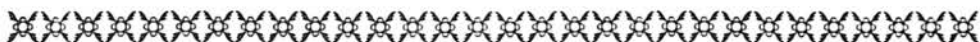


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## *The General Hamilton and the Scourge*

"One of The Most Exciting Finds of This Century"

By RICHARD F. PALMER



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"It is with deep regret that we record the following facts: About 2 o'clock on Sunday morning last, a most dreadful accident happened in Commodore Chauncey's squadron off Forty Mile creek on Lake Ontario; the schooners *General Hamilton*, Lieut. *Winter*, and *Scourge*, Sailing Master (Joseph) Osgood, were upset and lost. The *Hamilton* had 60 men on board and the *Scourge*, 45. The gale lasted but a few minutes and did not affect the ships but injured some of the schooners' sails. Boats were put out from two of the schooners, which succeeded in rescuing about a dozen of the crew: the *Hamilton* being 9 guns, the *Scourge*, 10. In a moment 100 of our brave fellows were plunged into the waves, and two of our best schooners lost to the service."<sup>1</sup>

— *Buffalo (N.Y.) Gazette*, Aug. 17, 1813.

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Until the fall of 1980, no one had seen these vessels for 167 years. They lie in 300 feet of water about six miles off Port Dalhousie, some 1,500 feet apart. They are covered with a thin layer of sediment, stand upright and appear to be perfectly preserved in the constant frigid water.

In 1970, diver-archaeologist-dentist Dr. Dan Nelson of St. Catharines, Ontario, was asked by the Royal Ontario Museum (ROM) to research what, if any, shipwrecks in Lake Ontario might have been responsible for a number of old coins found on a beach near Hamilton.

Subsequent research revealed the coins in question did not come from a ship. However, Dr. Nelson, in his research, became intrigued by the story of the *General Hamilton* and the *Scourge*. With the aid of a search ship, using sophisticated magnetic equipment and sonar, a systematic sweep was made in 1972 over some forty square miles of lake bottom.

Finally, on the last day of the second season of searching, a tiny “blip” appeared on the sonar screen. Dr. Nelson said “it wasn’t well defined and it was only recorded once before our equipment packed it in, but it kept our spirits alive until we could return the following year.”

The search resumed in July, 1975 “and there on the sonar screen appeared two beautiful images,” Nelson recalled. That November, an underwater television camera focused on the ships. There, through the murky, ice-cold water, were spied the ships’ hulls, cannons, cannonballs, rigging, skeletons, and even porcelain bowls and plates.

It wasn’t until September 8, 1980, five years after the first “confirmed” sonar sighting of the ships, that Dr. Nelson actually saw the *Hamilton*. Assisted by Jacques Cousteau, experienced underwater researcher, and his research vessel *Calypso*, Nelson descended the 300 feet in a two-man submarine with diver Albert Falco.

“That’s when I saw the most remarkable thing in my life,” Dr. Nelson said. “It was the head of the *Hamilton*’s figurehead – an absolutely beautiful girl, brilliantly and incredibly carved.” The figurehead is that of the Greek Goddess Diana. “I got a lump in my throat when I saw it, and I still do,” he said.

The *Hamilton* originally was the 112-ton merchant schooner *Diana*, built at Oswego, New York, in 1809, by Henry Eagle, ship carpenter, for Matthew McNair, merchant. Eagle was born in Memel, Prussia, January 3, 1784, and died in Oswego, January 26, 1858. When the New York shipbuilder, Henry Eckford, was commissioned to build the brig *Oneida* for the U.S. Navy in 1808, Eagle came to Oswego. He had been employed by Eckford after arriving in New York. The *Hamilton* was purchased by the U.S. Navy in the summer of 1812 and refitted with 10 guns; one 32-pounder, one 24-pounder and eight 6-pounders. The vessel was named for Paul Hamilton, Secretary of the Navy at that time. During the War of 1812, Eagle went to Sackets Harbor to superintend the building of the U.S. Fleet on Lake Ontario. Subsequently he became interested in the coasting trade on the Lakes, and the owner of several vessels.

Dr. Nelson said the *Hamilton* is clearly a work of art. Unlike many of the schooners slapped together for the war effort, the *Hamilton* was lovingly crafted, bearing rich carvings and expert workmanship. Falco, chief diver for

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1. Official muster rolls state the *Scourge* carried 32 crewmen, 11 of whom survived. The *Hamilton* had a crew of 41, with 9 survivors.

Cousteau, said he was "greatly moved" by the sight of the figurehead of Diana. "He told me he had dreamed of something like this all his life – of being the first person to see something like this. He was pretty emotionally shaken," Dr. Nelson said.

"To date, no sunken ships of the age, importance and state of preservation of these vessels have been discovered," Nelson said. Only the *Vasa* of Stockholm, Sweden, can compare. *Vasa*, which sank about 20 minutes into her maiden voyage in 1623, is larger and older, but not nearly as intact.

The 110-ton *Scourge*, originally the British merchantman *Lord Nelson*, was built at Newark, or Fort George (later Niagara-on-the-Lake) in 1811. On June 5, 1812, two weeks before the War of 1812 was officially declared, the *Lord Nelson*, carrying flour and common cargo from Prescott, bound for Niagara, was captured and confiscated by the American brig *Oneida*. She was taken to Sackets Harbor, and was refitted with nine cannons: one long 32-pounder and eight short 12-pounders.

Author James Fenimore Cooper wrote that the vessel was seized by Lt. Melancton T. Woolsey, Naval commander on Lake Ontario, who "brought her in, and had her condemned." Cooper said the vessel was engaged in smuggling.

At the time, the *Lord Nelson* was owned by James and William Crooks, merchants at Newark, and was in regular trade between Prescott, on the St. Lawrence River, and Niagara-on-the-Lake. Many felt the Woolsey action was somewhat highhanded. Woolsey's own report on the incident to the Secretary of the Navy reveals details of the incident.

U.S. Brig *Oneida*,  
Sacket's Harbor Roads,  
June 9th, 1812.

Sir: I have the honour to inform you that I sailed on the 3rd instant on a cruise to the westward – On the 4th off Pultneyville discovered a vessel to windward apparently standing in for Genesee River – gave chase to them, but night coming on and the weather being too hazy to run her in the mouth of the river hauled off shore for the night under short sail. At daylight on the 5th discovered two schooners (supposed to be two of the three we had chased the day before) standing in for the land. At 7 P.M. we brought to one of the schooners which proved to be the *Lord Nelson* from Prescott (a port opposite Ogdensburg), said to be bound to Newark in Canada. She had no papers on board other than a loose journal and a bill of lading of a part of her cargo, but no Register, license or clearance.

Whether it was intended to smuggle her Cargo on our shores or whether she was hovering along our shores to take on board property for the Canada market in violation of the Embargo laws I was not able to determine. But appearances were such as to warrant a suspicion of her intention to smuggle both ways – I accordingly took her Crew and sent her with my gunner as

prime master to this port — After dispatching her I stood off shore in chase of the other schooner which the master of the *Lord Nelson* informed me was the *Mary Hatt*, also a British schooner, but finding that she had crossed the line I hove up for this port in order to lay up the prize and make my report to the Department. All the proofs which I can collect respecting her voyage I will transmit without delay to the District Attorney.

I have the honour to be  
With much respect  
Sir  
Your obedient servant,  
M. T. WOOLSEY  
The Honorable  
Paul Hamilton Esquire  
Secretary of the Navy<sup>2</sup>

Although the Americans had thirteen armed vessels on the Lake, the unequal sizes of the ships and their varying sailing capabilities made them difficult to deploy as a united force. The situation was further complicated by the fact that the refitted merchant vessels, made unstable or topheavy by the mounting of cannons, were almost useless in rough seas. However, they proved of great value in supporting landings, as troop carriers, and for covering assaults by engaging shore batteries.

Ned Myers, a crewman aboard the *Scourge*, recalled: "This vessel was English-built, and had been captured before the war, and condemned for violating the revenue laws, under the name of the *Lord Nelson*, by the *Oneida*, 16, Lt. Comm. Woolsey — the only cruiser we then had on the lake. This craft was unfit for her duty, but time pressed, and no better offered. Bulwarks had been raised on her, and she mounted eight sixes, in regular broadside. Her accommodations were bad enough, and she was so tender, that we could do little or nothing with her in a blow. It was often prognosticated that she would prove our coffin."<sup>3</sup>

The crews of the *Hamilton* and the *Scourge* were highly praised by Commodore Isaac Chauncey, commander of Naval forces on the Great Lakes, for the role they played in the capture of York (Toronto) on April 27, 1813, and Fort George, opposite Fort Niagara, a month later, on May 27th.

On August 7, the British and American squadrons met each other off the mouth of the Niagara River. After a day of maneuvering in the wind to get

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2. *Lives of Distinguished American Naval Officers*. Philadelphia, 1846.

3. *Ned Myers or A Life Before the Mast*, by James Fenimore Cooper, 1843.

within firing range, Commodore Chauncey gave the recall signal and the ships formed in close order to ride out the night.

About 1 A.M. a sudden squall struck from the west, separating the *Hamilton* and the *Scourge* from the rest of the flotilla. Cooper, in his *History of the American Sailing Navy*, wrote: "The wind came from the westward in the night, and it blew in squalls. All the vessels were at quarters, carrying sail to gain the wind of the enemy, with a view to engage him in the morning. It is supposed, as all the vessels were at quarters, and the guns loose, that when the gust struck the vessels, their heavy guns which worked on slides, with the shot on deck, went to leeward, and helped to carry these two schooners over."

Myers, aboard at the time, said he was asleep on deck when he was awakened by large drops of rain falling on his face. "When I opened my eyes I could not see the length of the deck," he said. A short time later, "a flash of lightning almost blinded me. The thunder came at the next instant, and with it a rushing of winds that fairly smothered the clap."

Myers continued: "The instant I was aware there was a squall, I sprang for the jib-sheet. Being captain of the forecastle, I knew where to find it, and threw it loose at a jerk. In doing this, I jumped on a man named Leonard Lewis, and called on him to lend me a hand. I next let fly the larboard, or lee topsail-sheet, got hold of the clew-line, and, assisted by Lewis, got the clew half up. At the same time I kept shouting to the man at the wheel to put his helm 'hard down.'"

Myers said the water was now up to his breast "and I knew the schooner must go over. Lewis had not said a word, but I called out to him to shift for himself, and belaying the clew-line, in hauling myself forward of the foremast, I received a blow from the job-sheet that came near breaking my left arm."

According to Myers "the flashes of lightning were incessant, and nearly blinded me. Our decks seemed on fire, and yet I could see nothing. I heard no hail, no order, no call; but the schooner was filled with the shrieks and cries of the men to leeward, who were lying jammed under the guns, shot-boxes, shot, and other heavy things that had gone down as the vessel fell over."

Myers leaped into the stormy seas, and was pulled down by the suction of the sinking ship. He then struggled to the surface and managed to scramble aboard a small boat towed by the *Scourge*. He and three other survivors were eventually picked up by the ship *Julia*.

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4. Document 430, 26th Congress, 1st Session, in Senate, April 28, 1840.

This was not the end of the *Scourge*. Repercussions over the questionable seizure of the *Lord Nelson* by Woolsey persisted for more than a century, owing to circumstances no one could anticipate.

Following its capture, the *Lord Nelson* was libeled in the U.S. Northern District Court of New York. She was ordered sold, the proceeds to be paid to the court to abide the event of a suit. Eventually, the suit came, after the war. The Crooks brothers claimed the seizure of their ship to help form the hastily assembled American fleet was in contravention of the Embargo Act. The family was awarded \$5,000 but before the money was delivered, Theron Rudd, the district court clerk, absconded with it. An old report of the U.S. Senate Committee on Claims states "No money was paid on the order, and Theron Rudd, the clerk, with whom the money was deposited, became a bankrupt, and a defaulter in a large amount. Soon after the war closed, and peace was restored, the petitioners, (the Crooks) by the diplomatic agents of Great Britain, applied to this Government to be redressed in their grievances."<sup>4</sup>

As a result, the claim was not paid and it took 117 years to reach a settlement. During that time the question of war indemnities was allowed to lapse. The federal government washed its hands of the Crooks case by claiming it was not responsible for the defalcation of Rudd. The case was finally settled in 1930 when the U.S. paid the Crooks' heirs the award plus 4 percent per year simple interest, for a total of \$23,644.38. The family actually got about \$15,500 after arbitration and legal fees were deducted.

The title of the two ships consequently belonged to the U.S. Navy. Dr. Nelson said the U.S. Navy had never previously relinquished title to any of its sunken vessels which had human remains on board. But in 1979 the Navy, with the approval of Congress, transferred title to Canada. The agreement specifies that the remains of the dead shall be returned and that the ships shall be preserved and displayed with good taste.

At the time the *Lord Nelson* was captured, it carried a cargo of five boxes of glass, a keg of powder, a keg of oil, eight trunks of goods, a bedstead, a quantity of canvas, four crates of wares, four bundles of scythes, 100 bars of iron and seven barrels of flour. Following custom, the general cargo was condemned and bid off at public auction, with the crew of the *Oneida* receiving half the proceeds from the spoils.

The trunks apparently contained the wardrobe of a certain Mrs. McCormick, described as a Lady, a member of one of the first families of Upper Canada, and the wife of a respectable Queenston merchant. The trunks had been sent to Mrs. McCormick by her father, a prominent Montreal gentleman, and had been put aboard the ship at Prescott.

Before being officially condemned, Lt. Woolsey ordered an inventory of the cargo. When the nature of the contents and ownership of the trunks were discovered, he, being a man of honor, immediately wrote to Lt. Col. Fenwick, then on the Niagara frontier, requesting him to send, "by first flag which should cross the river, assurances that Mrs. McCormick's effects would be returned to her at the first opportunity."

Subsequently, Peter Curtianus, Esq., Marshal of the State, arrived at Sackets Harbor from New York to inform Woolsey that both ship and cargo, including the trunks, had been condemned and must be auctioned off. Curtianus suggested Woolsey might auction off Mrs. McCormick's trunks at a nominal price "merely for form's sake." On the day of the sale the *Lord Nelson* was bid off to the Navy Department as required, and her cargo of general merchandise went to public auction. Alex Darragh, purser of the *Oneida*, described the scene at the auction:

"We opened all the trunks and exposed their contents to the spectators. Capt. Woolsey then stated the wish of the officers and crew to return to Mrs. McCormick her effects, and that he should, for that purpose, bid five dollars and hoped no person would be so ungenerous as to bid against him. However, some persons then present, either from a wish to oppose the Navy, which had been instrumental in checking the violations of laws of the United States, or to purchase silk gowns for their wives at a cheap rate, continued to bid. Capt. Woolsey, I believe with no other motive than to check them, bid the sum of five thousand dollars, and here the sale closed.

"The trunks, however, were not disposed of as Woolsey expected. The Deputy Marshal, a Mr. Jason Fairbank, took them into his possession and ordered an appraisal and another public sale. At the same time he ordered that Capt. Woolsey should purchase the goods at about the appraised value and pay the deficit. The new sale was set for April 1813, a time when Woolsey was otherwise engaged at the capture of York (Toronto). The trunks were struck off to his representative, Amos Benedict, for \$381.50."

It is believed that Mrs. McCormick eventually received her trunks of clothing, and that Woolsey was reimbursed. In a letter to William Jones, Secretary of the Navy, dated May, 1813, Woolsey said:

"I conceived that in consequence of the trunks not having been tendered to me when they were first purchased, and the subsequent steps taken by the Marshal, I am completely exonerated from the first bid — but I think in justice, I should be exonerated from the last also, as I never can, when the effects are returned to their proper owner, demand remuneration; particularly when my word, as the then commander of the station, was given to Mrs. McCormick that they should be returned."

After the U.S. Navy turned title of the two ships over to the Canadian Government, the title, in turn, was assumed by the city of Hamilton, Ontario. The project has been supported by the Royal Ontario Museum, the Canada Centre for Inland Waters (Fisheries and Environment), the Ontario Ministry of Culture and Recreation and the Canadian Hydrographic Service.

A nonprofit organization, directed by the Hamilton-Scourge Steering Committee, has been attempting to raise funds to finance a detailed scientific survey of the ships. The survey will test the condition of the vessels, the surrounding lake bottom, and the location of debris. It will also determine the best method of raising and preserving them.

Initial plans involve raising the ships on giant slings, floating them to Confederation Park in Hamilton, and placing them in a large aquarium-like tank containing cold, conditioned fresh water. Archaeologists claim too much exposure to the air would disintegrate the ships and artifacts.

"Dry conservation" techniques must proceed gradually as the artifacts are recovered and treated at a conservation facility. The entire project, claimed as one of the most exciting finds of this century, could cost as much as \$10 million.



*The author of this article, Richard F. Palmer, is a reporter and feature writer for the Herald-Journal in Syracuse, New York, and also a frequent contributor to several Great Lakes publications. His special field of interest is the maritime history of Lake Ontario.*

*Mr. Palmer is currently compiling a book on shipwrecks which occurred on the Lake from 1679 to 1930, and admits that sailing vessels are his "specific interest" concerning Great Lakes history. The article above is his first contribution to INLAND SEAS®.*

