

TRAVELS OF A MERCHANT BRIG DURING THE WAR OF 1812

By Dr George R Bandurek

A merchant brig, *San Antonio*, arrived at Beaufort, North Carolina, in May 1813. Her papers showed that she was Spanish and had come from Campeachy (Campeche in the Yucatan peninsula, Mexico). Her captain, Gonzales, contacted Francis La Motte, a merchant in Newbern, to take charge of the brig and her cargo. This looked like a normal business deal to La Motte, but he was not aware of the recent events around *San Antonio*. He certainly did not associate *San Antonio* with any of the American merchant vessels that had sailed by in the last year.

The brig *Jane* on her first journey

Jane was a brig owned by an American, Abraham S Hallett, and she sailed from the USA to Laguira, arriving in May 1812 with a cargo of flour. (Laguira is now known as La Guaira and is the port for Caracas in Venezuela.) The first mate on *Jane* was Charles Rise.

Rise became the master of *Jane* in October. He changed her name to *Teneriffe* and adopted false Spanish papers before setting sail for Porto Cavello (Cabello, west of Caracas) in January 1813. This was done because England was now at war with the USA, and *Jane* would have been prey to English ships.

The second journey

8 January 1813. *Teneriffe* (formerly *Jane*) was stopped by an American privateer called *Rosamond* (or *Rosamund*) and released without much delay. Apparently Rise was able to convince the privateer that his ship was American, despite the documents he carried. *Rosamond* had a crew of over 100 men and carried eight heavy guns.

9 January 1813. *Teneriffe* was stopped by HMS *Fawn*, a ship armed with 24 carronades and two chase guns. Captain Fellowes of *Fawn* evidently accepted a story that *Teneriffe* had been captured by an American privateer and sent her into Porto Cavello, her planned

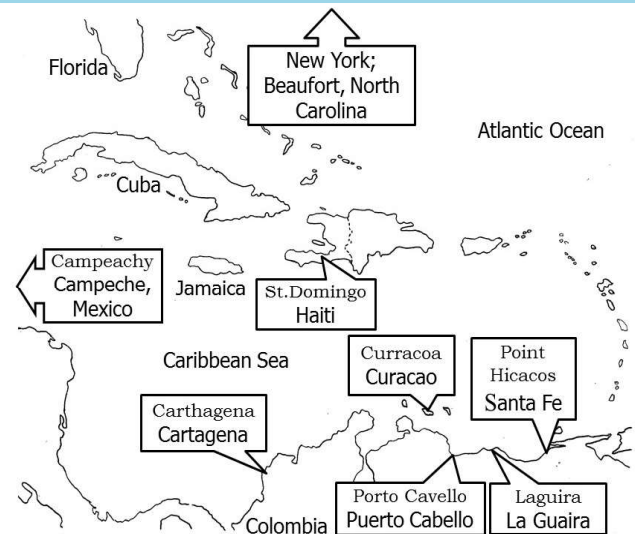


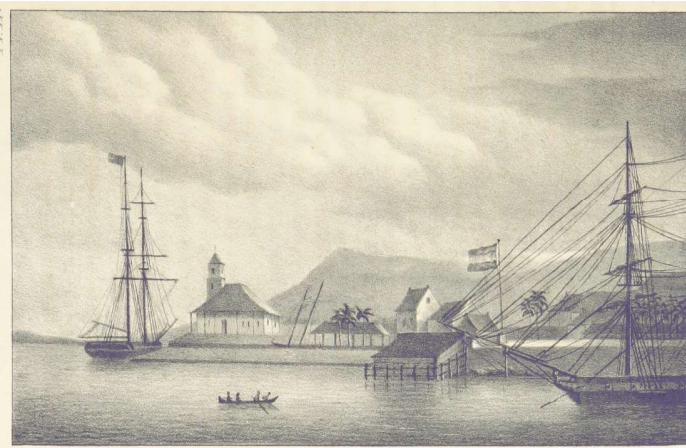
Chart of *Jane's* travels
Map: G R Bandurek

destination, with a midshipman in charge of the prize crew. She had to pay \$500 to be released. HMS *Fawn* went in search of the American, found *Rosamond* the next day and 'at 2 o'clock in the morning of the 11th, the *Fawn* having got within range, the weather being squally, and a heavy sea running, she was obliged to run ashore on Point Hicacos [east of Caracas, between Barcelona and Cumana], where her commander and 24 men were drowned in attempting to reach the land'.

Some time later, while in Porto Cavello, Rise changed the name of *Teneriffe* to *La Hija* and took on a new cargo. He retained false Spanish papers, this time in the name of the owner of the cargo.

The third journey

2 April 1813. *La Hija* (formerly *Teneriffe*, formerly *Jane*) left Porto Cavello for New York. As part of the ruse she notionally had a Spanish master though Rise was actually in command. ➤



PICTURE OF THE HAVEN VAN PORTO CABELLO.

Porto Cabello
([https://commons.wikimedia.org/wiki/File:COSTER\(1842\)_p137_PORTO_CABELLO.jpg](https://commons.wikimedia.org/wiki/File:COSTER(1842)_p137_PORTO_CABELLO.jpg))



USN drawing of Laguira Harbour
(<https://www.history.navy.mil/our-collections/photography/numerical-list-of-images/nhsc-series/nh-series/USN-901000/USN-901914.html>)

La Hija was taken once again by HMS *Fawn* and carried to Curracoa (Curaçao), though she was soon allowed to resume her journey. We can only guess at the story that Rise recounted to explain why he should be released.

20 or 26 April 1813. (Different sources do not agree on the date.) *La Hija* was chased by *San Francisco de Paula*, a privateer flying the flag of the break-away republic of Cartagena in present day Colombia and licensed to capture Spanish ships. She had previously been the Bermuda-built schooner HMS *Whiting* which was captured by an American privateer, released by the prize court, then captured by the French privateer *Diligent* off the coast of Virginia on 22 August 1812.*

Her captain, Luis Aury, was a Frenchman with extensive experience of privateering. His unusual career combined nobly fighting for republican causes with piracy and slave trading. Her owner was Jean Baptiste de Novion, an emigré Frenchman resident in New York, whose name often appears in accounts of privateering and piracy. (A future article in *The Trafalgar Chronicle* tells the full story of *Whiting's* final incarnation.)

San Francisco de Paula soon caught *La Hija* and took her as a prize, even though her master, Rise, insisted that the 'Spanish' papers were false and that she was really American. The story now became even more convoluted.

The cunning plan

The captors put a prize crew aboard *La Hija* consisting of Lieutenant Ferrand and five men and sent them off to the USA, not Cartagena. Ferrand stopped at the island of Santo Domingo (west Hispaniola, now Haiti) where Rise and the majority of the original crew were put ashore and left to make their own way home. Ferrand renamed the prize as *San Antonio* and 'endeavored to disguise the brig by painting her'. He created another set of false papers and also changed his own name to Don Pedro Gonzales. The likely reason for the deception is that a prize court in Cartagena would disallow the capture and consequently Aury would lose his prize. A later legal commentary summarised the episode well:

'The commander of the privateer ... took the mean and piratical course of disguising the prize, and appropriating her under fraudulent pretences.'

Events continued to unfold in America. *San Antonio* (formerly *La Hija*, formerly *Teneriffe*, formerly *Jane*) arrived at Beaufort under the command of Gonzales (really Ferrand). The story he gave to La Motte became more elaborate when they were joined by Novion who produced a letter from Luis Aury which confirmed that he, Novion, was the owner of the brig. Novion instructed La Motte to purchase and load a new cargo into *San Antonio*.

Aury's cunning plan unravelled when Rise and the original crew of *Jane* returned to Beaufort, recognised their ship despite her new coat of paint and informed



The national flags, in 1813, of:
Top: Great Britain.
Middle: USA
Bottom: Cartagena

the owner, Hallett, who started legal proceedings against Novion.

Court proceedings

The case first went to court in 1816. The judgement of the District Court, that the prize should be restored to Hallett, was upheld in the Supreme Court on appeal. The captors were told to pay him \$29,687 and 80 cents (now worth about \$580,000 or £430,000). Novion had in the meantime been arrested and in 1817 was in prison on unrelated charges of piracy.

Novion's attorney was Aaron Burr, the former vice president of the USA and the man who shot Hamilton in a duel. He managed to get Novion released from prison and then took the *Jane* case to another level of appeal at the Court of Errors in January 1819.

The 'decision of the court was pronounced in an elaborate opinion'. Central to the decision was the evidence from Novion

and three Americans in the crew of *Jane* who said that 'the capture was made under Carthagena colors'. In his own deposition to the court, Rise stated that the privateer at first had no flag, then raised American colours, then changed them to French. He said that he did not know the name or nationality of the captor and was told that 'he might inform his owner when he got to New York that he had been captured by a French pirate'.

The court believed Novion and the American witnesses on this point and accepted that a Cartagena privateer had captured what it believed to be a Spanish ship. Even if the capture was piracy, the case was outside the jurisdiction of the courts that had looked at it and should have gone to an admiralty court; the previous rulings were therefore void.

Novion was awarded \$233 and 24 cents in costs. Luis Aury and Novion kept their prize, despite not following the instructions in their privateer licence to bring prizes to Cartagena which made this an act of piracy. We do not know if the authorities in Cartagena ever found out, but Aury continued privateering in *San Francisco de Paula* during 1813.

Bibliography

Much of the information in this article comes from commentaries on the legal proceeding which were published in the 1800's. An internet search for *Hallett Novion* soon reveals them, but beware for they are not always consistent.

The Royal Naval Biography entry for Captain Fellowes of *Fawn* has relevant information on page 327. It can be found on Wikipedia. https://en.wikisource.org/wiki/Royal_Naval_Biography/Fellowes,_Thomas

* A copy of *Bowditch* exists that was given by Woode Langdon of the brig *Drummond* to Lieutenant Maxey on *Whiting* when she was released from the USA. It has hand-drawn annotations about the second capture by *Diligent*. If anyone knows where to find this copy, please contact the author.

