missionary at the new Wəlastəkwiyik community of Meductic.[43] Hunter's conciliatory approach was evidently continued during the earliest days of his successor, when the provincial Executive Council recorded on 22 June 1812 that, 'A meeting of Indians from Penobscott with those of the River Saint John being expected to be held at Meductic in the course of a few days the Council, being thereon consulted by the President, are of opinion that it will be expedient for His Honor … to make a donation of provisions to these Indians.'[44] The purpose of the Meductic meeting has gone unrecorded, and details as to whether it took place after the US declaration of war on 19 June 1812 had become known are beyond the historian's reach. Nevertheless, it may have formed a prelude of sorts for the rapid succession of neutrality agreements that were announced in July and August, for the first of them carried the names of Passamaquoddy and Penobscot representatives, while Mi'kmaw and Wəlastəkwiyik agreements followed.

On 6 July 1812 a meeting took place in the settler town of St. Andrews, in the Passamaquoddy territory and the New Brunswick county of Charlotte. As the New Brunswick Council acknowledged four days later, leading Charlotte magistrates had met with 'the Indian Chiefs and other Indians in that Neighbourhood … for the purpose of securing the neutrality of these Indians during the present war … and of preventing any injury being done by British Subjects to the Indian Chapel erected at Point Pleasant [Sipayik], within the Territories of the said States.' The Council's ratification was accompanied by the names of the Passamaquoddy chief Francis Joseph and of Francis Loran, 'son of the chief of the Penobscot Tribe,' while the importance of the agreement on the New Brunswick side was accented by its being published

repeatedly in leading newspapers.[45] In the District of Maine, word of the agreement was received with predictable caution. As Micah Pawling has shown, however, early apprehensions in Calais and surrounding areas that the agreement would bring the Passamaquoddy too close both to the British and to British-allied Indigenous forces further west were finally laid to rest at a conference in Eastport in early 1813, and Passamaquoddy and Penobscot neutrality prevailed even following the British capture of Castine in the following year.[46]

In the meantime, a further meeting had taken place in Fredericton on 10 July 1812. According to a formal certification by Jonathan Odell, Provincial Secretary, 'a number of the principal Indians of this District' – presumably meaning Wəlastəkwiyik of the Wəlastəkw (St. John) Valley – 'made, on the Holy Cross, a solemn and public declaration of their firm purpose to take no part whatever in the War between His Majesty and the United States of America.' Smyth, as President of the Council, Odell added, had accepted the declaration on behalf of the province.[47] The Mi'kmaw agreements took several more weeks. At a meeting in Saint John on 20 August 1812, representatives from Miramichi, Richibucto, and Tabusintac signed a document phrased as seeking permission from Smyth 'to remain in a state of Neutrality' during the war, while undertaking 'that we and the rest of the said Indians will continue in our fidelity to His majesty the King.' Smyth's response on the same date, generalized to embrace 'the Native Indians of the Micmac Tribe inhabiting different Parts of the County of Northumberland,' confirmed the understanding, while Smyth also forwarded the document signed by members of the Julien and Ganis families, and others, to Odell to be kept as 'a pledge … to observe a strict neutrality.'[48] Permission or pledge, however, there was no ambiguity about the sense of relief, mingled with self-congratulation, with which Smyth reported to Bathurst some days later that, in addition to the initial agreement at St. Andrews, 'I have the satisfaction to state that similar agreements have been entered into with the Indians of the River Saint John, Miramichi, and other parts of the Province.'[49] He was rewarded with a response from the Earl of Liverpool that 'I am happy to observe … that your Efforts to secure the Neutrality of the Indian Tribes have been so completely successful and that the Necessity which His Majestys Government, so anxiously deprecated, of engaging them in the Service of Great Britain is not likely to occur.'[50]

Other than by the British capture of Castine and surrounding areas, the neutrality agreements were never tested by hostilities. At Castine, the expedition's commander and also concurrent governor of Nova Scotia, Sir John Coape Sherbrooke, promptly endorsed the principle of

neutrality in a meeting with a Penobscot 'deputation.'[51] In the meantime, the neutrality agreements had been confirmed not only by a speech made by Chief Francis Joseph Neptune at the Eastport conference but also by a meeting held in October 1812 between Neptune and the Campobello proprietor David Owen, at which Owen – who had longstanding personal ties with the Passamaquoddy – gave renewed assurances that 'Saint Andrews men' would maintain the peace.[52] In a narrow sense, the neutrality agreements owed their existence to imperial perceptions of vulnerability. As a group headed by Joshua Upham, a member of the New Brunswick Council and Loyalist veteran of the Revolutionary War, had observed in 1807, 'should a War with the American States be found inevitable, we are apprehensive that the Province of New Brunswick, being at present in a defenceless State, and easily approachable on its western frontier, either by land or water, will be one of the first objects of invasion.'[53] In the added context of the contested boundary, which had already established relationships between Passamaquoddy chiefs and elders – who had become informants on historical and geographical matters connected with the boundary – and such leading New Brunswick residents as Owen and the St. Andrews merchant Robert Pagan, it was also unremarkable that the Passamaquoddy area would see the making of the first of the agreements.

Yet the neutrality agreements of 1812 must also be interpreted in a wider context. Like other manifestations of imperial-Indigenous negotiation in a geographical context that embraced Eastern British America as a whole – and in many respects extended into Wabanaki groups for whom the US border had limited significance – they were the products of a diplomatic relationship crucially and increasingly influenced by settler colonization. Parallel processes were at work. On the one hand, settler expansion and environmental change had accelerated following Loyalist, Scottish, and other immigrations during the late eighteenth and early nineteenth centuries.[54] As Stephen Dutcher has pointed out, the inability or unwillingness of colonial authorities to restrain encroachments was sufficient to ensure that the encroachments continued and became more intensive with every wave of increasing settler population.[55] Also, as Micah Pawling has argued, a 'reconfiguration of homeland' was forced on Indigenous groups who proved well able to continue to shape their own cultural space and to articulate it with a traditional intellectual understanding of physical space, but whose necessary reliance on petitioning settler authorities betokened a diminishing area of autonomy.[56] In this ongoing transformation of human and physical geography in the interests of colonial settlement, the role of imperial officials was necessarily

constrained. Both in the political sense that governors depended on relationships of mutual serviceability with councillors and also had to coexist with elected assemblies, and in the more general sense that their employability by the imperial government rested on their ability to provide protection to British and British-sponsored settlers, they were beholden to the settlement process at every turn.

Up to and including the War of 1812, however, a parallel pressure was imposed by the process of imperial-Indigenous diplomacy – embodying an explicit value of friendship – that had framed British imperial expansion for the better part of a century. Never an altruistic concept, but rooted in both British and Indigenous versions of reciprocity and interdependence, the relationship had long acted as a further constraint on imperial autonomy.[57] With projection of imperial coercive power severely limited in a region where centres of British military and naval strength were peripheral to a much more extensive and – until the 1780s – largely unsettled territory, preservation of British commercial and demographic interests had depended on a negotiated understanding with indigenous inhabitants. Settler colonization from the Loyalist era onwards complicated, and increasingly unbalanced, this relationship but did not erase it. While environmental change, the demographic weight of settlement, and socio-economic disruption of indigenous communities lessened the ability of Mi'kmaw, Wəlastəkwiyik, and Passamaquoddy negotiators to impose courses of action on their imperial counterparts, the near-impossibility of providing imperial protection of scattered settlements, the fear of a perceived savagery, and the threat of multiple hostilities ensured that friendship could not yet be considered dispensable on the imperial side. In time of war, with coercion unfeasible and cooption unacceptable because of the retaliation it might bring, Indigenous neutrality offered an attractive expedient that was embraced quickly and thoroughly in 1812, especially in the sensitive border context of New Brunswick. It was a device that rested uneasily with any notion that Indigenous inhabitants owed allegiance to the Crown, even though neutrality and allegiance were sometimes juxtaposed in the same text, but one that faithfully reflected the historical development of a thoroughly ambiguous relationship.

That relationship had no abrupt ending at any given point. From the Loyalist era until the War of 1812, its balance was changing. After the War of 1812, its vestiges remained in continuing Indigenous efforts to seek redress from the imperial Crown for breaches of British treaty obligations, and for the gifts in time of need that a friend should reliably provide. In legal terms, treaty-based arguments by Indigenous defendants and claimants gathered force following the integration of the

Charter of Rights and Freedoms in the Canadian Constitution of 1982, and reflected an extended narrative of imperial-Indigenous relations that spanned centuries.[58] But the War of 1812 remained a significant turning point. The very absence of active conflict meant that, from an imperial perspective, neutrality agreements never had an occasion to prove their worth. Following the Treaty of Ghent (1814) and the subsequent defeat of Napoleon and Treaties of Vienna (1815), the fear of multiple hostilities greatly receded. It was true that the Maine-New Brunswick boundary remained unsettled until 1842, and the significance of the Aroostook War of 1839 – often portrayed by historians as *opéra bouffe* – should not be underestimated as an indicator of unresolved tensions and an accelerant of the effort to reach an eventual solution.[59]

Nevertheless, the possibility of large-scale hostilities that could have significant imperial consequences had clearly declined since the end of the War of 1812. In this context, the colonial rather than the imperial state increasingly prevailed, and while petitioning colonial authorities provided a continuing source of Indigenous expression and could prompt actions at times, appeals to the Crown or its direct representatives carried no promise of offsetting continued settler encroachment, the constant diminution of reserves, and the eventual bureaucratization of Indian affairs. Generalization, of course, carries dangers. Thomas Peace has recently warned of the pitfalls of assuming Indigenous homogeneity when, even within Mi'kma'ki alone, significant variations of cultural and socioeconomic experience had been further complicated during the French regime by varying degrees of métissage.[60] Analogously, Mark W. Landry – whose study of Pokemouche provides an anatomy of dispossession in one important Mi'kmaw community, notably during the 1840s – carefully distinguishes between the uniqueness of Pokemouche as a community which encountered settlement relatively late, and the generality of the colonial pressures that eventually prevailed.[61] Analysis of the imperial-indigenous relationship cannot answer all questions regarding the complex texture of the encounter between Indigenous societies and settler colonization in a geographically diverse region where both indigenous and colonial cultures and experiences varied over time and space. The era of the War of 1812, however, marked the erosion of diplomatic and military safeguards that had been available to Indigenous leaders, even though in declining measure since the Loyalist migration, as long as the possibility of multiple hostilities persisted.

In a wider context yet, the patterns of imperial-Indigenous negotiations in Eastern British America during the era preceding the War of 1812 and at the outbreak of the war itself offer a caution against undue

generalization regarding the overall significance of the conflict for empires – British and US – and Indigenous nations. To revisit Taylor's characterization of the War of 1812 as a civil war, the settlement geography of North America in the era was sufficient in itself to ensure that a renewed conflagration would have complex and diverse consequences. While the area of settler colonization remained largely restricted to an easternmost core, there were folds, angles, and interstices.[62] The conflict also drew upon a long and complex military history of deployment, cooption, strategic use of neutrality, and other imperial-Indigenous patterns that increasingly had global as well as North American dimensions.[63] The War of 1812 was characterized by no single Indigenous experience and by no single pattern of imperial-colonial-Indigenous relations. Eastern British America was not, of course, paradigmatic. Yet, in the absence of a paradigm, it formed one significant part of a diverse spectrum of relationships that surrounded and in places penetrated the settled areas of the continent. When Ingram Ball voiced his fear of the 'three fires,' his apprehensions resonated far beyond the tiny colonial capital of Sydney, Cape Breton Island. Avoidance of having to deal with the three fires was a key to imperial-Indigenous negotiations over a wide area of Eastern British America, up to and including the neutrality agreements of 1812. When the three fires, after the international treaties of 1814–1815, were no longer likely to burn together, the balance of an old relationship was irrevocably altered.

Notes

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2 The discussion of imperial-Indigenous negotiation in this essay is predicated on distinguishing 'empire' from 'settler colonization'. While settler colonization could be one expression of empire, commercial and strategic considerations were others. By 'imperial officials' is meant governors, and such officers as Indian commissioners who reported to them, as well as military commanders. By 'colonists' is meant colonial settlers and those who directly represented them. Members of colonial councils stood in between, being rooted in settler colonization but also frequently aspirants to imperial office. The empire studied primarily is the British Empire, although the United States – dealt with only to a limited extent, other than as the opponent of Great Britain in the War of 1812 – would also be considered an empire in this context.

3 Cape Breton Island Council Minutes, 30 April 1794, The National Archives (United Kingdom) (UKNA), Colonial Office (CO) 217/110, f. 180.

4 R.J. Morgan, 'Ingram Ball,' *Dictionary of Canadian Biography Online*, accessed at http://www.biographi.ca/009004-119.01-e.php?id_nbr=2250; Henry Frendo, 'Sir Alexander John Ball,' *Oxford Dictionary of National Biography*, accessed

at http://www.oxforddnb.com/view/article/1210?docPos=1.

5 Cape Breton Island Council Minutes, 16 April 1793, UKNA, CO217/109, f. 52.
6 George Henry Monk to John Wentworth, 23 January 1794, UKNA, CO217/65, f. 150.
7 Thomas Carleton to Henry Dundas, 14 June 1794, UKNA, CO188/4, f. 184.
8 Alan Taylor, *The Civil War of 1812: American Citizens, British Subjects, Irish Rebels, and Indian Allies*, 2nd edition (New York: Vintage Books, 2011), 457.
9 Francis M. Carroll, *A Good and Wise Measure: The Search for the Canadian-American Boundary, 1783–1842* (Toronto: University of Toronto Press, 2001), 3–21; David Demeritt, 'Representing the "True" St. Croix: Knowledge and Power in the Partition of the Northeast,' *William and Mary Quarterly*, 3rd ser., 54:3 (July 1997), 515-48.
10 For population estimates, see Julian Gwyn, *Excessive Expectations: Maritime Commerce and the Economic Development of Nova Scotia, 1740-1870* (Montreal and Kingston: McGill-Queen's University Press, 1998), 25; Barry Moody, '"Delivered from all your distresses": The Fall of Quebec and the Remaking of Nova Scotia', in *Revisiting 1759: The Conquest of Canada in Historical Perspective*, eds. Phillip Buckner and John G. Reid (Toronto: University of Toronto Press, 2012), 227; Stephen A. White, 'The True Number of the Acadians,' in *Du Grand Dérangement à la Déportation: Nouvelles perspectives historiques*, ed. Ronnie-Gilles LeBlanc (Moncton: Chaire d'études acadiennes, Université de Moncton, 2005), 21-56. The argument summarized here is drawn from John G. Reid, '*Pax Britannica* or *Pax Indigena*? Planter Nova Scotia (1760-1782) and Competing Strategies of Pacification', *Canadian Historical Review*, 85:4 (December 2004), 669-92.
11 The evolution and significance of the friendship is discussed in greater detail in John G. Reid, 'Imperial-Aboriginal Friendship in Mi'kma'ki/Wulstukwik,' in *The Loyal Atlantic: Remaking the British Atlantic in the Revolutionary Era*, eds. Jerry Bannister and Liam Riordan (Toronto: University of Toronto Press, 2012), 75-102. This essay also contains, on pp. 92-3, an early outline of the argument advanced in the present paper.
12 For fuller development of the arguments summarized here, see John G. Reid, 'Empire, the Maritime Colonies, and the Supplanting of Mi'kma'ki/Wulstukwik, 1780-1820', *Acadiensis*, 38:2 (Summer/Autumn 2009), 78-97; John G. Reid, 'Scots in Mi'kma'ki, 1760-1820,' *Nashwaak Review*, 22/23:1 (Spring/Summer 2009), 527-57.
13 George Henry Monk to John Wentworth, 23 January 1794, UKNA, CO217/65, f. 150.
14 Ibid, f. 151.
15 Taylor, *The Civil War of 1812*, 203-33.
16 Howard Temperley, ed., *Gubbins' New Brunswick Journals of 1811 and 1813* (Fredericton: Kings Landing Corporation, 1980), 77.
17 John Wentworth to Lord Castlereagh, 26 October 1807, UKNA, CO217/81, f. 245; Martin Hunter to Lord Castlereagh, 25 May 1808, UKNA, CO188/14, f. 27.
18 Letter of John Wentworth, 24 September 1796, UKNA, CO217/37, ff. 70-1.
19 Certification of Edmund Fanning, 14 July 1806, UKNA, CO226/21, f. 196.
20 William Macarmick to Henry Dundas, 16 September 1794, UKNA, CO217/110, f. 229.
21 David Mathews to Duke of Portland, 2 August 1797, UKNA, CO217/113, f. 211.
22 Wentworth to John Despard, 30 May 1804, Nova Scotia Archives and Records Management (NSARM), Wentworth Letter Books, Vol. 53, 507.
23 Wentworth to Robert Hobart, 3 May 1804, UKNA, CO217/79, ff. 15-16.
24 Wentworth to Sir Robert Shore Milnes, 18 April 1804, NSARM, Wentworth Letter Books, Vol. 53, 489.
25 Report of George Henry Monk, 23 April 1808, UKNA, CO217/82, f. 202.
26 Wentworth to Hobart, 3 May 1804, UKNA, CO217/79, f. 15; Wentworth to Gabriel George Ludlow, 17 April 1804, NSARM, Wentworth Letter Books, Vol. 53, 491-2; Wentworth to Milnes, 18 April 1804, Ibid., 489-90.
27 Hunter to [Castlereagh?], [1807], UKNA, CO217/81, ff. 228-31; D.M. Young, 'Sir Martin Hunter,' *Dictionary of Canadian Biography*, http://www.biographi.ca/009004-119.01-e.php?&id_nbr=3454.
28 Statement of 'an Indian named La Coote,' 10 July 1879, New Brunswick Crown Lands Office. I thank Micah Pawling and Donald Soctomah for drawing this document to my attention.
29 Memorandum of Charles MacCarthy, 3 July 1812, UKNA, CO188/18, f. 110.

30 Wentworth to John Despard, 30 May 1804, NSARM, Wentworth Letter Books, Vol. 53, 507-8.
31 Wentworth to Lord Castlereagh, 26 October 1807, UKNA, CO217/81, f. 245.
32 Wentworth to [Dundas?], 3 May 1793, UKNA, CO217/64, f. 172.
33 Wentworth to Dundas, 23 July 1793, UKNA, CO217/64, ff. 236-7.
34 Dundas to Wentworth, 6 July 1793, UKNA, CO217/64, f. 219; Wentworth to Dundas, 27 August 1793, UKNA, CO217/64, f. 253-4.
35 Wentworth to Lord Castlereagh, 26 October 1807, UKNA, CO217/81, f. 245; for a more detailed discussion, see Reid, 'Imperial-Aboriginal Friendship,' 91-2.
36 Bathurst to Sir John Sherbrooke, 26 August 1812, UKNA, CO217/89, ff. 214-15; Temperley, ed., *Gubbins' New Brunswick Journals of 1811 and 1813*, 77.
37 Barry M. Moody, 'The War to which Nobody Came: Maritime Canada and the non-War of 1812', Paper presented to Conference on 'The War of 1812: Myth and Memory, History and Historiography', University of London, July 2012.
38 See, for example, J. Mackay Hitsman, *The Incredible War of 1812: A Military History* (Toronto: UTP, 1965), 48-9. On the war at sea, see Faye M. Kert, *Prize and Prejudice: Privateering and Naval Prize in Atlantic Canada during the War of 1812* (St. John's: International Maritime History Association, 1997), and Joshua M. Smith, *Battle for the Bay: The Naval War of 1812* (Fredericton: Goose Land Editions and The New Brunswick Military Heritage Project, 2011).
39 *Royal Gazette and New Brunswick Advertiser* (Saint John), 29 June 1812, 13 July 1812. Smyth's proclamation was dated 10 July 1812.
40 Smyth to Lt.-Col. Leonard (circular), 3 July 1812, Provincial Archives of New Brunswick (PANB), Militia Records, 1800-1827, RS 559/A/1a; Prévost to the Earl of Liverpool, 18 May 1812, UKNA, CO42/146, ff. 200-1. See also, for another contemporary judgment on the vulnerability of New Brunswick's southwestern frontier, Joshua Upham et al. to Castlereagh, 14 August 1807, UKNA, CO188/13, f. 298.
41 Young, 'Sir Martin Hunter.'
42 See Anne Hunter and Elizabeth Bell, eds., 'The Journal of Sir Martin Hunter and Some Letters of his Wife, Lady Hunter', typescript in PANB, 87, 95, 101-2. Quotation from 101, dated 24 May 1808. The typescript is apparently a copy taken in 1939 from a published version with the same title (Edinburgh: The Edinburgh Press, 1894).
43 Hunter to Castlereagh, 25 May 1808, UKNA, CO188/14, f. 27; Castlereagh to Hunter, UKNA, CO188/15, ff. 9-10; PANB, Journals of the House of Assembly, 1, 10 March 1810, Vol. IV, 39-40, 58.
44 PANB, Executive Council Minutes, 22 June 1812, Vol. 4, 53.
45 Extract from Council Minutes, 10 July 1812, PANB, RS 336 A2a; *Royal Gazette and New Brunswick Advertiser*, 13, 20, 27 July, 10 August; *City Gazette and General Advertiser* (Saint John), 25 July, 8 August.
46 Micah A. Pawling, 'Petitions and the Reconfiguration of Homeland: Persistence and Tradition among Wabanaki Peoples in the Nineteenth Century' (Ph.D. dissertation, University of Maine, 2010), 229-31.
47 Certification of Jonathan Odell, 17 July 1812, PANB, RS 336 A/2/a.
48 Engagement of Andrew Julien et al., 20 August 1812, Harriet Irving Library (University of New Brunswick) Archives and Special Collections, Indian Affairs Documents, MG H54, No. 41; Order of Smyth, 20 August 1812, Ibid., No. 40; T. Wetmore to Odell, 20 August 1812, Ibid., No. 39.
49 Smyth to Bathurst, 31 August 1812, UKNA, CO188/18, f. 70.
50 [Liverpool] to Hunter [*sic*, for Smyth], 2 October 1812, UKNA, CO188/18, f. 59.
51 Sherbrooke to Bathurst, 10 September 1814, UKNA, CO217/93, f. 282.
52 Owen to Earl of Liverpool, 27 April 1813, UKNA, CO188/19, f. 81; 'Indian Conference,' 3 October 1812, UKNA, CO188/19, f. 87; Pawling, 'Petitions and the Reconfiguration of Homeland,' 230-1.
53 Upham et al. to Castlereagh, 14 August 1807, UKNA, CO188/13, f. 298 (emphasis in original).
54 For a broadly-sketched outline of certain patterns of encroachment, see Reid, 'Empire, the Maritime Colonies, and the Supplanting of Mi'kma'ki/Wulstukwik,' 82-7.
55 See Stephen Dutcher, 'Aboriginal Agency and British Colonial Power in Post-Revolutionary Nova Scotia: A Reconsideration', Paper presented at Nineteenth Atlantic Canada Studies Conference, Saint John, NB, May 2012.

56 See Pawling, 'Petitions and the Reconfiguration of Homeland,' especially 558-69.
57 For more detailed discussion, see Reid, 'Imperial-Aboriginal Friendship'.
58 See Reid, 'Empire, the Maritime Colonies, and the Supplanting of Mi'kma'ki/Wulstukwik', 95-7.
59 See W.E. (Gary) Campbell, 'More than a Clash of Lumbermen: New Insights into the Causes and Significance of the Aroostook War of 1839', Paper presented at Nineteenth Atlantic Canada Studies Conference, Saint John, NB, May 2012.
60 Thomas Peace, 'Mi'kmaw and Acadian Neighbours: Tracing Complex and Variable Relationships in Early Eighteenth Century Mi'kma'ki', Paper presented at Canadian Historical Association Annual Meeting, Waterloo, May 2012.
61 Mark W. Landry, 'Pokemouche Mi'kmaq and the Colonial Regimes' (M.A. thesis, Saint Mary's University, 2010), especially 106-15.
62 See, for example, D.W. Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History: Volume I, Atlantic America, 1492-1800* (New Haven: Yale University Press, 1986), Part Three, Chap. 12, especially 365; R. Cole Harris and David Wood, 'Eastern Canada in 1800', in Harris, ed., and Geoffrey Matthews, cartographer/designer, *Historical Atlas of Canada: Volume I, From the Beginning to 1800* (Toronto: University of Toronto Press, 1987), Plate 68.
63 See Wayne E. Lee, ed., *Empires and Indigenes: Intercultural Alliance, Imperial Expansion, and Warfare in the Early Modern World* (New York: New York University Press, 2011). On North America, see in particular the chapters by Jenny Hale Pulsipher, Wayne E. Lee, and Geoffrey Plank.

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Maine's Mode of Privateering: A Tale of Fraud and Collusion in the Northeast Borderlands, 1812–1815

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Abstract

The American declaration of war passed by Congress in June 1812 was followed by a prize act which authorised the issuing of Letters of marque. These commissions or licenses allowed American citizens to fit out privately armed vessels to seize British ships. Although most privateers complied with Congress's instructions, their counterparts operating along the Maine coast used their commissions to further own economic self-interest by orchestrating pre-arranged captures with British merchants in Nova Scotia and New Brunswick. Since the British government encouraged its subjects to trade with the enemy to undermine the American war effort, American privateers assumed most of the risks. Merchants and mariners from as far away as New York and Connecticut traveled to Maine to trade with the British despite the hazards of detection. As these privateers engaged in fraud, other Americans turned to vigilante violence to uncover and foil these schemes. After the British occupied Eastern Maine in the summer of 1814 trading with the enemy became illegal on the British side of the border. Despite the risks, British merchants continued to engage in trade with the enemy. Ultimately, persistence of conflict and accommodation in the Northeastern Borderlands, the area comprising Maine, Nova Scotia and New Brunswick, helped undermined Eastern Maine's allegiance to the United States.

Introduction

Maine's privateers had a dramatic impact on the lives of ordinary people during the War of 1812. The absence of large military and naval forces in Maine left the prosecution of the conflict to privately armed vessels. As the conflict progressed in the Northeastern Borderlands Maine's privateers took advantage of their proximity to Nova Scotia and New Brunswick to engage in illicit activities to ensure their own survival. Even though federally licensed privateers were supposed to advance the U.S. war effort by capturing enemy vessels, many interfered with the coastal economy, harassed American citizens and engaged in illegal trade with the enemy.

When the War of 1812 began, Josiah Hook was the U.S. collector of customs for the Penobscot district. His area of responsibility stretched along Maine's Penobscot River with a main port of entry at Castine and five ports of delivery upriver from Deer Island to Bangor. As the brother-in-law of Congressman Joseph Carr, Hook was one of several Republican collectors appointed by Thomas Jefferson in 1801.[1] During the Embargo of 1807 and the War of 1812 Hook was responsible for enforcing the restrictive measures the Jefferson and Madison administrations enacted to deprive the British of food and naval stores.

In order to comprehend the difficulties and opportunities privateers created for Hook, it is necessary to examine the geographical characteristics of the Penobscot collection district as a subset of the Northeastern Borderlands that consists of Maine, New Brunswick and Nova Scotia. As Alan Taylor has astutely pointed out, Maine's location at this international crossroads makes it a valuable subject for study even before it achieved statehood in 1821.[2] Blessed with a jagged coastline with hundreds of inlets and natural harbours as well as a close proximity to the British provinces of New Brunswick and Nova Scotia, Maine was an ideal place to engage in privateering. In contrast to the upstate New York and the Great Lakes, where large military and naval forces were concentrated in the hopes of seizing portions of Upper and Lower Canada, a considerable portion of the war effort in Maine was left to private resources.

Although small garrisons of soldiers were stationed in ports such as Portland, Castine, Machias and Eastport, their presence was minimal compared to the numbers of troops committed to the major theatres of the war. Nor was there a significant naval presence if one considers the United States Navy only carried three prizes into Maine's ports. On the other hand, privateers officially brought at least ninety vessels into these same ports.[3] The anticipated added duties to come when Congress

authorised the President to grant letters of marque must have seemed minimal to Josiah Hook in the early months of the war. Privateering commissions or letters of marquee were granted in the name of the President of the United States, but since the Secretary of State had relatively few employees in the nation's ports he depended on collectors of customs to issue and revoke commissions for these privately armed vessels. Commissions authorised private individuals to arm a vessel and hire a crew to seize enemy vessels and their cargos. Besides clearing vessels, testing the proof of alcohol, issuing bills of health and detecting smugglers, the collector and his inspectors were given new duties concerning privateers.[4]

Although a collector had limited authority when privateers used excessive force or illegally detained a vessel, he had considerable power to combat collusive captures. Collusive capture was a form of smuggling where a privateer met an enemy merchant vessel with a valuable cargo at a pre-determined time and place to capture it and thus bring its banned goods into the country. As the war progressed, Hook became embroiled in a series of events that complicated his duties as collector of customs for the Penobscot District. The first of these began in Boston when Johan Frederick Cobs of Carlscrona, Sweden, the owner and captain of the brigantine *Margaretta* loaded his vessel with a cargo of rye and wheat flour.[5] As the *Margaretta* sailed out of Boston harbour on 23 July 1813, she stopped to allow Charles Tappan, Joseph Woodward Jr. and Fred Cabot to come on board.[6] Although the *Margaretta* had officially cleared for Madeira, she was actually destined for Saint John, New Brunswick. Once she arrived there, the *Margaretta* unloaded her cargo and took on a second cargo.[7] Tappan also arranged for a second vessel to be loaded with British goods and merchandise. The sloop *Traveller* had been purchased at a prize auction on 2 July 1813 by William Manks in order that it might be deliberately captured by an American privateer at a later date. On this visit to Saint John, Tappan made arrangements for such a collusive capture by meeting with Pearl Shafford and John Aiken, the owners of the American privateer, *Lark*.[8] As Tappan made arrangements for the *Traveller*'s capture, men employed by William Manks, Nehemiah Merritt, and William Black and Company loaded the sloop with British goods in preparation to sail.[9]

With the vessels loaded and their captures planned, Tappan returned to Maine before either the *Traveller* or the *Margaretta* sailed. In order to avoid detection by authorities he took passage from Saint John to Campobello Island on the sloop *James*. At Campobello he boarded a whaleboat for Eastport where he secured passage to Frenchman's Bay in

a boat named *General Washington*. On 19 August 1813 Tappan's efforts to avoid detection failed when another boat he travelled in was seized by the privateer *Swiftsure* of Salem at Bucks Harbour. Once the majority of passengers had gone ashore, Captain Charles Berry brought his privateer alongside the boat owned by Samuel Shackford and Daniel Young and ordered it to be carried to Machias. Berry's crew began opening the passengers' property to get a picture of their prize's value. In the course of their search the privateersmen opened Tappan's belongings which included a bundle of Tappan's clothes tied with a handkerchief. Inside they found a pocket with papers, letters and a pair of pocket pistols. They seized Tappan's pistols and told him that he had no right to carry them. One of the *Swiftsure*'s officers remarked that he had been born an Englishman, but he had lived in the United States for six or seven years and was now a true American and meant to detect smugglers and Tories. Then the privateersmen turned over the cargo, which belonged to William Frost and Jabez Mowry, to the deputy marshal at Machias. Afterwards they carried the captured boat to Castine where Josiah Hook allowed Samuel Shackford and Daniel Young to continue to use it in exchange for paying a bond.[10]

The capture of Shackford and Young's boat was followed by a series of events that undermined Tappan's plans to import British goods into the U.S. Shortly after the vessel Tappan sailed on was seized, the vessels he and Woodward had loaded at Saint John left. On 26 August 1813 the *Margaretta* and the *Traveller* set sail in convoy with HMS *Boxer*. Tappan had paid a £100 bill of exchange on London to Samuel Blyth, HMS *Boxer*'s commander, to escort the vessels into American waters.[11] The first event occurred a day after the two vessels left Saint John when Jonathan Haskell and the crew of the privateer *Lark* captured the *Traveller* between Wolves and Campobello Islands and sent her into Frenchman's Bay. When the *Traveller* touched at Machias, Jeremiah O'Brien, the collector of customs for Machias, was not aware that the *Lark*'s prize had been captured collusively. When O'Brien received information from Josiah Hook describing the suspicious nature of the *Traveller*'s capture, he dispatched George Smith, his deputy collector, who seized the sloop at Pleasant River and placed an inspector on it. The inspector carried the *Traveller* to Frenchman's Bay, where it was turned over to Metaliah Jordan, the ports collector, on 1 September 1813.[12] Unfortunately for Tappan and Woodward, the fortunes of the *Margaretta* were not much better than those of the *Traveller*. *HMS Boxer* periodically towed the *Margaretta* until the vessels parted company at Sequin Light. When the *Margaretta* reached Marks Island her captain sent a boat to retrieve a second crew

from the privateer *Lydia* who would carry the brigantine into Portland as a prize. However, the boat never returned and the *Margaretta* set sail for Bath, Maine, when the wind picked up.[13] This second unfortunate event occurred because a fisherman named John Robinson captured the privateer *Lydia*.

Before the discussion can turn to the U.S. government's response to these fraudulent captures, it is important to consider the reaction ordinary people had to the presence of menacing privateers that frequently concealed their nationality. Robinson had been informed of a privateer's presence by his son and daughter who had been gathering corn near the near the Benjamin River in Sedwick, Maine. Captain Hilliard of the privateer *Lydia* had questioned Robinson's children about a vessel passing down the reach and told them, 'Had he seen her before he would have taken her'.[14] When the children returned to Robinson's Island they told their father about the privateer and their conversation with its captain. Robinson suspected the privateer was English, so he decided to capture it before it seized his schooner.

As the *Lydia* lay at anchor, John Robinson approached the privateer in his own boat accompanied by three family members. A man on the *Lydia* attempted to hail the captain and five privateersmen on the shore, but the Robinsons' seized the privateer before they returned. When the Robinsons investigated the privateer they found evidence of subterfuge such as a few muskets and fishing lines tied to the rail. To their surprise only one of the fishing lines had a hook on it. Ironically, the *Lydia* lacked the means to capture more than one fish, never mind an enemy vessel. Despite the claims of the men on board the *Lydia*, that their vessel was an American privateer, the Robinsons could not find an American or a British flag which made it impossible to identify her nationality. The only flag they could find was a signal flag used to hail other vessels. After examining the peculiar contents of this supposed privateer, the Robinsons realised the captain and the remainder of his crew were returning from shore in a boat. The Robinsons jumped into their own boat, rowed over to the approaching one and pointed their muskets at them. When the Robinsons demanded that the privateers identify themselves, the privateers declared they were Americans. John Robinson responded that he would see if they were American or not before he allowed them to return to the *Lydia*.[15]

When the Robinsons and the captured men went back to the *Lydia*, they did not allow the privateers on board. As the captives waited in their boats, the Robinsons noticed a man appear from the *Lydia*'s hatch with something in his hat and then dropped a concealed packet of papers over

the side of the *Lydia*, where Robinson's son was able to recover it. The packet that had been wrapped in lead bands to help it sink contained a license from Sir John Coape Sherbrooke, the Lieutenant Governor of Nova Scotia, letters in code and a passport. When a man named Babson and Captain Quiner arrived from the shore in a boat, they offered John Robinson money for the papers and the release of the privateer. The papers contained several documents that described British goods carried on British vessels and made references to future fraudulent captures to be made by the *Lydia* and other American privateers. Robinson immediately brought the *Lydia* and its papers to Josiah Hook at Castine. Despite the fact that the *Lydia* had been captured with incriminating documents, Hook released the vessel and kept its papers for himself, hoping to keep the valuable informer's share for himself. Even if he seized only a few of the vessels mentioned in the *Lydia*'s papers, he stood to make a large profit.[16] The merchants who had invested in the *Margaretta* had no way of knowing that John Robinson had thwarted their collusive capture scheme until the *Margaretta* was seized by Joshua Wingate, the collector for the port of Bath, who had received a tip from Hook about the illicit nature of its voyage.[17]

Having established that U.S. privateers were making pre-arranged captures of enemy vessels, this essay will next consider the government's response to this troubling revelation. After reading the packet of papers that Robinson turned over to him, Josiah Hook became convinced that Hilliard, the *Lydia*'s captain, had been waiting to capture the *Margaretta*. On 26 September 1813 Castine's collector wrote a letter to William Jones, the Secretary of the Treasury, to alert him to collusive captures in his district. He informed the Secretary that small privateers from as far away as Boston were applying for commissions where the owners and the master were unknown to the collector. While Hook acknowledged some applicants were notorious smugglers, he was concerned that many of his colleagues did not. He recommended that a policy be implemented that would require privateering commissions to be obtained only in districts where the owners and masters were known to the collector. He also suggested that commissions for the *Lydia* of Boston and the *Lark* of Frenchman's Bay be revoked.

Hook recognised that Jones would not take action without evidence, so he included the findings of his investigation in his letter. According to Hook, the evidence proved that collusive captures were being perpetrated along Maine's coast. First, he had learned from an anonymous informant who had been aboard HMS *Rattler* that the blue flag with a white circle in the middle found rolled up in a shirt tucked away in Captain Hilliard's

chest on board the *Lydia* was a signal flag. Hook's informant told him that the flag was used by Americans to communicate with the enemy. An American vessel would hoist the signal flag, a British war ship would return the signal with the same flag and the American vessel would be allowed to pass. Hook's informant also insisted that the American vessels were carrying supplies and information to the British.

Second, Hook made a point of telling his superior that the capture of Hilliard's papers had already unravelled at least two more cases of collusive captures. Castine's collector explained that Joseph Woodward Jr. and the brig *Margaretta* had arrived in Bath, Maine, with cargo of British merchandise that had been purchased in St. John, New Brunswick. Unfortunately for Hilliard, the discovery of his letters prevented him from capturing the *Margaretta* by pre-arrangement. Hook had also learned that some of the packages in the *Margaretta*'s cargo were owned by John Tappan, the eldest brother of Charles Tappan and a Boston merchant.[18] Later John Tappan admitted to Hook that he had written the letters, signed Herman Venable, which had been recovered from the sea in the packet of papers thrown over the side of the *Lydia*. Furthermore, he told the Secretary of the Treasury that Woodward had collaborated in Saint John with John Aikin and possibly Pearl Spofford, the owners of the privateer *Lark*, to load the sloop *Traveller* with British goods and merchandise.

Finally, Hook informed Jones of the actions he had taken upon learning that Hilliard had been planning to make a collusive capture. He immediately sent his officers to inform his fellow collectors at Bath and Machias of the schemes he uncovered. Hook also sent word to the agents for the privateer *Thomas* at Wiscasset that their prize, the *Diana*, carried goods smuggled by John Tappan. He provided them documentation regarding close to twenty thousand dollars worth of British goods claimed by Tappan. These documents included letters written by Tappan to British merchants such as James E. Henderson and Abraham Rhodes and Company.[19]

The intelligence obtained by the Robinsons helped unravel an intricate conspiracy that included merchants on both sides of the Atlantic in the fall of 1813. Copies of the papers Hook passed on to the agents for the privateer *Thomas* also revealed the international nature of collusive capture. When the *Diana*, one of the *Thomas*'s prizes, came to trial on 15 December 1813, the U.S. government was familiar with methods John Tappan employed to obtain goods from England. Tappan's letters revealed that he paid close attention to American market trends and corresponded with British merchants to obtain goods that would bring the highest profits. Then he directed British merchant James Henderson

to place the goods on separate vessels that would carry them to Halifax and Saint John under convoy. Tappan also asked his British collaborators to insure the goods on their journey across the Atlantic. If some of the vessels were lost or captured, Tappan would not lose the money he invested. Tappan insisted his correspondents maintain his anonymity in case an American privateer or naval vessel captured one of the vessels carrying the goods across the Atlantic. According to this correspondence, Tappan's goods could be identified by his associates who were familiar with his old marks.[20]

In addition to the schemes perpetrated by the Tappan brothers, the papers Robinson gave to Hook, also provided Castine's collector with the names of other vessels destined for fraudulent captures. Some of these illegal captures were arranged by Hugh Kennedy Toler, a New York City merchant who relocated to Eastport to trade with the enemy. Toler orchestrated elaborate schemes with Jabez Mowry, an Eastport merchant, as well as Henry L. Dekoven and William S. Sebor, two displaced ships' captains, from Middleton, Connecticut.[21] Both Dekoven and Sebor had earned their living commanding vessels in the European trade until Admiral John Borlasse Warren extended the British blockade from the Chesapeake Bay to Long Island Sound in May 1813.[22] With few opportunities available in their own district, Dekoven and Sebor travelled to Maine on 29 November 1813. Once in Portland they purchased the privateer *Fly* with credit accumulated from earlier successful voyages, obtained a commission from Isaac Halsey, the ports collector, and shipped a crew on wages. Usually, mariners joined a privateer for a share of any prizes they captured, but this was not a typical cruise. Although hiring a crew for wages was an unusual arrangement for a privateer, many mariners desperately needed money and accepted the agreement.[23] Despite Dekoven and Sebor's attempt to maintain secrecy, the crew of the *Fly* knew of their officers' intention. James Crocker, one of the *Fly*'s crew, described its mode of privateering as a most profitable one.[24]

When Dekoven and Sebor had a privateer and a crew to operate it, they sailed to Machias where they began to make arrangements to capture valuable British goods. One of the vessels fraudulently captured by the *Fly* was the *George*, a schooner that had been purchased at a prize auction by Nehemiah Merritt. The *George* was loaded with Merritt's goods in Saint John in January 1814 while James Godsoe, the captain of the British privateer *Hare*, brought news that an American privateer was cruising near Moose Peak. Merritt made no attempt to hide that the *George* was destined for a collusive capture: indeed, he said the *George* was being prepared for a Yankee take, as David Rodrick, the master of

a captured American vessel, stood by and listened. When a second man asked Merritt what he meant, Merritt told the man he was preparing the *George* for her capture by the American Privateer *Fly*.[25]

Once the *George* was loaded, she cleared for Havana on 8 January 1814, a port that the schooner had no chance of reaching in her dilapidated condition since she carried neither the appropriate number of hands nor suitable sails for such a voyage. Moreover, she did not sail to join the convoy to the West Indies.[26] Instead, Dekoven and the crew of the *Fly* captured the *George* after it entered Long Island Harbor on Grand Manan Island on 13 January 1814. The *George* was commanded by Thomas Trask from North Yarmouth, Nova Scotia. Trask's crew consisted of Portuguese, Spanish and Greek mariners whose neutral status protected them from detention as prisoners of war.[27] After Dekoven released the *George*'s crew, he and his men carried the schooner to Frenchman's Bay as a prize.

Shortly after the *George*'s capture, signs of stress brought on by the war began to appear in the Penobscot custom's district in February 1814. A close examination of the actions of Philip Ulmer, a leading Republican of Lincolnville who later became a tidewaiter for Hook, provides some insight into why many viewed smuggling as acceptable. Philip Ulmer and his brother George had been posted as officers commanding Massachusetts State Troops at Camden during the Revolutionary War. When the war concluded they acquired substantial holdings at Ducktrap, or Lincolnville, including several mill sites nears a harbor on the Ducktrap River and a store as well as land and timber. The Ulmer brothers served as examples of the leading men that Alan Taylor describes in *Liberty Men and Great Proprietors: The Revolutionary Settlement on the Maine Frontier, 1760–1820*. Although the Ulmer brothers had Jeffersonian leanings, large Federalist landowners such as Henry Knox courted their favor as a means of acquiring their neighbours' support.[28]

As a store owner and timber merchant who depended on seaborne commerce for his livelihood, he opposed the Embargo of 1807.[29] If he could not exchange the timber his sawmill cut for British manufactured goods, and sugar to sell in his store, he had to find other employment. In 1809 he accepted a position as sailing master in the U. S. Navy as a means of weathering the economic difficulties created by the embargo. He hoped that he could return to naval service in March 1813 with the help of William King.[30] Sometime in 1813 or 1814 he had to resign himself to accepting a position as a tidewaiter. Despite this disappointment, Ulmer continued to take a leading role in local politics. On 9 February 1814 Republicans in Lincolnville defeated the Federalists who they condemned as the British faction at a town meeting. The Federalists

were not able to convince Lincolnville's voters to send a petition to either the Massachusetts legislature or the President demanding the repeal of the current embargo law.

On the contrary, voters formed a committee to draft resolutions demonstrating their support for the Madison Administration. Ulmer was selected to the committee along with Captain Joseph Stetson, the moderator of the town meeting, and four other prominent citizens. The committee expressed the sentiments of Lincolnville residents in four resolves that appeared in the *Eastern Argus*. The town pledged to support the Administration until an honorable peace that preserved the rights they had won in the American Revolution could be secured. They criticised Governor Strong for delivering a message in the state legislature that promoted division in a time of war. They also promised to ignore the threats and flatteries that Federalists promoted in the legislature. Tellingly, they pledged that the majority of Lincolnville's residents would risk their lives and property as well as use all lawful means to support the laws and the Constitution. Furthermore, they promised to hold in contempt those who attempted to evade the law. Although there is no reason to doubt the sincerity of the committee's resolves, changes in British strategy over the course of the spring and summer of 1814 undermined these patriotic sentiments.[31]

Once the Allies had defeated Napoleon's armies at the battle of Leipzig, the British government turned its full attention to defeating the U.S. The change in policy first became apparent when the Lords of the Admiralty appointed Vice Admiral Alexander Cochrane to assume command of the Halifax Station. In contrast to John Borlasse, Warren, the new commander, was not required to make peace overtures while waging war against the United States. Cochrane possessed a deep hatred of the United States since the death of his brother at Yorktown during the Revolution, and he prosecuted the war with a new spirit starting with a strict and general blockade to cover all of New England in April 1814.[32] Before Cochrane expanded the blockade, extensive trade had been conducted between the British provinces and the United States under licenses. Licenses granted by Sir John Coape Sherbrooke, the Lieutenant Governor of Nova Scotia, allowed American merchants to carry provisions and naval stores to Halifax and Saint John. British merchants were also granted licenses that permitted them to export British manufactures and prize goods to the United States. When Halifax merchants complained that Cochrane's blockade would interfere with the trade they conducted with the United States, the Vice Admiral responded that they would have to accept it for the good of the Empire. Although Cochrane

was aware that American vessels licensed to carry provisions and naval stores legally supplied Nova Scotia and New Brunswick, he argued that the same supplies could be obtained from captured vessels.[33]

Cochrane's blockade was followed by an invasion of Eastern Maine by combined British and naval forces at Eastport on 11 July 1814. The meager U.S. force defending Fort Sullivan was no match for the 600 men of 102nd Regiment under the command of Colonel Pilkington and Captain Thomas Hardy's naval squadron. Residents of Eastport realised it would be futile to oppose the invaders, so they convinced Colonel Pearly Putnam, U.S. commander of Fort Sullivan, to capitulate and take an oath to George III. Forty-six days later, a second expedition under the command of General Sir John Coape Sherbrooke, the Lieutenant Governor of Nova Scotia left Halifax for Machias, Maine. However, the occupation force bypassed Machias when they learned that an injured corvette, the USS *Adams*, had fled up the Penobscot River. On 1 September 1814 the British landed at Castine and occupied the town after forty American soldiers made a symbolic resistance, destroyed their earthworks and escaped. Once the British had control of Castine, Sherbrooke and Rear Admiral Griffith dispatched an expedition of soldiers and sailors to capture the USS *Adams*. After landing troops to block the main road south from Belfast and dispersing militia at Bucksport and Frankfort, the British forces continued their progress up the Penobscot River to Hampden. At the Battle of Hampden, the British defeated the American soldiers, sailors and militia defending the USS *Adams*. Before Charles Morris, the USS *Adam*'s captain, and his men fled they burned their ship and spiked their cannons to keep them out of enemy hands.[34] Even if the British were robbed of this valuable prize, they succeeded in burning several vessels and extorting ransoms from the residents of Hampden and Bangor. As a result of the British invasion many of the communities in Hook's customs district ceased to engage in privateering.

The invasion of Eastern Maine and the occupation of Castine transformed the meaning of the war in the Northeastern Borderlands and had a profound impact on the collector of customs for the Penobscot District. Josiah Hook was forced to flee his home in Castine when the British occupied the town, and he lost a considerable portion of his personal property. Meanwhile, his customs district was now on the border between the United States and a British province. Rather than give up such a lucrative position, Hook adjusted by setting up a port of entry at Hampden. He also made accommodations to the regulations he was charged with enforcing. He realised that if he and his subordinates were not able to survive the British occupation of Eastern Maine, they would not be able

to enforce any revenue laws. In order to do this Hook looked the other way when prominent local Republicans made collusive captures of their own. This change in Hook's policy began when Noah Miller captured the sloop *Mary*. The *Mary* sailed from Halifax to Castine with a British convoy on 27 October 1814. After the *Mary* made land at Holt Island she continued under escort until the convoy reached Green Island where she departed for Castine. According to Gabriel Fowler, a part owner of and a passenger on board the *Mary*, Benjamin Darling, the sloop's master, and David McWaters, her supercargo, disputed the identity of an approaching boat. While Darling suspected the boat was hostile, McWaters argued it was merely an English barge. The men in the boat approached, raised an American flag and fired a gun, but rowed away when Darling displayed an English jack on the *Mary*'s stern. Then McWaters waved his hat and told them to come along side the *Mary* which they did before capturing the sloop.[35]

British officials did not pay particular attention to collusive captures until Sir Alexander Cochrane's new blockade made them illegal. In order to prove his innocence to British authorities, McWaters had a statement by James Stewart and Davis Loring printed in the *Acadian Recorder*. Stewart, a seaman from the transport *Lord Collingwood* who travelled as a passenger on the *Mary*, was present at her capture. Stewart denied seeing McWaters signal the boat that captured the *Mary*. On the contrary, he testified that McWaters had offered to pay Major Miller, the man who commanded the boat and claimed to be a revenue officer, a ransom. Stewart even claimed that McWaters offered himself as a hostage to ensure payment of the ransom.

While McWaters attempted to exonerate himself, Saint John merchants such as Nehemiah Merritt and William Pagan attempted to uncover evidence that would prove he made a collusive capture. Merritt and Pagan hoped to allay British officials' suspicions over their own activities by implicating McWaters in a collusive capture scheme. They believed they could cover their own illicit activities by calling attention to the illegal actions of others. Merritt approached Davis Loring when he returned to Saint John and asked him to make a statement concerning the sloop's capture. Loring accompanied Merritt to Pagan's store where he testified that McWaters had offered to pay Noah Miller a £7000 ransom and was willing to become hostage to guarantee its payment. Loring also told his interrogators that McWater's anxiety over the capture convinced him there was no collusion.[36]

Unfortunately for Merritt and Pagan, Loring's statement would not aid them in their quest to find evidence that would implicate another

merchant in a collusive capture. Had they questioned Gabriel Fowler, the disgruntled mariner who owned part of the *Mary*, Merritt and Pagan might have obtained the evidence they sought. Since McWaters had been arrested and detained when he arrived at Castine, Fowler forfeited the freight he expected to receive for carrying goods to Castine. Fowler believed that he was entitled to the freight in addition to being reimbursed for the loss of his share of the sloop. He was further insulted when he was offered $50 to cover his loss by one of the conspirators whom he refused to name. When Fowler learned that Mr. Cunard was in Saint John, he warned Davis Loring to stay away from the Halifax merchant.[37]

American mariners on the Penobscot River were equally frustrated due to their unwilling participation in a collusive capture scheme. Noah Miller, the commander of the boat which captured the *Mary* was not an experienced mariner like Hook's other subordinates. He leased a boat from Charles Thomas and hired a crew that expected to be paid with shares in any prize they captured. Little did West Drinkwater, Kingsbury Duncan, Samuel Duncan and Jonathan Clark know that Miller intended to deceive them in order to make a collusive capture. Nor did they know that Miller lacked a valid commission as a privateer. Once they captured the *Mary*, Miller went ashore where he found Major Ulmer, the tide-waiter for Lincolnville employed by Josiah Hook. Since Ulmer had more experience as a mariner he guided the sloop to Camden while Miller travelled to the same port by land. When Miller learned several militiamen had witnessed the *Mary*'s capture, he accepted Hook's assistance to prevent them from entering claim for a joint capture.[38] Prize courts took into consideration the number of men and guns present as well as the size of the vessels present when they determined who should share in a joint capture. Soldiers, sailors and privateers did not have to participate directly in a capture to earn rewards for a joint capture. They needed only to demonstrate that their presence helped to persuade the enemy vessel to surrender.[39] Hook convinced Miller to give him a share of the $69,790.64 prize in exchange for a back-dated commission as a revenue inspector. Hook's commission shielded Miller from prosecution for piracy or trespass on a vessel. While Miller secured immunity for himself, he excluded his crew from a share in the prize by paying them each $2.00 for their labor.

Since Miller had released McWaters, news of his sloop's capture soon reached British Commodore Muncy at Castine. Hook helped Miller remove the cargo of the *Mary* from Camden to Hampden before Commander Muncy arrived at Camden with the 38-gun frigate, *Furieuse*, and demanded the return of the sloop and its cargo. While Hook helped

Miller secure the goods from this prize, Joseph Farley, his customs counterpart from Waldoborough, helped the residents of Camden escape bombardment by convincing Muncy that the prize goods had already been removed.[40]

Less than a month after Miller seized the *Mary*, two of Hook's men were engaged in an unusual act of bravado. On 17 November 1814, the *Fame*, an American privateer partially owned by Philip Ulmer and commanded by Alexander Milliken, sailed into Machias and posted a proclamation. Milliken had served as the prize master of the *Kutsoff*, when captured by the privateer *Surprise* of Baltimore before he assumed command of the *Fame*. The *Kutsoff* had been seized near Barbados with an American passenger on board and carried into Frankfort, Maine in Hook's customs district.[41] Once the *Kutsoff*'s cargo was unloaded it was purchased by Israel Thorndike, a Federalist state senator and Great Proprietor affiliated with John Tappan.[42] Despite the suspicious circumstances surrounding the *Kutsoff*'s capture, Hook appointed Milliken as a deputy customs inspector on 4 October 1814.[43] Ironically, the newly appointed deputy assumed command of a privateer that was owned by his colleague, Philip Ulmer, and would later be suspected of making a collusive capture.

When one considers the proclamation that Milliken nailed to the flagpole in the fort at Machias in the context of these circumstances, it takes on an entirely new meaning. At first glance Milliken's action might appear to be an act of patriotic daring. However, a closer examination reveals a more nuanced understanding of the borderlands space occupied by British and American forces in wartime Eastern Maine. The proclamation opens by making a reference to Sir John Coape Sherbrooke's declaration that all of the District of Maine between the Penobscot and Saint Croix Rivers had been captured on behalf of the King. While Milliken recognized that the enemy occupied Castine, he insisted the rest of the large, though lightly inhabited, territory between the two rivers remained in possession of the United States. He also asserted that residents of this region had reverted from being British subjects to United States citizens as a result of the outcome of the American Revolution and insisted that they act accordingly.

Although he insisted that United States citizens recognise American sovereignty, Milliken's proclamation may not have precluded trade with the enemy since it proceeded to criticise the blockade imposed by Admiral Cochrane, which ended legal British trade with the U.S. The blockade, however, was not the insurmountable impediment to trade that Cochrane intended. On the contrary, it was an easily surmountable

annoyance that could be bypassed by a mariner who knew how to navigate the huge number of inlets, bays and harbours between the Penobscot and the St. Croix Rivers. An experienced mariner such as Milliken was aware that a small schooner such as *Fame* was not capable of blockading the area between the two rivers. However, the shrewd privateer also knew that even the Royal Navy could not secure this region. Although Milliken would never have considered himself as anything other than an American, his definition of an American included the freedom to engage in trade.[44] The *Fame*'s captain was willing to accept British occupation of Eastport and Castine as long as he was able to maintain the livelihood he depended on to survive in a borderland.

Like his subordinate, Hook also developed his own understanding of the unique political and economic landscape created by the war that allowed him to continue in office even as the British occupied a portion of his customs district. As the year 1814 came to a close, Hook's correspondence with Alexander Dallas, William Jones's successor as Secretary of the Treasury, provides clues into how the British occupation of Eastern Maine reoriented the way he thought about that space. In a letter to Dallas written on 24 November 1814 Hook described an opportunity by which the government and the collector could enrich themselves. Now operating the customs office further up the Penobscot River at Hampden, Hook explained that he had been approached with a proposal to introduce goods into the United States on neutral vessels. He had received the proposal while he attended the U. S. Circuit Court in Boston and discussed it with other collectors and the district attorney, and they felt that a neutral vessel could be admitted at Frankfort, Hampden or Bangor. By the time Hook returned to his office in Hampden, his deputy collector had already allowed a neutral vessel to enter six cargoes. According to Hook, the neutral vessel was regular as regards tonnage and possessed the proper paperwork for a neutral vessel including invoices describing the cargo. In an effort to convince the Secretary of the Treasury of the financial advantages of admitting similar vessels, Hook explained that six cargoes worth $40,000.00 were taken from Castine by land and put on a neutral vessel which carried them up the Penobscot River to Hampden. He believed allowing a neutral vessel to carry large amounts of British goods from Castine would deter smuggling as long as the British blockade did not interfere.[45] Hook hoped to convince Dallas that allowing neutral vessels to carry British goods from one side of the Penobscot to the other would discourage smuggling.

While Hook sought permission to admit neutral vessels to deter smuggling, his letter sparked other concerns in Washington. As Secretary

of the Treasury, Alexander Dallas feared Hook's actions might undermine the integrity of the United States' claim to the territory on the Eastern bank of the Penobscot River. Dallas wrote to Hook on 9 December 1814 to inform his subordinate of his reservations. While Dallas acknowledged that neutral vessels could be admitted to any port in the United States from any British port, this was the least of his concerns here. The situation that Hook had described to Dallas involved neutral vessels carrying British goods from an American port occupied by the enemy. In order to clarify the government's position Dallas wrote, 'The military possession of a part of our territory by the enemy is subject to other considerations'.[46] He feared that if Hook allowed neutral vessels from an occupied territory to enter goods at a customs house within the jurisdiction of the United States, he would be acknowledging British sovereignty at such places. To this practice, Dallas made the government's position absolutely clear by telling Hook that no vessel could pass from one port to another without the documents required by Congress. The Secretary of the Treasury knew that if the jurisdiction of international law supplanted that of the U. S. law on the Penobscot River his government would find it more difficult to reestablish its authority over British-occupied American territory there once the war ended.[47]

Despite the concern Dallas expressed in his letter, nothing indicates that Hook made any effort to alter his actions or those of his men. On 1 January 1815 Alexander Milliken made the final collusive capture of the War of 1812 in the *Fame*. Although trading with the enemy was illegal on both sides of the Penobscot River William Cunard and a man named Lewis loaded the schooner *Industry* with British merchandise and sugar at Halifax in December 1814, prepared for just such a venture. Cunard knew he had to hide the *Industry*'s fraudulent intentions from British officials, so he placed some old inoperable muskets, ball and powder on the schooner.[48] Since the muskets were incapable of firing a shot, Cunard could legally avoid the charge of supplying the enemy with arms (an offence the British considered treason) if the *Industry* was recaptured. After departing from Halifax the schooner stopped at Barrington, Yarmouth and Grand Passage in Nova Scotia before heading on as direct a course to Castine as the weather would allow. The *Fame*'s boat captured the *Industry* off Cape Rosier near Castine without any resistance when the boarding officer demanded the *Industry*'s papers. Alexander Davis, the *Industry*'s captain, gave the boarding officer the papers and casually told him that the schooner was a lawful prize. The privateers released Davis, despite the fact that he was a British subject, and returned to Thomaston with two American mariners, John Brown and Samuel Williams.

As American citizens both men were eager to leave Halifax when they joined the *Industry*'s crew. Neither man was acquainted with the schooner very long before its capture. As a witness in a prize case an illiterate African American like Brown, returning to New York after sailing on vessels in the East Indies, could provide limited legal testimony.[49] No more helpful was the testimony of Williams, a mariner from Beverly, Massachusetts who had been captured when the HMS *Valiant*, HMS *Acasta* and the HMS *Wasp* took the *Porcupine* of Boston. Williams had signed on as Richard Williams to conceal his identity until he reached Castine, where he planned to slip back into the United States.[50] Brown and Williams were not the only Americans on board the schooner. Two of the *Industry*'s passengers claimed to be American castaways attempting to return home from Nova Scotia. The other passengers were an Englishman and a pilot of unknown nationality who guided the *Industry* to its capture. When the *Industry* came before the U. S. District Court, the honorable David Sewall did not take the unusual circumstances of its capture into consideration. Sewall's decree never questioned why a British vessel carrying several Americans and inoperable muskets was captured by a boat from a privateer owned and operated by a customs officer. Perhaps, the Federalist judge thought it was better to award the prize to the captors rather than question Milliken's libel, since the war had already ended.

While the United States left Maine to defend itself, the use of privateers reinforced local characteristics representative of the Northeastern Borderlands. Maine's reliance on privately armed vessels governed by the interests of their owners, officers and crews undermined its defence. Approximately twenty percent of the privateers that libeled prizes in the United States District court at Wiscasset were captured collusively.[51] As the owners and officers of these privately armed vessels orchestrated fraudulent captures, they ignored legitimate prizes as well as the spirit of their instructions. When Congress authorised President Madison to issue commissions to privateers, they expected that individual self interest would tie Maine's merchants, mariners, and public officials to the United States.

Although the Madison administration hoped privately armed vessels would further the nation's war effort, Maine's privateers ignored their duty, maintained ties with British merchants and traded with the enemy. As American fortunes in the War of 1812 declined, Maine's privateers continued to engage in collusive captures. Left to their own designs without the hindrance of a large American military or naval presence, many of Maine's privateers followed a course that began in Halifax or Saint John and ended in the hearts of American consumers.

Notes

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'True, Publick and Notorious': The Privateering War of 1812

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Abstract

During the War of 1812, hundreds of private armed vessels, or privateers, carrying letters of marque and reprisal from their respective governments, served as counterweights to the navies of Great Britain and the United States. By 1812, privateering was acknowledged as an ideal way to annoy the enemy at little or no cost to the government. Local citizens provided the ships, crews and prizes while the court and customs systems took in the appropriate fees. The entire process was legal, licensed and often extremely lucrative. Unlike the navy, privateers were essentially volunteer commerce raiders, determined to weaken the enemy economically rather than militarily. So successful were they, that from July 1812 to February 1815, privateers from the United States, Britain, and the British provinces of New Brunswick and Nova Scotia (as well as those sailing under French and Spanish flags) turned the shipping lanes from Newfoundland to the West Indies, Norway to West Africa, and even the South Pacific into their hunting grounds. In the early months of the war, privateers were often the only seaborne force patrolling their own coasts. With the Royal Navy pre-occupied with defending Britain and its Caribbean colonies from French incursions, there were relatively few warships available to protect British North American shipping from their new American foes. Meanwhile, the United States Navy had only a handful of frigates and smaller warships to protect their trade, supported by 174 generally despised gunboats. The solution was the traditional response of a lesser maritime power lacking a strong navy—private armed warfare, or privateering.

Introduction

The name privateer refers to both the ships and the people who sailed in them. Operating independently of the navy, and occasionally of the law, privateers were the weapon of the mercantile community who stood to lose the most in a war against trade. Conducted by businessmen for economic reasons, privateering was practicable only as long as it was considered worth the investment. Although more than 600 American privateers were licensed, only 27% of them made more than a single cruise, indicating both the large number of lost or unsuccessful vessels and the owners' low tolerance of risk.[1] Nevertheless, by issuing letters of marque entitling privately-owned vessels to attack enemy commerce at sea, both the United States and British North America created seagoing militias which proved surprisingly effective throughout the War. Yet, no sooner had privateering proven its worth than it was over. This paper will look at private-armed warfare along the Atlantic coast during the last international conflict in which it played a major role.

Dating back to the Middle Ages, privateering was a strictly regulated, legitimate form of licensed warfare which, although often condemned as no better than piracy, was actually governed by international law and adjudicated through admiralty and vice-admiralty courts (in British colonies) especially created for the purpose. Also known as commerce raiding or '*guerre de course*', privateering focused on capture rather than combat, targeting well-laden merchant vessels that were almost always smaller and more lightly armed than the privateer. This was not due to a want of bravery on the part of the privateers, but rather to the economic reality that any exchange of gunfire inevitably resulted in damage to the prize and cargo, which, in turn, reduced its value at auction and thereby, the amount of prize money earned by the crew. Similarly, damage to the captor meant costly repairs and lost sailing time while death and injury to the crew reduced morale and enthusiasm for another cruise. Privateering was a business based on a calculated assessment of risk versus revenue. As long as there were profits to be made, privateers put to sea, encouraged by a legal process that was generally quick, clear, conclusive— and not surprisingly, tended to favour the captor.

Over six centuries, the court process around privateering evolved into an effective and efficient means of determining whether a capture had been legally made, confirming enemy ownership of ship and/or cargo and passing sentence accordingly. Every captor pleaded his case with a document known as a libel. Filed by the privateer owners, it contained details of the capture and stated the grounds for condemnation

as prize. These grounds included the existence of a state of war, the privateer's possession of a bona fide letter of marque and reprisal, and enemy ownership of the prize. Since all of this information was 'true, publick and notorious', the judge was urged to condemn the ship and its cargo to the libellant as 'good and lawful prize' according to the Law of Nations.[2] Notations on many of these court documents indicate that the decision to condemn or release a prize took no more than a few weeks, remarkably swift when compared with the regular judicial process of the time.

The prize court system was unique in that the case was against the ship itself, '*in rem*', rather than the owners (since they were unlikely to be present at either the capture or in the court). The judges were skilled in civil rather than criminal procedure, and because of the complicated nature of international maritime law, there was no jury.[3] The judge based his decision solely on the captured ship's papers supported by affidavit testimony from one or more crew members questioned according to a fixed set of Standard Interrogatories. Speedy process was essential for both parties because of the danger of spoilage or damage to cargoes, and the costly interruption of the voyage due to capture. Refined over time, the entire prize process from arrival in port to judgement could take as little as three to four weeks, although more complicated cases occasionally dragged on for years.[4] Owners or investors unhappy with the decision could appeal to the High Court of Admiralty in Britain or the Supreme Court in the United States. Whether reluctant to waste more time in court or actually satisfied with the verdict, very few plaintiffs bothered to contest the judges' decisions. Most appeals came from Spanish, Portuguese and Swedish claimants who were nominally neutrals and, as such, exempt from capture.

War of 1812

By 1812, privateering was firmly established and widely recognized as a means of helping one's country while helping oneself. State navies, under orders to protect national interests at all times, assumed both defensive and offensive combat roles once war was declared. Privateers, on the other hand, fell within the context of economic war and were under no obligation to attack or defend anything. Damaging enemy property and harassing their trade at sea could be as destructive as a naval broadside, but the main value of privateers lay in their siphoning enemy forces away from blockade or combat duties in order to protect merchant convoys, in causing insurance rates to rise, and in depriving markets of badly

needed commodities that became increasingly more expensive as they became harder to obtain. That privateer goals coincided with national objectives was fortuitous rather than deliberate in most cases. Profit not patriotism was the *raison d'être* of privateering, and the former always took precedence.

Once a formal declaration of war set privateering in motion, it was followed by a *Prize Act*, which empowered the government to issue letters of marque.[5] In the British provinces of New Brunswick and Nova Scotia, commissions were issued by the lieutenant governors 'to suitable persons under adequate safeguards', while in the United States, local customs officials distributed letters of marque to 'respectable' applicants on behalf of the Secretary of State. A letter of marque detailed the name and type of vessel being commissioned, the tonnage, owners, number of crew, guns and the name of the captain and first lieutenant. It authorized the British holder to 'apprehend, seize and take, the ships, vessels and goods' belonging to the US or citizens thereof, and their American counterparts to 'subdue, seize and take any armed or unarmed British vessel, public or private'.[6]

The similarity in wording and intent reflects the influence of British practice on American privateering. The two systems were practically identical. Privateers were required to keep a journal of their cruise; treat foreign nationals, captured passengers and prisoners of war respectfully, according to international law; avoid any theft or interference with the cargo (known as breaking bulk); prevent fraud, smuggling, or any other financial or physical transgressions. Because privateering could be a bloody business, 2 per cent of the net amount of all prize money after payment of court and other costs went into a Patriotic Naval Fund for the support of widows and orphans as well as those wounded or disabled in the course of their privateering activities. In 1812, this fund amounted to $8,677.99, and typical awards were $10–12 per month for the widow of a privateer captain or $4-6 per month for debilitating wounds or the loss of a limb.[7] To ensure good behaviour at sea, both sides required sureties from at least two investors (usually not the owners); $5,000 for a crew of up to 150 men, and $10,000 for a larger vessel.

In effect only against a specified enemy, each letter of marque was good for a single cruise of three to six months and applied only as long as the key components of the commission were in place. For example, if the captain changed, or the vessel was sold or renamed, or changed its rig or completed its cruise, a new letter of marque was required. Because there were fewer than 50 privateers in Atlantic Canada, their commissions were not numbered, but the more than 600 American private

armed vessels operating between June 1812 and February 1815 held at least 1172 letters of marque.[8] This reflects the fact that while just over 60 per cent of American privateers applied for only one commission, many others made two or more cruises and the most successful prize makers, such as *America* and *Fame* (Salem. MA), *Chasseur* (Baltimore, MD), *Dash* (Portland, ME),[9] *Industry* (Lynn, MA), *Fox* (Portsmouth, NH), *Rattlesnake* (Philadelphia, PA), *Saucy Jack* (Charleston, SC), *Snap Dragon* (New York, NY) and *Yankee* (Bristol, RI) held four or more commissions, indicating their ongoing profitability. Among Atlantic Canada privateers, only the *General Smyth* (St. John, NB), *Retrieve* (Halifax, NS) and *Liverpool Packet* and *Retaliation* (Liverpool, NS) undertook three or more cruises.

A letter of marque legally distinguished a privateer from a pirate. Although the line between the two was occasionally thinner than the paper the commission was printed on, a letter of marque authorized the vessel and its crew to capture enemy property within the guidelines of the *Prize Act* and the internationally recognized laws of war. Pirates, on the other hand, operated outside the 'line,' attacking the ships of whatever nation came to hand and subjecting the fairness of their captures to no judgement but their own. Since pirates denied allegiance to any state, international law proclaimed them enemies of all mankind and, if captured, likely to be hanged. Needless to say, privateers were anxious to avoid any confusion over their status and carried numerous copies of their commission to ensure that there was one left aboard every prize they captured.

One advantage of privateering over regular trading was that a letter of marque was supposed to protect colonial privateers from impressment by British naval vessels, although there were exceptions. For example, in April 1813, the Halifax privateer *Crown* captured the Boston brig, *Sibae*, while HMS *Atalante* (F. Hickey) was in sight. Hickey's claim of joint capture was loudly rejected by privateer captain, Solomon Jennings which angered Captain Hickey to the point of pressing two of *Crown*'s men and scaring two more into deserting at the next port.[10] A letter of marque was also meant to ensure that captured privateers would be treated as prisoners of war and nominally entitled to parole and exchange like naval personnel. Of course, this 'courtesy' was only applied to privateers in vessels of 14 guns or more, which ruled out 90 per cent of American letter-of-marque vessels and all but three from the Atlantic provinces. Some privateers captured early in the war were exchanged after swearing not to carry arms, but for the hundreds of American privateers who languished for months, if not years, in British prisons in Halifax, the West Indies and England, the reality was far different.

Naval officers and crews were always exchanged before privateers, especially by the British who had a greater need of manpower, and as naval crews were so much larger, there were few opportunities for non-naval captives. The number of privateer prisoners of war varies but one estimate of approximately 2,650 British naval seamen versus 6,000-7,000 Americans, mostly privateers or merchantmen, is likely fairly accurate.[11] Ira Dye's study of American maritime prisoners of war suggests that 14 per cent of American naval and private seamen (approximately 14,000 men) were held as prisoners for at least part of the war.[12]

A letter of marque or commission was essential for seizing enemy prizes, however, not all vessels carrying letters of marque were considered serious privateers. With a letter of marque in hand, a captain had two choices. He could undertake a normal trading voyage supplemented with a few extra guns and hire a slightly larger crew to work for wages. In that case, if a likely prize sailed into view, his letter of marque ensured title to the captured ship and cargo, if the court agreed. Alternatively, he could abandon any attempt at trade and cruise as a privateer with a much larger crew working for agreed-upon shares of whatever prizes they could capture. Since most large merchant ships already carried some form of defence against pirates or other predators, the transition from trader to privateer was a relatively simple process of reinforcing the deck to support more guns, increasing the crew space to carry additional hands, and securing the powder magazine. As soon as the United States declared war on Great Britain, ship owners, merchants and maritime investors on both sides raced to convert existing vessels, construct new ones or re-commission captured enemy ships as privateers. Similarly, seamen, fishermen and coastal captains eagerly signed on to win their share of the fabulous sums of prize money that were advertised as theirs for the taking.

Within days of President Madison's declaration of war on 18 June, American privateer owners jockeyed for commission number one and began nagging their customs officers for letters of marque to be the first out of port. Meanwhile, frustrated New Brunswickers and Nova Scotians were forced to wait until 13 October, when Great Britain finally realized that there was no chance of reconciliation and responded to the American declaration of war with one of its own. This discrepancy in timing gave American privateers a serious advantage in the prize stakes in the first few months of the war. While the Halifax Court of Vice Admiralty processed over 150 prize cases in 1812, only 25 were taken by three privateers, 21 of them by the *Liverpool Packet*.[13] Along the eastern seaboard, however, American admiralty courts were kept busy adjudicating at least 400 prizes

carried in by 227 privateers over the same period.[14] This figure does not include the many prizes known to have been recaptured, ransomed, destroyed or lost on their way back to port.

Once news of the British declaration of war reached Atlantic Canada, the pace of privateering picked up and 18 private armed vessels from New Brunswick and Nova Scotia accounted for 110 of 359 cases in 1813 or 35 per cent. It was a slightly different story for American privateers. Although still enthusiastic about prize making, slightly fewer American privateers actually sent in prizes towards the end of 1813. Over 270 commissions were issued to 207 privateers which captured roughly 450 prizes, although a third of them were either recaptured or destroyed. The increased number of prizes burnt or destroyed rather than sent into port for adjudication reflects the gradual tightening of the British blockade of North America and the realization that manning prizes had become too dangerous to be cost-effective. Chances of a small, four- or five-man prize crew reaching port were so slight, especially for ships captured in European and African waters, that it was safer to divest a ship of its crew and cargo and destroy it. Not only did this strategy reduce privateer profits from the eventual sale of the captured ships, it also meant relinquishing more prizes to serve as cartel vessels to carry captured crews into various ports. It did, however, reduce the prospect of recapture by the enemy's navy or privateers and deny the enemy whatever cargoes the captors could carry home for eventual adjudication. Thanks to the British blockade of North America, by the end of 1813, sea traffic was reduced to little more than a trickle and prey grew scarce for privateers on both sides of the conflict.

In 1814, only 123 American privateers requested commissions (half the previous year's tally) and a mere handful took out a second commission for another cruise. They captured roughly 700 prizes, but again, many were recaptured, ransomed, given up or destroyed. In a December 1814 report to the British House of Commons, Lloyd's insurance underwriters stated that the United States had captured 1175 British vessels since the start of the war although 373 of them (approximately one-third) had been recaptured or released. The suggestion of one in three prizes actually reaching port is probably not far off.[15] Meanwhile, in the British colonies to the north, about 200 cases passed through the Halifax court in 1814, 60 of them brought in by 10 different privateers.

By 1815, although the privateers were not yet aware of it, the war was over. This, however, did not prevent at least sixteen American privateers from requesting new commissions, even though only 60 prize vessels actually reached port; the rest were recaptured, released,

Table 1 Letter of marque vessels taking prizes during the War of 1812.

Date	US Letters of Marque	Prizes	USN Prizes	NB & NS Letters of Marque	Prizes to Halifax	RN Prizes To Halifax
1812	227	@ 400	@ 35	3	25	128
1813	270	@ 450	@ 63	18	110	231
1814	123	@ 600	@ 69	10	60	138
1815	16	@ 20	@ 5	4	6	8
TOTAL	**834**	**1470**	**162**	**35**	**201**	**505**

My research indicates that during the War of 1812, just over 600 American privateers were issued at least 1,172 letters of marque. Of these, Table 1 records the number of letter of marque vessels that took prizes each year. The number exceeds 600 because some privateers took prizes in more than one year or under more than one letter of marque, while others took no prizes at all. Although *Niles' Weekly Register* lists 1634 prizes, some are duplicates or were lost or recaptured by the British and others were not recorded by *Niles*. Since American prizes were adjudicated in various District Courts, it is almost impossible to determine how many prizes were actually condemned. The figures given are estimates which serve to indicate the volume of British shipping captured by American privateers and letters of marque vis-à-vis the American navy. The figures for prizes carried into Halifax by New Brunswick and Nova Scotia privateers and the Royal Navy are more accurate, since they are based on the Vice-Admiralty Court records from Halifax. (LAC RG8, IV, Vols. 73–115). The British colonies licensed at least 44 private armed vessels, with some making no prizes, others having modest success and the *Liverpool Packet* capturing at least 50 vessels. Many more American ships were condemned in Vice-Admiralty courts in Newfoundland, the Caribbean, and of course, England.

ransomed or sent in as cartels. Only four Nova Scotia privateers thought it worth continuing to prowl the icy waters of the North Atlantic in 1815, but their half-dozen prizes were all condemned by mid-February.

There is no doubt that privateers served as an offensive weapon, sometimes extremely offensive, according to various newspapers. Unlike the navy, they operated independently, only occasionally cooperating with one another, but always with one eye on the horizon and the other on the bottom line. The objective was to repay the owners' original investment on the first cruise and make their fortune on succeeding cruises. Given the large number of one-time cruises, it would seem that this goal was not easily attained. Even when a prize was taken, profits had to be shared between the owners and their officers and crew, with sales sometimes barely covering the court costs. Privateering investors usually spread the risk by acquiring shares in several vessels, but as the

war went on and prizes began drying up, the interest in privateering declined accordingly. They understood that if one type of commercial activity ceased to be profitable, there were other ways of making money.

One option was through licensed trade. During the early months of the war, the need for wheat and other stores to replenish British forces in Spain, Portugal, the West Indies and British North America, led to the issuing of hundreds of licences to unarmed American ships willing to carry food and non-military supplies to what amounted to enemy forces. Although decried as treasonous by many American patriots and forbidden by law, at least 500 licences were approved by the British Board of Trade (signed by Lord Sidmouth) by August 1812. Until Britain made them illegal in November 1812, licences continued to be issued by Sir John Sherbrooke, the Lieutenant Governor of Nova Scotia, Admiral Herbert Sawyer, Commander of the North American Station, and Andrew Allen, the former British Consul in North America.[16] So popular that they were frequently counterfeited at home and abroad, licenses were defended by no less a practical patriot than Thomas Jefferson, who argued that since the British government was going to pay someone to carry supplies to their troops in Spain, it might as well be Americans. This would not only keep British soldiers busy in Europe, but it would also support a struggling US economy whose taxes would be spent against the British. Aware that American merchants felt less than whole-hearted commitment to the War, especially at the outset, Jefferson understood that 'to keep the war popular, we must open the markets'.[17]

For those with fewer scruples, there was always smuggling. This time-honoured practice of evading excise duties had been honed to a fine skill particularly by merchants on either side of the Maine-New Brunswick border. They refused to let war upset traditional trading patterns. Privateers, in fact, were among the worst offenders. The number of complaints, spurious commissions and pre-arranged captures among New Brunswickers forced Lieutenant Governor George Stracey Smyth to stop issuing letters of marque early in 1813. Thereafter, anyone applying for a commission had to go through Nova Scotian authorities. Although government efforts failed to halt smuggling in the Passamaquoddy Bay area, fewer private armed vessels participated in it as the war progressed. This might also have been a result of the customs collector's compliance with Secretary of State, James Monroe's decree of 21 January 1814 forbidding collectors to issue letters of marque to vessels carrying fewer than 20 men, since it was the small whale boat privateers who could most easily hide in the many small harbours of Passamaquoddy Bay.

If a letter of marque was a ticket to the lottery, winning still remained a matter of skill and luck. Successful captains, such as Samuel C. Handy of the Salem privateer *Fame*, had no trouble gathering crews for at least four cruises. Ambitious sailors could move from smaller to larger, more powerful ships, rising, like Joseph Boyer of New York, from master of the 115-ton schooner *Swallow* to sole owner and master of the 215-ton *Spark*. Privateer vessels came in all rigs and sizes from the 555-ton letter-of-marque ship *Jacob Jones* of Boston, credited with two prizes from Canton filled with gold dust and opium worth more than $90,000, to open boats like the tiny, 2-ton *Lark* from Frenchman's Bay, ME, which was carried into Portland on the deck of its 140-ton prize, *Traveller*.[18] Isaiah Hook, the local Collector of Customs, strongly suspected the 'David and Goliath' story of the *Lark* had more to do with a pre-arranged capture than a lucky prize, but could do nothing except recommend that its licence be revoked.

The most common American privateers were 100- to 200-ton schooners carrying 80 to 100 men as privateers and 20 to 50 men as letters of marque.[19] Among these was the *Comet*, Captain Thomas Boyle, whose 30 prizes included the *Hopewell*, worth $150,000 alone. Hunting smaller prey closer to home, British provincial privateers tended to be less than 100 tons with much smaller crews. The *Liverpool Packet*, Nova Scotia's most successful privateer with a career total of at least 50 prizes conservatively estimated as worth a million dollars, was a 67-ton schooner with 5 guns manned by 40 men. In 1813, the *Liverpool Packet*, formerly the scourge of the American coasting trade around Cape Cod, was captured by the privateer *Thomas* of Portsmouth, New Hampshire. Re-commissioned as a privateer under two different names, she failed to take a single prize in five months under the American flag. Once recaptured by the Royal Navy and re-purchased by her original owners, however, she went on to cruise successfully, taking another dozen prizes as the *Liverpool Packet* once more.

Reluctant to risk their ships in battle, privateers resorted to various stratagems in order to get close enough to their intended prey to determine the likelihood of a capture. The men did not wear distinctive uniforms and regularly flew false flags to deceive enemy lookouts. On more than one occasion, they even deceived their own countrymen and exchanged shots before they managed to raise the same flags and recognize each other.[20] With most of the crew concealed below decks, a privateer looked much like any other merchant vessel, a resemblance further confused by the way privateers captured by one side were quickly redeployed against their former owners. For example, 18 captured American

privateers were turned against their former owners as New Brunswick and Nova Scotia privateers.

Comparing the privateering efforts of American and British colonial privateers is difficult given the differences in scale and reach between the two. The numbers of private armed vessels, approximately 600 versus 44, resulted in an equally disparate number of captures, perhaps 1600 as compared to 200. If these numbers are averaged out, the American privateers captured 2.6 prizes apiece while the New Brunswickers and Nova Scotians averaged 4.4 each or nearly twice as many. Yet the net impact of privateers on both sides was probably similar. With fewer ships at sea, American trade suffered proportionately higher losses than did the vast British mercantile fleet, despite all the prizes captured by so many hundreds of privateers and letter of marque vessels. Privateer actions were widely reported in the newspapers and helped boost morale early in the war, but reports of their defeats, losses and recaptures had the opposite effect. As far as the victims were concerned, every prize represented several problems: an economic loss of ship and/or cargo to several investors, men and officers deprived of their liberty, consumers forced to do without necessities and insurers having to recoup their losses at the expense of future voyages. For every captain or cabin boy who made his fortune as a privateer, there were many more who returned home empty-handed, or not at all. Aside from capture and imprisonment, many privateers were lost at sea through storms, accident, disease or combat and were never heard from again.

Meanwhile Britain attempted to strangle any American trade the privateers failed to capture through the twin tourniquets of compulsory convoy and blockade. After 31 July, 1812, all shipping from Britain to North America and the West Indies was required to travel in convoy. A few weeks later, the Lt. Governor of Nova Scotia ordered all vessels departing from Nova Scotia to travel in convoy as well. Compliance was not an option, and those merchants who contemplated sailing alone found that doing so invalidated their insurance.[21] Like German submarine 'wolf packs' in the Second World War, privateers began hunting together, in the hope of distracting the guard ships long enough to enable one of them to cut out a likely prize. Although some merchants chafed at it, the convoy system frustrated all but the most determined privateers.

Even more destructive to both American trade and American privateers was the British blockade. Designed to put pressure on the pro-war southern states first while leaving the more ambivalent northern states alone, the British blockade slowly moved northwards strangling trade along the east coast of North America. Beginning on 26 December,

1812, the British government proclaimed a blockade of the Delaware and Chesapeake Bays, although the fleet of a dozen vessels under Sir George Cockburn did not actually arrive off Hampton Roads until February 1813. A month later, the blockade had moved northwards as far as Rhode Island, and by 26 May the Prince Regent had ordered a strict and rigorous blockade of New York, Charleston, Port Royal, Savannah and Mississippi.[22] By 1814, New England ports had fallen under the blockade and goods were becoming both scarce and dear. Markets dried up as incoming trade was effectively sealed out and even prizes ceased as privateers and US naval vessels found themselves locked in. The effect on the American economy was swift and dramatic. Exports dropped 10% from $61 million in 1811 to $6.9 million in 1814, imports plummeted 35% from nearly $58 million in 1811 to $13 million in 1814 and customs revenue was cut in half from $8.2 million in 1811 to $4.6 million in 1814.[23]

Once privateering ceased to be a profitable commercial alternative to shipping, it lost its appeal. The widespread hardship and annoyance it generated may have helped promote an end to the war, but it was the British blockade that was the deciding factor in the maritime War of 1812. It 'caused material losses to the American people a hundred times greater than the American Navy and privateers were able to inflict upon Great Britain during the entire war'.[24]

While privateering may have been as 'true, publick and notorious' as the War of 1812 itself, once peace made trade a viable economic prospect, privateering was over. The development of iron hulls, the use of specialized weapons like torpedoes, rockets and heavy guns, and the advent of steam-powered vessels during the nineteenth century, meant that privately-owned merchant ships could no longer compete with powerful naval vessels in the war against trade. In April 1856, the Paris Declaration of Maritime Law ended both the Crimean War and privateering. Signed by most of the nations of the day (except for the United States, Spain, Mexico and Venezuela), it made privateering illegal and declared' Privateering is, and remains, abolished.[25]

Notes

1 The generally accepted number of American privateers based on various sources ranges from 517 to 526. My research indicates that at least 606 American privateers and letter- of-marque vessels received commission numbers or were referred to by more than one source. Repeat figures for Nova Scotia and New Brunswick privateers were slightly higher with nearly half (40 per cent) of the 44

provincial privateers making more than one cruise.

2 Libels were also known as Allegations in a Prize Cause in the Nova Scotia Court of Vice Admiralty and accompanied every case.

3 American admiralty courts were regulated by the individual states and some were initially reluctant to consider a court without a jury. During the Revolutionary War, attempts were made to have juries determine prize cases, but finding a jury with adequate expertise proved too cumbersome and time-consuming and the practice was abandoned. *Prize Cases decided in the United States Supreme Court 1789-1918* (Oxford: At the Clarendon Press, 1923), Vol. 1, 4. Also Carl Ubbelohde, *The Vice-Admiralty Courts and the American Revolution* (Chapel Hill, NC: University of North Carolina Press, 1960), 195-99.

4 William McFee, *The Law of the Sea*. (Philadelphia, PA: J.B. Lippincott & Co., 1950), 120. The case of the Charleston privateer, *General Armstrong*, attacked by British warships in the neutral Portuguese harbour of Fayal in 1814, took 40 years to settle.

5 The American *Prize Act*, 26 June 1812 (2 Stat. 759).

6 Letter of marque, *Fly* (Nova Scotia) Library and Archives Canada (LAC), RG8, IV, Vol. 93, *Packet*; letter of marque *America* (Salem, MA) LAC, RG8, IV, Vol. 133, *Paragon*.

7 Most of these regulations were either outlined in the *Prize Act* or issued as additional instructions as required. The payment of privateer pensions is recorded in National Archives records RG 217 of the US General Accounting Office and highlighted for Baltimore privateers in Jerome R. Garitee, *The Republic's Private Navy: The American Privateering Business as Practiced by Baltimore during the War of 1812* (Middletown, CT: Wesleyan University Press, 1977), assorted footnotes.

8 American letters of marque were allotted in sequences of five to ten numbers depending on the size of the port and the number of requests expected by customs collectors. Baltimore Customs Collector James H. McCulloch issued Commissions 1 through 10 (although 11 in number) to accommodate an angry privateer. President Madison wished to recognize the Revolutionary War services of Joshua Barney, captain of the *Rossie* with the first letter of marque but complaints of favouritism by George Stiles, also of Baltimore and owner of *Nonsuch*, meant that both received commission number one, although Stiles' is dated one day earlier. US National Archives and Records (NARA) RG45, E575, Vol. 1–6.

9 During the War of 1812, Maine was still a district of Massachusetts, but for convenience various locations in what became the state of Maine are identified as ME in this paper.

10 LAC, RG 8, IV, Vol. 96.

11 Patricia Crimmin, 'The Impact of the Exchange of Prisoners of War in the Defense of Shipping in the Americas, 1812-14' in Clark G. Reynolds (ed.) *Global Crossroads and the American Seas* (Missoula, MT, Pictorial Histories Publishing Co., 1988), 148.

12 Ira Dye, 'American Maritime Prisoners of War, 1812-1815' in T. Runyan (ed.) *Ships, Seafaring & Society*. (Detroit, MI: Wayne State University Press, 1987), 293. The Admiralty process regarding American prisoners of war was relatively straightforward since the Royal Navy had been capturing and managing French sailors since 1793.

13 The privateers were the *Liverpool Packet* from Nova Scotia, *General Smyth* from Saint John, New Brunswick, and *Fly* from Newfoundland.

14 Data for Halifax Vice Admiralty Court prize cases from Library and Archives Canada, RG8, IV - Vice-Admiralty Court, Halifax, 1784-1818, Prize Court Records (Vol. 73–150). American prize data based on *Niles' Weekly Register* (Baltimore, MD) Vol. 3, No. 53, 5 September 1812, p.10 to Vol. 8, No. 206, 12 April 1815 and *Lloyd's List*, (London) from Vol. No. 4689, 31 July 1812 to Vol. 4998, 22 August 1815 (University of Michigan, http://babel.hathitrust.org), plus assorted other documents.

15 Godfrey Hodgson, *Lloyd's of London. A Reputation at Risk* (Harmondsworth: Penguin Books, 1986), 47–58. Snider, C.H.J. *Under the Red Jack* (Toronto: The Musson Book Co., 1926), 112.

16 Nicholas. Tracy, *Attack on Maritime Trade*. (Toronto: University of Toronto Press, 1991), 77.*Niles* (Vol. V, No. 105, 4 Sept. 1813), 4. The penalty for violating Sect 7 of the Act of 6 July, 1812, prohibiting licences and trade with Great Britain was the forfeit of twice the value of

any ship, merchandise or articles of trade, conviction of a misdemeanour, and liability of up to a year in jail and a fine not exceeding $1,000. Michael Crawford, 'The Navy's Campaign Against the Licensed Trade in the War of 1812' (*American Neptune*, Vol. XLVI, No. 3, summer 1986), 165–166. Until June 1813, the lieutenant governors of Bermuda, Bahamas and other British Caribbean islands were also authorized to issue licences to any but French vessels to import staves, lumber, horses, and other livestock and provisions (except beef, pork, butter and salted, dried or pickled fish.) (*Bermuda Gazette*, 16 January, 1813, in the *Norfolk Gazette and Public Ledger*, 1 March 1813), 3.

17 Crawford, 'Licensed', 167.

18 *Jacob Jones*, *Niles' Register*, Vol. 8, No. 206, 12 April 1815, (Baltimore, 1815), 407; *Lark*, *Niles' Register*, (Baltimore) Vol. 3, No. 58, 10 Oct. 1812, 94, and Vol. 5, No. 110, 9 Oct. 1813, 104; *Lloyd's List*, No. 44782, 29 June 1813 (London, 1813). Case file, *Robinson v. Hook*, October Term, 1826 National Archives, RG 21, Maine Circuit Court Records, NARA Northeast, Waltham, Massachusetts – letter from Josiah Hook, Collector, to Secretary of State, Monroe, dated 26 Sept. 13, recommending that the *Lark* and the *Lydia* have their licences revoked because they were smugglers.

19 As a letter-of-marque schooner in February 1813, the 356-ton *Chasseur* carried 10 guns and 52 men but never sailed because of a mutiny on board. Re-rigged as a brig and under a new captain in December 1813, she added four guns and nearly tripled her crew to 148 men to sail as a privateer. Similarly, the 338-ton schooner *Expedition* sailed with 8 guns and 43 men as a letter of marque and 12 guns and 75 men as a privateer.

20 Privateers usually carried several different flags in order to disguise their nationality. Once they went into battle, they ran up their own flag, partly to inform their opponent of their true identity, but also because under international law, sailors and vessels were subject to the laws of the state under whose flag they fought. Lloyd Duhaime, *Duhaime's Legal Dictionary*, http://www.duhaime.org/LegalDictionary/L/LawoftheFlag.aspx.

21 Andrew Lambert, *The Challenge. America, Britain and the War of 1812* (London: Faber & Faber, 2012), 112.

22 LAC, RG8, IV, Vol. 94, *Republican*, Proclamation by Sir John Borlase Warren Bart. K.B. Admiral of the Blue, aboard *San Domingo*, at Bermuda 26 May, 1813.

23 Brian Arthur, *How Britain Won the War of 1812. The Royal Navy's Blockades of the United States, 1812-1815* (Rochester, NY: Boydell Press, 2011), 229, 230, 241.

24 Richard E. Winslow, *'Wealth and Honour': Portsmouth during the golden age of privateering, 1775-1815*. (Portsmouth, NH: Portsmouth Marine Society, 1988), 173.

25 NARA, RG45, SP. Both Confederate and Union forces made use of privateers during the American Civil War, but their contribution to the war was negligible. The Hague Convention of 1907 marked the end of six centuries of private armed warfare.

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David Parish, Alexander Baring and the US Loan of 1813: The Role of Nationality and Patriotism in the Transatlantic Mercantile Community in Times of War

Sarah Lentz

Abstract

The War of 1812 was a very expensive conflict for the United States. In 1813, three foreign-born investors, among them David Parish from Hamburg, Germany, saved the US government from bankruptcy by providing a sixteen-million dollar loan. This article focuses on the reasons why Parish – who strongly opposed the war – agreed to take a major share in the loan. At the same time, it examines the ways in which the Hamburg merchant tried to sell a large share of his US government bonds in Great Britain – America's wartime enemy. Parish's actions make it obvious that he promoted the idea of a supranational mercantile community that was not bound by patriotic considerations even during war times. Consequently, it was the British merchant banker Alexander Baring who stood at the core of Parish's plans to sell US bonds in London. By contrasting Baring's room for manoeuvre during these financial transactions with that of Parish this article shows that in the British context public expectations of loyalty and patriotism could indeed limit the abilities of local merchants in financing the opponent of war. Thus, the comparison of Parish's and Baring's experiences highlights the importance of local factors such as a consolidated public opinion and a strong nation state in setting the limits of the sphere of activity for internationally operating merchants in times of war.

Introduction

The War of 1812 against Great Britain proved to be a very expensive conflict for the United States. With its traditional sources of revenue severely strained, the US government was forced to turn to its own people to raise funds. This proved to be difficult throughout the duration of the war. Especially in 1813, investors increasingly lost faith in a favourable outcome of the conflict and hesitated to invest money in government bonds. Due to general political disruptions, participation in or opposition to the sixteen-million dollar loan became also a question of patriotism in the eyes of Republicans and Federalists alike.

Under growing financial pressure, the government asked a few large-scale foreign investors for support. The three men who saved the American state from bankruptcy were all of European origin: David Parish from Hamburg, Germany, Johann Jakob (John Jacob) Astor from Walldorf, Germany, and Stephen Girard from Bordeaux, France. For a tolerable commission these men immediately contacted a number of business partners both within the US and across Europe to raise the necessary funds - about ten million dollars.

From the very beginning of his involvement with the US government, David Parish knew that it would be necessary 'to call in foreign aid' to provide the United States with said monetary means.[1] He was convinced that it would be possible to raise millions of dollars in Europe - especially in Great Britain - despite the fact that the Napoleonic Wars were ravaging the continent and the former motherland was now America's enemy in war. One man was always at the core of all the plans Parish developed to sell government bonds in Britain during the war - Alexander Baring. Interestingly, Baring was not only one of the most famous merchant bankers in London, but also a member of the British Parliament.

These facts seem to sustain the thesis that for Baring and Parish as internationally operating merchants and financiers 'nationality was less important than class'.[2] Historian Sam A. Mustafa has argued for the existence of an international 'merchant culture' that accompanied the formation of the mercantile community as 'a recognizable class: intermarried, socially distinct, financially and politically connected'.[3] As Mustafa suggests, merchants displayed 'a general scepticism for any ideology that had no practical economic applications'[4] and oftentimes they only turned patriots when their own interests were at stake.

In contrast to these findings, the key role played by the merchants and financiers Parish, Astor and Girard in saving the US government was hailed by historians throughout the nineteenth century as a great

service by three foreign-born patriots 'distributing the load which no native American dared carry',[5] because they believed 'in America and in her future'.[6]

The loan of 1813 has, thus far, mainly been studied as an event in US history, neglecting the role that British financiers had in it and its impact on Canada. In general, scholars have come to the conclusion that 'the sale of war stock to citizens of a hostile nation seems to have been not unusual'[7] during the era of the Napoleonic Wars 'when the spirit of nationalism had only begun to shackle men's thoughts and actions'.[8] According to Ralph W. Hidy, trading with the enemy was also 'obviously neither so clearly defined nor considered so reprehensible as it became in the twentieth century'.[9] In contrast to this thesis, Alexander Baring - who even functioned at that time as the official European agent of the US government - officially declined to have any share in selling the war bonds in London or in Europe.

Yet if personal gain and self-interest were of paramount importance for the international merchants of the era, why did Alexander Baring, previously *the* major financier of the United States government, refuse to help during the War of 1812? Moreover, the third principal individual involved in underwriting the sixteen-million dollar loan of 1813, David Parish, had only been living in the United States for a few years when war broke out. Could Parish thus really have been motivated by newfound patriotism in aiding the American government and was Baring likewise operating out of loyalty to Great Britain in refusing to participate?

By applying a transnational perspective, the following paper will examine and compare David Parish's and Alexander Baring's roles in the loan of 1813. Their positions are very revealing in regard to the difficult situation in which internationally operating merchants could find themselves in times of war.

David Parish and the War in the United States

The United States were not very well prepared for a war with Great Britain, either on a military or a financial level. For 1813, the Secretary of the Treasury Albert Gallatin estimated that the government needed another nineteen million dollars. He therefore obtained permission to raise sixteen million dollars through a second public loan and five million more through treasury notes.[10] Just how desperately this money was needed is illustrated by Gallatin's famous message to Madison in

May 1813 when he warned the President that '[w]e have hardly money enough to last till the end of the month.'[11]

Prior to initiating a public subscription Gallatin had tried to convince a few large-scale investors -- among them Parish and Astor -- to take over a part of the loan. However, because peace appeared to be far off, he failed in this attempt and had to turn to the American people for help. Unfortunately, subscriptions went slowly and it seemed unlikely that the government would be able to fill the loan. Luckily for Gallatin the Russian Tsar Alexander I offered to help negotiate a peace agreement between the warring parties.[12] The hope of seeing the war brought to a speedy conclusion helped Gallatin to succeed in gaining the support of Parish, Astor and Girard by offering them liberal terms for taking the bonds. Parish and Girard agreed to take $7,055,800 on a shared account. Astor and his 'friends in New York' accepted the sum of $2,056,000.[13] For every certificate of one hundred dollars, they had to pay only 88 dollars, thus receiving a twelve per cent discount.[14]

Providing the government with enough funds was a difficult task mainly because of a lack of enthusiasm for the war among the American people who were deeply divided along party lines - Federalists and Republicans.[15] When it became obvious in the winter of 1812 that Washington had to turn to US citizens for a second loan, supporting the government became a political issue of national importance. These funds were necessary to carry on the war and therefore participation or boycott of the loan became a question of patriotism.[16] The Republicans, who supported the war, argued that it was for every true American patriot a 'performance of his duties to his country'[17] to take a share in the loan. On the contrary, the Federalists, who opposed the war from the beginning and who were especially strong in New England, were convinced that it was 'a duty of patriotism to defeat the Government by destroying its credit'.[18] Members of the Federalist party tried to discourage people from investing their money in 'war bonds'[19] while they themselves bought British government bonds and tried to smuggle specie across the border to Canada.[20] In return, Republicans condemned them as 'selfish and unpatriotic politicians'.[21]

In regard to the relatively poor outcome of the public subscription, Republicans were shocked that '[t]his appeal to the patriotism of the nation proved a lamentable failure'.[22] Therefore, they were quite relieved when the news spread that Parish, Girard and Astor had taken over the major share of the loan. At the same time, according to historian Derek Wilson, Federalists 'were furious' and 'vilified the four foreigners'.[23] The controversy about the loan of 1813 demonstrates tendencies towards

a growing sense of nationalism, but also contention surrounding the definition of a true patriot. Andrew W. Robertson has claimed that two imagined communities developed at this time in parallel and maintained 'antithetical identities' in this regard.[24]

In 1813, David Parish, who was the offspring of a Hamburg family with Scottish origins, entered his seventh year of residency in the United States. His father, John Parish Senior, had worked his way up and accumulated an immense fortune. In the process he had formed connections with the 'most powerful and important men in Europe and America'.[25]

Building on all of these capacities, David Parish succeeded in establishing a reputation of his own. He started a prosperous establishment in Antwerp that drew the attention of the Baring Brothers in London and Hope & Co in Amsterdam.[26] They decided to send Parish to the United States in 1806 as the agent of an international financial syndicate they were forming with other important European financiers.[27] This connection with the two most important merchant bankers of the time was essential for Parish's future career. Not only did he gain one million dollars from this enterprise, but also important connections with the most influential politicians and businessmen in the young republic.[28]

At the end of his duties as Baring's agent, Parish decided to stay in America, which he perceived, due to the state of war in Europe, to be 'the only country where a person could look forward to enjoy, for half a century at least, a state of tranquillity and security'.[29] The War of 1812, therefore, came as an unpleasant surprise for Parish. Prior to the outbreak of the war, he had already decided to let go of mercantile enterprises due to the difficult state of commerce as a result of the Napoleonic Wars and different blockades. Instead, the businessman planned to retreat to upstate New York, where he owned 200 acres of land, which he had bought for $363.000 in 1808 as agent for the European syndicate.[30] Parish had received the land as part of his compensation and now informed his friends and business partners: '[U]ntil times get better I intend occupying myself with the improvement of my lands in the Back Country'.[31] How did it then happen that only one year later Parish found himself at the core of a several million dollar deal with the US government?

David Parish opposed the War of 1812 throughout its duration as a 'foolish & iniquitous war'.[32] He did not hold the Republican Administration in great esteem and socialised with Federalists but, at the same time, thought that 'their Hostility to the Administration sometimes carries them too far'.[33] Still, he repeatedly condemned 'the Wiseacres at Washington'[34] and their 'obnoxious & foolish Laws'[35] in his letters to his family and close friends. In regard to the loan, Parish had declared on 12

March 1813 that he had 'no intention of putting [his] name to the list'[36] but only a few days later he agreed to become a major force in financing the government.

Parish's official explanation for this change of heart was that he had only agreed to provide the money on condition that the US government would immediately try to negotiate for peace. Therefore, he tried to convince his Federalist friends that he never 'had the slightest disposition of contributing [his] aid for the prosecution of the present ruinous measures'.[37] However, his correspondence with the government shows that Parish, while demanding a sincere effort 'to bring this war to a close, as soon as it [could] be done with Honor' also insisted 'that in case this [could not] be accomplished, the next congress [would] make the necessary appropriations to carry it on'.[38] Thus, he was truly hoping for a speedy peace but it was not a precondition for his decision to fill the government's account. If political considerations had no part in his decision to support the government what else could have moved Parish to engage in a business that was considered by many of his Federalist friends as an 'impiety as well as treachery'?[39]

Among the many financial operations in which Parish had a share during his years in the United States, one stands out as marking a real turning point in Parish's life: the purchase of landed property along the Canadian border. It was more than a simple business deal because Parish decided to make upstate New York his home and to do everything in his power to help develop this region. Even after war broke out he invested 'immense sums of money'[40] in the property, building streets, stores and other facilities. As Claudia Schnurmann has argued, Parish tried to live a life in the style of an 'old world Lord of the Manor',[41] for instance by having his own splendid country estate built by a French architect.[42]

At first Parish was convinced that the war could not last very long. For him more than for others, this was of great importance because his properties were located directly on the shore of the St. Lawrence River, right along the border between Canada and the United States. If the war continued, his settlements, which were in a strategic position for challenging the British control of Upper and Lower Canada, were in danger of becoming the scene of battles.[43] This threat to Parish's property became a lamentable truth on 4 October 1812 when the British started an attack on Ogdensburg, one of the main settlements on his lands.[44] Even though the American troops, which had arrived only a short time before, and the local militia were able to fight the attackers back, Parish got to feel the danger his holdings were in when he only 'narrowly escaped being hit'.[45] He was worried about his property and asked the government to place

more soldiers at the disposal of securing the Canadian border. Instead, their numbers declined during the winter and the remaining soldiers launched attacks on Canadian territory, provoking their opponents.[46] As a result, Ogdensburg was attacked again on 22 February 1813. This time, the attack was quite successful and the Americans were crowded out.[47] Even though the Canadian soldiers left on the same day, Parish was very concerned about his property, even more so because the British made it clear 'that the town must not be garrisoned under the penalty of another attack!'[48] In return, they promised 'protection and security to the country, provided there [were] no more troops sent to Ogdensburg, to excite the fears of the Canadians'.[49] This was the moment when Parish knew that Ogdensburg was 'at the complete mercy of the enemy'[50] and, interestingly enough, as historian Alan Taylor has pointed out, the exact time when he decided to step forward and help the US government by taking an immense share of the sixteen-million dollar loan.

Taylor has called attention to the fact that it was a curious choice for the US military to leave Ogdensburg free from troops for the rest of the war. He argues that this decision could have been decisive for the outcome of the war.[51] Taylor refers to an article written by Lieutenant Colonel George Macdonell in 1848 in which he claims that because of

> 'a private political arrangement made (spontaneously) by Lieut.-Colonel Macdonell [the writer himself], on the American shore, that same day [22 February 1813], there never was, from that time forward, during the whole of the remainder of the war, ever stationed at Ogdensburg, or any other part of the St. Lawrence, one single American soldier. This one political measure alone was, therefore, of equal value to a number of victories, which would have become indispensable, if the enemy had continued to occupy the line of the St. Lawrence'.[52]

Macdonell assured his readers that he had successfully called 'the private interests of a very influencial [sic] individual in the states' into play.[53] It is very likely that this individual was none other than David Parish. If so, as Taylor has concluded, it is highly probable that Parish only succeeded in keeping his property free from American troops by promising to help save the US government from bankruptcy.[54]

Revealingly, Parish took further measures to make sure his settlements were safe. He tried everything to maintain good relations with his Canadian neighbours on the other side of the river. Supported by his local agents, he continued to facilitate and encourage illicit trade during

the war, providing the enemy with important supplies. If smuggling is perceived as 'another front in war',[55] as John Latimer has argued, this was a great offence - even more so, because the provinces of Upper and Lower Canada were barely able to sustain their own needs without goods provided by American smugglers.[56] But Parish did not just provide goods for the enemy; even more importantly, intelligence was passed back and forth across the border. Thus, through Parish and his agents the British were 'most minutely informed of all movements & preparations throughout the states'.[57] At least one incident is documented in which the financier himself gave 'such political information as Mr. P. [Parish] might think proper to communicate' to his friend William Gilkinson, a Canadian merchant, who came to visit him in Ogdensburg. Prior to that, Parish had 'had access and confidential interviews with those at the head of the United States Government'.[58]

The fact that Parish, his agents and the local US residents kept friendly relations with the British did not stay hidden from the public for long. Already three months after the retreat of the US troops, a Republican newspaper characterised the situation in the following way: 'That treason, treachery and toryism is not confined to the sea-board we deeply regret …. Ogdensburg (N.Y.) is visited daily by British officers, in full uniform, and they are treated with much politeness by the inhabitants'.[59]

At least one member of the administration also doubted publicly Parish's loyalty to the American cause. General Henry Dearborne dared to pose the question 'how it happened that (…) Mr Parish's property escaped being plundered by the ennemy [sic], when they [the British] took this place [Ogdensburg]'.[60] Dearborne seems to have been 'very strongly prejudiced against Ogdensburgh'[61] and to have been the driving force behind the effort to stop the mail from reaching Ogdensburg. Consequently, post-masters were being instructed 'to receive no letters from Ogdensburg'[62] and to deliver no newspapers in an effort to undermine the flow of information across the border.

David Parish did not himself challenge these accusations and tried to maintain a low profile instead. In general, Parish tried to present himself as 'neutral'.[63] That explains why he asked of his father: '[R]efrain from expressing your opinions about Mr. M [probably Madison] - I am sure you are far from wishing to place me in an awkward situation with him & his friends'.[64] This neutrality is also reflected in his other business deals with the US government. Whenever there was a chance of making a bargain with the Republican administration, Parish took it. Consequently, he sold his schooners to the Americans who would use them for warfare,

as he knew perfectly well.[65] Furthermore, he tried to sell munitions made from iron ore, which had been found on his property, to the US military. The only reason why this deal was unsuccessful was the threat from the British 'to burn the Establishment'.[66]

Parish's behaviour in the War of 1812 makes it obvious that, as was the case with Astor and Girard, patriotism was not the main motivation behind his actions. One could argue that Parish might have acted more out of patriotism to his European and, most of all, his Hamburg origins. But while his correspondence shows that he was still emotionally connected with his 'poor mother land'[67] and 'most sincerely participated in their [the citizens of Hamburg's] late horrid sufferings'[68] under the Napoleonic occupation of the city, this did not prevent him from supporting a war that weakened Great Britain, which was, at the time, the main opponent of the 'lawless enemy of mankind' Napoleon Bonaparte.[69] Accordingly, Great Britain had to wage war on two fronts.[70]

David Parish -- A True International Merchant?

David Parish had managed to keep his connections with European friends and business partners alive during the years he had spent in the United States. Even during the War of 1812, when different blockades made communication difficult, he tried everything to maintain his correspondence network, which spanned the United States, Europe, South America and Asia. In David Parish's letters it becomes obvious that financiers and merchants at that time focused on business without showing much concern for whether their correspondents were members of an allied or enemy nation. The correspondents provided each other with 'commercial advices & other interesting information'[71] and exchanged newspapers. Even more intriguing is the fact that Parish provided his most intimate correspondents with 'war documents received from Washington'.[72] Among these were a new treasury report, news about the election of the new Secretary of the Treasury, copies of letters from the American ambassadors in Geneva during the peace negotiation, and considerations about new taxes and the transfer of the capital away from Washington.[73] Parish did not just send this intelligence to his father and brothers in Great Britain, but also to the merchant banker and politician, Alexander Baring. Parish was still working as a quasi-official agent for Baring Brothers in America and even though Baring was a member of the British Parliament, Parish promised him: '[I]f any thing interesting occurs during my stay at Washington you shall hear from me'.[74]

Parish's example suggests that merchants from different nations thought of their correspondents not as individuals with a particular nationality, but as belonging first and foremost to the social group of internationally operating merchants. The relationship between merchants of different nations, slowly built up over the years, proved stronger than temporary conflicts. How little national origin counted, at least in Parish's thinking, is most impressively illustrated by his involvement in the loan of 1813.

From the very beginning David Parish was convinced that he could count on his European connections in obtaining the necessary funds for the US government. In Parish's mind this help was most likely to be found in Great Britain, on account of it 'being known in this Country [Great Britain], that an association of the most respectable Capitalists had stepped forward to supply the wants of Gouvernmt. [the American Government] & that a communication of a pacific Nature was to be made to the British Gouvernmt.'[75] Parish was thus convinced that he could procure a great part of the required funds from members of the nation's wartime enemy, Great Britain. Alexander Baring was supposed to play the key role in Parish's plan. He wrote Baring on 9 April 1813 about his deal with the US government and informed him that 'we shall probably send a part of the Stock to your House' assuring him that 'the arrangement promises a handsome profit'. Parish urged Baring to give him his ideas 'as to the amount that might be disposed of & the Prices it would probably fetch previous to and after the conclusion of Peace'.[76] Parish was thus sure that even before the war was over, British citizens would be interested in aiding the official enemy by buying American bonds.

While historians have not come to a final conclusion regarding the reaction of Baring to this offer, it becomes apparent that in Parish's mind, the interests of Great Britain as a nation state were only slightly intermingled with the personal interests of British merchants. Parish seemed to think that even in times of war their behaviour and, therefore, their investments were not affected by considerations such as loyalty and patriotism. That explains why he decided in July 1813, when his own financial situation proved difficult because of the unexpectedly prolonged state of war, to send $300,000 in government bonds to Baring. He urged the London financier to sell these bonds 'to the best advantage for my account …. I rely on your friendly exertions to dispose of said Stock as speedily & favorably as possible'.[77] Only after a discussion with Stephen Girard did Parish change his mind and decide that 'no part of [his] Stock [be] sent to London until further arrangements [were] made for that Purpose'.[78] Because of the state of war, it seems that Parish had

to wait several months until he received an answer from Baring. Against his expectations, it was a negative reply. Baring let him and Girard know that '[u]nder the present state of our relations I do not think it would be proper for us to take any interest in such transactions nor indeed to promote the European circulation of the new stock'.[79] Even after this rejection of his plan, Parish did not abandon the idea to profit from his connections with Baring Brothers and Hope & Co. During the remaining months of the War of 1812, he tried to interest the US government in financial strategies involving 'the Houses of my particular friends Messrs. Hope & Co. of Amsterdam & Messrs. Baring of London, who … possess the means of facilitating financial operations of this kind'.[80] Eventually, none of these plans worked out for Parish. Still, it is a curious fact that the financier did not give up the idea of including Baring in one of these proposals, even after the former had told him officially that he was not interested in having any part in it.

Even today researchers have not been able to solve the mystery revolving around the participation of the house of Baring in financing the US government. Whereas Jon Latimer claims that Baring gave money to the US, Ralph W. Hidy and Philip Ziegler are convinced that Baring refused to give direct aid to the US 'on grounds of principle'.[81] For the second interpretation, most scholars have referred to Vincent Nolte, an employee of Baring Brothers and one of Parish's agents in the European syndicate. In his memoirs, Nolte portrays Parish in a relatively negative way, scolding him for having tried to draw Baring into his loan business at a time when 'England was at open war with the United States!'[82] Nolte states that Parish had tried to send large sums of money in bonds to London, but Baring had declined outright to have any share in the loan and sent the certificates back.[83] Interestingly, in his negative reply to Parish, Baring informed his business partner that financial considerations were of importance for his rejection of Parish's offer. Baring pointed out that due to unfavorable exchange rates the sale of American bonds might not have been as profitable as the Hamburg merchant was tempted to believe.[84] But a look at the situation of Alexander Baring in London shows that this was not the only reason why the British merchant officially declined to participate in the Loan of 1813.

Alexander Baring and the War of 1812 in Britain

After the end of the American War of Independence, the former mother country plunged into a crisis. Whereas the public had been divided

during the war with the American colonies, during the Napoleonic Wars, there was a visible national consolidation. British citizens rallied behind what Maria Fanis has termed 'loyal patriotism'.[85] In general, this form of patriotism can be characterised as 'aggressive, anti-cosmopolitan, and particularistic'.[86] The 'popular enthusiasm for the war'[87] therefore made it difficult for more moderate voices to be heard. Already in the years preceding the war, the US did not have a good reputation in Great Britain. The press spread 'the lowest calumnities and grossest absurdities' about America with the goal 'to keep alive the most vulgar prejudices'.[88] Only a few people were willing to speak up for the former colonies. One of the most prominent among them was Alexander Baring.

Born in 1774, Baring was the second son of Francis Baring, who was the driving force behind the rapid rise of the house of Baring Brothers, merchant bankers of London, to 'the highest rank of mercantile eminence in the commerce of the world'.[89] Alexander Baring had received his education and training in Hanover, Amsterdam and in the United States, where he spent six years of his life (1795–1801).[90] Like his father, Alexander Baring was very skilled in the art of 'making friends among statesmen and privatiers'.[91] As was expected of merchants who wanted to climb up the social ladder, Francis and Alexander Baring took the step into politics. For more than 25 years, Alexander Baring was a member of the Whigs and had a seat in the House of Commons. His opinions were perceived as relatively liberal, especially in regard to trade policy. His belief was that '[t]he interference of the hand of power in any shape is scarcely ever beneficial to the merchant'.[92] A contemporary characterised him as 'the best model of a neutral, unaffected, plain, sensible, well informed, liberal merchant'.[93]

Starting in the 1780s, Alexander Baring took an increasing interest in facilitating government loans for different nations. During his extended stay in America he started to provide the US government with monetary funds on a large scale. In 1803, Baring became the official agent of the US government for Europe and thus no one could ever doubt that Baring Brothers was the leading 'American' house in London.[94] The biggest financial deal for the house was the facilitation of the *Louisiana Purchase* in 1803.[95]

As the official agents of the US government, the Barings saw themselves as the most likely spokesmen for British merchants engaged in trade with the young republic. In 1808, Alexander Baring published a pamphlet consisting of 190 pages in which he defended the reputation of the United States even though he was 'aware of the general unpopularity of the side I am taking'.[96] During the years prior to the war up

until its very end, Baring was repeatedly accused of an 'undue partiality towards America'.[97] He was also suspected of concealing his pure self-interest by 'pretending to be actuated by a desire to do good to the people of England'.[98] Analysing the criticism that Baring had to endure during these years, it becomes obvious that he was mainly reproached for his status as a successful internationally operating merchant. Because of this, some of his contemporaries were convinced that he could not be a true patriot. Baring stood in contrast to others 'who are Britons at heart as well as by birth, who have not placed our money in the American funds, who have resolved to stand by our country to the last'.[99] The house of Baring was reproached for 'furthering the views of the hostile American government' by 'the use of its capital and the sale of American state paper'.[100] The international merchants were thus styled as the symbol of a selfish and unpatriotic mind-set. Philip Ziegler states that there was an on-going discussion during that era as to whether 'there was a conflict of interest between the mercantile community and the nation as a whole'.[101]

Tellingly, the outbreak of the War of 1812 brought Baring Brothers into an uncomfortable situation because they were working for both sides. In this tense atmosphere, in which patriotism and loyalty towards the needs of the nation state were celebrated, Baring as a member of the Whigs - who were opposed to the war all along - was again facing accusations of unpatriotism.[102] Nevertheless, Alexander Baring did not refrain from publicly declaring that his family would fulfil all orders as agents for the US government that were not contradictory to 'our character as loyal subjects'[103] and were necessary to 'support the credit and protect the interest of the United States'.[104] Among these were paying interest to US bond holders, providing for prisoners of war and making money available to the American representatives, among them Albert Gallatin, who had come to Europe to negotiate a peace agreement. But publicly, Baring refused to sell new US government bonds or even accept them as payment.

Nevertheless, it did not take long before rumours about Baring's participation in the loan of 1813 were circulating in British newspapers. It was well known that David Parish had been Baring's agent in the United States for several years and, referring to 'American Papers' as sources, one newspaper insisted: 'The American Government before the 16,000,000 Loan Law passed, was confident of getting the means, and had previously made their bargains with Parish, Baring, and Co. for all that might be wanted'.[105] The supposed participation of a London merchant in financing the wartime enemy caused a chorus of outrage in the British press.[106] On 13 August 1813 *The Times* complained about

British subjects who 'supply our enemies' … treasury with dollars, in order to raise soldiers to cut the throats of our countrymen, by land and sea'.[107] Alexander Baring's name was mentioned repeatedly in connection with the US loan and he was urged to step 'before the tribunal of newspaper editors' and stop 'pretend[ing] to act from the impulse of patriotism'.[108] Ultimately, Baring finally felt the need to declare publicly 'that I have not, nor that any person connected with me, has negotiated or attempted to negociate [sic] any loan or advance of money for the Government of America since the breaking out of the war with that country'.[109] He stressed the fact that he had even 'thought it right to refuse to assist in any manner its [the American stock] circulation in Europe, under the present state of the relations between the two countries'. Baring criticised people who would advance 'accusations of treason, without any thing but their own malice to support them'.[110] Even David Parish heard about the rumours 'that my friend Mr. Alex Baring, should have been suspected of holding a share with me in the Sixteen Million Loan'.[111] Interestingly enough, Parish saw it as necessary to apologise to Baring: 'I regret that the concern which I took in the Loan with some of your friends here should have given rise to the unfounded charge of your having facilitated those Transactions, & compelled you to repute it in the public Papers'.[112]

Baring Brothers was not the only merchant house that did not want to be mentioned in connection with the US loan. Jacob Barker, an American businessman, who took the major share of the third US government loan in autumn 1813, tried to send stock to London and received the following answer from a London merchant in return:

> 'We cannot express to you the pain and trouble of mind your sending to us stock of the new loan (raised by your government for the sole purpose of carrying on a war against this country) has occasioned us. We shall return you the stock as it came, not daring to entrust it to any notary for the regular documents, as it would disclose the affair ….'[113]

As this letter indicates, it seems to have been a great risk for London merchants to sell American stock during the War of 1812. Therefore, it is even more intriguing that David Parish, in the very same letter in which he apologised for having brought Baring troubles, urged the British businessman to inform him if 'you see a prospect of disposing to advantage of American Stocks in London, I wish you would combine & authorise me to enter into some operation in joint account'.[114] Thus, even in the spring of

1814, Parish had not given up hope that Baring would finally join in his business ventures.

That this optimism was not completely unjustified is illustrated by the fact that Baring - in contrast to his public protestations - accepted at least $200,000 in US government bonds from John Jacob Astor, Parish's partner in the sixteen million dollar loan of 1813.[115] Baring kept this stock as security for drafts Astor sent to the house of Hope & Co which, interestingly enough, was, according to historian Marten G. Buist, by that time 'little more than an empty shell'[116] having been bought up by Baring in 1813 and which 'had, in a measure, become a branch of the Baring concern'.[117] In consequence, even though Baring decided to sell the stock received from Astor only after the war, he still had - well hidden from the public eye – a share in financing the US government.

Secrecy was, hence, of great importance for such business transactions, especially as, since the late eighteenth century, Baring Brothers had been the main provider of monetary means for the British state. In 1813 alone, Baring took responsibility for providing the British government with £49,000,000.[118] Therefore, the Baring Brothers company was not only morally bound to the British nation, but pragmatically as well. Its work for the British government provided it with big financial gains, as well as prestige. The main difference between the situation in the United States and Great Britain was that the British government was able to choose with whom it wanted to do business from among many mercantile houses. Consequently, Baring was aware that there were competitors.[119] Moreover, as Philip Ziegler argues, due to the great financial risk they were entering into by providing such immense sums, it was essential that the public 'confidence both in the government and in Barings must remain unshaken'.[120] As a result, it was important that Baring tried hard to maintain the image of the loyal subject by all possible means.

While Alexander Baring put emphasis on his status as a loyal patriot in his home country, as an internationally operating merchant banker, he professed strict neutrality. In his correspondence with Albert Gallatin, he stated that he opposed the 'senseless war'[121] and tried everything in his power to bring it to a speedy end. Especially because of his being oftentimes 'accused here of undue partiality towards America' he hoped to have 'credit with you [Gallatin] for a sincere wish to see an end put to so permanent and certain a source of strife'.[122] Openly, he confessed to Gallatin, that '[w]e wish for peace … the war has no object; it is expensive; and we want to carry our efforts elsewhere. Our desire of peace, therefore, cannot be doubted, and you may quite rely upon it'.[123] This quotation indicates that Baring took his neutral position seriously. Due

to his open statement to Gallatin, he ran the risk of weakening Great Britain's position in the peace negotiations. True to Ralph Willard Hidy's general interpretation, he tried to use his great standing in the world of commerce and finance 'to preserve world peace'.[124] Interestingly, even Parish thought that Baring might have the means to do so, when he asked him: 'Can you suggest no plan of again bringing the two Countries to treat for Peace, before the next campaign opens?'[125]

Especially due to his position as an international merchant banker Baring had the chance to act as an intermediary between the US and Great Britain. But it was precisely his commitment to this cause which led to criticism because public opinion in Britain expected Baring to display the same unrestrained loyalty to the British cause as any other subject.

Conclusion

The goal of this paper has been to discuss patriotic tendencies in the actions of David Parish and Alexander Baring in regard to their involvement with the US government loan of 1813. As the presented findings suggest, neither Parish nor Baring were acting from pure patriotism but from a complex web of intersecting relationships and motivations. Parish's involvement with the Americans and the British has revealed that he was mainly concerned with the safety of his lands near the border between the US and Canada. Parish seems to have been chiefly worried because of the large amount of capital he had invested in these properties, yet at the same time his letters prove that he also cared about the region and the safety of its inhabitants. Therefore, one could argue, that Parish acted as a local patriot. As a consequence, the argument of this paper is not that Parish was just a selfish financier but only that to him considerations such as patriotism and allegiance to a specific nation were only of minor concern in financial deals. As Claudia Schnurmann has argued, David Parish and the rest of his family saw themselves as 'citizens of Hamburg as well as citizens of the world'[126] and therefore Parish 'displayed a medley of different identities, loyalties, and mentalities'.[127]

A comparison of the activities and attitudes of Alexander Baring and David Parish highlights differences and analogies in this regard. Both men were influenced by their understanding and identity as merchants whose trading business was not confined to national borders. Their behaviour supports Sam A. Mustafa's theory about a common *merchant culture*. Whereas Baring seems to have had similar ideas about the secondary importance of nationality, his motives were quite distinct from those of

Parish. Baring was the head of an established international merchant house in London and a British politician at the same time. Therefore, his actions reveal an inner tension between his loyalty to Britain and his loyalty to his business network. In both cases, comportment in accordance with the accepted code of honour in one sphere was in opposition to the values demanded in the other. In other words, while his role as loyal patriot called for acting in accordance with the interest of the nation, his role as cross-border merchant and financier asked for neutrality and reliability even in times of war. Therefore, Baring saw himself in a conflict of loyalty between the expectations of his native country and the obligations he felt as an internationally oriented financier and merchant to the US. In consequence, one possible conclusion is that it was easier for foreign merchants, who were living only temporarily in one place, to navigate in critical situations between the lines of the warring factions than for local merchants who were firmly rooted within their home countries.

But as the two case studies have suggested there was also a general scepticism in regard to merchants and their alleged patriotism both in the US and in Great Britain. This suggests a period of transition which witnessed a gradual process of the alignment of these interests. However, local factors influenced the form and intensity of the conflict between these two mind-sets. Thus, Alexander Baring's example has proven that his relationship to the government and public criticism were important factors in shaping his behaviour. As a result, it was indeed difficult to sell US government bonds in London during the War of 1812.

Hence, a consolidated public opinion was of outstanding importance, because it put pressure on the financial actors by denouncing their activities. Thus, an established media could prove to be an instrument of power in national politics, because it provided greater control over the conduct of the financial elite of the country. Consequently, the statement that supplying the enemy with funds was not yet a great offence in the early nineteenth century must be limited. As has been demonstrated by the situation in Britain, an established critical public and a strong nation state were important factors regarding this issue.

Because these two elements were missing in the United States at this time, the situation was quite different for merchants and financiers, as the example of David Parish has shown. In contrast to Baring, Parish was able to follow his own interests relatively unchallenged in America. Though there were critical voices that openly denounced his behaviour, the American public was too divided to put enough pressure on the financier. The general disunity of the American people during the War of 1812 left enough room for resourceful businessmen to move skilfully

in between national party lines. Depending upon how one person chose to comport himself, he principally earned, on the one hand, approval and, on the other hand, criticism from the antagonised factions of the Republicans and the Federalists.

In this regard, the nation state is of great importance. Although, the US government very likely knew about Parish's political orientation, his alliance with the British and the incidents taking place on his property, it was not able to take punitive action. Washington depended too much on Parish's financial means and had no alternatives other than to minimise the damage and to turn a blind eye to what was going on. The young republic was at odds with itself and not strong enough to enforce the loyalty it expected from its citizens.

The case studies of David Parish and Alexander Baring suggest that while internationally active merchants could indeed create significant room for manoeuvre to pursue their own interests and goals, they were nonetheless not entirely free to act as they pleased. The twin powers of the state and public opinion, on which their businesses ultimately rested, acted to restrain them and to contain their ambitions.

Notes

1 David Parish, Philadelphia, to Alexander J. Dallas, Philadelphia, 16 March 1813, David Parish Letter Books (LB), New York Historical Society (NYHS), volume IV, 217. This paper is based on my Master's thesis. Therefore, my findings in regard to Parish mainly rest upon his letter books in the NYHS. The Parish-Rosseel Papers in the St. Lawrence University Library have not been completely evaluated and, therefore, I rely on the results of other historians in this regard.

2 Sam A. Mustafa, *Merchants and Migrations: German and Americans in Connection, 1776-1835* (Burlington, VT: Ashgate, 2001), 68.

3 Mustafa, *Merchants*, 45.

4 Ibid, 73 and 374.

5 Henry Adams, *History of the United States of America during the Administrations of Thomas Jefferson and James Madison*, The Library of America Edition, 32 (1891; New York: Penguin Putnam, 1986), 45.

6 Elbert Hubbard, *Little Journeys to the Homes of Great Business Men: Stephen Girard*, vol. 11 (East Aurora: Roycrofters, 1909), 101. Recently, a few scholars have doubted this interpretation: Alan Taylor, *The Civil War of 1812: American Citizens, British Subjects, Irish Rebels & Indian Allies* (New York, NY: Alfred A. Knopf, 2010); Kenneth Wiggins Porter, *John Jacob Astor: Business Man*, volume 1, 2nd Edition (New York, NY: Harvard University Press, 1966), 295 and 303; Axel Madsen, *John Jacob Astor: America's First Multimillionaire* (New York: John Wiley & Sons, 2001), 2; Kenneth L. Brown, 'Stephen Girard's Bank', *The Pennsylvania Magazine of History and Biography*, 66 (January 1942): 137-40.

7 Porter, *Astor*, 334.

8 Philip G. and Raymond Jr. Walters, 'The American Career of David Parish', *The Journal of Economic History*, 4 (November 1944): 2, 149.

9 Ralph Willard Hidy, *The House of Baring in American Trade and Finance: English Merchant Bankers at Work, 1763-1861* (Cambridge, MA: Harvard University Press, 1949), 34.

10 Jon Latimer, *1812: War with America* (Cambridge, MA: Harvard University Press, 2007), 129.

11 Albert Gallatin to James Madison, 5 March 1813, quoted in: Robert Allen Rutland (ed.), *The Papers of James Madison, Presidential Series*, volume 6 (Charlottesville, VA: University Press of Virginia, 1984), 90.
12 David Stephen Heidler and Jeanne T. Heidler (eds.), *The War of 1812* (London and Westport, CT: Greenwood Press, 2002), 128.
13 Astor, Philadelphia, to Albert Gallatin, 5 April 1813, quoted in: Walter Lowrie and Matthew St. Claire Clarke (eds.), *American State Papers: Documents: Legislative and Executive of the Congress of the United States: From the First Session of the First to the Third Session of the Thirteenth Congress: Inclusive, Commencing March 3, 1789, and Ending March 3, 1815*, volume 6 (Washington DC: 1832), 647.
14 The loan was six per cent for thirteen years.
15 By using the term 'Republicans' this paper refers to the Democratic-Republican Party founded in 1791.
16 Lisa R. Morales, 'The Financial History of the War of 1812', PhD thesis (University of North Texas, 2009), 2.
17 Jacob Barker, *Incidents in the Life of Jacob Barker, of New Orleans, Louisiana: With Facts, his Financial Transactions with the Government, and his Course on Important Political Questions. From 1800 to 1855* (Washington DC: 1855), 42.
18 Charles Jared Ingersoll, *Historical Sketch of the Second War between the United States of America and Great Britain. Declared by Congress, the 18th of June 1812, and Concluded by Peace, the 15th of February 1815* (Philadelphia, PA: Lea and Blanchard, 1849), 21.
19 Robert A. MacCaughey, *Josiah Quincy. 1772-1864. The last Federalist* (Cambridge, MA: Harvard University Press, 1974), 80.
20 Donald R. Hickey, *The War of 1812: A Forgotten Conflict* (Champaign, IL: University of Illinois Press, 2012) 224.
21 Benson John Lossing, *The Pictorial Field-book of the War of 1812. Or, Illustrations, by Pen and Pencil, of the History, Biography, Scenery, Relics, and Traditions of the Last War for American Independence* (New York, NY: Harper & Brothers, 1869), 1008.
22 Barker, *Incidents*, 39.
23 Derek Wilson, *The Astors, 1763 - 1992: Landscape with Millionaires* (London: Weidenfeld and Nicolson, 1993), 41; 'four foreigners' because Albert Gallatin is counted as well, being of Swiss origin.
24 Andrew W. Robertson, '"Look on This Picture… And on This!" Nationalism, Localism, and Partisan Images of Otherness in the United States, 1787-1820', *American Historical Review*, 106 (October 2001): 4, 1264.
25 Herbert Lasky, 'David Parish: A European in American Finance, 1806-1816', PhD thesis (New York University, 1972), 3.
26 Richard Ehrenberg, *Das Haus Parish: Grosse Vermögen*, volume 2 (Jena: Fischer, 1905), 39.
27 For a more detailed account see: Adrian J. Pearce, 'The Hope-Barings Contract: Finance and Trade between Europe and the Americas, 1805-1808', *English Historical Review*, 74 (2009): 511, 1324–52.
28 See Walters and Walters, 'The American Career', 149–66.
29 Parish, Philadelphia, to John Parish Sen., Bath, 4 March 1807, LB, NYHS, vol. II, 354.
30 Lasky, *David Parish*, 19.
31 Parish, Philadelphia, to Walter Heller, Washington DC, 13 March 1812, LB, NYHS, vol. III, 196.
32 Parish, Ogdensburg, to Isaac Todd, Montreal, 10 August 1813, LB, NYHS, vol. IV, 373.
33 Parish, Philadelphia, to John Parish Sen., Bath, 29 March 1813, LB, NYHS, vol. IV, 244.
34 Parish, Philadelphia, to Richard Parish, Hamburg, 8 May 1813, LB, NYHS, vol. IV, 297.
35 Parish, Philadelphia, to C. W. Hare, Boston, 2 April 1814, LB, NYHS, vol. V, 178.
36 Parish, Philadelphia, to Prime & Ward, New York, 12 March 1813, LB, NYHS, vol. IV, 209.
37 Parish to Harrison Gray Otis, Philadelphia, 12 April 1813, quoted in: John D. Morris, *Sword of the Border: Major General Jacobs Jennings Brown. 1775-1828* (Kent, OH: Kent State University Press, 2000), 72.
38 Parish, Philadelphia, to James Alexander Dallas, Philadelphia, 16 March 1813, LB, NYHS, vol. IV, 216–17.
39 Governor Morris to David Parish, 26 March 1813, quoted in: Anne Cary Morris (ed.), *The Diary and Letters of Governor Morris: Minister of the United States to France: Member of the Constitutional Convention*, vol. 2, (New York, NY: C. Scribner's Sons, 1888), 549.

40 Letter written by unknown person, 21 May 1813, quoted in: Laura M. Hasbrouck, 'The Pioneer Families and Early Social Customs', *Reminiscences of Ogdensburg. 1749-1907* eds. Swe-Kat-Si-Chapter (Daughters of the American Revolution), (New York, NY: Silver, Burdett 1907), 33.
41 Claudia Schnurmann, 'A Scotsman in Hamburg: John Parish and his Commercial Contribution to the American War of Independence, 1776-1783' in *Small is Beautiful? Interlopers and Smaller Trading Nations in the Pre-industrial Period. Proceedings of the XVth World Economic History Congress in Utrecht (Netherlands) 2009*, eds. Marcus A. Denzel, Jan de Vries and Philipp Robinson Rössner (Stuttgart: Franz Steiner Verlag, 2011), 157–76, especially 158.
42 See William Lahey, 'The Influence of David Parish on the Development of Trade and Settlement in Northern New York, 1808-1822', PhD thesis (Syracuse University, 1958).
43 J. Mackay Hitsman, 'David Parish and the War of 1812', *Military Affairs*, 26 (Winter 1962-1963): 4, 172.
44 Morris, *Sword*, 29.
45 Letter written by unknown person, 20 November 1812, quoted in: Hasbrouck, *The Pioneer Families*, 28.
46 Letter written by unknown person, 1 January 1813, quoted in: Ibid, 29; 'Ogdensburg', *The Republican*, 2 (12 February 1813): 45, 2.
47 D. E. Graves (ed.), 'Documents, Artefacts and Imagery: War on the Ice: The British Attack on Ogdensburg, 21 February 1813', *The War of 1812 Magazine*, 7 (September 2007).
48 'Extract of a Letter from Ogdensburg, dated Feb. 27', *Commercial Advertiser*, 16 (8 March 1813): 6422, 3.
49 'Extract of a Letter, received by the Hon. R. Atwater, a Member of the Senate, from his Son, Dated Ogdensburg, Feb. 27', *New York Gazette & General Advertiser*, 24 (9 March 1813): 9683, 2.
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51 Taylor, *Civil War*, 269.
52 Philalethes (George R. J. Macdonell), 'The Last War in Canada', *Coburn's United ServiceMagazine and Naval and Military Journal* (London 1848): 1, 438.
53 Macdonell, 'The Last War', 433.
54 Taylor, *Civil War*, 275–77.
55 Jon Latimer, 'Smuggling and Contraband in the War of 1812', *The War of 1812 Magazine*, 8 (February 2008).
56 Reginald C. Stuart, 'Special Interests and National Authority in Foreign Policy: American-British Provincial Links During the Embargo and the War of 1812', *Diplomatic History*, 8 (October 1984) 4, 328.
57 John Ross to Parish, 27 March 1813, quoted in: Harry F. Landon, 'British Sympathizers in St. Lawrence County during the War of 1812', *New York History* 35 (April 1954): 2, 134.
58 Thomas Pearson to George Prevost, 9 August 1813, quoted in: Mackay, 'David Parish', 175.
59 'Treason in Ogdensburg', *The Centinel of Freedom*, 17 (25 May 1813): 37, 3.
60 Nathan Ford, 'From the Ogdensburgh Palladium: A Note to Gen. Dearborn', *Portland Gazette* 15 (29 March 1813): 51, 2.
61 Parish, Philadelphia, to Nathan Ford, Ogdensburg, 16 July 1813, LB, NYHS, vol. IV, 333.
62 'Extract of a Letter, dated Ogdensburgh, 4 May, 1813', *The Evening Post* (17 May 1813): 3367, 2.
63 Parish, Philadelphia, to John Jacob Astor, New York, 25 April 1814, LB, NYHS, vol. V, 263.
64 Parish, Philadelphia, to John Parish Sen., Bath, 23 May 1814, LB, NYHS, vol. V, 260–1.
65 Parish, Ogdensburg, to John Parish Sen., Bath, 1 December 1812, LB, NYHS, vol. IV, 164.
66 Parish, Philadelphia, to John Parish Sen., Bath, 08.10.1813, LB, NYHS, vol. IV, 392.
67 Translated from 'malheureuse Patrie', Parish, Philadelphia, to Jean Baptiste Bernadotte, 17 March 1814, LB, NYHS, vol. V, 143.
68 Parish, Philadelphia, to Charles Parish, Hamburg, 26 March 1814, LB, NYHS, vol. V, 166.
69 Parish, Philadelphia, to Charles Parish, London, 8 October 1813, LB, NYHS, vol. IV, 394.
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Loyalty to the Regime: Prominent Men, Militia and French-Canadian Identity through the 1812 War

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Abstract

In the North American British colonies, the 1812 war led to a great mobilization of militia corps to protect the Empire's possessions. For colonial authorities, such context represented an opportunity to measure local militia officers' loyalty to the Crown, particularly those who resided in the French traditional countryside. What can we understand of the French-Canadian involvement in the War of 1812 as officers? What is the impact of their relation to the Crown on their capacity to hold on to positions in their respective communities? By bringing to life a few case studies, this paper wishes to examine the formation of the French-Canadian identity through the involvement of local elites in the militia. This study is based on an analysis of the correspondence of the principal officers of the battalions with the central authorities and prosopographical research of those same officers in the rural regions of Lower Canada. The analysis of the strategies, values and interests of the militia officers, will serve to enlighten the parameters of the collaboration between the local elite and the colonial elite.

Introduction

In the Canadian collective consciousness, there are many contrasting perceptions of the War of 1812. For some English Canadians, this war was instrumental in shaping the current Canadian identity, because

it embodies a time of cooperation… the coming together of different groups living in the territory to fight for a shared objective. By different groups, we are referring to the *English*, *French* and *Aboriginals*, based on the typology used by the current Canadian government. Therefore, the war appears to be a time of marking out this territory both in its literal and figurative sense when facing the American enemy. In the English-Canadian consciousness, 1812 offers epic battles, heroes and turning points. The Bicentennial of the War of 1812 celebrations, propelled by the *1812 Commemoration Funds* created by the Canadian federal government, echoed back to this appropriation.[1] By contrast, this episode did not leave the same imprint on French Canadians. In fact, it represents more a moment of assertion for these 'former' *Canadiens* than an attachment to some British ideal incarnated by the Empire. When considered from the perspective of identity, the 1812 episode in a way appears insoluble, limited among other things to the realm of contemporary nationalistic conflicts. But the same question keeps coming up: how to define the patriotism of French Canadians through the tumultuous transition since the British Conquest in 1760? Without claiming to have a complete answer to this delicate question, we propose in this paper a new way of looking at the whys and wherefores of the process of creating the French-Canadian identity, as seen through the lens of the militia officers in the War of 1812.

Historiographical References and Field of Enquiry

These thoughts largely echo those of Canadian historians Colin M. Coates and Donald Fyson in recent years. Coates, in his book *Metamorphoses of Landscape and Community in Early Quebec*, published in 2000, reveals the seeds of French-Canadian nationalism at the turn of the 19th century in the St. Lawrence Valley.[2] Coates' reasoning regarding the Canadian identity can be summarised as follows: insomuch as various cultural significances contribute to the modelling of individual identities, the relationship with the British Crown has played an active role in defining Canadians of French origin. By defining themselves in terms of differences, of the "Other", they also stigmatise their own defining characteristics. Interiorising these characteristics naturally leads them to exhibit their differences, to display what is commonly recognised as a 'nationalistic feeling'.

More recently, Donald Fyson has also endeavoured to assess the French-Canadian journey during the post-Conquest period based on the

relations with the British authorities.[3] Focusing especially on an examination of the use of the local court system and recruiting for ancillary positions in the courts (i.e., bailiffs) at the end of the 18th century, Fyson observed the gradual acculturation of French-speaking Canadians into the new culture of power. In conclusion, he acknowledged a 'ground-level' perspective, because it showed the pragmatism and permeability of local populations facing a new political and economic environment.

As a result of this work, our own research probed the mechanisms of social reproduction at work in the French-Canadian countryside between 1825 and 1865. At the end of this process, we were able to draw the outline of a local elite whose cohesiveness was closely linked with local institutions, especially those set up by the British; the militia officers hold a strategic position in the portrait drawn.[4] According to the interpretation proposed, this elite was able to maintain its distinct organic character with its own form of cultural logic, beyond the Act of Union, thereby thwarting the assimilationist policies that were spread until the time of the Durham Report. These results reflect those of Canadian colleagues on two levels: they help pinpoint the methods of reproduction of the French difference in the Canadian world—as Coates suggested for the previous period—while at the same time shining some light on the cooperation and mixing of the local communities and British authorities—thus echoing certain aspects of Fyson's work.

Where then does the War of 1812 fit into this portrait? Could it not be part of the long acculturation process of Canadians of French origin, i.e., as another milestone highlighting their differences within the legal and institutional parameters set out by the British authorities? In Quebec historiography, the military factor continues to bear fruit. However, the institution of the militia, as the prime point of contact between colonial authorities and local populations, has not attracted the attention of historians.

As a legacy of the French regime, the officer corps was legitimised by the new 'masters' of the valley after 1760. Consequently, as of the end of the 18th century, it was the King of Britain, through these colonial agents, who dealt out officers' commissions to represent him in this territory. In this way, this officer corps certainly embodied 'continuity while being different': it enabled French Canadians to recognise and 'name' themselves, while they were supporting and legitimising the relevance of the link with British authorities. Recent scientific documents have focused on the criteria for officers' commission positions or even on the reorganisation of the militia during the first third of the 19th century. Regarding the War of 1812 itself, the rejection of conscription

in Lachine monopolised all energies.[5] However, this attention given to the Lachine riot has not only helped fuel the thesis of the all-out rejection of conscription by French-Canadians but suggests a fully-fledged rejection of participating in war. These perspectives now appear to be unsatisfactory since they do not analyse the 'adherence factors' of a certain portion of Canadians.[6] In reality, seeing the military scene as a potential identity factor, as a place of mediation and codification of the practices of power in the Canadian countryside, has until now received very little attention.[7] The War of 1812 represents a turning point for explaining the terms and conditions of cooperation from the local Canadian elite—through the officer corps—in the war effort and in the long-term consequences of their involvement. We give an account of this interaction by observing relations between senior militia officers from the French battalions and the colonial authorities during the mobilisation of 1812 and the following years. To obtain both a synchronic and diachronic view of 1812, the letters received by the Adjutant-General between 1810 and 1830 have been consulted.

The War of 1812 and Correspondence from Superior Officers

The War of 1812 involved very few military activities in Lower Canada per se, with the greatest exploit being the Battle of Châteauguay in 1813. However, the Canadian militia were mobilised to fight outside the territory. The leaders of the British colonies had straight-forward concerns—to protect the territory with all available resources. Given the limited regular troops, the sedentary militia quickly became one of the cornerstones of victory. The local communities in the St. Lawrence Valley, which were home to a significant proportion of the troops needed to hold the line against the Americans, were a necessary part of the solution for colonial authorities. The role of the militia officers therefore grew in this context.

Nevertheless, the use of officers' correspondence to date has actually produced very few works, most of which belongs to Roch Legault.[8] The collection of the Adjutant-General's Office of Lower Canada (RG9-I-A) of the National Library and Archives of Canada is one of the richest in this respect. Therefore, our investigation uses a corpus of more than 200 letters from this collection regarding the sedentary militia battalions found in Montreal and the Lower St. Lawrence. In the first case, the sectors of the communities north of Montreal (Terrebonne, L'Assomption, Lavaltrie, etc.), of the Eastern part of the Island of Montreal

(Longue-Pointe, Pointe-aux-Trembles, etc.), and of the South Shore (Varennes, Verchères, etc.) are targeted. For the Lower St. Lawrence, the areas of Rimouski, Rivière-du-Loup, Kamouraska and La Pocatière were chosen.

The greatest part of the correspondence examined was addressed to the Adjutant-General of the Lower Canada militia, François Vassal de Monviel. All military staff reported to this public servant who served as liaison between the colony's military authorities and different militia corps in the territory. In times of peace, the regular duties of the Adjutant-General amounted to ensuring the dissemination and execution of the general orders of the colony's Governor-General—who was also the Commander-in-Chief—and ensuring that the roles and nominative counts of staff were up to date. Major mobilisations, however - involving the battalions of sedentary militia during the war against the Americans - added extra pressure on this key military administration position. In this context, most of the Adjutant's concerns involved overseeing that the most competent officers were in place while ensuring the mobilisation of the maximum number of available military staff. The letters received by Vassal de Monviel thus primarily centred on the smooth running of operations: the mobilisation as such, recruiting of militiamen, definition of roles, supplying troops, deserters, and equipment (especially arms). For the most part, these items were also found in the dealings with military staff of the regions of Montreal and the Lower St. Lawrence. All sectors had to contend with their share of deserters, logistical problems and limited equipment. The fact nevertheless remained that recruiting was at its most problematic in the Lower St. Lawrence, especially around Rimouski where the most resistance was reported.[9]

However, the dealings on the status of officers leading the battalions and companies were what took up a very large part of the Adjutant-General's time. Each series of nominations involved much correspondence, the number of letters dealing with these issues shows us the great care that was given to these processes. The issue of replacements (due to death, relocation, etc.) also took up a fair amount of time, not to mention retirements. Once again, all correspondence had to go through this back-and-forth process, regardless of the home region of the battalion concerned. The emphasis placed on the processes concerning the officers themselves tells us of the sensitive nature of this position in the context of the war.

The style of these letters also helped instill a distinctive character in the relations between military staff and the Adjutant-General. Formalities were a given; along with the regular respectful phrasing, the wording "*In*

Service of the King" was often seen to underscore the importance of the issue. From missive to missive, we can observe the development of a discussion among the battalion commandants. Through them, we can hear the voices of other military officers, but also of the most vocal and insistent of the junior officers. These letters are also, and perhaps most of all, a reflection of the rhetoric of the elected powers, a rhetoric of those who justified their place in the power networks that were simultaneously being created.

The Adjutant-General's Office: A Negotiating Area, 'In Service of the King'

The context of war established a large-scale dialogue between the colonial authorities and the local authorities of different communities. In this complex web of reports, needs, values and interests are conveyed by individuals and groups who were involved in negotiations in which their own social status was often at issue. In these reports to the central authorities, the local elite fashioned their own image, which was soon taken over by their own reproduction process at the community and regional level.

At the start, it is important to point out that, in the French-Canadian countryside targeted for this investigation, the military staff were overwhelmingly French-speaking. In all of the battalions concerned, the senior officers agreed to work with the authorities in setting up military strategies. Hence, the exceptional character of the context opened up new spaces for dialogue. These new spaces were first made possible by changing the parameters for dealings based on the context of the war. Dealings with authorities were more frequent and longer, as were the opportunities to benefit from direct relations with certain highly placed go-betweens. Next, the expansion of this space for exchange is also linked to the nature of the relationships established, namely to the resulting relationships of trust. The cooperation established with neighbouring military staff and members of the government at different levels during operations necessarily affected the business relations and friendships of the commanding officers. In short, this new space for dialogue and even negotiation results from the fact that support of local elites was necessary for the British authorities to successfully lead defense operations in the territory.

In this respect, from the outset of the conflict, the military officers were not fooled: support for government initiatives was largely expressed with a great many superlatives. Among the most demonstrative officers

was Joseph-Hubert Lacroix, Colonel of the Île Jésus Division and a seigneur, who declared at the beginning of the hostilities:

> 'I believe that I would be disrespectful to the Greatest of the Kings, to his government that I have been serving for the past 37 years in different capacities, and My Country if I did not reiterate during these difficult times my respectful offers of service to the worthy representative of his Majesty' [Translation].[10]

Throughout the course of the war, missives from the military staff revealed a tacit adherence to certain values. First of all, the value of loyalty, closely linked to honour: military staff did not hesitate to parade their credentials, as Lacroix did, but also to acknowledge their feelings of recognition of the favours received. Lieutenant-colonel Michel Turgeon, commenting on the trust received from the Adjutant-General: 'I was extremely honoured by the different commissions of trust that I have received from my government' [Translation].[11] This respect for the governing authorities was coupled with consent to values of order, to a hierarchical view of the functioning of organisations and, ultimately, of societies. This view referred to the very essence of elite circles according to which individuals or groups had privileged access to power. The principle of choice in the public sphere was closely linked to these lines of thought. Consequently, it was not surprising to see the many missives to the Adjutant-General containing the ideas of duty and public service in which the selfless dedication of the Honest Man is at the forefront. Major Augustin Trudel from Rimouski wrote the following to Vassal de Monviel regarding the responsibilities with which he had been entrusted: 'Thank you for the honour you have given me. You have ascribed talents to me that I do not have. However, since it would give you pleasure, it will be an honour for me to carry out your desires' [Translation].[12]

In return for this adherence to certain values or principles embodied by the colonial authorities, the local elite sought to make the best use of a symbolic negotiation space via three mechanisms related to the officer corps: (1) recruiting or promotion within the institution; (2) the power of the institution itself; and (3) the symbolic use of power outside the institution.

The Hunt for 'Places'

The sedentary militia officers wanted to reinforce their status within the institution as well as their power. With war comes glory: the officer corps institution took on more importance. This new importance was first evident through a series of appointments in which patronage networks

became highly involved. The hunt for paid 'places' was a fierce one. The equation was as follows: in times of war, authorities had to focus first on effectiveness and count on the support of their trusted men. This led the Adjutant-General, against his usual habits, to bend the rules of seniority when it came to appointments. Different reasons were given by the commanding officers of the battalions to justify these specific recommendations or requests. In the Lavaltrie division in 1812, Lieutenant-Colonel Faribault acted in favour of his nephew Barthelémy Joliette for the position of adjutant on the grounds of 'practical' reasons; Barthelémy had been fulfilling these duties informally for months at that point.[13]

The commanding officers also insisted on skills and aptitudes to justify the demotion of an officer in favour of another. In 1814, Lieutenant-Colonel Faribault made another attempt, intervening again in favour of his nephew to secure him the commission of major, which he proposed be taken away from another officer considered to be incompetent.[14] Commandant Pascal Taché from Kamouraska also had to deal with a member of his own family in his manoeuvres:

> '… with all the good will possible, this young man is absolutely incapable of fulfilling his duty in this capacity [as adjutant] …. I therefore am taking the liberty to recommend … Charles Taché, son … I hope, Sir, that you can see that I am not trying to favour my nephew to the detriment of Mr. Hausseman' [Translation].[15]

Technical stratagems were used to favour the desired men. Owing to the redrawing of the limits of the battalions in the Lower St. Lawrence, this same strategy allowed the appointment of the associated merchants Pierre Casgrain and Amable Dionne. Assigned to the positions of major and captain respectively, their appointment did not follow the usual process for moving up in the officer ranks.

Lastly, others went so far as to argue cultural reasons to justify their due. Michel Turgeon, disappointed about not having been given the promotion he wanted in the region of Terrebonne, complained about the situation as follows:

> 'I am too English and have served enough not to believe that it can only be by mistake … if I am only promoted to the Third Battalion' [Translation].[16]

In the end, the singular character of the authorised exemptions in the context of the War of 1812 regarding recruiting lay not so much in their

exceptionality, but rather in the large number and geographic expanse of the cases over a short period of time. Moreover, in addition to these appointments, we must also look at the issue of retirements or rather the 'retirement market'. When granted by the authorities, this retirement came with a modest pension, based on the rank held at the time of termination of service. In the context of war, the requests made to Vassal de Monviel increased in this respect; of course, part of the resurgence in this type of request can be attributed to the requirements for active service, but also to the window of cooperation that opened for them. Jean-Philippe Leprohon, Commander of the Pointe-aux-Trembles Division, took advantage of the context to reiterate his request to the Adjutant-General:

> 'Having received the application several times of Captain Jean Bte Chevaudier, also known as Lépine, from the Rivière des Prairies Parish to grant him his retirement, given his advanced age and infirmities, having served as an officer and captain for nearly 30 years, I believe that it is my duty to ask on his behalf for an honorable retirement, and hope you will grant it to him [Translation].[17]

With the war having barely ended, Lieutenant-Colonel Jean-Baptiste Hervieux made a request for retirement on behalf of his colleague Barthelémy Rocher, appointed in 1807 and barely 50 years of age; this bold request would be rejected.[18]

In the end, all these steps also had an impact on the officers who were at the summit of the strategy: by providing positions to members of their networks or contributing to the advancement of their peers, they in turn secured their own place. In the years following the war, officers from the military staff did not hesitate to call in favours for 'services rendered during the last invasion'. To illustrate the increasing audacity of some, Jean-Marie Mondelet proposed that his David brothers be named captain, lieutenant and ensign without any prior experience:

> '… they know how to read and write and all three are landowners … in the area where this new company is to take place and they are the best-looking men in the division; they are respected and the only ones qualified to be promoted' [Translation].[19]

The Power of the Institution

With their reinforced or improved position, militia officers, given the context of the British-American war, had room to maneuver within

the institution's own power structure. Using the institution's power is at issue here: definitely its regulatory power, but also its discretionary power. The militia officer corps had its practices, codes, symbols, attributes, and its power. In the context of war, controls were tightened on the officers and militia, the series of exercises were intensified, decorum was enhanced, militia lists were more frequently drawn up, troop movement were more frequent, etc. Leadership, skills and abilities were sublimated in this context …. However, faced with abuses or new requirements, what protection was offered to the people? In Saint-Roch-de-l'Achigan, a complaint was lodged before a Justice of the Peace against captain-adjutant Jacques Archambault, who had abused his power when he conscripted sick and disabled men to transport merchandise to the front.[20] There were also the regular attacks of Jean-Philippe Leprohon regarding his officers' and militia's poor behaviour.[21] We can also see the enthusiasm of several commanding officers in hunting down deserters or those refusing to serve. Sharing information between officers from the military staff thus enabled the colonial authorities to be alerted to the presence of a camp of deserters in the sector of Madaswaska.[22] And then there was the excessive action of Paul-Roch de Saint-Ours, who devised a forceful action plan regarding two men stationed in the Parish of Saint-Jacques. He asked the adjutant-general

> '… to please order an armed detachment of approximately 12 men to crack down on the disobedience and violence of a few militiamen …. Given the licentious and rebellious statements they have made against the government and officers of the General Staff Major, their arrest would produce the best effect and would destroy the poor example they are setting' [Translation].[23]

He continues with his request in another letter, confirming that, given the house targeted by the intervention is made of wood, 'it would be easy to break in and flush them out; they would then be immediately brought to the Montréal prisons'.[24]

Joseph-Hubert Lacroix, from Île Jésus, provides us with another telling example of this use of discretionary power by militia officers, in which he rebukes those who do not appreciate the pacing of military exercises:

> 'I will order the captains who are the most at fault and those the most deserving of punishment - although I am of the opinion that

> all should be - to satisfy the minds of those who are doing their duty and who every morning show up for the exercises and ask "*Colonel, why are we here, and our neighbours are at home*". I tell them that they will be pleased one day and the others will be very sad'. [Translation][25]

This same concern for making examples out of others guided the actions taken against the Robichaud Family in Rivière-du-Loup. Anselme, the father, and his son, Joseph, captain and ensign respectively, were relieved of their duties for disgraceful conduct.[26]

This exceptional climate led these same military officers to suggest certain changes to common practices. They dared make requests directly to Vassal de Monviel, which was what several commanders silently hoped to do, namely to have the possibility of appointing their own officers and to avoid the incessant back-and-forth with the Adjutant's Office.[27]

The window of negotiation that was offered by the War of 1812 also emboldened certain officers to assert their own interests even more. There was, for example, Michel Turgeon who insisted in several letters on the injustice of an appointment, or Jean-Philippe Leprohon, who made repeated requests for a better paid public servant position.[28] Certain officers were thus to benefit from a platform to score political points, or display their abilities as managers or leaders. Commander Lacroix, who was displeased with the actions of his superior Deschambault, threatened less commitment on the part of his troops should his arguments be dismissed:

> 'I believe my honour has been harmed by the conduct of Lieut. Colonel Deschambault. I can say that the conduct he has had toward the officers and militiamen under his orders … can only discourage those who could be ordered to serve under his orders and reduce the enthusiasm and obedience of these good subjects of his Majesty' [Translation].[29]

Symbolic Power, Outside the Walls

The negotiation space opened by the events of 1812 enabled the officer corps to benefit and have others benefit from the prestige of their commission. In the short- and medium-terms, officers cultivated the mystique associated with military feats and paved the way for their relatives and their allies to move up within the influential power networks. In one

way or another, this impact of the extended prestige coming out of one's commission implies close ties with the symbols of power.

The case of Captain Joseph Clément de Terrebonne is instructive in this regard. In 1816, he had a conflict with the churchwarden in charge, who refused to recognise the precedence of the rank to which he had the right during parish church services. This affair became litigious and soon Lieutenant-Colonel Roderick McKenzie commanded the churchwarden to 'restore the rights of the captain' inside the sacred walls.[30] The fact that McKenzie, a Protestant, was intervening within the Catholic walls to defend the prerogatives of a French Canadian is both extraordinary and full of meaning. This ability to legitimise military feats in the civil or religious sphere also came through quickly in the years after the war, especially during tributes to the deceased, when patriotism was in the spotlight following the events of 1812.[31]

Moreover, the space conquered by certain individuals and families within the officer corps during the War of 1812 reappeared in their respective networks for several years. Having the commission of officer allowed them among other things to have access to other local institutions, such as the Parish Council and the school boards; commissions with a regional scope, such as those of justices of the peace and small claims commissioners, were also colonised by these same networks. For some, such as the Tachés from Kamouraska or the Mathieus of Lachenaie, the events of 1812 simply confirmed their rise up the ranks and enhanced their prestige. For others, however, such as the Dionnes of Rivière Ouelle or the Archambaults of Saint-Roch, this period served as a catalyst. A question remains: did the 'good capable men' hired in the aftermath of 1812 represent loyal and faithful subjects in the long run? Nothing could be less certain. Several officers were confirmed to be illiterate, agitators or incompetent between 1812 and 1814; nevertheless, with the return to peaceful conditions, one had to deal with the previous appointments. The case of Jacques Archambault, a captain-adjutant from the L'Assomption region, is quite telling here.[32] The protection of Lieutenant-Colonel de Saint-Ours had obtained him the commission of adjutant in 1812.[33] However, even though he was soon after challenged for his lax management of the military staff as of 1815 - his protector having passed away the year before - he still retained this position, having earned sufficient political capital.[34] During the 1820s, he waged a relentless campaign to obtain the rank of major, before finally being relieved of his duties during the Dalhousie Crisis.[35] This same period nevertheless benefited his family in terms of favourable appointments,

and allowed it to control most of the local institutions, as noted by Lieutenant-Colonel Rocher:

> '[Archambault and his allies], along with other notable people from our parish, have been long trying to gain any kind of local authority [sic], and have often abused this authority, despite my efforts'[36] [Translation].

Conclusion

The War of 1812–1814 against the Americans forced colonial authorities to vest a new symbolic force in the sedentary militia in order to maintain its authority over this important British colony, a gateway to the continent. Local elites in the Canadian countryside, built up from the previous campaign against the Americans and supported by well-established power networks, were better established and came to adopt a conciliatory and self-interested attitude in this context.

Insomuch as they shared a certain number of values with the central authorities, these elites became opportunistic: the tools provided to them to manage the local populations would soon be used to improve their social status. Ironically, this exploitation of social structures worked to acculturate these very elites to British institutions, and they came to embody colonial power slightly more in the end. In the context of the War of 1812, the officer corps of the sedentary militia also appeared as a conveyor for the representations of power, which existed for several years in the Canadian countryside following the actual battles.[37] In this way, the conflict effectively represents a key milestone in building Canadian identities in that this war led the local French elites to gain a more insightful understanding of the power structures and networks of the colonial authorities, while at the same time providing them with privileged access in the medium term. One of the most significant effects of this war can thus be understood through the institution of the militia officer corps, i.e., one of the main crucibles of identity for the rural Canadians at the time. The consolidation of the grip of certain individuals, families or groups on these central military positions reinforced the mechanisms for reproducing these rural elites, especially by reinforcing their power networks, which at the same time contributed to keeping alive these elite circles that had power over the destinies of local communities. In this framework, the loyalty of French Canadians to the British regime

was tied to ad hoc opportunism. Service to the King meant strengthening one's own authority in one's own local communities.

In return, the War of 1812 offered the government an extended network of contacts in different parts of the colony, and a network of officers with considerable sympathy for the submissions of the authorities and the respective symbols these authorities incarnated. In light of what unfolded during the war, the colonial government was also able to identify the most reliable agents for the ensuing years.

Notes

1 Initiative launched by the Conservative Government in 2011 to promote the commemorations in 2012 to mark the Year of the Bicentennial.
2 Colin M. Coates, *The Metamorphoses of Landscape and Community in Early Quebec* (Montreal/Kingston, McGill-Queen's University Press, 2000).
3 Donald Fyson, 'The Canadiens and British Institutions of Local Governance in Quebec from the Conquest to the Rebellions', in Nancy Christie (ed.), *Transatlantic Subjects – Ideas, Institutions, and Social Experience in Post-Revolutionary British North* America, (Montréal, McGill-Queen's University Press, 2008), 45–82.
4 Jean-René Thuot, *D'une assise locale à un réseau régional : élites et institutions dans la région de Lanaudière (1825-1865)*, Ph.D.thesis (Université de Montréal, 2008). Christian Dessureault and Roch Legault also showed the exclusive character of the officer's commission in local Canadian societies. See Dessureault and Legault, 'Évolution organisationnelle et sociale de la milice sédentaire canadienne: le cas du bataillon de Saint-Hyacinthe, 1808, 1830', *Journal of Canadian Historical Association/Revue de la société historique du Canada*, 7 (1997): 87–112.
5 In particular, see Christian Dessureault and Roch Legault, 'Les voies d'accès au commandement de la milice de la région de Montréal au Bas-Canada (1790-1839)', in Roch Legault (ed.), *Le leadership militaire canadien-français - Continuité, efficacité et loyauté* (Kingston, Canadian Defence Academic Press, 2007), 91–129; C. Dessureault and R. Legault, 'Évolution organisationnelle et sociale'; C. Dessureault, 'L'émeute de Lachine en 1812 : la coordination d'une contestation populaire', *Revue d'histoire de l'Amérique française*, 62, 2 (2008): 215–251.
6 Sean Mills, 'French Canadians and the Beginning of the War of 1812: Revisiting the Lachine Riot', *Histoire sociale/Social History*, 38 (May 2005): 37–57; Luc Lépine, *La participation des Canadiens français à la guerre de 1812*, Master's thesis (Université de Montréal, 1986).
7 The article by C. Dessureault previously cited is an exception in this regard. See Dessureault, 'L'émeute de Lachine en 1812'.
8 See previous notes.
9 National Library and Archives of Canada (LAC), Fund of the Adjutant-General for the Lower Canada Militia (RG9-I-A-I), 9, 3618, 6 March 1813: Major Augustin Trudel, from Rimouski, to François Vassal de Monviel, Adj.-Gen.; LAC, RG9 I-A-I, 9, 3605, 5 March 1813: Colonel Pascal Taché to François Vassal de Monviel, Adj.-Gen.
10 LAC, RG9 I-A-I, 9, 3605, 2 April 1812: Colonel Joseph-Hubert Lacroix to François Vassal de Monviel, Adj.-Gen.
11 LAC, RG9 I-A-I, 5 (7th Sedentary Embodied file), 1307, 28 June 1812: Colonel Michel Turgeon to François Vassal de Monviel, Adj.-Gen.
12 LAC, RG9 I-A-I, 16 (Rivière Ouelle file), 36, 18 May 1815: Major Augustin Trudel to François Vassal de Monviel, Adj.-Gen.
13 LAC, RG9 I-A-I, 3 (Lavaltrie file), 8, 2 June 1812: Lieutenant-Colonel Joseph-Edouard Faribault to François Vassal de Monviel, Adj.-Gen. For Faribault's actions, see also LAC, RG9 I-A-I, 39 (Lavaltrie file), 3 June 1813: Lieutenant-Colonel

Joseph-Edouard Faribault to François Vassal de Monviel, Adj.-Gen., intervention in favour of François Allard.

14 LAC, RG9 I-A-I, 13 (Lavaltrie file), 5 February 1814: Lieutenant-Colonel Joseph-Edouard Faribault to François Vassal de Monviel, Adj.-Gen. asking to withdraw the commission of major from Étienne Parthenais to give it to Bathelémy Joliette. Faribault however had recommended Parthenais the year before; see LAC, RG9 I-A-I, 39 (Lavaltrie file), 15 April 1813: Lieutenant-Colonel Joseph-Edouard Faribault to François Vassal de Monviel, Adj.-Gen.

15 LAC, RG9 I-A-I, 16 (Rivière Ouelle file), 27 April 1815: Lieutenant-Colonel Pascal Taché to François Vassal de Monviel, Adj.-Gen.

16 LAC, RG9 I-A-I, 5 (7th Sedentary Embodied), 6, 28 June 1812: Lieutenant-Colonel Michel Turgeon to François Vassal de Monviel, Adj.-Gen.

17 LAC, RG9 I-A-I, 8 (Longue Pointe file), 28 January 1813: Lieutenant-Colonel Jean-Marie Leprohon to François Vassal de Monviel, Adj.-Gen.

18 LAC, RG9 I-A-I, 20 (2nd Battalion Montreal file), 19 August 1817: Lieutenant-Colonel Jean-Baptiste Hervieux to François Vassal de Monviel, Adj.-Gen. Barthelémy. Rocher was finally approved for retirement in 1833.

19 LAC, RG9 I-A-I, 21 26 (Pointe-Claire file), 21 January 1822: Lieutenant-Colonel Jean-Marie Mondelet to François Vassal de Monviel, Adj.-Gen.

20 See Archives de la Chancellerie de l'Évêché de Joliette, file of correspondence of the priests of Saint-Roch-de-L'Achigan, deposition dated 2 January 1817: Philippe Alboeuf and Joseph Léveillé versus Jacques Archambault, Captain and Militia Adjutant.

21 LAC, RG9 I-A-I, 8 (Longue Pointe file), 26 November 1813: Lieutenant-Colonel Jean-Philippe Leprohon to François Vassal de Monviel, Adj.-Gen.

22 LAC, RG9 I-A-I, 14 (2nd Embodied file), 25 July 1814: Lieutenant Kimber to François Vassal de Monviel, Adj.-Gen. Lieutenant-Colonel Pascal Taché disseminated the information.

23 LAC, RG9 I-A-I, 13 (L'Assomption file), 17 March 1814: Lieutenant-Colonel P.-R. de Saint-Ours to François Vassal de Monviel, Adj.-Gen.

24 LAC, RG9 I-A-I, 13 (L'Assomption file), 21 March 1814: Lieutenant-Colonel P.-R. de Saint-Ours to François Vassal de Monviel, Adj.-Gen.

25 LAC, RG9 I-A-I, 13 (L'Isle-Jésus file), 31 January 1814: Colonel Joseph-Hubert Lacroix to François Vassal de Monviel, Adj.-Gen.

26 LAC, RG9 I-A-I, 16 (Rivière Ouelle file), 36, 27 February 1815: Lieutenant-Colonel Alexandre Fraser to François Vassal de Monviel, Adj.-Gen.

27 LAC, RG9 I-A-I, 3 (L'Isle—Jésus file), 2 June 1812: Colonel Joseph-Hubert Lacroix to François Vassal de Monviel, Adj.-Gen.

28 LAC, RG9 I-A-I, 6 (Blainville file), 2 February 1813: Lieutenant-colonel Michel Turgeon to François Vassal de Monviel, Adj.-Gen. The same Turgeon returns to this in 1827. See LAC, RG9 I-A-I, 32 (Blainville file), 9 March 1827: Lieutenant-Colonel Michel Turgeon to François Vassal de Monviel, Adj.-Gen. For Leprohon: see LAC, RG9 I-A-I, 8 (Longue Pointe file), 9 February 1813: Lieutenant-Colonel Jean-Philippe Leprohon to François Vassal de Monviel, Adj.-Gen.; then LAC, RG9 I-A-I, 8 (Longue Pointe file), 10 July 1813: Lieutenant-Colonel Jean-Philippe Leprohon to François Vassal de Monviel, Adj.-Gen.

29 LAC, RG9 I-A-I, 8 (L'isle-Jésus file), 8 January 1813: Colonel Joseph-Hubert Lacroix to François Vassal de Monviel, Adj.-Gen.

30 LAC, RG9 I-A-I, 18 (Terrebonne file), 29 June 1816: Lieutenant-Colonel Roderick McKenzie to François Vassal de Monviel, Adj.-Gen.

31 Without specifically mentioning the War of 1812, our recent investigation showed the place that patriotism held in the commemorative equation amongst the elite. Jean-René Thuot, 'La construction des représentations de l'homme de pouvoir dans la société rurale québécoise, 1820-1890 : réflexions autour des notices nécrologiques', in *Les figures du pouvoir à travers le temps – Formes, pratiques et intérêts des groupes élitaires au Québec, XVIIe-XXe siècles* (Québec, Presses de l'Université Laval, 2012), 95–107. Collection 'Les cahiers du CIEQ' (Centre interuniversitaire d'études québécoises).

32 J.-R.Thuot, 'Élites locales et institutions à l'époque des Rébellions : Jacques Archambault et l'épisode du presbytère de Saint-Roch-de-l'Achigan', *Histoire sociale / Social History*, 38 (November 2005) : 339–65.

33 LAC, RG9 I-A-I, 3 (L'Assomption file), 9 July 1812: Lieutenant-Colonel Paul-Roch de Saint-Ours to François Vassal de Monviel, Adj.-Gen., to recommend Jacques Archambault for the position of adjutant. The same commander pointed out the abilities of Archambault in another letter: LAC, RG9 I-A-I, 8 (L'Assomption file), 8 February 1813: Lieutenant-Colonel Paul-Roch de Saint-Ours to François Vassal de Monviel, Adj.-Gen.

34 LAC, RG9 I-A-I, 16 (L'Assomption file), 22 January 1815: Assistant Lieutenant-Adjutant Xavier Lacombe to François Vassal de Monviel, Adj.-Gen.

35 LAC, RG9 I-A-I, 24 (Lavaltrie file), 19 May 1821: Letter from military administration to Jacques Archambault. LAC, RG9 I-A-I, 33 (Leinster file), 30 December 1827: Lieutenant-Colonel Barthelémy Rocher to A. D. Cochran, military secretary.

36 LAC, RG9 I-A-I, 33 (Leinster file), ibid. 30 December 1827.

37 Christian Dessureault, in a study on the crisis under Dalhousie, reported on the key importance this institution acquired in the public space. See Dessureault, 'La crise sous Dalhousie : conception de la milice et conscience élitaire des réformistes bas-canadiens', *Revue d'histoire de l'Amérique française*, 61, 2 (Fall 1997):167–199.