UCLPRESS

London Journal of Canadian Studies

Article

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

Edward J. Martin[1,*]

How to cite: Martin, E.J., 'Maine's Mode of Privateering: A Tale of Fraud and Collusion in the Northeast Borderlands, 1812–1815'. *London Journal of Canadian Studies*, 2013, 28(*1*), pp. 33–52. DOI: https://doi.org/10.14324/111.444.ljcs.2013v28.004.

Published: 20 August 2021

Peer Review:

This article has been peer-reviewed through the journal's standard double-blind peer review, where both the reviewers and authors are anonymized during review.

Copyright:

Open Access:

London Journal of Canadian Studies is a peer-reviewed open-access journal.

* Correspondence: martinej900@gmail.com
[1] Independent researcher, USA

DOI: https://doi.org/10.14324/111.444.ljcs.2013v28.004

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

Edward J. Martin

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

1 Joshua M. Smith 'Sentinels of the Republic: Customs Collectors in the District of Maine, 1789-1812'. MA Thesis (Eastern Carolina University, 1997), 71.
2 Alan Taylor, 'Center and Peripheries: Locating Maine's History', *Maine History* 39.1 (2000): 2–16.
3 Edward J. Martin, an unpublished database of prize cases from the War of 1812 constructed from the Case files of United States District Courts for Maine, RG 21, National Archives, Waltham, MA.
4 Smith, 'Sentinels', 22–37.
5 Bill of Sale from Eben Stecker of Medford to Johan Frederick Cobs for the Brig Latonia in Robinson v. Hook U.S. Circuit Court for Maine, RG21, National Archives, Waltham, MA.
6 Joseph W. Porter, 'Smuggling in Maine during the War of 1812', *Bangor Historical Magazine* 3, 11 (1888), 201–03.
7 United States v Margaretta District Court for ME Case Files, National Archives, Waltham, MA.
8 Deposition of John Saxon in United States v. *Traveller*, October Term 1813, Case Files USDC ME, National Archives, Waltham, MA.
9 Answers of Captain James White in United States v. *Traveller*, October Term 1813, Case Files USDC ME, National Archives, Waltham, MA.
10 *Portland Gazette and Maine Advertiser*, 'Port of Portland – 1813', 18 October 1813. Charles Berry vs. Unknown Boat, 14 October 1813 in United States District Court for Maine, National Archives, Waltham, MA.
11 Joseph W. Porter, 'Smuggling in Maine during the War of 1812', *Bangor Historical Magazine* 3, 11 (1888): 201–3.
12 Deposition of George Smith in United States v. *Traveller*, October Term 1813, U.S. District Court for Maine, Case Files RG21 National Archives, Waltham, MA.
13 Deposition of Joseph Jackson in United States v Margaretta, September Term 1813, United States District Court for ME Case Files, National Archives, Waltham, MA.
14 Deposition of Ebenezer Robinson in Robinson v. Hook in District Court for ME Case Files, National Archives, Waltham, MA.
15 Ibid.
16 John Robinson by Hue Hubbard, his Solicitor in Robinson v. Hook in Circuit Court for ME Case Files, National Archives, Waltham, MA.
17 Josiah Hook to Secretary of the Treasury, William Jones, 26 September 1813, Robinson v. Hook, October Term 1826, Case Files U.S. Circuit Court for Maine, RG21, National Archives, Waltham, MA.
18 Daniel Langdon Tappan, Tappan-Toppan Genealogy: Ancestors and Descendents of Abraham Toppan of Newbury Massachusetts, 1606-1672 (Arlington: Privately Printed by the Compiler, 1915), 24–31.
19 Josiah Hook to Secretary of the Treasury, William Jones, 26 September 1813, Robinson v. Hook, October Term 1826, Case Files U.S. Circuit Court for Maine, RG21, National Archives, Waltham, MA.
20 Thomas M. Shaw v. *Diana* in U.S. District Court for ME Case Files, RG21 National Archives, Waltham, MA.
21 Examination of Jacob Sebor in Dekoven v. *George* in Appellate Case Files of the Supreme Court of the United States (National Archives Microfilm Publication M214 Roll 35) National Archives Waltham, MA.
22 Julian Gwyn. Frigates and Foremasts: The North American Squadron in Nova Scotia Waters, 1745-1815 (Vancouver: University of British Columbia Press, 2003), 141.
23 Deposition of Alexander Hobbs in Dekoven v. *George* in Appellate Case Files of the Supreme Court of the United States (National Archives Microfilm Publication M214 Roll 35) National Archives Waltham, MA.
24 Deposition of James Crocker in Dekoven v. *George* in United States District Court for ME Case Files, RG21, National Archives, Waltham, MA.
25 Deposition of David Roderick in Dekoven v. *George*, October Term 1814, U.S. District Court for Maine, Case Files RG21, National Archives, Waltham, MA.
26 Deposition of Nehemiah Merritt in Dekoven v. *George* in Appellate Case Files of the Supreme Court of the United States(National Archives Microfilm Publication M214 Roll 35) National Archives, Waltham, MA.

27 Interrogatories of Thomas Trask in Dekoven v. *George*, October Term 1814, U.S. District Court for Maine, Case Files RG21, National Archives, Waltham, MA.
28 Alan Taylor, *Liberty Men and Great Proprietors: The Revolutionary Settlement of the Maine Frontier, 1760-1820* (Chapel Hill: University of North Carolina Press, 1990), 155–60.
29 *Gazette of Maine and Hancock Advertiser*, 'Petition', 25 February 1809.
30 Philip Ulmer to William King, 26 March 1813, William King Papers, Maine Historical Society Portland, ME.
31 Eastern Argus, 'From the Boston Patriot Spirit and Patriotism and Treason Once More Crushed', 10 March 1814.
32 Wade G. Dudley, *The Splintering Wooden Wall: The British Blockade of the United States, 1812-1815* (Annapolis: Naval Institute Press, 2003), 115; Joseph A. Goldenberg, 'The Royal Navy's Blockade in New England Waters, 1812-1815', *International History Review* 6. 3 (1984): 429–34.
33 Vice Admiral Cochrane to Sir John Coape Sherbrooke, 30 May 1814, Admiralty 1:506, Archives Canada, ON.
34 Robert Quimby, *The U.S. Army in the War of 1812: An Operational and Command Study* (East Lansing: Michigan State University Press, 1997), 593–8.
35 *Acadian Recorder*,15 April 1815.
36 Ibid.
37 Ibid.
38 West Drinkwater and Others, Report No. 10 The Command of Claims, House of Representatives, 34th Congress, 1st Session, Washington, D.C., 31 March 1856, U.S. Congressional Serial Set.
39 Donald A. Petrie, *The Prize Game: Lawful Looting on the High Seas in the Days of Fighting Sail* (Annapolis: Naval Institute Press, 1999), 152–53.
40 West Drinkwater and Others, Report No. 10, The Command of Claims, House of Representatives, 34th Congress, 1st Session, Washington, D.C., 31 March 1856, U.S. Congressional Serial Set.
41 Prize Master's Affidavit Clemet Cathal v. *Kutsoff* in USDC for ME Case files, May term 1814, National Archives, Waltham, MA.
42 Erasmus Archibald Jones, *History of the Town of Frankfort* (Winterport: Advertiser Job Print, 1897), 15 and J.D. Forbes, *Israel Thorndike: Federalist Financier* (New York: for the Beverly Historical Society by Exposition, 1953), 145.
43 Alexander Milliken to Secretary of State James Monroe, 24 October 1814 in Domestic Letters of the Secretary of State (National Archives Microfilm Publication M179 Roll 30) National Archives, Waltham, MA.
44 Alexander Milliken, A Proclamation, 17 November 1814, Coll. S 5025 Misc. Box 106/41 Maine Historical Society, Portland, ME.
45 Josiah Hook to Alexander Dallas in Robinson v. Hook in Circuit Court for ME Case Files, October Term 1826 National Archives, Waltham, MA.
46 Alexander Dallas to Josiah Hook in Robinson v. Hook in Circuit Court for ME Case Files, October Term 1826 National Archives, Waltham, MA.
47 Ibid.
48 Interrogatories of Samuel Williams in Alex Milliken v. Schooner *Industry* & Cargo, United States District Court for Maine, February Term 1815, National Archives, Waltham, MA.
49 Interrogatories of Samuel Williams and John Brown in Alex Milliken v. Schooner *Industry* & Cargo, United States District Court for Maine, February Term 1815, National Archives, Waltham, MA.
50 Decree, 7 March 1815, Alex Milliken v. Schooner *Industry* & Cargo, United States District Court for Maine, February Term 1815, National Archives, Waltham, MA.
51 Edward J. Martin, unpublished database of prize cases from the War of 1812 constructed from the Case files of United States District Courts for Maine and the Vice Admiralty Court at Halifax RG 21, National Archives, Waltham, MA and the Vice Admiralty Court at Halifax, Archives Canada, Ottawa, ON.

Note on Contributor

Edward J. Martin received his Ph.D. in history from the University of Maine in May 2014. At Maine he held the New England Atlantic Provinces

Quebec Fellowship, the Chase Distinguished Research Assistantship and the John J. Nolde Lectureship. Dr. Martin's dissertation, 'The Prize Game in the Borderlands – Privateering in New England and the Maritime Provinces, 1775–1815', examines how privateering replaced trade during the Revolutionary War and the War of 1812. He has also co-authored an atlas plate with Richard Judd in the *Historical Atlas of Maine* and contributed reviews to *Maine History* and *The Northern Mariner*. Dr. Martin has taught at the University of Maine, Maine Maritime Academy, Salem State University and Marian Court College. He was also a Charles F. Donovan S.J. Urban Teaching Scholar at Boston College. Prior to his teaching career Dr. Martin worked for the National Park Service and the Tsongas Industrial History Center in Lowell, Massachusetts.