

***Privateering: Patriots and Profits in the War of 1812.* By Faye M. Kert. (Baltimore MD: Johns Hopkins University Press, 2015. 215 pages. Notes, illustrations, tables, sources, index. Hardcover, \$55.00, e-Book available.)**

Reviewed by Gary M. Gibson

The difference between a privateer and a pirate is a piece of paper. Called a *Letter of Marque and Reprisal*, it was issued by a nation at war authorizing a privately owned armed vessel to capture vessels belonging to the enemy. Once captured, the vessels could be destroyed or brought into port for legal action, hopefully resulting in the sale of those vessels and their cargo. Most of the proceeds of those sales would then belong to the owners, officers and crew of the capturing vessel, known as a privateer.

During the War of 1812, these privateers, both British and American, captured over 1,900 enemy merchant vessels, considerably more than the number of American merchant ships sunk or damaged during World War II. The value of these vessels and their cargoes exceeded ten million dollars. Privateers were a feature of naval warfare since at least the sixteenth century and, by 1812, the rules regulating their activities were a well-defined part of international law. Once captured and brought into port, admiralty courts controlled the process of libeling, condemning, and selling at auction the vessel and her cargo. The process, however, was not always clear-cut. Complications often arose due to the nature of the vessel, such as an enemy ship with a neutral-owned cargo.

Historians express different opinions on the value to a warring nation of the activities of privateers. Data on the numbers and successes of privateers is difficult to compile due to the often obscure nature of the vessels themselves, further complicated by the frequent changes in captains and even the names of the vessels. Some privateers, captured by the enemy and occasionally renamed, became an enemy privateer.

Faye Kert's work sheds new light on the activities of both American and British/Canadian privateers during the War of 1812. She has compiled, in one slim volume, a huge amount of detail regarding the nature, activities and accomplishments of

almost 700 privateers that sailed from Atlantic ports (and even a few from the Gulf of Mexico) during the War of 1812. Her work addresses the profit motive that encouraged privateering, the legal framework and rules that regulated privateering, the impact of privateering on both Great Britain and the United States, the risks and rewards of privateering and the details of the operations of the eleven most successful privateers, both British and American. Unlike many previous works on privateering, she includes privateers from both the United States and the Canadian provinces of Nova Scotia and New Brunswick. One of those Nova Scotia privateers, the *Liverpool Packet*, captured as many as 100 American vessels, the most successful privateer of the war.

Kert's work includes an excellent *Essay on Sources* which details the previous works on various aspects, organizational, operational and legal, of the "business" of privateering. She includes a list of the known privateering vessels by name, the number of captures made by each, and the number of those that actually made it into port without being retaken by the enemy. Two additional appendices are available online at www.press.jhu.edu. These tables provide additional details on 625 American and 45 British/Canadian privateers.

Kert's work, however, does have a few flaws. The most serious is the absence of a bibliography listing all the sources referenced in her numerous notes. This lack complicates finding the complete information for citations in those notes. Information about privateers on the fresh water lakes is also absent. They are mentioned only briefly in a note to the table of *Privateers by Place of Origin* on page 36. This unfortunately excludes the activities of the American privateers *Smuggler Catcher*, *Neptune* and *Fox* on the St. Lawrence River. In July 1813 the last two captured 15 British batteaux and their Royal Navy gunboat escort, netting the privateers' crews a tidy sum when their prizes were sold. That action was unique as the capture was made on land and it afterwards resulted in the land Battle of Cranberry Creek, where the privateers "broke bulk" by using the cargo of barrels of pork and boxes of bread to build a "bread fort" to defeat a powerful British attempt to retake their prizes. Both the capture and the use of the cargo was contrary to the rules governing privateer operations.

Kert's work references the 1856 Declaration of Paris that abolished privateering and notes that the United States was not a signatory to that declaration. She fails, however, to explain why. Article I, section 8 clause 11 of the United States Constitution gives Congress the power to "grant Letters of Marque and Reprisal." Until the Constitution is amended to eliminate this power, the United States cannot be a party to the 1856 agreement. Consequently, privateering remains an American option, making her book more relevant today than it might appear.

These complaints are minor compared to the overall value of Kert's work. A thoroughly researched, well-documented and almost complete picture of privateering during the War of 1812, *Privateering* belongs in the library of every historian interested in the naval aspects of that war.