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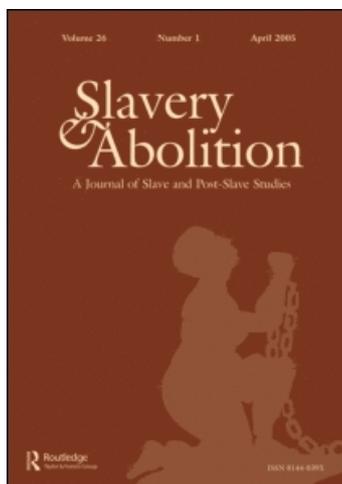
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### **Eighteenth Century 'Prize Negroes': From Britain to America**

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# Eighteenth Century 'Prize Negroes': From Britain to America

Charles R. Foy

*Eighteenth-century Anglo-American prize systems were highly organised enterprises for the provision of coerced labour. Offering whites opportunities to participate in a lucrative market, they extended the reach of American slavery beyond the shores of the Americas, reinforced slavery in North America and greatly limited opportunities for freedom for black seamen. Although Americans desired that their new nation provide greater individual liberty, the American prize system applied the same presumption – that captured black mariners were slaves – as had its British predecessor, resulting in the sale of hundreds of black seamen into slavery.*

On 26 June 1782 Obadiah Gale and Edward Carter entered James Esdall's Burlington, New Jersey house to be sold. The two men of African descent were seamen on the *Nancy*, a sloop captured by the British privateer but thereafter recaptured by American privateers. The Burlington Vice-Admiralty Court had adjudged Gale and Carter, along with lumber and tar found on the *Nancy*, to be cargo that could be sold as prize goods. Forty-one years earlier a similar scene had taken place in Boston. Five Spanish Negro seamen captured by Captain Rouse's privateer in the West Indies were sold as slaves to a number of Bostonians.<sup>1</sup>

These two events, known only through a few lines in newspapers, appear to be random occurrences: none of the Burlington participants had any known connection to the individuals involved in the earlier case. The two episodes involved American, Spanish and British seamen in different regions of the western Atlantic. And yet a consideration of so-called 'Prize Negroes' within the broader context of eighteenth-century warfare makes it possible to understand better how Anglo-American prize systems shaped freedom for Atlantic mariners who were of African descent or mixed racial ancestry.<sup>2</sup>

Almost continual fighting occurred in the Atlantic between 1739 and 1783: the War of Jenkins' Ear, the War of Austrian Succession, the Seven Years War and finally the

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American Revolution. During these conflicts, British and American prize systems inflicted considerable harm upon Britain and America's enemies and enriched many seamen, officers and ship owners. Anglo-American prize systems were also highly organised enterprises for the provision of coerced labour that extended the reach of American slavery beyond the shores of the Americas, reinforcing slavery in North America and greatly limiting opportunities for freedom for black seamen.

In a period when nations did not have large standing navies, private war ships used letters of marque to capture enemy ships. This mechanism provided a quick, low-cost and effective means for increasing a nation's maritime forces. After capturing an enemy ship, privateers brought the vessel and its goods back to a friendly port to be adjudged before a Vice-Admiralty court. If vessel and goods were deemed proper prizes, they were sold, with the ship's crew receiving the majority of the proceeds. This system rewarded successful risk-taking. The willingness of private investors and seamen to gamble their money and lives was the foundation of privateering.<sup>3</sup>

Many individuals profited from prize systems. Customs officials, naval officers, seamen, prize agents, Vice-Admiralty court personnel, newspaper publishers, and maritime vendors received considerable benefits from the sale of prizes. Investments in privateer ships sold in small lots spread the gains. Boisterous sailors led processions through city streets carrying privateer ensigns. Sailors, whose motto was 'We'll prizes make of all we take', readily abandoned naval and merchant berths for the promise of prize monies. Privateer captains created fortunes for ship owners and compensation for themselves far in excess of the wages they would have received as merchant ship-masters. The prospect of prize riches was dazzling to some; during wars the talk in American ports was of nothing other than privateering. Between 1739 and 1748 New York's cruisers employed more than 10,300 sailors; Newport sent a third of its adult males privateering; and Philadelphia's docks hosted 4,600 privateermen.<sup>4</sup>

Obtaining prize money attracted many, because the returns were high. Investors could double their stakes. Prize agents, such as Barbadian Gedney Clarke, appointed to sell captured booty and to distribute the proceeds fairly, could receive 'large sums' for their services. Newspaper publishers profited from the publication of advertisements proclaiming the sale of black seamen 'found on board' captured vessels. Admiralty Court judges fattened their bank accounts with hefty fees for decreeing captives as prize goods. James Esdall and others who leased their properties for the sale of Prize Negroes also profited from the enslavement of sailors.<sup>5</sup>

Prize systems not only enriched individuals but also played a significant role in supporting local economies. Western Atlantic ports often relied on plunder obtained by their privateers. For example, during King George's War, New York's privateers captured seventy-nine ships resulting in prizes totaling £615,000. At the commencement of the Revolution, Salem's merchants converted their fishing vessels to privateers. The scores of prizes these privateers brought into Salem sustained the port during the war.<sup>6</sup>

Anglo-American prize systems affected considerable numbers of black seamen within the western Atlantic. Black mariners comprised nearly half of Bermuda's sailors, were commonplace in Antigua, and totalled almost 3 per cent of the crews on Royal Navy ships on the North American station during the American Revolution.

South Carolinian and Chesapeake planters regularly employed slaves as boatmen, patroons, pilots and ship captains. Hundreds of black sailors were shipped from British North America ports. A 1743 census of North American ships at Kingston disclosed 41 black seamen among the ships' 135 mariners.<sup>7</sup> The combination of a lack of work for some slaves, the benefit of not having to pay a white seaman wages, and the promise of substantial prize monies led some masters to risk the loss of their bondsmen, whether by enemy cannon or slave flight. Black mariners were particularly numerous on privateers. The Newport privateer *Revenge* with four blacks – a cook, mate's servant, drummer and free seaman – was far from exceptional. With ship captains often desperate for crew members, many 'encourage[d] Negroes to run away to sea', leading British colonial authorities to complain of 'the woolly haired race' filling vessels and Spanish colonial officials bemoaning that their ports were 'filling up with foreigners'. Sailors of African descent could also be found on ships from Spanish American ports, Curaçao, and the French West Indies.<sup>8</sup>

In a world where slavery was ubiquitous, people of African and mixed racial descent were potential targets for Anglo-American ship captains, merchants and seamen looking for easy profits. Ship captains regularly took black men from on land and from vessels of all kinds, and sold them into slavery. Just as privateers profited from the capture of whole slaving ships, they benefited by seizing vulnerable individuals – none more so than persons of African descent – throughout the Atlantic world.<sup>9</sup> In wartime in particular, the propensity to see blacks as 'marketable commodities' critical to 'military success' intensified. Ships of all nations regularly raided enemy settlements to take away slaves; and, in response, naval ships patrolled coastlines to prevent such incursions. Ship captains kidnapped black men either to sell them into slavery or to coerce them into becoming mariners. Kidnappings of black mariners were the subject of London plays, commentary by Samuel Johnson and appeared in an early novel.<sup>10</sup>

Were abductions of black mariners by British and American ships random acts of uncivilised behaviour confined largely to wartime or were they part of a larger pattern pointing to the vulnerability of blacks being enslaved? The answer lies in the prevalence of Prize Negroes throughout the eighteenth century. The Prize Negro sailors Captain Rouse sold into slavery in 1741 were but the tip of an iceberg. Between 1721 and 1748 at least one hundred and thirty-five black mariners were condemned as prize goods. During the American Revolution, references to more than 250 Prize Negroes appeared in Pennsylvania, Delaware, New York, New Jersey and Rhode Island newspapers. Overall, the number of Prize Negroes in North America from 1713 to 1783 is estimated to exceed 500.<sup>11</sup> Condemning black seamen into slavery in North American prize courts is *prima facie* evidence of Britons and Americans seeing these men as subject to enslavement due to their skin colour.

Still, not every black mariner captured at sea was sold into slavery. When capturing an enemy ship, privateering ship captains encountered the problem of what to do with as many as 100 seamen. If the privateer had previously captured other ships the sailors it placed on the vessels as prize crews would have reduced its crew. When faced with the difficulties of, say, supervising prisoners, most ship captains, such as Captain

Norton when he 'landed' 24 of a captured crew while retaining '7 Negroes and 3 Spaniards', probably kept the 'valuable negro men' while releasing white prisoners.<sup>12</sup> Notwithstanding the financial incentive involved in capturing black tars, some were released: elderly cooks had limited value, and if a cruiser had just begun a voyage, the burden of provisioning additional seamen for weeks or months was prohibitive. Privateers with small crews often resorted to ransoming a captured ship to avoid having to supervise prisoners. To evade the cost of court proceedings, some ship captains simply sold captured black men without going through proper legal channels.

With Prize Negroes enslaved during both the colonial era and the Revolution War, did the British and American prize systems differ, and if so, how? A consideration of the two systems' procedures, black seamen's opportunities to oppose prize proceedings and the means black sailors used to resist their enslavement demonstrates that the two systems were very similar, with a British black seaman having as much to fear from an American privateer during the Revolution as a Spanish or French black sailor did from a British ship in the colonial era. The reasons for this included standards of proof that favoured the capturing ship, the speed of prize proceedings under both systems, black seamen's very limited ability to oppose the prize proceedings, restricted possibilities for black seamen's national governments to influence the outcome of prize cases and circumscribed opportunities for black sailors to escape enslavement once condemned as prize goods.

### British Colonial Prize System

Prize cases were commenced in British colonies by the filing of a libel with a Vice-Admiralty court seeking the condemnation of the captured ship and its cargo. Ship captains were required to bring into port officers of the captured ship to permit their answering standing interrogatories detailing the circumstances of the capture. Prize captors only needed to establish 'reasonable suspicion' that the property was subject to condemnation. The owner of a captured ship bore the burden of proving the contrary. In cases where there was 'heavy suspicion' as to the veracity of a petition, procedures of the time provided that rather than simply adjudicating the matter on the pleadings alone, opponents of the libel were permitted to examine witnesses and administer interrogatories.<sup>13</sup> As written, such procedures seem quite reasonable. Their practical effect was, however, to offer few free black sailors the opportunity to present an effective defense in prize proceedings.

When captured black seamen appeared before Vice-Admiralty courts, the pervasive presumption was that they were in fact slaves. The long-standing British policy was to enslave black mariners regardless of whether or not they were free subjects of England's enemies. As New York Governor Hunter acknowledged in 1712, such men had been enslaved 'by reason of their colour'. The Governor refused to release the seamen, as they provided no evidence other than 'their own words'.<sup>14</sup> While Vice-Admiralty courts had the power to condemn as prizes only those who were enemy property, that is, slaves when captured, judges typically ignored this constraint. In 1744 when Captain Dennis sought to condemn a 'Negro' on the *St Fermin*, the Rhode Island

Vice-Admiralty Court disregarded the testimony of the *St. Fermin's* captain that the sailor was a 'free man' and had him sold as a prize good. New York's Vice-Admiralty Court made similar decisions. Rarely did a Vice-Admiralty court express 'some doubt' whether captured black mariners were 'Free or Slave'.<sup>15</sup> In the absence of written documentation of free status, courts assumed the sailors to be slaves.

Once condemned as Prize Negroes, free black seamen faced daunting hurdles to regain their free status. Courts often offered little recourse to captured black mariners. Typically, notices of Vice-Admiralty hearings to condemn Prize Negroes appeared in newspapers within 10 days of seamen being brought into port. Most prize proceedings were uncontested and rapidly dispatched. The 11 'Negroes' Captain Dennis sent to Boston in 1744 were peremptorily condemned as prize goods the same day they arrived in port. Such expeditious proceedings occurred frequently. Even when black mariners presented written testimony of their free status, Vice-Admiralty courts barred their release. For example, in 1749 New York's Vice-Admiralty Court held that an affidavit attesting to a seaman's free status was insufficient because it did not come from the seaman's place of birth.<sup>16</sup> Such procedural roadblocks to freedom were common.

The barriers that kept Prize Negroes from re-obtaining freedom were not solely due to Vice-Admiralty court procedures. White purchasers of black seamen often went to extraordinary lengths to keep the men from returning to their homes. Slave owners employed a variety of methods to keep Prize Negroes from proceeding with freedom suits, including placing their bondsmen in workhouses, locking them in private homes or secreting them in the countryside.<sup>17</sup>

While depriving enemies of skilled maritime labour, the British prize system also served to support British colonists' own labour needs. During the conflicts with Spain many indentured servants enlisted in the armed forces. At the same time slave imports into British North American colonies slowed considerably. New York and Pennsylvania's experiences illustrate this decline well. New York's average annual slave imports fell from 177 slaves in the period between 1713 and 1775 to 37 slaves from 1740 to 1748. Pennsylvania experienced a similarly sharp fall in slave imports. While only 10 slaves were imported annually into Pennsylvania from 1743 to 1748, in the 5 years prior to the conflict an average of 71 slaves were annually imported. In such circumstances Prize Negroes served as useful replacements.<sup>18</sup>

The British prize system affected the lives of all black mariners, both those caught in its claws and those not yet drawn into the system. Its very presence caused black seaman and their masters to take steps to limit the risk of condemnation as prize goods. Among Bermuda's large enslaved black mariner population it was 'very customary' for slave sailors to carry papers asserting their status as free men. They did so 'in Case they should be taken by the Enemy'. Even some young black boys on North American vessels carried certificates from their masters identifying them as 'free'. With no place to hide when confronted at sea, black sailors hoped that these passes might protect them when brought before a prize court. The passes often provided limited protection. Colonial governors argued that mariners may

have forged the certificates and refused to release captured black seamen without additional proof of free status, often impossible to obtain when hundreds of miles away from home.<sup>19</sup>

Black sailors who were condemned as prize goods were generally isolated and removed from family and friends, but occasionally they created new communities. The most notable social network of Prize Negroes in the colonial era involved Spanish sailors in New York during the 1730s to 1750s. Scores of Spanish seamen, mostly of African descent, passed through Justice Lewis Morris's Vice-Admiralty Court before congregating on the city's congested streets, drinking and socialising together. Their numbers included six Spanish black seamen charged in 1741 with conspiracy to overthrow New York's government, Juan Miranda, a black seaman who was coercively kept in the city for more than 20 years as a slave although never formally condemned, and 'Negro Mingo' who attempted to seize control of a Bermudian boat sailing from New York.<sup>20</sup> This social network was undoubtedly a response to the sailors' isolation and British colonists' hatred of Spaniards. As one New York newspaper dispatch noted, 'there are many [Spanish Negroes] in this place', who, if the Spanish or French invaded the colony, would 'rise and join' Britain's enemies.<sup>21</sup> In the 1740s, concerns over Spanish intentions and anti-Catholic bias led many whites to take seriously Georgia Governor Oglethorpe's warning that 'Spaniards had employed Emissaries to burn all the Magazines and considerable Towns in the English North America'. In an environment where both skin colour and nationality rendered Prize Negroes suspicious, Spanish black seamen naturally combined to make their enslavement a little more bearable.<sup>22</sup>

The enslavement of Prize Negroes had unintended circumstances. Spanish Prize Negroes often were leaders in resisting slavery in British North America. As with the four Spanish Negroes who murdered the crew of the ship transporting them as prizes, many captured Spanish black seamen believed that 'they were born Freemen, and made Slaves by the English during the War, and had no other Way left of getting their Liberty'. This strong belief in their free status resulted in Spanish Negroes organising other slaves to flee. Their leadership sometimes involved violent attacks. The 'great number of Spanish' black mariners, who, along with 'other Prize Negroes' rioted in Newport in 1743, believed that violence was an effective means to regaining their freedom. These men's violence speaks both to their frustration at being enslaved, as well as the frequency with which British ship captains enslaved Spanish black sailors.<sup>23</sup>

Prize Negroes also understood that their maritime experience made them ideal candidates for employment on North American privateers. With many ship captains lacking full crews during wartime, captains often recruited, as Jeffrey Bolster has noted, with 'more of an eye to muscle than complexion'. Willing to hire runaway slaves and free blacks, shipmasters often proved amenable to employing Prize Negroes such as the ex-Spanish privateerman George who 'endeavour[ed] to get on board some Vessel'.<sup>24</sup> Other former Prize Negroes, such as two groups of 'Spanish Negroes' belonging to John Cannon, chose to flee enslavement by stealing sloops and small boats.<sup>25</sup>

The enslavement of Spanish black sailors also affected relationships between English and Spanish governments. For example, in 1746 when Newport ship captain William Dennis had 22 Spanish prisoners sold as slaves based on their skin colour, Havana's Governor protested. The Governor not only exchanged acerbic letters with his counterpart, but also had 19 of Captain Dennis' men taken hostage. Officials in Rhode Island, New York and Pennsylvania scrambled to recover the Spanish black sailors so that Dennis' seamen could be freed. Contacting Spanish governmental officials was usually critical to obtaining freedom, but it was not failsafe. As Santiago, a free Spanish black man, captured by a British vessel and sold in Rhode Island found out, sometimes a slave owner's connections could trump Spanish governmental authority. In the same year as the nine 'Spanish Negroes' in Rhode Island gained their freedom through the intercession of the Governor of Havana, a Rhode Island master sent Santiago on a voyage to the West Indies. He attempted to escape in Havana. Unfortunately for Santiago, his master's business associate in Cuba had him recaptured and sold, despite evidence that 'he [wa]s a Free Man'.<sup>26</sup>

Prize Negroes who were successful in obtaining their freedom under the British colonial prize system often had to engage in lengthy endeavours to do so; some cases lasted for more than a decade. Most of those who were successful had either the assistance of the Spanish government or that of the New York Attorney General, but what was most noteworthy about these seamen's struggles was that they resulted in a sea-change in how prize cases were handled by Vice-Admiralty courts in North America. Although black seamen were condemned as Prize Negroes during the Seven Years War, the numbers of such enslaved mariners was but a fraction of those who lost their freedom in previous wars. This was largely due to the fact, that in response to the numerous freedom suits filed in the 1740s and 1750s, Vice-Admiralty courts began to place the burden of proof on libellants and not captured seamen as to whether the sailors were free or enslaved subjects of their native lands.<sup>27</sup> Unfortunately for black mariners, this change was not to be adopted by American admiralty judges.

### American Prize System

Three decades after scores of black Spanish mariners were enslaved through the efforts of privateers operating under British letters of marque, the new American nation faced a decision about developing a maritime force to combat the formidable Royal Navy. Although by November 1776 the Continental Navy had 13 ships, the majority had very short fighting lives, with almost all out of commission by 1779. Lacking a strong naval presence Americans relied upon privateers. Congress established a prize system adapting British legal and maritime precedents. When it authorised privateers to seize 'all Goods' on British ships, it did not define the phrase 'goods'. Instead, letters of marque issued to privateers provided that the legitimacy of a prize was to be determined by 'usage in such cases at the Port'. Although Congress provided that 'all persons taken in arms on board any prize be deemed prisoners' and treated 'with humanity', neither American ship captains nor courts of admiralty interpreted this resolution to require that black mariners be treated as prisoners of war. Instead, rather

than establishing a new American jurisprudence emphasising individual liberty, American courts of admiralty followed British 'usage' from the first half of the eighteenth century.<sup>28</sup>

Given that Congressional rules provided for local determinations of the condemning of prizes, variations in how courts treated captured black sailors can be expected. Uniformity largely reigned, however, with only Massachusetts rejecting the presumption that black tars were slaves. As early as 1776 the Massachusetts Legislature prohibited the sale of two black 'prisoners taken on the high seas' as being 'in violation of the natural rights alike vested in all men by their Creator'. Six years later the Massachusetts Vice-Admiralty court offered 70 captured Bermudian slave mariners their freedom. Apparently, the court was unwilling to assume that a black seaman should be enslaved in a state with a constitution providing equal rights for all men.<sup>29</sup> Yet the Massachusetts exception did not save many black tars from enslavement. The 1776 legislative resolution simply put privateer captains on notice to steer clear of Massachusetts when they had black seamen to be condemned; and many did. With British forces occupying Newport and New York for most of the Revolution, American privateers brought prizes to Delaware River ports such as Philadelphia, Burlington and Trenton where judges proved quite willing to condemn scores of black sailors as prize goods.

Admiralty Court judges in Delaware River ports, as well as Williamsburg and Providence worked from the assumption that a black mariner was a slave. Whether they were captured on a British merchant ship, found working on a British supply sloop, or members of a Bermudian privateer, black sailors were treated as property appropriate for sale as prize goods.<sup>30</sup>

Most prize proceedings during the American Revolution were uncontested and rapidly dispatched. For Tom and other young black boys captured at sea, such expeditious proceedings in which they found themselves appraised and sold by strangers within a matter of days must have been quite alienating.<sup>31</sup> Fewer than a dozen captured black sailors avoided being condemned as prizes. In each case prize courts released these men only because their American owners provided proof of ownership.

In contrast to the expeditious condemnation of captured black mariners as prize goods, American officials could take considerable care to ensure the return of slaves recaptured from enemy ships to their American owners. In 1779, 34 slaves taken from South Carolinian plantations by a British privateer were recaptured by the Massachusetts naval ships the *Hazard* and *Tyrannicide*. When the prize ship and the slaves were brought into Boston, the Board of War appointed a three-person committee to resolve what to do with the captured Negroes. The committee issued a resolution directing the Board of War to notify Congress of the facts of the case and to have the Negroes housed in barracks on Castle Island. The committee sought to have Congress give the information to the South Carolinian delegates so 'proper measures may be taken for the return of said Negroes, agreeable to their desire'.<sup>32</sup>

For black tars, such as the two Virginians who escaped onto a British frigate, later transferred to a British merchant ship, then captured by an American privateer and returned to their owners by the Norfolk Vice-Admiralty Court, America's prize

system represented governmental support of the slave system they sought to escape. By returning captured fugitives to their former owners, American prize courts emphasised property rather than individual rights in the same way that colonial British Vice-Admiralty courts had.<sup>33</sup>

Despite American courts' concern for whites' property rights in their bondsmen, expeditious resolution and payment of prize monies appeared to take precedent in the Revolutionary prize courts. Thus, although clearly slaves of a Bermudian, James Jackson and Jacob Smith found themselves sold as prize goods in Virginia within a week of notice of their sale.<sup>34</sup> Such quick sales gave owners of black seamen, American or other nationalities, little time to compile the necessary paperwork, hire a proctor and file opposition papers.

As the British prize system did during earlier colonial conflicts, the American prize system during the Revolution provided bondsmen for Americans at a time when the usual sources of slaves were unavailable. From 1776 to 1782 only a single African slave ship entered a port in the 13 former colonies. With hundreds of slaves fleeing across British lines, and many indentured servants enlisting in the military, colonists who desired bound labour had limited choices; Prize Negroes captured by American privateers made handy replacement workers. Thus, while some northern states enacted gradual abolition laws and some whites were willing to offer freedom to enslaved mariners, other whites preferred to profit from Prize Negroes.<sup>35</sup>

The conflict with Great Britain caused considerable fear among whites about slave flight. Hundreds of slaves fled their owners via the sea. Fugitive slaves in the Chesapeake area regularly stole small boats to flee to Wilmington, Philadelphia, or Royal Navy ships. Black sailors assisted Loyalists in attacking rebels; when a Philadelphia privateer captured the sloop *Lady Susan* as it sought to 'join the British fleet under Lord Dunmore', it seized seven Bermudian enslaved mariners. The selling of black mariners as prizes served as a means of limiting maritime flight and combating British forces. In their anxious response to such individuals fleeing to and fighting for British forces, American authorities often made no distinction in their treatment of fugitive slaves, enslaved sailors, and free black mariners. All were viewed as agents of instability who needed to be restrained.<sup>36</sup>

During the Revolution, Prize Negroes found re-obtaining freedom very difficult. Britain had little interest in arranging exchanges of captured privateer crews. Nor did British officials make efforts such as Spanish representatives had done earlier in the century to assist captured black mariners. This was probably due to Britain viewing the war as a civil uprising and being unwilling to acknowledge or confer in any manner legitimacy upon American admiralty courts. Moreover, the nature of the Revolution made captured seamen obtaining documentation to demonstrate one's free status very complicated. With British ships controlling much of the Atlantic coastline and opposing armies often between where a captured sailor was brought and his home port, quick communication with relatives and friends was often not possible. When combined with the expeditiousness of prize proceedings, these factors guaranteed that captured black tars had little chance in effectively opposing petitions seeking their sale.

Prize Negroes were able to resist their enslavement (or re-enslavement) by more traditional means – flight. Enslaved black mariners put their maritime experiences to good use. Men such as Patrick Dennis, a Negro ‘taken in the prize sloop *Racehorse*’, when they fled their new slave masters, headed for ports ‘in hopes of making his escape in some of the vessels there ready to sail’. For Dennis, he sought to find freedom on a ship leaving Wilmington. Other Prize Negroes headed to New York.<sup>37</sup> Such flight was not always successful. Some who fled by stealing an armed boat, found themselves captured when serving on a Loyalist galley and then sold as a Prize Negro.<sup>38</sup>

During the American Revolution, black mariners typically viewed American, and not British, ships as coercive tools of tyrannical power. When captured by Royal Navy vessels, James Forten and other black mariners were offered employment. Men such as Anthony Mingus, a ‘Spanish Negro’ captured by HMS *Brune*, had lengthy careers in the Royal Navy.<sup>39</sup> Captured black seamen who declined service ended up in British prisons, perhaps to die a slow death, but rarely sold into slavery. Americans treated captured black tars very differently. American courts of admiralty ensured that patriotic seamen got their just rewards of prize monies but captured black mariners had limited opportunities to safeguard their freedom. Abolitionists convinced the Pennsylvania legislature to provide for gradual emancipation, but the fate of Prize Negroes condemned at the State House and sold at the Coffee House in Philadelphia failed to capture their attention. For whatever reason – a combination of patriotism, economics, and racism – Americans accepted a governmentally sanctioned system whereby captured black seamen were enslaved simply on the basis of their skin colour. As a result, during the Revolution the Atlantic Ocean between South Carolina and New York was a transition zone where freedom for blacks on both sides of the conflict was fluid and where freedom for many black mariners was usually fleeting.<sup>40</sup> The capture and recapture of ships, the contingencies of war, and the attitudes of individual captains all made freedom at sea a game of roulette over which black mariners had little control. For those black sailors sold at Philadelphia’s Coffee House in the waning years of the American Revolution, the vibrant black community that James Forten, Richard Allen, Absalom Jones and others would forge was a far-off dream too bitter to contemplate.

## Conclusion

For Obadiah Gale and the hundreds of other black mariners sold into slavery during the American Revolution, the newly established American prize system was little different from its British colonial predecessor. Both systems presumed that blackness equaled enslavement. The two systems each allowed little opportunity for captured mariners to establish that they were free, although in the earlier colonial system the absence of large-scale enemy forces nearby made it easier for the captured men to contact friends and governmental officials to seek assistance. Even when Prize Negroes were able to obtain governmental assistance, they still found themselves enslaved for considerable periods of time. With both systems predicated upon a

desire to develop maritime forces through awarding prize monies, little priority was given to black mariners' individual liberty. As a result, British and American prize systems ensured that going to sea involved anxiety for black seamen and their loved ones.

The practice of enslaving captured black mariners died slowly. During America's undeclared wars with European powers in the 1790s, Prize Negroes continued to be sold in American ports. While their numbers never reached the levels seen in the 1740s and the Revolutionary era, Americans continued condemning Prize Negroes until the end of the eighteenth century. The American prize system, as did its British colonial predecessor, in acting to limit black seamen's mobility and restrict their freedom, were precursors for the harsh Negro Seamen's Acts enacted in the nineteenth century.<sup>41</sup>

## Notes

- [1] *New Jersey Gazette*, June 12, 1782; *American Weekly Mercury*, Oct. 15, 1741.
- [2] *New Jersey Gazette*, June 12, 1782; *Boston Evening-Post*, April 18, 1743. An imprecise term 'black' in most eighteenth-century contexts referred to indigenous peoples of Africa and their descendants. Therefore, as used herein, it includes individuals of mixed European, Native American and African origins, including most 'mulattoes' and 'coloureds'. Thus, 'black seaman' is an inclusive term that reflects all mariners who may have been subject to enslavement based on racial constructs of the era.
- [3] Robinson, *Reports of Cases Argued and Determined in the High Court of Admiralty*, iv; Castro, *Foreign Affairs and the Constitution in the Age of Fighting Sail*, 44; Lydon, 'The Role of New York in Privateering Down to 1763', 12.
- [4] Lydon, *Pirates, Privateers and Profits*, 266, Table 7; Swanson, 'American Privateering and Imperial Warfare', 362; Roscoe, *Studies in the History of the Admiralty and Prize Courts*, 57; Bridenbaugh, ed., *Gentleman's Progress*, 136–41.
- [5] Rodger, *The Wooden World*, 159–60; *Pennsylvania Packet or General Advertiser*, Oct. 11, 1781; Smith, 'Gedney Clarke of Salem and Barbados', 517–18; Appointments of Prize Agents, 1779–80, The National Archives, Kew, UK, ('TNA') HCA 49/96; *New-Jersey Gazette*, Oct. 27, 1779; *New-York Gazette*, Mar. 11, 1740.
- [6] Starkey *et al.*, *Pirates and Privateers*, 5; Lydon, 'The Role of Privateering Down to 1763', 14–15; Vickers, *Young Men and the Sea*, 165.
- [7] Jarvis, 'Maritime Masters and Seafaring Slaves in Bermuda, 1680–1783', 599; Gaspar, *Bondsmen and Rebels*, 110–13, 138, 286–87n51; Morgan, 'Black Life in Eighteenth-Century Charleston', 187–232; Wood, *Black Majority*, 203, 230–31; and Foy, 'Ports of Slavery, Ports of Freedom', App. D; Edward Trelawney Letter to Lords of Admiralty, Dec. 21, 1743, TNA ADM 1/3917. My database of eighteenth-century black Atlantic mariners now totals more 15,750.
- [8] *Proceedings of the Court of Vice-Admiralty of Virginia*, 98–113; Chapin, *Rhode Island Privateers*, 1739–1748, 23, 34, 49; Vezeian, 'Journal of a Privateersman', 358–359; Towle, *Records of the Vice-Admiralty Court of Rhode Island*, 174, 185–6, 194, 258, 301–2, 313, 328, 331, 458; Clayton, 'Life at Sea', 22; Letter from Thomas Franklin to John Cleveland, Esq., April 28, 1757, TNA ADM 1/306; *Boston Evening-Post*, Oct. 17, 1748 and Aug. 23, 1762. Black seamen on French and Spanish ships included slaves captured from North American vessels. Talty, *Empire of Blue Water*, 86–7.
- [9] Privateers, pirates and naval vessels captured more than 1,000 eighteenth-century slaving ships. Eltis *et al.*, *Trans-Atlantic Slave Trade Database* ('TASD').

- [10] *Boston Post-Boy*, June 9, 1740; Prize Cases, 1757–1763, Box 2, National Archives, Northeast Region; Frey, ‘Between Slavery and Freedom’, 394–6; Letter from Admiral Romney to Gov. of Porto Bello, 30 July 1772, in *The Romney Papers*, Vol. II, 98; Bolster, *Black Jacks*, 31; TNA SP/89/75/41; *Gentleman’s Magazine*, Feb. 1749, pp. 89–90; ‘Penrose Journal’, National Maritime Museum (‘NMM’), Greenwich, United Kingdom, REG 06/00413.5, 64; Jarvis, *In the Eye of all Trade*, 245.
- [11] The records of Vice-Admiralty courts are incomplete. New London’s prize records were burnt, while the records for several other ports cannot be located. These factors, combined with the considerable number of newspaper references to Prize Negroes and that captured black seamen were sometimes exchanged at sea, makes 500 a conservative estimate.
- [12] *Boston Evening Post*, Nov. 30, 1741.
- [13] Robinson, *Reports of Cases Argued and Determined in the High Court of Admiralty*, iv.
- [14] Scott, ‘The Slave Insurrection of 1712’, 61. In contrast to British practices, Spanish courts often accepted the words of fellow mariners as to the free status of black seamen. Zabin, *Dangerous Economies*, 126. [New para] British enslavement of captured black seaman dates to at least 1688 when privateer Robert Searle plundered St. Augustine. Bushnell, *Situado and Sabana*, 136.
- [15] Towle, *Records of the Vice-Admiralty Court*, 243, 305; Hough, Reports of Cases, 199–200; ‘John Baptiste LaVille’, RG 21, Prize Cases, 1757–63, Box 2, National Archives, Northeastern Region; *American Weekly Mercury*, Aug. 25, 1743. In 1741 when Prize Negroes asserted they had been free when captured at sea and presented evidence New Yorkers were aware the black mariners had been free, their testimony was given no credence. Horsmanden, *The New-York Conspiracy*, 154–62.
- [16] Hough, *Reports of Cases*, 31–2.
- [17] Petition of Juan Miranda, Oct. 10, 1758 and Petition of Hilario Antonio, May 15, 1756, Folder 160, Parish Transcripts, N-YHS; Petition of de la Torre, [n.d.], Kempe Papers, box 4, N-YHS.
- [18] Foy, ‘Ports of Slavery, Ports of Freedom’, Tables 1–2 and 2–2.
- [19] *Boston News-Letter*, July 26, 1744; Morgan, ‘Encounters with Africans and African-Americans’, 195. In Curacao temporary manumissions ‘pro forma to sail’ were issued to slave mariners to protect them at sea. Rupert, ‘Marronage, Manumission and Maritime Trade’, 373.
- [20] Parish Transcripts, Box ‘New York’, folder 160, N-YHS; Juan Miranda vs Cornelius Van Ranst, Sarah Van Ranst (Supreme Ct. of Judicature, 1758), John Tabor Kempe Papers, Box 5, N-YHS; *The King v Dick, a Negro*, (1745), Vice Admiralty Ct. Records, Bermuda Archives.
- [21] *New-York Weekly Journal*, June 15, 1741; Scott, ‘The Slave Insurrection of 1712’, 61.
- [22] Wood, *Black Majority*, 205.
- [23] *Pennsylvania Gazette*, April 13, 1749; *New-York Gazette or Weekly Post-Boy*, Jan. 23, 1749; *Boston Gazetteer or Weekly Journal*, Aug. 1, 1749; *American Weekly Mercury*, Aug. 25, 1743.
- [24] Bolster, ‘To Feel Like a Man’, 1179; *New-York Gazette Revived in the Weekly Post-Boy*, Oct. 2, 1749. See also *New Jersey Gazette*, May 1, 1782; *Pennsylvania Gazette*, Jul. 2, 1782.
- [25] *American Weekly Mercury*, Feb. 7, 1721 and Oct. 12, 1732; *New-York Gazette*, Jan. 30, 1732.
- [26] Bartlett, *Records of the Colony of Rhode Island and Providence Plantations*, 4: 12 and 5: 176; *Boston News-Letter*, May 1, July 26, 1746; Deed of Sale, 3 July 1744, Rhode Island Historical Society, MSS 9003.
- [27] Zabin, *Dangerous Economies*, 124–31. Examples of ‘Prize Negroes’ in the period after 1759 include ‘Solidá’, RG 21 Prize Cases, 1762, Box 3, folio 17, National Archives, Northeastern Region; *New-York Mercury*, June 6, 1763; *New-York Gazette* (Weyman’s), Aug. 29, 1763.
- [28] Congressional Resolution, March 23, 1776, *Evans Early American Imprint*, Series 1, no. 15135; Congressional Resolution, May 21, 1776, *Evans Early American Imprint*, Series 1, no. 15142; Apr. 10, 1780 Letter of Marque to *Phoenix*, Admiralty Papers, June – Dec. 1780, Coll. 144, Box 3, Historical Society of Pennsylvania, Philadelphia, PA (‘HSP’).
- [29] Donnan, *Documents Illustrative of the History of the Slave Trade*, III: 77–8; Jarvis, *Maritime Masters*, 585–6.

- [30] *Newport Mercury*, Sept. 16, 1776; *Providence Gazette and Country Journal*, Aug. 22, 1778; *Virginia Gazette*, Aug. 7, 1779.
- [31] June 29, 1780 appraisal, Admiralty Court Papers, HSP, Coll. 144, Box 3. See also, *Jones v Sloop Vulcan*, Case No. 4, The Revolutionary War Prize Cases, Court of Appeals, 1776–1787; David Library of the American Revolution, Washington's Crossing, PA, Film 5, Reel 1.
- [32] *Adriance*, Vice-Admiralty Ct, New York, 1779, TNA HCA 32/262/1/1–26.
- [33] *Pennsylvania Evening Post*, May 25, 1776; *Pennsylvania Packet or General Advertiser*, June 3, 1776; Admiralty Court Papers, 1776, Coll. 144, Box 2 and Coll. 1389, Box 6, HSP; NDAR V: 477. The desire to expeditiously adjudicate Prize Negro cases resulted in some privateers not being required to provide their commissions to Vice-Admiralty courts. See, e.g., Towle, *Records of the Vice-Admiralty Court*, 400.
- [34] *Virginia Gazette*, Aug. 7, 1779.
- [35] *TASD*, Voyage #24759.
- [36] *Naval Documents of the American Revolution* ('NDAR'), vol. 5: 718, 7: 1148, 1195–6, 9: 757, 10: 103, 113, 474, 498; *Baltimore Advertiser* (Goodard), July 27, 1779; *Virginia Gazette*, Oct. 10, 1777.
- [37] *Pennsylvania Evening Post*, Feb. 4, 1777.
- [38] *Independent Gazeteer*, Mar. 22, 1783.
- [39] Mingus's naval career can be followed in *HMS Brune Muster*, 1777, TNA ADM 36/7756; *HMS Brune Paybook*, 1778, TNA ADM 34/93; *HMS Lizard Muster*, 1778–9, TNA ADM 36/8576; *HMS Courageux Muster Rolls*, 1779–80, TNA ADM 36/8309–10; *HMS Courageux Pay Book*, 1780, TNA ADM 34/189–90; *HMS Courageux Muster Roll*, 1781–3, TNA ADM 36/8727.
- [40] In contrast to American negotiators who insisted that the British should not 'carry away any Negroes' at the end of the Revolution, British negotiators did not demand that wrongly condemned free black seamen be given their freedom. In this regard, the Paris of Treaty can be said to be a victory for American property rights over the individual liberties of black mariners.
- [41] Bolster, *Black Jacks*, 206–8. Examples of Prize Negroes in the 1790s include *Loundon's Register*, May 31, 1793; *Philadelphia Gazette & Universal Daily Advertiser*, July 31, 1799; *Centinel of Freedom*, Aug. 6, 1799; *Courier*, Aug. 14, 1799; Frederick and Charles Kinnier, Undated Paper, Admiralty Court Papers, 1787–97, HSP, Coll. 144, Box 5.

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