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## Jenkin Ratford Ordinary Born in London

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"JENKIN RATFORD, ORDINARY, BORN  
IN LONDON."

WILLIAM RENWICK RIDDELL.<sup>1</sup>

An old dog's-eared, foxed and faded pamphlet<sup>2</sup> of thirty-two pages, published at Halifax, N. S., in 1807, contains a contemporary account of a transaction which created no little stir in its day and probably had at least some influence in bringing on the unfortunate and fratricidal war of 1812-1814.

His Majesty's Sloop, Halifax, was lying in Hampton Roads on Saturday 7th March, 1807; First Lieutenant Thomas Warren Carter of the Halifax, about 6 P. M. of that day sent the jolly-boat with Mr. Robert Turner, Midshipman, and five men, Richard Hubert, Henry Saunders, Jenkin Ratford, George North and William Hill to weigh a kedge-anchor which had been dropped for use in swinging the ship. They got hold of the kedge-hawser and had raised the anchor up to the bows, when it came on to rain very hard; the weather being thick, the men took advantage of the occasion to row the boat as quickly as possible towards shore, Sewell's Point. Turner hailed his ship repeatedly till silenced by Hill threatening to knock his brains out and throw him overboard. Volleys of musketry were shot off at them from the Halifax and some large guns were got ready, but unfortunately the jolly-boat had by this time got so far in the dusk that it was useless to fire; moreover a tender from the sister ship Bellona was immediately in her wake so that to fire would be dangerous.

On reaching Sewell's Point, all five men jumped out and left the midshipman; they then cut the painter and shoved off the boat, when Turner jumped into the water and waded ashore.

<sup>1</sup>LL. D., F. R. Hist. Soc., etc., Justice Supreme Court of Ontario.

THE  
TRIAL  
of  
JOHN WILSON alias JENKIN RATFORD  
for  
MUTINY, DESERTION and COMTEMPT  
to which are subjoined  
a few Cursory Remarks  
HALIFAX

Printed by John Howe and Son.

The "Remarks" are dated Halifax, September 5, 1807.—W. R. R.

The next day two of the deserters were seen in Norfolk, one with an American flag, the other coming out of a public house—no unusual sight.

Information was sent to Lord James Townshend who was in command of the Halifax; he went himself to Norfolk and told the British Consul there. It was then found that the deserters had joined the American Ship of War, the Chesapeake: Townshend applied to Lieutenant Sinclair of that ship and was told that no such persons had been entered for his ship. Sinclair added that if any deserters had been entered, application must be made to the magistrates. Application was made in that quarter, but in vain; and Captain Decatur would do nothing. Townshend met Saunders and Ratford, and asked them why they did not return to the ship. Saunders said he would do so, but Ratford grabbed him by the arm and said with an oath that neither he nor any of the rest of the deserters would return. With a contemptuous gesture, he told Townshend that he was in the land of liberty, and immediately dragged Saunders away—to prove his assertion, I presume.

Another application to Lieutenant Sinclair was equally without result.

This kind of practice was very common along the American coast; and Admiral Berkeley in command of the Fleet of the North Atlantic issued an order to the ships under his command, June 1st, 1807, which set out that there had been desertions in the Chesapeake from H. M. SS. Belisle, Bellona, Triumph, Chichester, Halifax and Zenobia (Cutter), that the deserters had entered on the American ship Chesapeake and that the Magistrates and Recruiting Officers refused to give them up when demanded. He therefore ordered the Captains and Commanders of his fleet to stop the Chesapeake and showing this order, search her for deserters, permitting the American Commander to search their ships for deserters if desired.

On June 22nd, 1807, H. M. S. Leopard met the Chesapeake some fourteen miles from land off Chesapeake Bay, sent Admiral Berkeley's order on board her, and demanded to search for deserters. Commander Barron refused, the British Captain fired a shot across the Chesapeake's bows, and that not being effective, fired a broadside into her, killing some six men and wounding over thirty.

The Chesapeake lowered her colours; she was searched by British seamen and four deserters were found: Ratford was one of them; he was found hidden in the coal hole, taken on the quarter-deck and fully identified. He had been entered on the Chesapeake's books under the name of John Wilson, which he explained by saying

that Lieutenant Sinclair had asked him when entering the Chesapeake if he "had not a second name." He explained his presence in the coal hole by saying it was for fear the Americans would make him fight against his country "which he declared he would not do on any account." It would appear that Hubert, Saunders and North, who had also joined the Chesapeake (with changed names at Sinclair's suggestion), had deserted on the voyage between Norfolk and Washington.

Ratford was taken to Halifax and there upon the demand of Townshend he was, August 26th, tried by a Court Martial composed of Admiral Cochrane and six Captains, "all the Captains of the rank of Post" at the place. The above facts were fully established; and, notwithstanding the evidence of Townshend and Carter that he had before his desertion been quiet, steady, sober and attentive, he was sentenced to be hanged at the yard-arm of one of His Majesty's Ships at Halifax. On the following Monday morning, "at a quarter past nine o'clock, the sentence of the Court Martial was carried into effect at the fore-yard-arm of his Majesty's Sloop of War, Halifax."

At the Court Martial it was plainly made to appear that deserters from British ships of war were most shamelessly encouraged by the American recruiting officers, and that these officers in replies to demands for their return were almost uniformly evasive and prevaricating. This was notorious and has never been denied; even a distinguished American<sup>3</sup>—whose patriotism will not allow him to censure the appointment by the President, as an "impartial jurist of repute" of a gentleman who could be termed a jurist only by an extreme stretch of courtesy, and whose impartiality was shown by his having in a public address declared himself strongly convinced of the justice of the claim of one of the parties to the controversy he was to assist to determine—shows that the condition of affairs on the American coast was almost intolerable.

In the "Remarks" added to the report of the Court Martial, the apologist takes up the familiar line followed by most British naval men of the period: "What course was left to the Commander-in-Chief of His Majesty's Squadron on this station \* \* \* than either to allow his ships to be dismantled in the American Harbours \* \* \* or take the very step he did? The theatre for the decision of this important question was the most appropriate that could be chosen

<sup>3</sup>Hon. John W. Foster, once Secretary of State at Washington and Agent for the United States on the Alaska Arbitration. See his "Diplomatic Memoirs" (1910) Vol. II, pp. 197, 198 and his address at the first meeting of The American Association for the Judicial Settlement of International Disputes, Washington, D. C., December 15th, 1910.

—the open ocean \* \* \* no quibbling civilians were admitted \* \* \* The demand being made and the reply given, the facts were completely at issue between the parties. And what was the result? Jenkin Ratford a deserter from His Majesty's ship Halifax" and others "were found on board and very properly taken out by Captain Humphrey." "In the present eventful state of the world the British Navy in the course of Providence forms the only barrier between France and Universal Empire. That this barrier may not be either weakened or destroyed ought not only to be the wish of Great Britain but of America also. Their rulers may be at present fascinated with French violence or they may be deceived by French intrigue. But if they do not carefully look to the evils that are impending, it is highly probable the day is not far distant, when they will feel the effect of their blunders and temerity."

The apologist concluded by saying that if the same undisguised courtesy and hospitality had been practised as marked the conduct of the British Captain, Stafford, who delivered up deserters from the American forces, "the harmony of the two Nations would never have been interrupted and the commercial prosperity of both gone hand in hand with each other."

But our Halifax writer was more "royalist than the King." As soon as the American ambassador communicated the facts to the British Government, the act of boarding the Chesapeake was repudiated. An awkward intermingling of this question with others prevented full satisfaction being given immediately, but in the long run, Berkeley was recalled, his act apologized for, those who survived of the men who had been taken from the Chesapeake were replaced on her deck and pecuniary provision was made for the families of such of the crew of the Chesapeake who were killed as were not British deserters.

Berkeley was not further punished; but, like Commander Wilkes, whose act half a century later in boarding the British steamer Trent and taking therefrom the Southern envoys was disavowed by his government, he continued to be held in honour by his fellow citizens. It is often said, and as often denied, that these circumstances had an effect in bringing on the war of 1812; the effect was not direct because the matter was settled amicably in 1811; but that there was an indirect effect by providing or continuing a state of irritation, I think there can be little doubt.

Britain claimed (and did not give up the claim till 1870) that no natural-born subject could shake off his allegiance without the consent of his sovereign. That, as an abstract proposition, the United States did not so much find fault with—it was the putting

this principle into operation that caused the trouble. The United States admitted the right of Britain to search American ships for British seamen anywhere in British waters; Britain admitted that she had no right to search American ships in American waters; the dispute was as to the right to search American ships in the open sea. The war of 1812 did not settle the question nor did Webster, thirty years after, procure a settlement from Ashburton; but there has since been no need to exercise the alleged right, and it is hard to conceive of any circumstances in which it could again be asserted.

There never was any doubt, however, that it was as gross a breach of international law for a British war-ship to force an entry upon an American war-ship as it would be to force an entry into an American city.

But while diplomats were negotiating, "Jenkin Ratford, Ordinary, born in London, aged 42," was on that Monday morning at quarter past nine o'clock in Halifax Harbour hanged by the neck at the fore-yard-arm of His Majesty's Sloop of War Halifax, as a warning to all in like case offending.