



Pirates and Robbers: American Privateers on the St. Lawrence River

An Operational History

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Origin

Although private armed vessels belonging to a nation, and often referred to as “privateers,” were a feature of European naval warfare for centuries, it was the adoption of the United States Constitution in 1789 that made them officially allowed during the War of 1812. Article I, Section 8 of the Constitution gives Congress the power to “grant letters of marque and reprisal.” Such letters designate a nation with which the United States is at war and allows owners of private vessels to arm those vessels and seek out and capture or destroy vessels at sea belonging to that enemy. An additional clause in the same section of the Constitution empowered Congress to “make rules concerning captures on land and water,” particularly the amount and distribution of prize money awarded to the captures made by those privateers.

The War of 1812 saw a large number of private American merchant vessels, and even a few specially built as privateers (e.g. *Prince de Neufchatel*), receiving letters of marque and reprisal. Almost all of the letters were issued to vessels sailing from ports on the Atlantic although some were issued on the Gulf of Mexico at New Orleans.¹ There are only three letters of marque and reprisal known to have been granted on Lake Champlain and three on Lake Ontario. It is only those on Lake Ontario, and their operations, that are described here.²

On the Atlantic, all letters of marque and reprisal were issued by the United States Department of State. On Lakes Ontario and Champlain, however, such letters, termed “commissions,” were issued by the collectors of the customs who reported to the Secretary of the Treasury. Congress delegated the authority to issue such documents to the executive branch of government, in part because Congress itself was not

¹ For details on the Atlantic and Gulf privateers and their operations during the War of 1812 see Faye M. Kert, *Privateering: Patriots & Profits in the War of 1812* (Baltimore MD: Johns Hopkins University Press, 2016) and Donald A. Petrie, *The Prize Game: Lawful Looting on the High Seas in the Days of Fighting Sail* (Annapolis MD: Naval Institute Press, 1999).

² The three known privateers on Lake Champlain are described in a letter from David Galston to James Monroe dated 22 December 1813, NAUS, *War of 1812 Papers of the Department of State*, M588 roll 1 frames 70-71. The letter refers to the 80-ton sloop *President*, the ten ton boat *Alert* and the three ton boat *Lark*.

always in session.³ Under that authority, to obtain a letter of marque and reprisal from the State Department, the applicant or applicants must

State in writing the name and a suitable description of the tonnage and force of the vessel; and the name and place of residence of each owner concerned therein, and the intended number of the crew; which statement shall be signed by the person or persons making such application, and filed with the Secretary of State, or shall be delivered to any other officer or person who shall be employed to deliver out such commissions, to be by him transmitted to the Secretary of State.

Customs collectors had similar requirements. In addition, unlike captures of merchant ships by warships of the United States Navy, when only half of the value of the prize and its cargo went to the captors, the owners and crews of a privateer received the entire amount.⁴ Furthermore, unlike captures made by the United States Navy, a privateer's owners and crew could establish their own rules for the distribution of prize money. In the absence of such an agreement, however, the rules established by Congress applied.

The June 1812 prize law did not allow for paying a bounty for the crews captured by a privateer. This was corrected on 2 August 1813 when Congress allowed a \$25.00 bounty to be paid to the owners and crew of a privateer for each man taken. In March 1814 this bounty was raised to \$100.00 per man and \$200,000 was appropriated to make such payments.⁵ The bounty applied only "to the owners, officers and crews of the private armed vessels of the United States." Crews of navy warships received no such bounty payments.

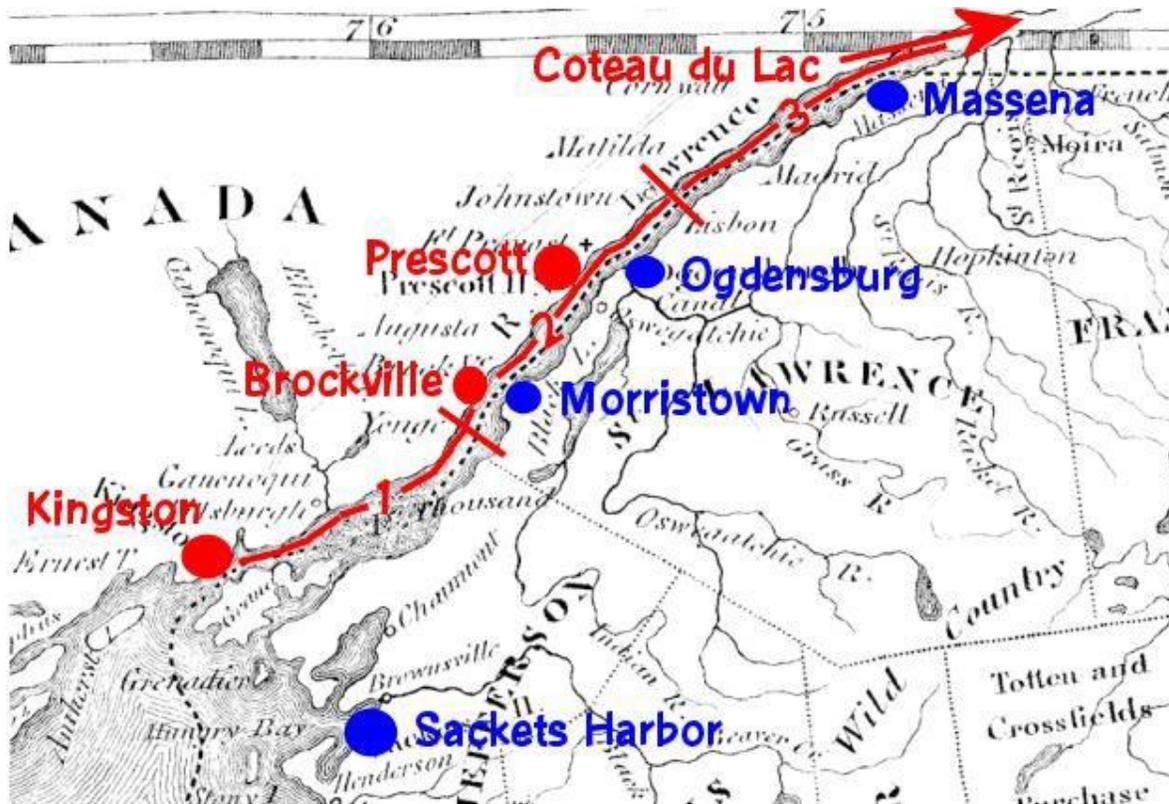
With these provisions, privateering became a popular pastime along the American Atlantic coast. With most merchant shipping kept in port by the blockading forces of the British Royal Navy, there were plenty of skilled seamen available and a sufficient number of small and fast schooners to be outfitted for that purpose. The risks were high as the Royal Navy was ever-vigilant and few privateers could successfully oppose a Royal Navy warship of any size. The profit potential, however, was great. Often, if a privateer made only a single valuable capture and got that ship back to port before she, herself, was taken by the Royal Navy, enough money was made to cover building a new privateer with some profit left over for the owners. The captured privateer's officers and crew, however, ended up impressed on board the capturing British warship or in British prisons, usually for the remainder of the war, and they often

³ *An Act concerning Letters of Marque, Prizes and Prize Goods*, 26 June 1812, 12th Congress, 1st Session, Chapter 108.

⁴ For a regular warship capturing a merchant ship or a weaker enemy warship, half of the proceeds went to the navy's pension fund. It was only if the defeated enemy warship was of equal or greater force did the naval crew receive the entire amount.

⁵ *An Act in addition to an act, entitled "An act allowing a bounty to the owners, officers and crews of the private armed vessels of the United States"*, 19 March 1814, 13th Congress, 2nd Session, Chapter 27.

went unrewarded financially. Also, insuring a privateer against its being captured was unheard of. The risk was borne by the owners alone.



The St. Lawrence River in 1812, from Spafford's 1813 Gazetteer of the State of New York. Spafford incorrectly drew the international boundary (the dotted line) such that Grand (now Wolfe) Island is shown as American territory.

The circumstances were vastly different on Lake Ontario. On the Atlantic there were many British merchant ships with valuable cargoes. On Lake Ontario there were none. Furthermore, the best American merchant schooners on that lake had been purchased by the United States Navy and those that remained in private hands were generally kept employed transporting government cargo, a much safer occupation. Even if an owner of one of those schooners wished to outfit her as a privateer, it would not have been a wise thing to do. The chance of encountering a British warship on Lake Ontario was much greater than it was on the Atlantic. There, once you got 50 miles away from the coast, the chance of interception diminished rapidly. On Lake Ontario, 50 miles southwest from Sackets Harbor will place you in the track of British warships travelling from Kingston to York or Niagara. The risk was too great and there were no schooners used as privateers on Lake Ontario during the War of 1812.

The St. Lawrence River, however, was a different matter entirely. The narrow and often shallow channels through the Thousand Islands and the narrowness of the river itself north of those islands made it too risky for large warships to sail in those waters. Schooners could and did manage it as far north as

Prescott and Ogdensburg, but except occasionally, almost all British wartime river transport was done by small boats and bateaux in groups of ten to twenty usually guarded by one or more gunboats. These British convoys, which regularly appeared on the river, were a tempting target for American armed men in small boats. If surprise could be achieved, and the escorting gunboats, if any, quickly overcome, a few days' work on the river could net the owners and crews a tidy profit. Such a success would also greatly discomfit the British, as maintaining an uninterrupted supply line on the St. Lawrence River was critical to their wartime operations in Upper Canada.

Such privateering ventures were not without risk. As on the Atlantic, Royal Navy warships, even small gunboats, were not easy opponents. It was not likely that a American river privateer would be victorious in a fight with a British gunboat. Success, therefore, required surprise, attacking only unescorted river convoys, attacking the British boats when they were tied up ashore, or working in teams of two or more privateers.

For these reasons, only three American privateers are known to have operated on the St. Lawrence River during the war of 1812: the *Neptune*, *Fox* and *Smuggler Catcher*. When these boats were built, and where, and by whom, and even their dimensions, remain undiscovered. All that is known for sure is that they all existed by the fall of 1812.

Each of these boats, and they were no larger than the British bateaux that would become their prey, were successful and each returned a profit to their owners. Each, however, participated in only a single privateering voyage. Although the prize amounts received were not as great as they often were for captures on the Atlantic, the number of men eligible to receive prize money was also less. Those successes, however, were not obtained without conflict and a great deal of risk, which probably accounts for their being the only privateers on the St. Lawrence River during the war.

The following sections describe the river environment and the wartime exploits of these privateers. Although details of their actual privateering voyages are fairly well documented, their other wartime activities are not. During the War of 1812 there were many named, bateaux-sized boats that worked throughout the war transporting supplies for the American army and navy. Records of these voyages and the cargoes they carried are few so it is not confirmed, but reasonable to assume, that these river privateers participated in that profitable activity as well.

In addition to the privateers, the small merchant schooner *Dolphin* was armed and served for a time in the fall of 1812 as part of the New York State militia, operating much as a privateer would on the St. Lawrence River. There were also small boat actions on the St. Lawrence River conducted by members of the New York State militia. These are also discussed in the following sections.

The River Environment

From a naval perspective, in 1812 the St. Lawrence River channel, south of Coteau du Lac in Lower Canada (now Quebec), can be divided into three segments. From south to north, the first, called the Thousand Islands, is a group of over 1,800 islands, large and small, with numerous channels, some navigable by bateaux, some not. These extend from Kingston north past Gananoque almost to Brockville and Morristown. At that point, the islands disappear and the river has a single channel, deep enough for schooner-sized vessels to traverse. This segment includes Prescott and Ogdensburg, the last ports on the river where a schooner could safely dock, and ends above Prescott when river islands again appear. The final segment, from above Prescott to Massena and then on to Montreal, has an increasing number of islands and British river traffic was limited to small boats, bateaux and their escorting gunboats. Before the War of 1812, the British improved this stretch by building canals and locks at the Cascades, Cedars and Coteau du Lac, to enable river traffic to get past the worst of the shallows and rapids. The total distance from Coteau du Lac to Kingston, assuming a boat travelled in as straight a line as possible, was about 150 miles or 240 kilometers. The journey upriver could take over a week.

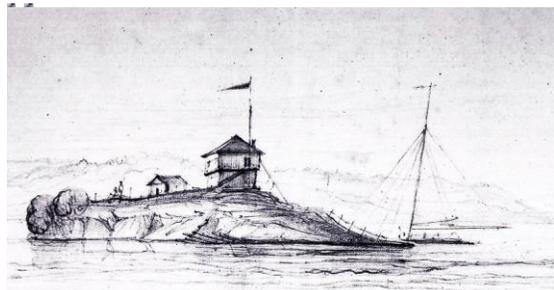
The first segment of the southern St. Lawrence River, the Thousand Islands, was a difficult one to navigate for the inexperienced boatman. Detailed maps were unavailable, the first really accurate ones were created in 1818 by the International Boundary Commission established by the Treaty of Ghent.



A navigational nightmare, the heart of the Thousand Islands. A portion of the first segment on the St. Lawrence River centered on Wells (now Wellesley) Island, just north of Grindstone Island. Map No. 8 created in 1818 by the International Boundary Commission established by the Treaty of Ghent on 24 December 1814.

Seen from the water, the myriad of islands present a confusing picture, even today. British boat convoys hugged the Canadian shore, which simplified navigation and made for a safer passage. However, even bateaux carrying urgent cargoes upriver to Kingston would not often risk a night passage through this stretch of the river. Instead, they would stop along the shore at sunset to wait for daylight. Fortunately, the presence of Long or Grand (now Wolfe), Howe, Grindstone, Wells (now Wellesley) and Rowe's (now Hill) Islands, between the American and Canadian shores, offered significant protection from American interference. The channels between those islands were also an obstacle as they had many shallows and their depth varied by the season. Once a southbound British bateaux convoy passed the northern end of Wells Island, they were almost certainly assured of a safe passage from there to Kingston.

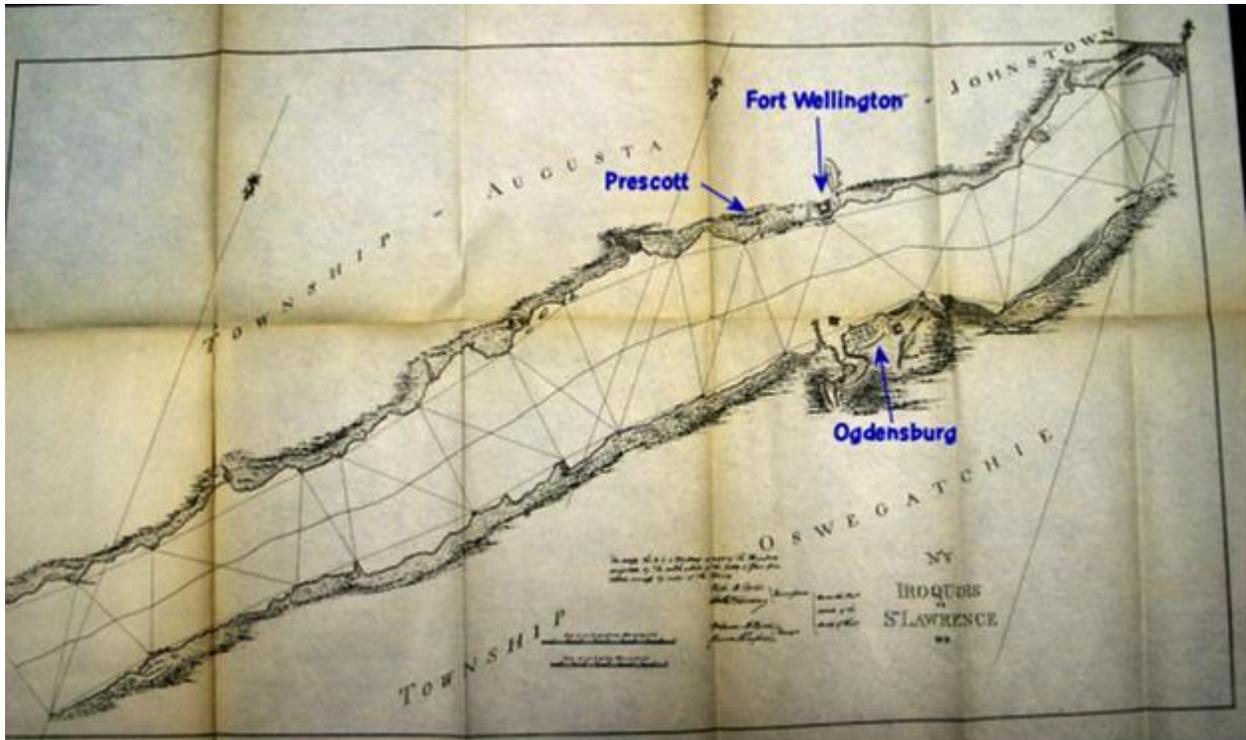
The middle segment of the southern St. Lawrence River, about 20 miles or 32 kilometers from south of Brockville and Morristown to a point north of Prescott, was the most dangerous area for British bateaux convoys. Morristown and Ogdensburg offered safe havens for river privateers and the narrowness of the river channel left the



The blockhouse at Brockville. From NAC C452.

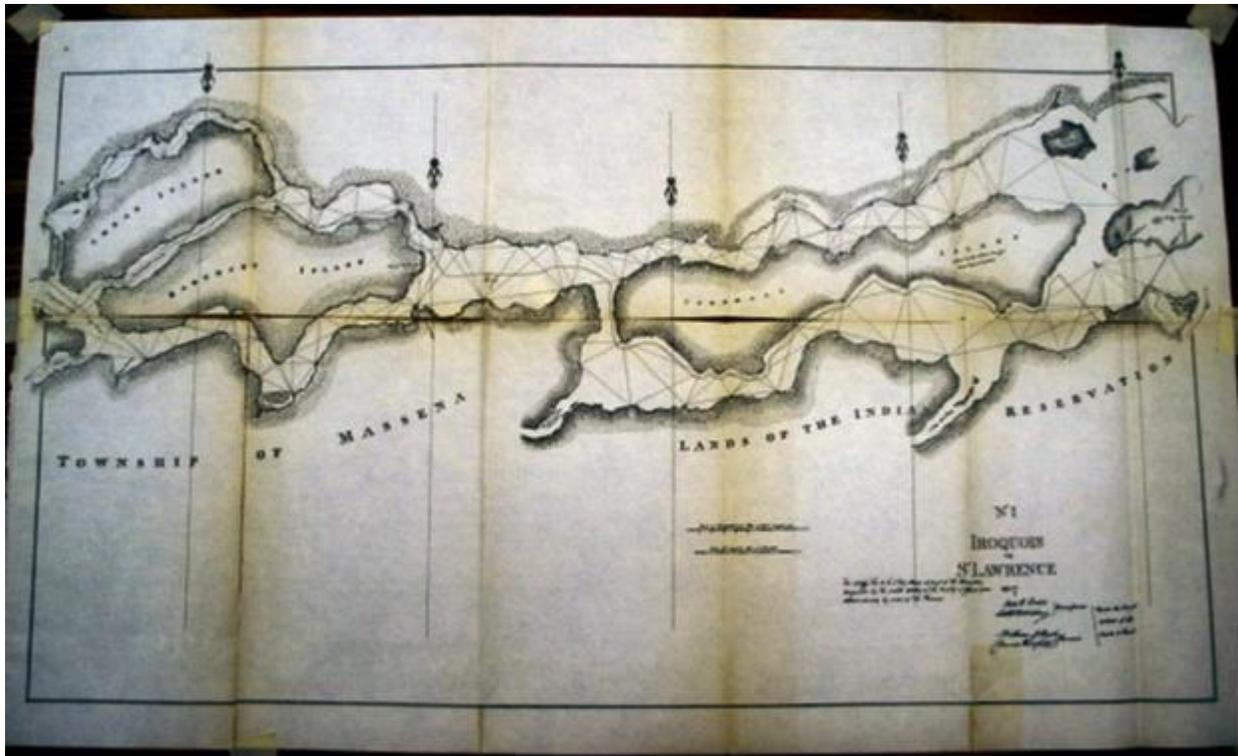
convoys easily visible and vulnerable to cannon and rifle fire (and even smoothbore musket fire) from the American shore. Although such shoreline fire was generally ineffective, it was a constant danger throughout the war.

The open river channel did allow convoys to travel this segment at night should the urgency of their cargo require it. Night travel also afforded some protection from American observation and interference, but convoys still remained as close to the Canadian shore as possible. Prescott, guarded by what was later named Fort Wellington, offered a relatively safe overnight stopping point for British convoys as well as acting as a base for the gunboats protecting those convoys. If necessary, even larger British warships could operate in this portion of the river, as the *Earl of Moira* did in the summer of 1812, but this was rarely done.



*The northern portion of the second segment of the St. Lawrence River, ending at Prescott and Ogdensburg.
Map No. 5 created in 1818 by the International Boundary Commission.*

The risk of interference from American river privateers and shoreline fire remained for the relatively open portion of the river north of Prescott up to Massena, although the increasing number of islands offered some protection from observation. Unlike the first segment, most of the channels between the islands were deep enough to allow American river privateers to safely traverse them. From Massena to the northern end of the convoy route at Coteau du Lac, the threat of American attack was minimal. Coteau du Lac served as a convoy collection point for bateaux headed upriver and as a dispersal point for those coming downstream. Coteau du Lac was also the northern base for British gunboats providing escort for those convoys. Even after the successful operations of the American privateers *Neptune*, *Fox* and *Smuggler Catcher* in 1813, the usual protection for convoys on this segment of the river was just one or at most two gunboats, and some convoys sailed with no protection at all.



The middle part of the third segment showing the reappearance of the islands that made navigation by schooner-sized vessels too hazardous but offered bateaux convoys some protection from American interference. Map No. 1 created in 1818 by the International Boundary Commission.

Convoys north of Massena had British territory on both sides of the river and vigilance could be relaxed. The presence of an increasing number of shallows, rapids and small islands at this point did require some care in navigation and it could take several days to traverse this section going upriver against the current. Few convoys attempted this part of their journey at night.

While navigating the St. Lawrence River was difficult and often dangerous, the British had no choice but to use it. The narrow and often poorly-maintained “King’s Highway” on the Canadian shore was totally inadequate to transport the amount of men and material needed to support the British military and naval forces defending Upper Canada.



A British gunboat on the St. Lawrence River, fully manned. Detail from a painting by Peter Rindlisbacher. Used by permission.



A model of the British canal and locks at Coteau du Lac, the northern end of the third segment of the St. Lawrence River and of the British supply convoy route. The canal was heavily defended as its destruction by an American raiding party would have cut the British waterborne supply route upriver. Coteau du Lac, however, was never attacked during the War of 1812. Model at Coteau du Lac, Quebec. Photograph by the author.

At the start of the War of 1812, British gunboats on the St. Lawrence River were manned principally by militia.⁶ Beginning in the spring of 1813, the gunboats became a part of the Royal Navy and manned by regular Royal Navy and Royal Marine crews. The bateaux, however, were almost all privately owned. Their owners would contract with the British Commissary General's Department to transport men and supplies between Coteau du Lac and Kingston. Each bateaux usually had a crew of from two to six men, occasionally more for larger boats with heavy cargoes. A 15-boat convoy would require between 50 and 70 men not including the crews of any gunboats assigned to protect them.

The Bateaux themselves were flat-bottomed boats sometimes carrying a single square sail. There was no standard size and they were common on the rivers and lakes in North America. The bateaux used by the British on the St. Lawrence River were essentially the same as those used by the Americans on the

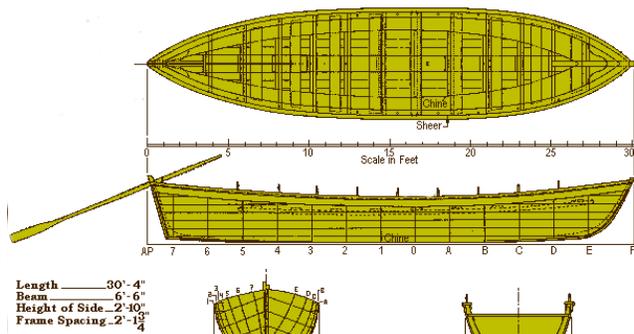
⁶ For instance, a militia order issued at Kingston on 8 June 1812 established militia crews for the gunboats *Black Snake* and *Thunder*, Irving L. Homfray, *Officers of the British Forces in Canada during the War of 1812-15* (Welland, 1908) pp.202-203.

Mohawk River in Central New York State, although on the Mohawk the bateaux were moved more frequently by poles instead of oars due to the shallowness of the river.⁷ In 1807, George Heriot described a typical river bateaux:

*Flat-bottomed boats, narrow at each extremity, and constructed of fir planks. Each of these being about forty feet in length, and six feet across the widest part, generally contains twenty-five barrels, or a proportionate number of bales of blankets, cloths, or linens, and is capable of conveying nine thousand pounds weight. Four men and a guide compose the number of hands allotted for working a bateau. These are supplied with provisions, and with rum, and are allowed from eight to twelve dollars each for the voyage... the time of performing which is from ten to twelve days... Each bateau is supplied with a mast and a sail, a grappling iron, with ropes, setting poles, and utensils for cooking...*⁸

The total number of bateaux available to the British on the St. Lawrence River during the War of 1812 is

not known, although it appears from available records that their number increased considerably as the war progressed. One pre-war record, dated April 1812, has only 125 bateaux in Lower Canada south of Montreal and 30 stationed at Kingston.⁹ These numbers are clearly inadequate to meet wartime requirements. In June 1814, Commodore Isaac Chauncey reported to Secretary of the Navy William Jones that



A 30-foot military bateaux from the 1770s. The design was unchanged in 1812, though many bateaux were larger.

*Boats are constantly passing up the St. Lawrence with troops & naval stores and munitions of war — last week more than two hundred boats passed Ogdensburgh for Kingston.*¹⁰

Even with the additional wartime bateaux, their numbers and the availability of men to man them, most coming from Lower Canada (Quebec), were never sufficient to meet the demand. Transport capacity had to be shared between the British Army, the Royal Navy, the Canadian militia, the British Indian allies, and the needs of the citizens of Upper Canada. Major efforts, such as the Royal Navy's need to transport

⁷ For details on Mohawk River boats see Robert E. Hager, *Mohawk River Boats and Navigation Before 1820* (Syracuse NY: Canal Society of New York State, 1987).

⁸ George Heriot, *Travels Through the Canadas*, 2 Volumes (London UK: Richard Phillips, 1807, volume 1, pp.117-8. The author is indebted to Dana Ashdown for this reference.

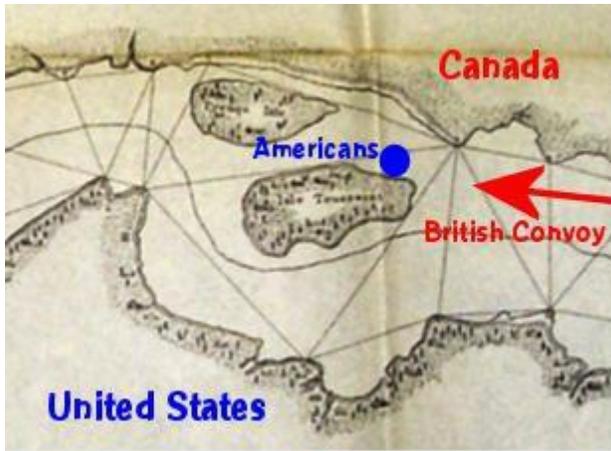
⁹ Edward Baynes' *General Order*, 24 April 1812, LAC, RG8, C.1168, p.129. Thanks to Dana Ashdown for this reference.

¹⁰ Isaac Chauncey to William Jones, 15 June 1814, *Secretary of the Navy Letters Received From Captains ("Captain's Letters")*, NAUS, RG 45, 1814 vol 4 item 73, M125 roll 37.

the prefabricated parts of the frigate *Psyche* upriver to Kingston in the summer of 1814, would stress the available river transport to the breaking point. After the summer of 1813, when the presence of American river privateers had to be considered, availability of gunboat escorts, as well as cargo carrying bateaux, became a factor.

Skirmish at Toussaint Island

In late September 1812, a convoy of British bateaux loaded with supplies and troops for Upper Canada, including 138 regular troops under the command of Lieutenant James FitzGibbon, was proceeding, without gunboat escort, up the St. Lawrence River.¹¹ Shortly after they passed the American village of Hamilton (now Waddington) they stopped for the night on the Canadian shore. At 6 a.m. the



Toussaint Island in the St. Lawrence River. Detail from Map No. IV by the 1818 International Boundary Commission.

following morning, the convoy resumed its progress upriver. Two hours later, as the convoy approached the north end of Toussaint Island, they saw a large boat approaching which raised their suspicions.¹²

The day before, as the convoy passed Hamilton still travelling the easier, pre-war route along the American shore, it was seen by the Americans and word soon reached Ogdensburg. A party of armed men, under the command of New York State Militia Captain Elisha Griffen, left Ogdensburg that afternoon in a Durham boat

to capture the convoy.¹³ Griffen's boat was accompanied by a boat carrying 18 men and armed with a brass 6-pound cannon under the command of Daniel W. Church, the adjutant of the 123rd Regiment, New York State Militia.¹⁴ The American force proceeded downriver to Toussaint Island where they landed and

¹¹ Franklin B. Hough, *A History of St. Lawrence and Franklin Counties, New York* (Albany, 1853) p.636.

¹² Mary Agnes Fitzgibbon, *A Veteran of 1812: The Life of James Fitzgibbon* (Toronto: W. Briggs, 1894; repr. Prospero Books, 2000) pp.64-65 & Appendix IV; P. Finan, *Recollections of Canada in the Years 1812-13* included in Finan's *Journal of a Voyage to Quebec in the Year 1825* (1828) pp.206-216.

¹³ Elisha Griffen (or Griffin) was commissioned a lieutenant in the 123rd Regiment of New York State Militia (St. Lawrence County) in 1811. He was promoted to captain in 1812, major in 1814 and became the regiment's colonel in 1819. *Military Minutes of the Council of Appointment of the State of New York 1783-1821* Vols. II & III (Albany: James B. Lyon, 1901).

¹⁴ In 1806, Daniel W. Church became the quartermaster of the 123rd Regiment of New York State Militia (St. Lawrence County). In 1810 he became the regiment's adjutant. *Military Minutes of the Council of Appointment of the State of New York 1783-1821* Vols. I & II (Albany: James B. Lyon, 1901). On 22 February 1813, during the British attack on Ogdensburg, New York, Church was seriously wounded in the groin and later received a pension of \$12.75 per month (NY No. 2748).

remained overnight. Unfortunately, the American force failed to secure the residents of the island. The following morning, as the British approached Toussaint Island, one resident raised the alarm, alerting the convoy.¹⁵

The British boats immediately steered for the Canadian shore but they grounded in the shallows some distance away and could proceed no further. The American force on Toussaint Island now opened small arms fire on the boats which caused their occupants, including women and children, to leap into the water and struggle towards shore.

*Men, women, and children apparently desirous to outdo each other in dexterity in getting on shore; some up to their knees in water, driving it before them like ships in full sail; others dashing in and making it fly about them on all sides; women screaming, children bawling, officers commanding, but all endeavouring to get out of the reach of the shot as fast as possible.*¹⁶

While the women and children took shelter in and around a nearby farmhouse, the British troops formed up on the beach and a part of them marched upriver towards the island while the remainder stayed with the boats. At this point, Church's gunboat appeared from behind Toussaint Island and began firing her 6-pound cannon at the British. Firing now became general on both sides. One American cannon shot "carried off the head of one of the soldiers who were on shore."¹⁷ The British troops that moved upriver concealed themselves behind some trees and opened fire on the American Durham boat. After suffering one man killed and one wounded, the American boat was abandoned.¹⁸ It later drifted downriver and was recovered by the British near where the convoy's boats had grounded. "There were a number of knapsacks &c. in it, and the forecandle was covered with blood."¹⁹

The action continued for some time when a British gunboat appeared sailing downriver from Prescott to defend the convoy. At this point, realizing there was no chance of capturing any of the British boats, the American force, now all on board Church's gunboat, retreated downriver to Ogdensburg, pursued unsuccessfully by the British gunboat.

¹⁵ An American account has the resident swimming to the Canadian mainland, a British account has the man arriving in a canoe. P. Finan, *Recollections of Canada in the Years 1812-13* included in Finan's *Journal of a Voyage to Quebec in the Year 1825* (1828) p.207 and Franklin B. Hough, *A History of St. Lawrence and Franklin Counties, New York* (Albany: Little & Co., 1853) p.624.

¹⁶ Finan, *Recollections*, p.209.

¹⁷ Finan, *Recollections*, p.213.

¹⁸ Hough, *History of St. Lawrence and Franklin Counties*, p.624.

¹⁹ Finan, *Recollections*, p.215.

Both sides claimed a victory of sorts. The British believed at least five and perhaps as many as 28 Americans were killed in the action while they suffered only one man killed.²⁰ The Americans claimed they had killed two British while suffering only one man killed themselves.²¹ Taking each side's count as correct, the action cost two lives and several men wounded. There was no report that the women and children suffered any injury beyond a soaking and a bad scare. However, the incident did warn the British that unescorted river convoys were extremely vulnerable. Efforts would shortly be made to provide as many convoys as possible with gunboat escorts.

Dolphin – The Militia's Navy

Although not a privateer, the American schooner *Dolphin* saw service as an armed militia auxiliary during the fall of 1812. As it had official sanction, and was not a regular navy warship, a brief description of her life and wartime service follows.

The small, 28-ton, merchant schooner *Dolphin* was built about 1809 at Oswego.²² In 1812 she was owned by William Vaughan, later a sailing master in the U. S. Navy on Lake Ontario.²³ Little is known about her pre-war operations as there are only a few references to her yet found. She arrived at Sackets Harbor from Ogdensburg in mid-November 1811 and again in early December.²⁴ These voyages probably involved smuggling her cargo, likely salt, potash or provisions, into Canada in violation of American law. On 17 December, after another risky late-season trip to Ogdensburg, ice built up in Black River Bay to the point that small boats had to be used to tow her through the ice and into Sackets Harbor.²⁵

At the outbreak of the War of 1812, the *Dolphin*, with Vaughan as master, found herself again down the St. Lawrence River at Ogdensburg. There, she joined most of the American merchant schooners on the lake which had tried to make one more profitable smuggling voyage before war broke out. Unfortunately war arrived before they could leave Ogdensburg. In late June 1812, most of these schooners (but not the *Dolphin*) attempted to return to Lake Ontario, but only the *Lark* made it. The

²⁰ Finan, *Recollections*, p.215; FitzGibbon, *Veteran of 1812*, Appendix IV.

²¹ Hough, *A History of St. Lawrence and Franklin Counties*, p.624.

²² Emily Cain, *Lake Traffic Analysis*, Hamilton-Scourge Project research data from 1985-86 study, copies of government and private records and computer printouts of data analysis, Mills Library, McMaster University, Hamilton, Ontario.

²³ S. Barton to Peter B. Porter, 9 July 1821, BECHS *Porter Papers*, roll 3 item A-625.

²⁴ Melancthon T. Woolsey's *Journal 5*, entries for 18 November and 9 December 1811, *Woolsey Family Papers*, 52.MSS Box 95, WFP.2 JOU.1-5, Oneida County Historical Society, Utica NY.

²⁵ Melancthon T. Woolsey's *Journal 5*, entry for 17 December 1811, *Woolsey Family Papers*, 52.MSS Box 95, WFP.2 JOU.1-5, Oneida County Historical Society, Utica NY.

schooners *Island Packet* and *Sophia* were lost in the attempt, and the others returned to Ogdensburg where they remained until a temporary armistice allowed all but the *Dolphin* and the schooner *Niagara* to sail upriver to Lake Ontario. The *Dolphin* remained at Ogdensburg until mid-September when New York State Militia Major Darby Noon bought her from Vaughan for \$1,300.²⁶

It is not known under what authority Major Noon purchased the *Dolphin*, or what his intentions were when he did so. Afterwards, one report has the *Dolphin* dispatched to Oswego to bring gunpowder for the militia forces stationed at Ogdensburg.²⁷

The schooner was later armed with two 6-pound cannon and, on 3 October 1812, she sailed from Ogdensburg with New York State Militia Major Jehiel Demmock and a party of militia, including Captain Noadiah Hubbard, on board.²⁸ They planned to attack a large British convoy of some 40 bateaux escorted by two gunboats seen proceeding upriver towards Prescott the day before. The result was an inconclusive action on the river with British shore batteries and some gunboats, as Hubbard described in his diary:

*The British opened fire from their posts batteries & from the gun boats which we answered with spirit. We were soon reinforced by 2 schooners. The action continued one & ½ hours when they gave way & returned. We rec'd no injury.*²⁹

The identity of the two schooners that arrived to provide support is not yet known although one may have been the American schooner *Niagara*. The *Dolphin* was back at Ogdensburg the next day when the militia, under Brigadier General Jacob Brown, beat off a half-hearted British attempt to take the village.

On 28 November 1812, the *Dolphin* again left Ogdensburg and cruised on the St. Lawrence River with a company of riflemen, possibly part of Captain Benjamin Forsyth's rifle company, on board.³⁰ If there were any actions with the British during that voyage they went unrecorded.

²⁶ Joseph Rosseel & Co. to Beach & Hoe, 12 September 1812, *Book*, Joseph Rosseel & Co, 1808-1815, part of the Parish-Rosseel Collection, St. Lawrence University Library, Canton NY; Barton to Peter B. Porter, 9 July 1821, BECHS *Porter Papers*, roll 3 item A-625.

²⁷ Samuel Brown to Peter B. Porter, 5 April 1820, BECHS *Porter Papers*, roll 3 item A-615.

²⁸ Jehiel Demmock (or Demick or Dimmock) was promoted to second major in Lieutenant Colonel Thomas Benedict's 123rd regiment of New York State Militia (St. Lawrence County) in 1811. *Diary of Noadiah Hubbard*, from a typewritten copy at the Jefferson County Historical Society, Watertown NY; original was at Queens University, Kingston, Ontario for conservation as of Summer 1998; *Military Minutes of the Council of Appointment of the State of New York* Vol. II (Albany NY: James B. Lyon, 1901) p.1199.

²⁹ *Diary of Noadiah Hubbard*, 4 October 1812, Jefferson County Historical Society, Watertown NY. This event was also recorded in Hough, *History of St. Lawrence and Franklin Counties*, p.625.

³⁰ *A Book for the use of Capt Reuben Kings Compy during the Campaign at Fort Tompkins Sackets Harbor 18 Sepr 1812 & Ogdensburgh*, manuscript at Lansingburgh Historical Society, Troy NY.

Afterwards, the *Dolphin* remained at Ogdensburg, and by February 1813 both she and the *Niagara* were frozen in the ice. On 22 February 1813, the British attacked across the ice, overcame the American defenders and captured Ogdensburg. Before they retreated back to Prescott, they set the ice-bound *Dolphin* and *Niagara* on fire and both were completely destroyed.³¹

Thus ended the only known official use of an armed schooner by American militia on Lake Ontario or the St. Lawrence River during the War of 1812. Although the *Dolphin* had no real success and took no prizes, her presence, at the very least, served to encourage the defenders of Ogdensburg during the fall of 1812.

Neptune and Fox

For the British, transporting military and naval supplies from Montreal up the St. Lawrence River to Kingston during the War of 1812 was a “a duty troublesome beyond measure.”³² Beginning in the summer of 1812, these supplies were carried upriver in convoys of ten to twenty bateaux, later escorted by British gunboats. During the spring and early summer of 1813, very few of these convoys had ever been attacked, and then only by ineffective musket fire from the American shore. The job had become routine. The difficulties experienced with American armed river boats the previous fall had apparently been forgotten.

This changed in July 1813 when a convoy of 15 bateaux headed upriver escorted by the British gunboat *Spitfire* armed with a 12-pound carronade. On 18 July the convoy landed overnight at a place on the river south of Brockville known as Simmonds (or Simonds) Landing. They spent a peaceful night but their rest was interrupted early the following morning when two boats full of armed men landed and attacked.

The attack resulted from the attackers’ professed belief that “flushed with a temporary success the British have committed repeated acts of wanton destruction & capture of private property & individuals.” Their efforts, “which if it does no more, will at least check their power and make full amends for the past as well as [an] indemnity for the future.”³³ While noble, these sentiments were certainly overshadowed by the prospect of financial gain.

³¹ Samuel Brown to Peter B. Porter, 5 April 1820, BECHS *Porter Papers*, roll 3 item A-615; “Red” George Macdonell to John Harvey, 25 February 1813, LAC, RG8, C.678 pp.100-103. Macdonell reported “two schooners & the gun boats” burned.

³² Quotation from Glenn A. Steppler’s MA Thesis: “*A Duty Troublesome Beyond Measure*” *Logistical Considerations in the Canadian War of 1812*, McGill University, Montreal, August 1974.

³³ From the rough draft of a memorandum written at Sackets Harbor on 28 July 1813 by a member of the expedition; Sackets Harbor, private collection.

The two boats were American privateers from Sackets Harbor: the *Neptune*, carrying a 6-pound cannon and a swivel gun and commanded by New York State militia Captain Samuel Dixon and with Ira Baldwin as pilot, and the *Fox*, carrying an 18-pound carronade and commanded by New York State militia Major Jehiel Demmock.³⁴ In August 1812 the *Fox* received a letter of marque and reprisal from Alexander Richards, the Collector of Customs at Ogdensburg, authorizing her to sink or capture any British vessel she found. While common on the Atlantic, the British were totally unprepared to encounter privateers on the St. Lawrence River. Richards himself delayed sending the *Fox*'s approved application to Washington for over a year – commenting that “they [including also that for the *Smuggler Catcher*] would have been forwarded sooner had it been expected the commissions had been made use of.”³⁵

The application for the *Fox*'s letter of marque and reprisal was made on 26 August 1812 by Samuel Cairy, who listed the boat's owner as Marinus W. Gilbert of Rome, New York. The application described the *Fox* as being about six tons burthen and manned by “eight able bodied men to be armed with two swivels, six muskets, pistols, hatchets, knives &c.,” a description more akin to a pirate ship than a privateer. Collector Richards issued the letter of marque and reprisal, No. 297, on 31 August 1812.³⁶ This commission was apparently never used. On 13 July 1813, Gilbert obtained a new “commission” or letter of marque and reprisal for the privateer *Fox* and this time for the *Neptune* as well.³⁷

After his arrival at Sackets Harbor from New York City in early October 1812, Commodore Isaac Chauncey quickly recognized the need for a dispatch boat, a small craft that could quickly transport letters and a small number of men and material from place to place on Lake Ontario. As the only resources the navy had available were the 18-gun brig *Oneida* and a number of former merchant schooners that were still being armed and outfitted, Chauncey asked New York State Militia Brigadier General Jacob Brown at Ogdensburg for the loan of the *Neptune* to travel to Oswego under the command of Sailing Master William Vaughan, and return to Sackets Harbor with

*The rammers & sponges belonging to the 18 pdr carronades and long guns, and also all the grape shot and cannister belonging to the same guns.*³⁸

³⁴ The same Major Demmock that served on board the *Dolphin* in 1812. See page 14. Baldwin's service is noted in his petition to Congress, 28th Congress, 1st Session, H.Rep 266, 7 March 1844, p.1.

³⁵ Alexander Richards to James Monroe, 30 October 1813, NAUS, *War of 1812 Papers of the Department of State*, M588 roll 1 frames 56-60.

³⁶ Application from Samuel Cairy attached to Alexander Richards to James Monroe, 30 October 1813, NAUS, *War of 1812 Papers of the Department of State*, M588 roll 1 frames 56-60.

³⁷ 24th Congress, 1st Session, S.Doc 193, 23 February 1836, p.1.

³⁸ Isaac Chauncey to Jacob Brown, 31 October 1812, CLB 3.

Chauncey agreed to arm the *Neptune* before it was returned to Brown at Ogdensburg. It is not known when the *Neptune* was taken over by the militia, or what its activities were before that time. It is likely that the boat was obtained in September 1812 at the same time that Major Darby Noon purchased the schooner *Dolphin*, but evidence is lacking.³⁹ This may have been the reason why there is apparently no record of a letter of marque and reprisal being issued for the *Neptune* in 1812.

General Brown agreed to Chauncey's request and the boat arrived at Sackets Harbor on 6 November 1812, the day before Chauncey sailed with the *Oneida* and six of the now armed merchant schooners to attack the Provincial Marine at Kingston, Upper Canada. After arming the boat with a 12-pound carronade, Vaughan proceeded to Oswego, obtained the ordnance stores from Lieutenant Melancthon Woolsey, and returned to Sackets Harbor a short time later.⁴⁰

In the meantime, Chauncey's squadron attacked Kingston and captured two British merchant vessels, the sloop *Elizabeth* and the schooner *Mary Hatt*. On board the *Elizabeth* was Captain James Brock, the paymaster of the British 49th Regiment and a relative of the late Major General Isaac Brock. Nine others were also on board the two captured vessels and all were now prisoners of war.⁴¹

As was customary, Captain Brock and the others were allowed to return to Kingston on their parole, not to participate further in the war until exchanged for American prisoners of war. The *Neptune*, still commanded by Sailing Master Vaughan, was ordered to proceed to Kingston under a flag of truce, land Captain Brock and the others (all but Henry Murney, master of the *Elizabeth*, who was apparently accused of a serious crime and held at Sackets Harbor), and return.⁴²

Afterwards, Chauncey received a letter from General Brown inquiring after the status of the *Neptune*. Chauncey told Brown that he had replaced the 12-pound carronade with a 6-pound cannon "which I presume will answer all the purpose" and that the *Neptune* would shortly be returning to Ogdensburg.⁴³

Before she was released, the *Neptune* had one last task to perform. On 5 December 1812, Chauncey ordered Sailing Master Vaughan to take Henry Murney on board the *Neptune* and return him to

³⁹ See page 14.

⁴⁰ Isaac Chauncey to William Vaughan and to Melancthon Woolsey, 6 November 1812, CLB 3.

⁴¹ Isaac Chauncey to Paul Hamilton, 13 and 17 November 1812, *Secretary of the Navy Letters Received From Captains ("Captain's Letters")*, NAUS, RG 45, 1812 vol 3 items 176 & 183, M125 roll 25.

⁴² Isaac Chauncey to William Vaughan, 17 November 1813, CLB 3.

⁴³ Isaac Chauncey to Jacob Brown, 3 December 1812, CLB 3. This was apparently the same 6-pound cannon that armed the *Neptune* in July 1813.

Kingston under a flag of truce.⁴⁴ Chauncey wrote the British commander at Kingston, Colonel John Vincent, that he was willing to let Murney return to his family because

*I am also willing to believe that human nature is not so much debased as to induce any man to be guilty of the crime alleged against him.*⁴⁵

Unfortunately, the nature of Murney's alleged crime remains unknown. Chauncey's experience with the *Neptune* caused him build the small and speedy schooner *Lady of the Lake* at Sackets Harbor that winter and she was ready for service in the spring of 1813.

While the record seems to imply that the *Neptune* returned to Ogdensburg in December 1812 and remained there over the winter, she could not have been present in February 1813 when the British captured Ogdensburg and destroyed all the vessels they found there frozen in the ice. It is likely she remained at Sackets Harbor that winter.

Later the *Neptune* participated in the American raid on York with Ira Baldwin as master and pilot.⁴⁶ The pilot of the armed merchant schooner *Growler*, Robert Hugunin, described the situation at York after the initial force of American riflemen landed on 27 April 1813:

*There were a couple of small centre board privateers – the Neptune and Fox. They came alongside of the Madison and took on board Gen. Pike with his old regiment, and they with the scow boats, were soon back to the shore with a respectable force of infantry.*⁴⁷

Although the record is silent on this point, both the *Neptune* and *Fox* likely returned to Sackets Harbor but what happened to them from 27 April to the middle of July 1813 remains unknown. There is no record of either vessel participating in the 27 May attack on Fort George, nor is there any record of their being present at Sackets Harbor when the British attacked two days later. The activities of the *Fox* herself, prior to her presence at York on 27 April, is also unknown.

On 14 July 1813, the two privateers left Sackets Harbor and ventured down the St. Lawrence River in search of prey.⁴⁸ Captain Dixon's *Neptune* had 24 volunteers on board. Major Demmock's *Fox* carried 21 men from the 21st Infantry under Captain Sullivan Burbank accompanied by First Lieutenant David Perry of the 9th Infantry, along with a detachment from the First Rifle Regiment, a total of about 50

⁴⁴ Isaac Chauncey to William Vaughan, 5 December 1812, CLB 3.

⁴⁵ Isaac Chauncey to John D. Vincent, 5 December 1812, CLB 3.

⁴⁶ Petition of Ira Baldwin, 28th Congress, 1st Session, H.Rep 266, 7 March 1844, p.1.

⁴⁷ "Early Times on the Lakes, From the Recollections of One of the Pioneers, Robert Hugunin," Sandusky OH, *Sandusky Register*, January 23, 24 & 27, February 2 & 3, 1854.

⁴⁸ Morgan Lewis to John Armstrong, 20 July 1813, SWLRR, item L-134 (7), M221 roll 54.

men. The regulars were provided by Major General Morgan Lewis and the expedition sailed with the approval of Commodore Isaac Chauncey.

On their way downriver, the privateers stopped briefly at Gravelly Point (now Cape Vincent) and French Creek (now Clayton) before arriving at Goose Bay. They then moved up Cranberry Creek where they made camp and sent an officer downriver to Ogdensburg for news. The next afternoon they received word that a British bateaux convoy was stopped across the river at Simmonds (or Simonds) Landing.⁴⁹ That night the privateers left Cranberry Creek, crossed the river and just before sunrise on 18 July landed close to the British boats and attacked.

Surprise was complete and the British gunboat *Spitfire* and all 15 bateaux were captured reportedly without a shot being fired or life lost on either side.⁵⁰ Only a few of the British boatmen managed to escape and the Americans took 69 men prisoners. They also captured the cargo, 27,000 pounds of “ship bread” in 100-pound bags and 270 barrels of “Irish pork” destined for the British army at Kingston.⁵¹ By noon the privateers and their prizes were back in Cranberry Creek.

It is not clear how the two privateers managed to keep control of the British gunboat and all 15 bateaux while returning to Cranberry Creek, especially when the number of prisoners at least equaled and probably exceeded those on board the privateers. Based on the ease with which all were captured, the bateaux’s crews must have been completely unarmed – no pistols or muskets on board. Had there been, some resistance would probably have occurred, at least as some attempted to escape.

Those of the convoy’s crew who did escape lost no time in informing the British authorities of the event. On 20 July, three gunboats, under the command of Royal Navy Lieutenant John Scott, with a detachment from the 100th Regiment under Captain John Martin on board, left Kingston and sailed to the foot of Long (now Wolfe) Island where they hoped to intercept the privateers and their prizes. There they learned that the Americans were in Goose Bay,⁵² up Cranberry Creek. The British gunboats sailed down the St. Lawrence River to the mouth of the creek, arriving close to sunset. They then waited until the following morning to make their attack. That evening, a fourth gunboat arrived with a detachment from the 41st regiment on board along with Major Richard O’Farrell Frend, who, as senior officer, took

⁴⁹ This location is unknown today. It was probably on the Canadian shore close to the north end of Grenadier Island. Maps of the area, then as now, show two Grenadier Islands. One is in Lake Ontario near the mouth of the St. Lawrence River and belongs to the United States. The other, the one referred to here, is in the river, south of Brockville and is Canadian territory.

⁵⁰ A letter from Sackets Harbor printed in the Utica NY *Patriot* and reprinted in the Buffalo NY *Buffalo Gazette* on 10 August 1813.

⁵¹ Franklin B. Hough, *A History of Jefferson County in the State of New York* (Albany: Joel Munsell, 1854) p.494; Robert Christie, *The Military and Naval Operations in the Canadas During the Late War with the United States* (Quebec, 1818) p.124.

⁵² The 1818 boundary survey shows this bay as Candelles Bay but reports at the time, and all later maps call it Goose Bay.

Burbank. The prisoners arrived before the end of July and were turned over to Major John R. Bell, the acting assistant inspector general.⁵⁶

At sunrise on 21 July, the four British gunboats entered the creek and slowly rowed upstream. As the creek narrowed, rowing became difficult and they were forced to continue in single-file until they discovered their path blocked by the fallen trees. Ahead they could see a pile of bags and barrels – the cargo they came to recover. At this point, the creek was so narrow that the boats could not turn and only the lead British boat could use its heavy gun. The fire of each of the others was masked by the boat ahead of it.

A number of soldiers entered the creek and began to remove the fallen trees. At this point, the Americans opened small arms and cannon fire from the *Neptune*, *Fox* and the surrounding woods, causing several casualties and damaging the lead British gunboat. This forced the attackers to abandon the tree-clearing effort and to take cover in the rearward boats. A group of British troops, led by Captain Richard Fawcett of the 100th Regiment, then re-entered the creek and, holding their muskets above their heads, waded through the water and swampy soil on the left bank to firmer ground. They then charged the Americans in the woods, who quickly retreated to their makeshift “bread fort.”⁵⁷

The firing on both sides then continued for some time, but the British could not dislodge the Americans from their fort and their casualties were mounting. Finally, Major Frennd sent an officer under a flag of truce to demand that the Americans surrender immediately, otherwise (so an American report claimed) he would summon reinforcements including a body of savage Indians and no quarter would be given. Unimpressed, Militia Major Demmock refused to surrender.⁵⁸ At that point the British were out of options.

*Major Frennd, finding the enemy strongly posted, and, from the impracticability of bringing the other gunboats into action, that a further perseverance must be attended with greater sacrifice of lives, than the enterprize seemed to justify, re-embarked the troops and retired from the unequal contest.*⁵⁹

⁵⁶ Petition of Marinus W. Gilbert, 24th Congress, 1st Session, S.Doc 193, 23 February 1836, p.1.

⁵⁷ Robert Christie, *The Military and Naval Operations in the Canadas* (Quebec, 1818) pp.124-125. One report claimed that two men failed to hear the order to retreat, were surrounded and forced to surrender. Disarmed, they were then “brutally shot” by the British. From a handwritten manuscript, no author and undated, in the Alexandria Bay folder, accession number 1960.179, Jefferson County Historical Society, Watertown NY. There may be a grain of truth to this report as the British returned to Kingston without any American prisoners.

⁵⁸ Buffalo NY, *Buffalo Gazette*, 10 August 1813, reprinted from the Utica NY *Patriot*.

⁵⁹ Robert Christie, *The Military and Naval Operations in the Canadas* (Quebec, 1818) p.125.

The American defenders lost three men killed and one wounded. Their dead were buried on the spot. The British losses were much greater, including Lieutenant Milnes who was mortally wounded and died at Kingston on 25 July.

The British were not pleased with the result of this action, nor with Major Frend's conduct. Colonel Edward Baynes informed Lt. Col. Thomas Pearson, commanding at Prescott, that Sir George Prevost

*Was most unfavorably impressed with the want of conduct displayed in the recent attack— & that you would not approve of any command being entrusted to the judgment of Major Frend in any future attack on that post.*⁶⁰

After waiting until nightfall on 23 July, the American privateers and their prizes left the bread and pork behind, and, towing the bateaux, reentered the St. Lawrence River, rowing upstream in the dark as quietly and as rapidly as possible. With the British boats now emptied of cargo and prisoners, progress was much faster. The boats had just reached Tibbetts Point, at the mouth of the river, and were probably beginning to feel safe, when the 14-gun British brig *Earl of Moira* appeared, apparently having been sent there to intercept them.

The privateers, making a vigorous effort, passed the British warship without much injury. The *Fox*, under Captain Dixon, brought up the rear and passed within 50 meters of the brig. She suffered three hits by 9-pound shot, but none did the privateer any serious harm. For some reason the *Earl of Moira*, which had a regular Royal Navy crew, declined to pursue the privateers.

Meanwhile, word of the privateers' success and their fight with the British gunboats reached Sackets Harbor. Commodore Chauncey ordered the armed merchant schooners *Governor Tompkins*, *Conquest* and *Fair American* to sail to the mouth of the St. Lawrence River and escort the privateers and their prizes back to Sackets Harbor.⁶¹ Perhaps it was the sudden appearance of these schooners, which, together, outgunned the *Earl of Moira*, that caused the British brig to allow the privateers and their prizes to escape.

On 27 July 1813, the *Neptune* and *Fox* returned safely to Sackets Harbor with their prizes: the British gunboat *Spitfire* and all 15 bateaux. It is not known for sure when the bateaux's cargo, the bags of bread and barrels of pork, arrived at Sackets Harbor. Thus ended the most successful fresh-water privateer operation of the war.

⁶⁰ Edward Baynes to Thomas Pearson, 16 August 1813, LAC, RG8, C.679 pp.431-437.

⁶¹ Isaac Chauncey to William Jones #66, 21 July 1813, *Secretary of the Navy Letters Received From Captains ("Captain's Letters")*, NAUS, RG 45, 1813 vol 5 item 24, M125 roll 30.

On their return, each man on board could apply to his captain for a prize ticket, entitling him “to one share of all prizes taken by the *Neptune* and *Fox* during their later cruise.” One who did so was the *Neptune*’s John Mahoney.⁶²

On September 28, 1813, the United States District Court ordered the *Spitfire*, bateaux and cargo sold and the proceeds, less costs, paid to the owners, officers and civilian crew of the privateers. On February 15, 1814 the privateersmen divided a total of \$3,422.80.⁶³ A fair return for a week’s work the previous summer.

One issue remained: the bounty money for the 69 prisoners captured. On August 3, 1813, Congress passed a law authorizing payment of \$25.00 for each man taken by a privateer. Unfortunately, those 69 prisoners were taken two weeks earlier. Nevertheless, after the war the privateers applied to Congress for the money. Congress, in turn, agreed that there were precedents and that this “was one of the most brilliant affairs to which privateering gave rise during the late war.”⁶⁴ Congress enacted and the president signed a private act awarding a bounty of \$25.00 for each of the 69 men captured (a total of \$1,725.00), but not until 1836.⁶⁵

Following their success on the river, the *Neptune* and *Fox* were attached to the United States army’s quartermaster department. During this time Ira Baldwin served

*As the master and pilot of the gunboat Neptune, in the transportation of troops, military stores and provisions, along the Lake Ontario and river St. Lawrence frontier, under the direction of Deputy Quartermaster General Samuel Brown.*⁶⁶

In September 1813, Commodore Chauncey, at sea off the Ducks Islands, asked Major General James Wilkinson at Niagara for the use “of one of these privateers as a dispatch boat” as that would “facilitate communication between us very much.”⁶⁷ Wilkinson provided the privateer *Fox*, and used her

⁶² Prize ticket awarded to John Mahoney by Samuel Dixon, 1 August 1813, *Elisha Camp Papers*, Cornell University, Archives 696 Box 1.

⁶³ *In the Matter of the Private Armed Vessels the Neptune and Fox their Cargoes &c*, 14 December 1814, *Minutes and Rolls of Attorneys of the U. S. District Court for the Southern District of New York 1789-1841*, M886 roll 4 target 2.

⁶⁴ Petition of Marinus W. Gilbert, 24th Congress, 1st Session, S.Doc 193, 23 February 1836, p.2.

⁶⁵ *Laws of the United States*, 24th Congress, 1st Session, Chapter 298, 2 July 1836.

⁶⁶ Petition of Ira Baldwin, 28th Congress, 1st Session, H.Rep 266, 7 March 1844, p.1.

⁶⁷ Isaac Chauncey to James Wilkinson, 12 September 1813, CLB 5.

to carry his dispatches to Chauncey and to Secretary of War John Armstrong, who was then at Sackets Harbor.⁶⁸

On the evening of 22 September at Niagara, then-Colonel Winfield Scott took the *Neptune* and a “few slip-keeled boats,” embarked a detachment of 300 men, and sailed to destroy a group of British bateaux at the mouth of Twelve Mile Creek. Unfortunately a sudden squall dispersed the small flotilla and Scott was forced to abandon the mission. The *Neptune* returned to Niagara the next day.⁶⁹

The presence of the *Neptune* and *Fox* at Niagara that fall was known to the British. Late in September 1813, British Major William Drummond, concerned about the slow progress of a boat convoy carrying a detachment of the 41st Regiment near Burlington Bay, wondered if the delay was caused by the appearance of the American privateers.⁷⁰

Later that year, the *Neptune*, still with Ira Baldwin as master, carried Major General Morgan Lewis and his staff down the St. Lawrence River as part of General Wilkinson’s ill-fated campaign to capture Montreal. The *Neptune* ended that campaign downriver at French Mills, where she was almost certainly burned when the American army left that place for Sackets Harbor and Plattsburgh early in 1814.⁷¹ Although no record of that service has yet been found, it is probable that the *Fox* also carried part of Wilkinson’s army’s down the St. Lawrence River and was also burned at French Mills in early 1814. There is no record yet found of either vessel after that time.

When war broke out, the *Neptune*’s wartime pilot and sometime master, Ira Baldwin, abandoned his business in Canada and moved to the United States where he volunteered his services. As a result, he claimed he lost his Canadian property, consisting of “three river boats, and the half of a schooner — worth, in the aggregate, about \$2,500.00.” In 1844 Baldwin applied to Congress for compensation for that plus lost wages and the land grant provided to veterans. The House of Representatives Committee on Private Land Claims denied compensation for his Canadian losses but approved the rest and reported a bill (H.R. 198) granting Baldwin three months extra pay and 320 acres of land.⁷² The House adjourned without acting on the bill.

⁶⁸ James Wilkinson to John Armstrong, 20 September 1813, *Secretary of War Letters Received, Unregistered Series*, NAUS, RG 107, item W-1813, M222 roll 9.

⁶⁹ James Wilkinson to John Armstrong, 23 September 1813, *Daniel Parker Papers*, Historical Society of Pennsylvania, Philadelphia PA, 0466 box 14 folder 10.

⁷⁰ William Drummond to Noah Freer, 24 September 1813, LAC, RG8, C.117 pp.117-120.

⁷¹ Petition of Ira Baldwin, 28th Congress, 1st Session, H.Rep 266, 7 March 1844, p.1.

⁷² *Ibid.*, p.2

Two years later, Baldwin again resubmitted his petition to Congress. This time he faced a much less sympathetic reception. The House Committee on Private Land Claims denied his petition, reporting their belief that

*The petitioner was no Canadian volunteer, nor, as far as the evidence goes, does he appear to have been regularly engaged in any service in the army of the United States; but, upon the contrary, from his knowledge of the country, and his character as a pilot, that he was occasionally employed on specific service to carry an express or to guide a boat; for all which he was amply compensated.*⁷³

The House committee also dismissed Baldwin's claims for the loss of his Canadian property, stating that "they are not substantiated, except by proof of rumor, after a lapse of more than twenty years."

Baldwin, however, refused to give up. He waited six years until the composition of Congress changed, when he submitted his petition for a third time.⁷⁴ This time the House Committee on Private Land Claims, referring to their 1844 approval and ignoring their rejection in 1846, again denied Baldwin's request for compensation for the loss of his property in Canada, but reported a bill (H.R. 154) to compensate Baldwin for the rest.⁷⁵ On 27 July 1854, Congress enacted and the president signed a private act awarding Ira Baldwin \$180.00 and 320 acres of land.⁷⁶

In 1841, William Sims, a private in the first rifle regiment, asked Congress for a pension for a wound he received while he was a volunteer on board the American squadron in the Battle of Lake Champlain in September 1814. As part of his petition, Sims claimed he was one of the men who participated in the *Neptune* and *Fox*'s capture of the *Spitfire* and the 15 bateaux in July 1813, although he did not state on which vessel he served or provide any details. As Sims failed to provide anything at all to support his claims of service save his own statements, his petition was denied and it was never resubmitted.⁷⁷

Pirates and Robbers

For two weeks after the battle at Cranberry Creek, all was quiet on the St. Lawrence River. However, the loss of an entire bateaux convoy to the privateers *Neptune* and *Fox* was worrying the

⁷³ Petition of Ira Baldwin, 29th Congress, 1st Session, H.Rep 484, 27 March 1846, p.3.

⁷⁴ It is not clear why Baldwin's petition was received favorably by the 28th, 33rd and 34th Congresses but unfavorably by the 29th. The Democratic party had a majority in the House of Representatives during the entire time. It was probably the composition of the House Committee on Private Land Claims that changed just enough during the 29th Congress to apply a stricter standard, as Baldwin's arguments remained unchanged the entire time.

⁷⁵ Petition of Ira Baldwin, 32nd Congress, 1st Session, H.Rep 58, 29 January 1852, p.2.

⁷⁶ *An act for the Relief of Ira Baldwin*, 33rd Congress, 1st Session, Chapter 125, 27 July 1854.

⁷⁷ Petition of William Sims, 26th Congress, 2nd Session, H.Rep 291, 12 February 1841.

Adjutant General, Colonel Edward Baynes, at Kingston. He feared that this was just the beginning of a serious American effort to interdict the critical British supply route on the river. On 13 August his fears appeared to be realized. That night, William LaRue, a British resident opposite Grenadier Island, saw some activity and noticed fires burning across the river in Goose Bay. Sometime after midnight, Jabez Andrews discovered “four gun boats and two other boats” off the mouth of Cranberry Creek, but in the moonlight he could not determine the number of men or what they were doing. The next morning, a report of this sighting was dispatched to Prescott and it eventually arrived at Kingston.⁷⁸ When the report reached the hands of Colonel Baynes, he had already heard that

*The Americans had returned to their station at Cranberry Creek with four gun boats & two large Durham boats, full of troops.*⁷⁹

Furthermore, Baynes believed that the Americans were now basing a raiding force in Cranberry Creek and were daily sending out a small skiff to look for British convoys passing on the river. This was serious! Baynes informed Commander of the Forces Sir George Prevost that it was an

*Object of the first importance, that these pirates should be dislodged, with as little delay as possible, & their intended depredations by that means counteracted.*⁸⁰

Baynes, however, could not act himself. He had only two gunboats at Kingston, and one had just been dispatched to escort a small convoy on the lake and the other was in need of repair.⁸¹ Furthermore, the available troops at Kingston were badly needed at Niagara and could not be spared for an operation down the St. Lawrence River. Consequently, Baynes instructed Lieutenant Colonel Thomas Pearson, commanding at Prescott, to take his five gun boats, along with a detachment of 190 men of the 100th Regiment and a party of officers and seamen from H.M.S. *Dover* which were expected to arrive from Montreal, attach as many Indians, militia volunteers and men from the garrison at Fort Wellington as he could and destroy that “nest of robbers.” Although the seamen were urgently needed on the lakes, Baynes asked and received permission from Prevost to allow Pearson to use them as

*Their detention for a short period if thereby so important an object as the destruction or capture of the enemy's flotilla could be achieved.*⁸²

⁷⁸ Statement of Marvin Hunter, 14 August 1813, LAC, RG8, C.679 p.441; private communication from Paul Beers, 13 July 2014, including information from the pay list for the 1st Regiment Leeds Militia and from the *History of Leeds and Grenville*.

⁷⁹ Edward Baynes to George Prevost, 16 August 1813, LAC, RG8, C.679 pp.431-437.

⁸⁰ *Ibid.*

⁸¹ This may have been the gunboat damaged by American fire at the head of the line during the Battle of Cranberry Creek.

⁸² Edward Baynes to George Prevost, 16 August 1813, LAC, RG8, C.679 pp.431-437.

Unfortunately, Pearson had just dispatched four of his five gunboats to escort a bateaux convoy upriver to Kingston, and the seamen had not yet arrived from Montreal. He informed Baynes that he could not move until the seamen arrived and the gunboats returned. Pearson did send two officers to look for the Americans in Goose Bay and “gain every intelligence of their movements and situation.”⁸³ Four days later Pearson reported to Baynes that the reconnaissance into Goose Bay and up Cranberry Creek found nothing except a “large hole where they had buried their dead in the former business.” He then “scoured the Islands” but again found no sign of any privateers. Pearson reported to Baynes his belief that the privateers were at Sackets Harbor with no plans to leave.⁸⁴

Pearson, however, was not yet satisfied. He continued to examine the area and “pushed a reconnoitering party” into Lake Ontario as far as Chaumont Bay, only a few miles from Sackets Harbor, but found no sign of any vessels or armed force whatever.⁸⁵ For the moment, that was the end of the matter.

Even well after the war, there was a belief by some on the British side of the St. Lawrence River that Pearson’s expedition caused the Americans to “precipitately abandon” their position in Cranberry Creek.⁸⁶ By Pearson’s own reports, this was not the case.

What the American vessels in Goose Bay on 13 August were doing remains something of a mystery. Nothing has yet been found in American records that mentions the matter. Based on the British discovery, some eight days later, of an empty hole where they believed the American dead had been buried after the battle, these boats may have been recovering those bodies. Still, six boats, four reportedly armed, seems an excessive force just to recover three bodies. More likely the effort was undertaken to recover both the bodies and the bags and barrels of cargo left behind when the *Neptune* and *Fox* took their prizes to Sackets Harbor.

Whatever the reason, the appearance of this force in Goose Bay caused a considerable overreaction. The British spent the next two weeks and devoted a lot of resources looking for an enemy that did not exist. The seamen themselves did not reach Kingston until 6 September.⁸⁷ Since those seamen were badly needed by Commander Robert Barclay on Lake Erie, the impact of their delayed arrival,

⁸³ Thomas Pearson to Edward Baynes, 18 August 1813, LAC, RG8, C.679 pp.442-443 and 450-452.

⁸⁴ Thomas Pearson to Edward Baynes, 22 August 1813, LAC, RG8, C.679 pp.473-475.

⁸⁵ Thomas Pearson to Edward Baynes, 26 August 1813, LAC, RG8, C.679 pp.487-489.

⁸⁶ Robert Christie, *The Military and Naval Operations in the Canadas* (Quebec, 1818) p.126.

⁸⁷ The 52 men from H.M.S. *Dover* included Commander Augustus Drury, Lieutenant William Lutmore, one sailing master, one carpenter, one master’s mate, one carpenter’s mate, a clerk, 37 seamen, one Royal Marine corporal and seven marines. Augustus Drury to James Lucas Yeo, September 1813, LAC, RG8 C.730 pp.155-158.

caused by Pearson's operations, is not known but may have been significant. Exploration of this possibility, however, is out of the scope of this work.

It is also not known if the Americans realized, then or later, how much effort the British expended reacting to the apparent appearance of more "pirates" on the river. Had that been known, and the Americans briefly displayed such a force every week or so, even if it never actually attacked anything, the negative impact on the British riverine operations would likely have been significant and serious.

Smuggler Catcher

At the end of October 1813, as Major General James Wilkinson was collecting his army at Grenadier Island on Lake Ontario and preparing to descend the St. Lawrence River to capture Montreal, a small, five-ton privateer set out on an expedition on the same river. The *Smuggler Catcher's* owner, Benjamin Richards, applied for a letter of marque and reprisal at Madrid, New York on 18 June 1813. Four days later the letter, called a "commission," was issued (No. 296) by Benjamin's brother, Alexander Richards, the collector of the customs for the district of Oswagatchie.⁸⁸ The application stated that the new privateer would be "manned by a crew of about thirty men and to carry twenty muskets." The dimensions of the *Smuggler Catcher* and her activities before this time remain unknown.

In the middle of October 1813, a small British supply convoy left Montreal heading upriver to Kingston. The boats, about three tons burthen each, carried a mixed cargo consisting of "goods, wares and merchandise contained in casks, packages, hogsheads, tierces, barrels, kegs, chests, trunks, boxes, crates, bales, bags, and bundles." Also on board was some clothing for the 19th British Regiment of Dragoons, stationed in Upper Canada.⁸⁹ As was usual, the convoy travelled the first segment of their trip upriver unescorted. With British territory on both sides the risk of attack was minimal. Once south of Cornwall, however, the danger increased and it was usual for convoys to receive a British gunboat or two as an escort. By 25 October the convoy reached a point along the Canadian shore opposite Ogden's Island, about four miles north of the village of Hamilton, New York (now Waddington). There they stopped, possibly to await their gunboat escort.

While the British convoy was proceeding upriver, Joal Sully was employed by Benjamin Richards to repair the *Smuggler Catcher*, as well as a six-man canoe. This is the first mention of the *Smuggler Catcher* in the record after her letter of marque and reprisal was issued. When the repairs were

⁸⁸ Alexander Richards to James Monroe, 30 October 1813, NAUS, *War of 1812 Papers of the Department of State*, M588 roll 1 frames 56-60.

⁸⁹ Deposition of Benjamin Richards and his answer to the 35th interrogatory (No. 1) on 26 May 1814, NAUS, *Minutes and Rolls of Attorneys of the U. S. District Court for the Southern District of New York 1789-1841*, M886 roll 4 target 1.

complete, John Carly & two others took Richards' canoe out onto the river and discovered the British convoy stopped on the Canadian shore.

Richards then prepared an expedition consisting of the *Smuggler Catcher* and several canoes. The *Smuggler Catcher* transported 20 to 25 men from the Second Light Dragoons (nearly half the men involved) along with Lieutenant Clinton Wright. The canoes transported some local militia. One canoe held Lyman Holcomb, Caleb Butterfield, Jacob Connelly & Nathan Goff. Another canoe transported John Carly, Joal Sully, Benjamin Richards, Alexander Richards Jr. and Jeremiah W. Smith. A third canoe held Major John T. Woodford, commanding the dragoons, along with Samuel Gordon & five others.

The American force proceeded to the Canadian shore near where the British boats lay and landed. They then approached a nearby house, but for what purpose is not known. Samuel Gordon, who was familiar with the area, led Major Woodford and his dragoons to the back of the house, which he claimed he intended to secure. At this time the militia were in confusion, just roaming around the area. Lieutenant Wright suggested that the militia should be formed in front of the house, and Benjamin Richards and John Carly attempted to do just that but were unsuccessful. A short time later the entire raiding force left the area of the house – it was apparently never actually entered – and proceeded “in bad order” to where the British boats lay and captured them. There was no sign of their crews, nor of anyone else. The *Smuggler Catcher* and the canoes then re-crossed the river along with the seven prize boats, arriving at the upper landing at the Village of Hamilton.⁹⁰ Although the operation was very disorganized, it was successful. It was fortunate, however, that there was no resistance as otherwise it might have been the Americans who were captured and not the British boats.

On 30 December 1813, the seven boats and their cargoes were libeled and ordered to be sold by the District Court at New York City.⁹¹ The boats and their cargoes were sold for \$10,086.41. After deducting the import duties due of \$4,986.40, the marshal's costs of \$473.97 and other charges, the members of the expedition received \$3,422.80 to divide among them, a good return for a morning's work.⁹² As their participation was considered to be a part of their regular duties, the dragoons and their

⁹⁰ The account of the action and the subsequent events is taken from the depositions of Simon Hall, John Carly, Daniel Hutchins, Josiah Thomas, David A. Ogden, Lyman Holcomb, Caleb Butterfield, Jeremiah W. Smith, Samuel Gordon, Joal Sully, Alexander Richards and Alexander Richards Jr. NAUS, *Minutes and Rolls of Attorneys of the U. S. District Court for the Southern District of New York 1789-1841*, M886 roll 4 target 1.

⁹¹ *Benjamin Richards on behalf of himself the owners, officers & crew of the private armed boat Smuggler Catcher vs. Seven boats or bateaux laden with goods, wares & merchandise*, 30 December 1813, NAUS, Admiralty Case Files of the U. S. District Court for the Southern District of New York 1790-1842, M919, 1813 roll 20.

⁹² Marshal's return, 1 June 1814, NAUS, *Minutes and Rolls of Attorneys of the U. S. District Court for the Southern District of New York 1789-1841*, M886 roll 4 target 2 p.90; Statement of costs, 8 April 1814, NAUS, *Admiralty Case Files of the U. S. District Court for the Southern District of New York 1790-1842*, M919, 1813 roll 20.

officers were not entitled to any part of the prize money. It was only the owner (Benjamin Richards) and the citizen crew of the *Smuggler Catcher* who received a share. This led one member of the expedition, Nathan Goff, to protest.

At this point the record becomes a bit obscure. Apparently there was a Canadian built boat, owned by Nathan Goff, that could carry up to 15 barrels of pork. This boat was used by him during the summer of 1813. Court records state that this boat participated in at least one smuggling voyage to Canada in September 1813.

That month, Caleb Butterfield, Jared (or Jacob) Connelly, Lyman Holcomb, and Benjamin Richards went aboard a canoe to the Canadian side of the St. Lawrence River and seized a smuggler's boat, apparently the boat owned by Nathan Goff, which they brought back to the Village of Hamilton.

This boat was then returned to Goff who, fearing it might be discovered by the British and retaken, delivered it to Samuel Stacy Jr. for safe keeping. Stacy had Goff's boat taken out of the water and placed alongside his store. The door of the store, however, was too narrow to admit the boat and there was not sufficient help to turn it on its side so it could be taken inside. Goff's boat was left outside and about seven days later the boat "went missing" and ended up back on the Canadian side of the St. Lawrence River.⁹³ Goff claimed that this was one of the seven boats taken by the privateers on 29 October and, consequently, he deserved a share in the proceeds of the sale. Goff's application, and his supporting evidence, was heard by the District Court at New York City at the end of 1814. The court ruled that

*The said Nathan Goff is not entitled to any part of the money in court in the cause. And it is accordingly ordered and adjudged that the said claim and application of the said Nathan Goff be disallowed and rejected.*⁹⁴

All the money went to Benjamin Richards and the civilian crew of the *Smuggler Catcher*. That, however, was not quite the end of the affair. As part of the court proceedings, Benjamin Huntington was appointed the agent to receive the prize money and to distribute it among those who were entitled to a share. After distributing part of the money, Huntington informed the court that

*He hath become embarrassed in his affairs and if he continues to hold the money will be obliged to assign it with the rest of his property to assignees.*⁹⁵

⁹³ Samuel Stacy Jr. was the son of Samuel Stacy Sr., who was a British spy apprehended at Sackets Harbor the previous July. This relationship leaves open the question of whether the younger Stacy had anything to do with Goff's boat ending up back in Canada. Isaac Chauncey to William Jones #55, 4 July 1814, *Secretary of the Navy Letters Received From Captains ("Captain's Letters")*, NAUS, RG 45, 1813 vol 4 item 152, M125 roll 29. In his report on the capture of the elder Stacy, Chauncey informed Jones that "It would be very desirable to hang this traitor to his country."

⁹⁴ Court order, 15 December 1814, NAUS, *Minutes and Rolls of Attorneys of the U. S. District Court for the Southern District of New York 1789-1841*, M886 roll 4 target 2 p.307.

Huntington asked that Marinus W. Gilbert, the owner of the privateer *Neptune*, be appointed in his place, which was agreed to by the court. As there is nothing further in the record, apparently the remaining funds were placed in Gilbert's hands and properly distributed.

The record does contain a postscript involving Nathan Goff's boat. On 10 November 1813, the British crossed the St. Lawrence River to Hamilton, recaptured a portion of the seven boats' cargo (some of which was perishable) and found two boats which they claimed were those taken from them by the *Smuggler Catcher*.⁹⁶ David A. Ogden and Alexander Richards, who signed the terms of capitulation with the British on behalf of the inhabitants of the village, agreed to deliver these two boats with other property to the Canadian shore. Richards later reported that the remainder of the captured cargo was "much exposed" to "capture, plunder and total loss."

Before the boats were sent across, Ogden learned from Benjamin Richards and others that one of these boats belonged to Nathan Goff. That boat was delivered to Canada as promised, but as the commanding officer on the British side, Lieutenant Colonel Thomas Pearson, was not present, Ogden wrote him stating that he was told that one of the boats was the private property of Nathan Goff. A few weeks afterwards Goff's boat was returned to Hamilton under a flag of truce, but the boat later went "adrift" and was lost.

In January 1814, Captain Reuben Sherwood and a company of Canadian militia crossed the St. Lawrence River and recovered a portion of the cargo seized by the *Smuggler Catcher*. This action apparently discouraged further privateering on this portion of the river.⁹⁷

Afterwards

The exact fates of the privateer boats *Neptune*, *Fox* and *Smuggler Catcher* remain unknown. The *Neptune* was used to transport a portion of Major General James Wilkinson's army down the St. Lawrence River in November 1813, and it is likely that the *Fox* and *Smuggler Catcher* performed the same service. If that was the case, all three would likely have been included in the boats burned at French Mills (now Fort Covington, New York) when Wilkinson's army abandoned that site and returned to Plattsburgh and Sackets Harbor in early 1814.

⁹⁵ Petition of Benjamin Huntington, 14 December 1814, NAUS, *Minutes and Rolls of Attorneys of the U. S. District Court for the Southern District of New York 1789-1841*, M886 roll 4 target 2.

⁹⁶ Affidavit of Alexander Richards, NAUS, *Admiralty Case Files of the U. S. District Court for the Southern District of New York 1790-1842*, M919, 1813 roll 20.

⁹⁷ Hough, *History of St. Lawrence and Franklin Counties*, p.642. The author is indebted to Dana Ashdown for this reference.

That these privateers were destroyed at French Mills is supported by an intelligence report received by British Lieutenant General Gordon Drummond in mid-May 1814 from Lieutenant Colonel Joseph Morrison at Fort Wellington, reporting that

*There are no privateers fitting out for the interception of our communication between Coteau du Lac and Kingston, nor was any such thing in agitation, either by individuals or by the naval force.*⁹⁸

In 1856 the European signers of the so-called Declaration of Paris outlawed privateers. The feeling at that time, and since, was that private armed vessels had no part to play in modern naval warfare. Whether they did, and do, or not, the United States was never a party to that agreement. It can never be a party unless the United States Constitution is amended to remove the power of Congress to issue letters of marque and reprisal. That power remains in place today. While the United States executive has agreed, on several occasions since 1856, to voluntarily abide by the terms of that declaration, whether that power is ever used again rests solely with Congress, not the president.

Reference Abbreviations

To shorten and simplify the source references that appear in the notes they use a set of abbreviations.

These are:

BECHS	Buffalo and Erie County Historical Society, Buffalo, New York.
CLB	Isaac Chauncey's <i>Letterbooks</i> , Manuscript Department, New York Historical Society (#'s 1, 2, 5 & 6) & William L. Clements Library, University of Michigan (#'s 3, 4, & 7).
LAC	Library and Archives Canada
NAUS	National Archives (United States)

⁹⁸ Gordon Drummond to George Prevost, 14 May 1814, LAC, RG8, C.683 p.100.