

MASCALL'S PRIVATEERS

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The exploits of the French corsairs during the War of the Spanish Succession, 1702–13, are as much a part of the French national historical consciousness as the swashbuckling deeds of Sir Francis Drake in an earlier age are of our own. The squadrons of heavily manned and armed privateers which struck out at English shipping in the Channel from their bases in St. Malo, Dunkirk and Calais were the pride of France. To the English they were a scourge, and nowhere were they held in greater dread than along the south coast of England from Shoreham to the North Foreland.

Early in 1704 the Mayor and Jurats of Winchelsea complained bitterly that the coast off Dungeness was almost permanently 'infested by French privateers, (there often being) no less than seven or eight together . . . whereby they much annoy the trade of this nation.'¹ Four years later the people of Eastbourne bewailed the fact that as many as sixteen French privateers regularly cruised off their coast without challenge from the Royal Navy.² In a petition to the House of Lords presented in the winter of 1707–08 the merchants of the City of London alleged that the Navy had been so neglectful of its duty that their ships had been chased by enemy corsairs 'in sight of Beachy,' 'within two leagues of Dover Castle,' and 'under the guns of Hastings.'³

Privateering, however, was a game at which two could play – a fact appreciated by John Mascall, three times Mayor of New Romney and variously Clerk of the Brotherhood and Guestling of the Cinque Ports; solicitor for the Cinque Ports in the Court of Exchequer at Westminster and town clerk of New Romney.⁴ A Royal Proclamation of 1 June 1702 allowed the owners and crews of privateers to keep nine-

¹ Kent Archives Office, New Romney Borough Records, CPc 278.

² Cobbett, *Parliamentary History*, vi, 631.

³ *Ibid.*, 628–630.

⁴ K.A.O., CPc 229; Felix Hull (ed.), *A Calendar of the White and Black Books of the Cinque Ports, 1432–1955* (1966), xix, 515, 537, 544; William Boys, *Collections for an History of Sandwich in Kent*, 2 vols. (Canterbury, 1792), ii, 810.

tenths of the values of their prizes (the other tenth going to the Crown) and abated certain additional duties imposed upon prize goods in the Nine Years' War of 1688-97. Acting on this encouragement, Mascall fitted out a number of ships as private men-of-war.⁵

The first of Mascall's ships to be commissioned as a privateer was the *Hogback Sloop*, Captain William Thorpe; a vessel of thirty tons burden, with four guns and a crew of thirty-five men, which received its letter of marque (the government warrant allowing a private warship to cruise against the enemy and take prizes) in October 1703. Three Mascall ships were commissioned in 1704; the *Flying Horse*, Captain William Thorpe, of forty tons burden, with eight guns and a crew of forty men; the *Dolphin*, Captain James Garfield, of fifty tons burden, with ten guns and a crew of fifty men; and the *Sophia Galley*, Captain Richard Ryder, of 200 tons burden, with twenty guns and a crew of forty men (of which ship Samuel Sheppard, senior, a notable City merchant, was co-owner with Mascall). Three more were commissioned in 1705: the *Camber Sloop*, Captain William Thorpe, of forty tons burden, with six guns and a crew of forty men; the *Mascall Galley*, Captain James Garfield, of 200 tons burden, with twenty-four guns and a crew of 100 men; and the *Margaret Sloop* (named after Mascall's wife), Captain Nathaniel Pigram, of forty tons burden, with six guns and a crew of forty men. Two ships owned by Mascall's son (John Mascall, junior) were also commissioned as privateers: the *Postilion*, of fifty tons burden, with eight guns and a crew of forty men, was commissioned in March 1703; and the *Greyhound Galley*, of thirty tons burden, with six guns and a crew of fifty men, was commissioned in January 1705. Both of these ships were commanded by Captain James Lingoe, who also had a share in the ownership of the *Postilion*.⁶

In the popular imagination the privateersman assumes the character of an Errol Flynn figure, wenching, fighting and posturing in exotic lands and on distant seas. The reality was often rather more mundane. The Mascall ships seldom ventured far from their bases in Rye, Dover and the Downs. For the most part they concentrated not on giving battle to the French corsairs or attempting to seize French merchantmen, but on arresting neutral and allied vessels engaged in an illicit trade with France as they passed through the Straits of Dover. A stimulus was given to their endeavours by the coming into operation in June 1703 of a tripartite treaty between the allied powers of Great Britain, Holland and the Empire, by which they agreed to prohibit for one year all trade of their respective subjects with France. The

⁵ Public Record Office, Treasury Papers 1/80, 5-7; *Commons' Journals*, xiv, 445.

⁶ P.R.O., High Court of Admiralty Papers (hereafter H.C.A.) 25/15, 18; 26/18-20.

inducements to fraudulent trading under a neutral flag were increased by this prohibition and in August 1703 the English privateers were ordered to crack down on the activities of Swedish and Danish merchantmen trading to and from France.⁷

In all, the Mascall privateers had forty-four prizes condemned to them in the High Court of Admiralty between the years 1703 and 1707.⁸ Only eight of these prizes were French (usually small coasting vessels or the weaker type of enemy privateer); the others were generally consignments of contraband goods taken out of neutral, and occasionally of allied, holds. Mostly these goods were French wines and brandies from Bordeaux, Bayonne and La Rochelle, designed to be either sold on the Scandinavian market or else brazenly run into Holland or Scotland. There were, however, also small quantities of other goods; foodstuffs and commodities such as salt, prunes, honey, vinegar, molasses, sheep and kid skins, paper and flax.⁹

In eighteenth-century maritime affairs the concept of nationality tended to be a somewhat elastic one, particularly in time of war. The Dutch, whose economy was heavily dependent on seaborne commerce, had a vested interest in complete freedom of trade, even to the extent of trading with a sworn enemy. In consequence, Dutch merchants and shipowners attempted to get round the trade embargo by instructing their sea captains to adopt nationalities of convenience (usually Swedish), by registering their ships in neutral countries and by falsely declaring as bound for Denmark or Sweden consignments of French goods which were in reality bound for Holland. In November 1703, Captain Thorpe, in the *Hogback Sloop*, captured as prize a ship engaged in this illicit Dutch trade with France. The commander of this ship, the *Fortune*, was one Gellie Wiebes, who had been born in Friesland, where he lived with his wife and family, but who had been made a burgher of Riga (which at that time belonged to Sweden) in the first months of the war. The *Fortune* was taken while returning from Bordeaux with a lading of wine and chestnuts, which Wiebes claimed was to be delivered to Riga. A number of his men, however, readily affirmed that the ship was in fact bound for the island of Ameland, to the north of the *Zuider Zee*, from where its cargo was to be carried in boats to Amsterdam. Wiebes, in any case, was a man with a reputation. On its outward voyage from Amsterdam the *Fortune* had been taken off the coast of Brittany by the Guernsey privateer *Revenge*, Captain John Roland. Wiebes, taking Roland for a Frenchman, had volunteered the information that his cargo of linseed and cheese was

⁷ See G. N. Clark, 'Neutral Commerce in the War of the Spanish Succession and the Treaty of Utrecht,' *British Year Book of International Law* (1928), 72-73.

⁸ H.C.A. 30/774.

⁹ H.C.A. 32/49-88.

consigned to French merchants and boasted that he should sooner fire his ship than be taken by the English. It was small surprise that before his ship was taken by Captain Thorpe he was seen to throw some inconvenient documentation over the side.¹⁰

In April 1704, the Swedish ship *Bunch of Grapes*, Nicholas Claesen master, was arrested by Captain Lingoe in the *Postilion* and, with a prize crew on board, was sent back to the Downs. Claesen admitted that his cargo of white wine and brandy (taken on at Nantes), although its bill of lading was signed for Stockholm, was in fact to be delivered to Ostend, which was on the French side. The result was that his ship, as well as his cargo, was condemned to Captain Lingoe as good prize this being the English policy with regard to ships taken whilst trading between one enemy port and another.¹¹

The ruses of the international merchant community and of the masters of allegedly neutral merchantmen induced in the privateers of all nations a certain exasperation which often manifested itself in high-handed acts of plunder and cruelty. Mascall's privateers behaved, on the whole, with considerable probity in this respect, although the name of James Lingoe, at least, was by no means spotless. In April 1703, he was accused of having allowed his men to steal the possessions and drink the private supply of brandy of the steersman of a Swedish ship which he had pulled up on suspicion.¹² In September 1704, Hans Kroman, master of the *Princess Hedwig Sophia* of Stockholm, alleged that Lingoe and his men had plundered from his ship a quantity of wine and brandy and had stolen from his cabin a small sum of money. Three of Kroman's crew claimed to have been attacked and 'struck, beat and abused' by the privateersmen. These acts were supposed to have taken place while the *Princess Hedwig* lay in the Downs preparatory to the cause of its seizure being examined in the High Court of Admiralty, and as such were, if they did in fact happen, blatantly unlawful.¹³

For the neutrals there was always the chance to argue their case before the Admiralty Judge. The French had no such option; if taken, their ships would automatically be condemned as prize. Many French masters, on sighting an English privateer, simply took the least line of resistance and ran for it. In September 1705, the *Seahorse* of Dieppe, a French coaster of thirty-five tons burden, returning to Dieppe in ballast, was taken between Étapes and Boulogne by Captain Lingoe in the *Greyhound Galley* and Captain Pigram in the *Margaret Sloop* after a chase of two hours, the French ship eventually being run ashore on

¹⁰ H.C.A. 32/58.

¹¹ H.C.A. 32/51.

¹² H.C.A. 32/80.

¹³ H.C.A. 32/77.

the French coast. The master of the *Seahorse*, Charles Force, 'did leap overboard and did swim ashore and make his escape.'¹⁴ A similar incident occurred in July 1706 when Captain Thorpe in the *Camber Sloop*, after a chase of one and a half hours, took a French barque laden with flax near Ambleteuse. The men on the barque abandoned it and escaped in their boat.¹⁵

In December 1704, Captain Thorpe, commanding the *Flying Horse*, recaptured from the French the London dogger *Matthew and Mary*, St. John Smith master. This ship had been taken on the evening of Boxing Day by five Calais privateersman detailed by their captain to approach the English vessel in a boat and to get aboard it by pretending to be Folkestone fishermen. The ruse had not worked, but the *Matthew and Mary* was taken all the same, with little opposition from Smith and his men. On the following morning, while the *Matthew and Mary* lay at anchor off Dungeness, the *Flying Horse* came up, with three boats in tow. Two of these boats, one described as a 'man-of-war's barge' and the other as a 'man-of-war's boat', were detached from the *Flying Horse* and sent on ahead to retake the *Matthew and Mary*. Seeing what was afoot, the five Frenchmen deserted their prize and attempted to escape in its boat, but Thorpe's barge pursued them and they were soon taken prisoners.¹⁶

Only once did Mascall involve himself in the affairs of a high seas' privateering expedition. This was the expedition to the South Seas of 1703-04 led by the famous explorer William Dampier. Initially, there were two ships under Dampier's command; his own ship the *St. George* and the *Fame*, commanded by Captain Henry Pulleine. Pulleine deserted Dampier before the ships had left the Downs and the place of the *Fame* was taken by the *Cinque Ports Galley*, Captain Charles Pickering. This ship, which was of 130 tons burden, with twenty guns and a crew of ninety men, was owned by James Gould, John Crookeshanks, James Sparrow, Felix Calvert (all London merchants), Pickering and Mascall. Sad to relate, the expedition was an almost unmitigated disaster. As a privateering commander Dampier proved quite incompetent. He was irresolute, perhaps cowardly; his men deserted and his ships went down. He returned to England a beggar. Captain Pickering did not return at all. He died at sea off the coast of Brazil and his place was taken by one Stradling, who ensured for himself and the expedition a sort of immortality by being the man responsible for the marooning of Alexander Selkirk (Defoe's Robinson Crusoe) in the Pacific isle of Juan Fernandez. Perhaps Selkirk was the lucky one. He survived alone on the island as monarch of all he

¹⁴ H.C.A. 32/82.

¹⁵ H.C.A. 32/73.

¹⁶ H.C.A. 32/71.

surveyed until rescued by the Bristol privateer Woodes Rogers after a sojourn of four years. Soon after abandoning Selkirk to his fate, Stradling was forced to run the *Cinque Ports*, which was now leaky and crazy, on to the rocks of the deserted Mapello Islands. Only Stradling and six of his men survived the wreck and they were eventually found and taken by the Spaniards to Lima, where they were thrown into gaol as pirates.¹⁷

It may be that it was the ill-success of the Dampier cruise that dissuaded Mascall from putting his money into further like adventures. After his death in December 1705, however, two of his ships, now perhaps under the management of his son, did take prizes into ports farther afield than the Channel. A small French privateer condemned to the *Sophia Galley*, Captain Ryder, and the *Johnson* of London, Captain John Holman, in November 1708 had, after its capture, been taken into Arbroath.¹⁸ The *St. Joseph* of St. Malo, Captain James Tapin, condemned to the *Mascall Galley*, Captain Garfield, in January 1709, had been captured in August 1708 while it lay at anchor in the Bay of Fortune. On his outward voyage from France Captain Tapin had taken and ransomed for £920 an English merchantman, the *Crown Galley* of Bideford. Two hostages, taken by Tapin to ensure payment of the ransom (the master of the *Crown* had apparently given him either a promissory note or a bill of exchange), were rescued by Captain Garfield when he took the French ship. After its capture, the *St. Joseph* was taken by a prize crew from the *Mascall Galley* into the harbour of St. John's. It was subsequently brought back to Falmouth, presumably to be sold off to the benefit of whoever had an interest in prizes taken by the *Mascall Galley*.¹⁹

The *St. Joseph* was a *terre-neuvas*, part of the St. Malo fishing fleet which operated in Newfoundland waters. Fishing for cod was the main purpose of its voyage, but Tapin also claimed to have obtained for his vessel a French Admiralty commission to take prizes. This arrangement whereby a trading or fishing ship would be licensed to capture or sink any enemy vessel it might meet with in its passage was commonly used in England as well as in France. It would, indeed, seem probable that the *Sophia Galley* sailed primarily as a trader, not as a specialist privateer. The *Mascall Galley*, however, with its powerful

¹⁷ H.C.A. 25/15; 26/18, f. 64. For accounts of Dampier's cruise see William Funnell, *A Voyage round the World* (1707); William Dampier, *A Vindication* (1707); and John Welbe, *Answer to Captain Dampier's Vindication* (1707). See also B. M. H. Rogers, 'Dampier's Voyage of 1703,' *Mariner's Mirror*, x (1924), 366-381; and Christopher Lloyd, *William Dampier* (1966), 97-122.

¹⁸ H.C.A. 30/774.

¹⁹ H.C.A. 30/774; 32/67. Prize money would generally be shared out amongst the owners and officers of a privateer. Whether or not the crew were entitled to a share would depend on the articles into which they had entered when joining their ship.

armament and large complement, may well have been a genuine ocean-going privateer; if so, it cannot, having taken only one prize, be said to have met with any great success.

An appraisalment was made of the value of each prize condemned to an English privateer. The Mascall prizes varied in value from the £29 at which the small French barque *Mary de Royan* (condemned to the *Camber Sloop*, Captain Thorpe, in 1706) was appraised to the £1,520 at which the dutch merchantman *Anna Petronella* and its lading of French wine and brandy (condemned to the *Margaret Sloop*, Captain Pigram, in 1707) was appraised.²⁰ The total appraised value of the Mascall prizes was in the region of £20,000,²¹ although the sum for which they were actually sold must certainly have been at variance with this paper valuation. And, of course, neither the appraised value nor the sum realized from sale represented clear profit. Apart from the fact that until 1708 – when the entire interest in prizes was vested in the captors – a tenth of the value of all privateers' prizes had to be paid to the Crown, the cost of mounting even the small-scale operations of Mascall's Cinque Ports fleet must have been considerable. Each of Mascall's ships was a floating arsenal; the *Dolphin*, for instance, had a store of thirty rounds of great shot, three hundredweight of small shot, three barrels of powder, fifty small arms and twenty-four cutlasses.²² The small arms and cutlasses were for the use of boarding parties, and the need to engage extra men to make up such parties and to provide prize crews to man captured vessels meant that Mascall – whose men generally served for a fixed monthly sum rather than for a share of prize money – must have had to make a large outlay on wages. In this there was an element of risk, because the men were guaranteed their remuneration even if no prizes were taken, whereas Mascall, in such circumstances, was faced with an absolute loss. There was, too, the problem that prizes could only be sold off after the completion of a legal process, which in the case of neutral prizes, such as those taken by Mascall's privateers, might be costly and protracted. It would seem, indeed, that at the very minimum Mascall would have had to wait for some three or four months to elapse before he could realize any profit whatever from a prize taken by one of his ships.²³

Goods condemned to a privateer were, like goods brought into the country in the normal way of trade, liable to pay custom-duties. This circumstance got Mascall and his heirs into a deal of trouble due to the

²⁰ H.C.A. 32/50, 71.

²¹ H.C.A. 32/49–88. Only twenty-seven of the appraisements have survived, so that the figure of £20,000 is an estimate based on an average value of about £500 per prize.

²² H.C.A. 26/20.

²³ See my unpublished M.A. thesis, *The Scale of English Privateering in the Wars of William and Anne* (Exeter, 1979), 6–7, 124–7.

imposition by Parliament, with effect from March 1704, of an extraordinary duty, over and above the prevailing duty, of £15 per tun on French prize wines.²⁴ Mascall was quick to complain that this extra duty prevented him from exporting or selling on the home market such of his prize wines as 'were not worth the customs.'²⁵ In December 1704, John Brewer, M.P. for New Romney and Receiver-General of Prize Monies, presented to the House of Commons a bill which would allow Mascall to export certain of his prize wines without paying duty on them,²⁶ but this was by no means the end of the problem. Neither the Customs' Commissioners nor the Government were particularly keen on excusing Mascall's wines from duty, since 'the same (was) a thing of most pernicious consequence to the revenue.'²⁷ After three years of haggling a compromise was reached, and in the spring and summer of 1707 the proceeds from the sales of ten lots of the prize wines in question – mostly from ships taken by the *Hogback* and the *Postilion* in 1704 – were divided up. Out of a total sum of £13,149, £4,633 was adjudged to be paid in satisfaction of duties charged at a reduced rate and the remaining £8,516 was awarded to the captors.²⁸

The special duty had been imposed for a period of three years. Its abatement, in March 1707, brought complaints from merchants involved in the importing of wines from Portugal, Spain and Italy, who declared that French prize wines were now paying a lower rate of duty than the wines which they themselves were bringing into the country and that this had encouraged the privateering interest to indulge in the practice of 'collusive capture' – the taking of prizes by prior arrangement between owners and masters of captor and prize, to the profit of all concerned in the arrangement.²⁹ Captain Pigram was found to have been guilty of this offence in respect of four Dutch merchantmen (one of which was the *Anna Petronella*) laden with French claret and brandy, which he had 'captured' in April and May 1707. One Richard Richardson, an associate of the Mascalls, was now the principal owner of Pigram's ship the *Margaret Sloop*; judgements of £18,000 were brought against him, but he absconded and fled the country.³⁰

Mascall's attempt to make patriotism pay was not, therefore, entirely a success. It met, by and large, with the mixed fortunes so typical of English privateering operations in the William and Anne

²⁴ 2 & 3 Anne, c. 18.

²⁵ *Commons' Journals*, xiv, 445.

²⁶ *Ibid.*, 420, 454, 463.

²⁷ *Cal. of Treasury Books*, xix, 311–312.

²⁸ P.R.O., Treasury Papers 11/15, 49; *Cal. of Treasury Books*, xxi, 191, 358.

²⁹ *Cal. of Treasury Books*, xxi, 345–346; *Commons' Journals*, xv, 435–436.

³⁰ *Cal. of Treasury Books*, xxiv, 211–212; xxv, 263.

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period.³¹ It may nonetheless be thought that in the annals of the Cinque Ports and of Kentish history the story of Mascall and his privateers should not be allowed to pass unrecorded.

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³¹ See my thesis and my papers: 'English Privateering in the War of 1688–1697' and 'English Privateering in the War of the Spanish Succession' (to be published in *The Mariner's Mirror*).