

Cromarty Courthouse Learning Zone - Crumbs of Justice 3

The Patience

OR - when is a pirate not a pirate?

Dates

1672

Introduction

This activity is inspired by three different incidents of ship seizures listed in the timeline. What was it like to be the captain or crew of a seized ship?

The first incident was in 1524 when the vessel 'Oliver' from Flanders is seized by the Sheriff of Cromarty as a prize because it did not have a safe conduct from the King. Then in 1590, another vessel, this time from Bremen, is seized in Cromarty, her cargo again sold by the Sheriff. We focus on a third incident in 1672, when two ships were seized during the Anglo-Dutch Wars by the Sheriff of Cromarty, the notorious Sir John Urquhart, nephew of Sir Thomas Urquhart who features in the Cromarty soundscapes. By this time, the earlier ship seizures must have seemed to belong to an earlier age, so it was a bold act.

There is a curious coincidence (or is it?) between the ship's name The Patience and the frequent Patience surname found on the Black Isle. Did some of the ship's crew, stranded here, marry local girls and become fishermen?

Characters

Sheriff Sir John Urquhart of Cromarty

Captain Acheson, privateer captain of the Scots frigate Bruce which boarded and captured the Patience off Norway

Skipper Hans Petersen, master of the two-mast sailing ship Patience, out of Sunderberg in Denmark

Vocabulary

- Admiralty:** *a new governing body for the English navy*
- ally:** *friend, partner of*
- ballast:** *load of stones which replaces an unloaded cargo (stops the ship from becoming unstable through sitting too high in the water)*
- bounty:** *money or reward for capturing a ship*
- contraband:** *forbidden goods*
- hove to:** *when a ship slows down and stops while still at sea*
- privateer:** *name given to a ship's captain who takes over other ships for a fee*
- NOTE:** *Christiania is an old name for Oslo in Norway*

Scene: Sir John Urquhart's great hall, Cromarty Castle

- Sir John:** Well, what is it? I am a very busy man.
- Hans Petersen:** Sir, your men have taken my ship, The Patience, its crew of ten men and its cargo. This captain brought them here, into Cromarty - by force!
- Sir John:** And?
- Hans Petersen:** It is an outrage! He did so wrongfully.
- Sir John:** That is not what Captain Acheson has told me.
- Captain Acheson:** Aye. I acted according to the law and, more to the point, on the orders of Sir John.
- Hans Petersen:** Sir, we are just traders from Denmark. We were but eighty miles off the shore of Norway, and this man in his own ship, the Bruce, forced our ship to hove to so that he could board us! This is within your laws in Scotland?
- Sir John:** You are aware, I take it, that your nation is an ally of Holland and France and is at war with Scotland and England?
- Hans Petersen:** I am not a not a navy captain. I have no part in this war. I do not carry cannons, or musket balls.

- Captain Acheson:** Your goods are still contraband!
- Hans Petersen:** Since when have trees – wood! timber! - been considered contraband?
- Sir John:** Mind your tone, man! Your timber could build the Dutch a whole new fleet of ships, could it not?
- Captain Acheson:** Aye, you were making for Holland. To trade with the enemy!
- Hans Petersen:** Sir, I mean no offence. I was bound for London. It was agreed we would only land in Holland if the weather were against us. My own ship is a humble trading vessel. We built her new, just last year...
- Sir John:** Yes, Acheson here said she was a useful ship. Excellent. Continue, if you must.
- Hans Petersen:** Her first voyage was from our home port of Sunderberg in Denmark with ballast to Christiania in Norway. There we picked up a load of timber for a Mr Pottinger in London and returned with ballast. We took on more timber for Mr Pottinger in Lerwick and went back to London with it. Then we went to Newcastle for coals...
- Sir John yawns noisily.*
- Hans Petersen:** Sir, I only seek to show you that it is my business to trade around your island, and I did nothing different from usual. I took on 9,800 timbers in Christiania in June.
- Captain Acheson:** Norway! Also allies of Holland.
- Hans Petersen:** Ja, but none of our cargo this belongs to anyone in Holland. I was bound for London, as usual.
- Sir John:** Captain Acheson here believes that you may still have letters hidden on board relating to your treachery.
- Hans Petersen:** This is madness. All we carry are letters from our customers relating to our cargo! Did you not search our ship?
- Captain Acheson:** We did, and found your letters, well hidden. The chances are he threw his other orders, those from the Dutch, overboard, Sir John. Or they lie even more cunningly hidden.
- Sir John:** Indeed.
- Hans Petersen:** Such nonsense! This Captain of yours is little more than a pirate!
- Captain Acheson:** The Patience was carrying both gold and silver coin, too, Sir John.

- Hans Petersen: Of course. I need it to buy and sell my cargoes! And now you have taken it all. What justice is this?
- Sir John: That is of no concern to me. My concern is whether or not you are working for the stinking Dutch.
- Hans Petersen: I trade with London, not Holland. I am known there. Ask anyone.
- Sir John: Petersen, you and your crew had better find lodgings here in Cromarty or among the other fisherfolk in Avoch. You will not leave the Black Isle. You can crew a local fishing vessel to pay for your keep until this matter is resolved. Failing that, my dungeon is available.
- Hans Petersen: Sir, we have wives at home in Denmark! Children! How will they live?
- Sir John: That is of no concern to me. Let us hope your wives are faithful and your children strong.
- Petersen leaves, disgusted.*
- Sir John:
[shouts after him]: Make it known to me where you and your crew lodge, Petersen!
- Captain Acheson: Do you think he will appeal to the English, Sir John?
- Sir John [shrugs]: Let him. It will take months or even years for his case to be heard. In the meantime, we have his ship and cargo.
- Captain Acheson: And my bounty for capturing The Patience, Sir John?
- Sir John: All in good time, Acheson, as we agreed. All in good time.

Activities:

1. Read the play aloud in class or ask groups of three pupils to read/act it out.
2. Ask pupils to answer these questions:
 - Was what happened *fair* to Hans Petersen and his crew?
Points to consider: the idea of what is and isn't fair changes through time. Justice then was very different from justice now. There was no right to a balanced hearing, no trial by jury. Scotland is at war with Denmark and in 1672 the Sheriff's word is law.
 - Was what happened to Hans Petersen and his crew *legal* at the time?

- Is Sir John Urquhart a good Sheriff?
Points to consider: the idea of goodness also changes through time. What is the motivation of Captain Acheson and of Sir John Urquhart? A Sheriff represented the King. It may not be in the best interests of the King to have a kind or merciful Sheriff.
 - What do you think happened to Hans Petersen and his crew and The Patience?
3. What really happened:
- The case of the Patience (and the Palm Tree, another ship seized with her) caused outrage and was considered by King Charles II and the new Admiralty in England in 1673. They accepted the King of Denmark's view that timbers, masts and other cargo such as flax, hemp, pitch, tar and food did not count as contraband: only ammunition and cannons and other warlike cargoes did so. In their view, the ships should therefore not have been taken.
 - It was then also considered under the entirely separate Scottish law in 1674. After some justifiable criticism of the Bruce's owners, the Scots Lords found that the skippers of the Danish vessels had, all the same, concealed papers in their ships - but had denied doing so at the time. The case was therefore narrowly given in favour of the King's Allies and Freemen, so the Sheriff would have kept the ship and cargo, and Acheson is likely to have received his bounty.
 - It took so long for the case of The Patience to be considered that it is likely many of the young sailors on board settled down in the Black Isle and married local women. They may all have been nicknamed Patience after their ship, which may explain why so many local people are still called Patience. Petersen himself and other married men may have made it home, but without their ship and cargo their financial future would have been a hard one.
 - In part prompted by cases like this one, Admiralty Courts are abolished in 1681, bringing to an end the legal seizure of ships.

Extension activity

- A. Use the clothespeg timeline within the loan kit to set the dates in context
- B. Use the role cards in the loan kit to replay part or all of the trial
- C. Explore the original legal documents (including some in Latin) surrounding the case at:

<https://quod.lib.umich.edu/e/eebo2/B01310.0001.001/1:3.2?rgn=div2;view=fulltext>

