

IN THE SENATE OF THE UNITED STATES.

JULY 7, 1856.—Ordered to be printed.

Mr. BELL made the following

REPORT.

[To accompany Bill S. 361.]

The Committee on Naval Affairs, to whom were referred the memorials of the representatives of General Nathan Towson, late of the army of the United States, deceased, and David R. Whitely, a member of his command, asking payment for the capture of the British brig Caledonia, have had the same under consideration, and report:

That the facts in support of the claims are embodied in the report of this committee made on the 14th February, 1855, which report is now submitted as a part of the present report, accompanied by a bill. It appears, by a certificate from the Fourth Auditor, herewith appended, that of the prize money awarded by the act of July 13, 1813, Captain Towson received four hundred dollars as his distributive share, but that the Caledonia was not included, although the pay roll was headed for both vessels. The act only appropriated twelve thousand dollars for the capture and destruction of the British brig Detroit, and no provision has ever been made for the capture of the Caledonia.

TREASURY DEPARTMENT,
Fourth Auditor's Office, June 17, 1856.

It appears by the files and records of this office that Nathaniel Towson, who held the rank of captain, received four hundred dollars as his distributive share of the prize money or "reward" appropriated by Congress for the capture of the British brigs "Detroit" and "Caledonia" to J. D. Elliot and the officers and men under his command. It appears, upon a reference to the Statutes at Large, vol. 3, page 4, chapter 8, that the appropriation was for the capture of the British brig "Detroit" only.

A. O. DAYTON,
Fourth Auditor.

IN SENATE, *February 14, 1855.*

The Committee on Naval Affairs, to whom were referred the memorials of General Nathan Towson, late of the army of the United States, deceased, and David R. Whitely, a member of his command, asking payment for the capture of the British brig Caledonia, have had the same under consideration, and report :

That it appears from the official account of Lieutenant Jesse D. Elliot, dated October 9, 1812, and other documents, that being in command of the public armed vessels at Black Rock, he conceived the idea of capturing two British brigs, the Detroit and Caledonia, which had just come down Lake Erie and anchored, the first about two miles above the fort, on the British side of the river, and the latter immediately under the guns of the fort.

That being short of force, Lieutenant Elliot applied to General Smyth for volunteers from the army. The artillery companies of Captains Towson and Barker were allowed to furnish part of the quota, whilst another portion was taken from the infantry. These artillery companies belonged to Colonel Scott's command. Captains Towson and Barker being of equal rank, the command was decided by lot, and the privilege was assigned to Captain Towson. [See the letter of General Winfield Scott, page 6, printed statement. See also the statement, page 8, of Major, then Captain J. N. Barker.] About thirty of the artillery were thus assigned to Captain Towson.

Two boats went off during the night of the 8th of October, 1812, on the expedition thus planned by Lieutenant Elliott—the lieutenant himself commanding one, (with the infantry on board,) and the other being in charge of Sailing-master Watts, with Captain Towson in charge of the artillerists.

After getting near the Caledonia, some hesitation was expressed by the sailing-master as to the possibility of reaching the brig, whereupon Captain Towson at once assumed the command of the boat, and ordered the men to pull alongside. [See the statement of David R. Whitely, one of the artillerists.] In a few minutes, after a severe conflict, in which one of his men was killed and eight others wounded, (one of them mortally,) Captain Towson succeeded in boarding and capturing the Caledonia, with her valuable cargo, valued by Lieutenant Elliot in his official dispatch at \$200,000. Soon after this the Detroit surrendered to Captain Elliot.

The Detroit was afterwards burnt by order of Lieutenant Elliot, to save her from falling into the hands of the enemy; and a similar order was given by him in regard to the Caledonia, but Captain Towson not perceiving the necessity of this, took the responsibility of saving the latter, with her rich cargo, and she afterwards formed a part of Commodore Perry's fleet on Lake Erie, and rendered good service under Lieutenant Turner, in the brilliant action of the 10th September, 1813. [See the statements of Captain Champlin, of the navy, and Major John G. Camp, of the quartermaster's department.] David R. Whitely, one of the artillerymen, whose opportunities of knowing all the circum-

stances seems to have been good, states that he is confident the success of the enterprise, so far as the Caledonia was concerned, was owing to the energy and unflinching courage of Captain Towson, who had the faculty of inspiring all his men with his own resolution and spirit.

The important part borne in this perilous enterprise by Captain Towson, on board the Caledonia, *not only in assuming the command at a critical moment, but in saving the vessel and rich cargo from destruction, at great personal hazard*, is well attested; and Generals Brown and Scott, Major Barker, Captain Champlin, and Major Camp, all concur in commendations of his valuable services to the country. Indeed, his fame is inseparable from the several brilliant actions which rendered the names of Brown and Scott illustrious in the campaign of 1814.

The value of the Caledonia is estimated by Captain Champlin at \$15,000, *without her armament*, and by Major Camp at \$30,000.

The cargo of the Caledonia was estimated by the news of the day at \$200,000. It consisted of valuable furs and peltries. Major Camp states that the skins were used for the army and the fine furs sent to New York. Captain Towson himself stated his impression that a large portion of the cargo of the Caledonia was put into the public storehouses at Black Rock, and some of it burnt by the British. The part sent to New York city was sold by the United States marshal, and no part of the proceeds paid over to the captors. Captain Towson also states that a suit was instituted in the United States district court for the southern district of New York, and, after much delay, on a second trial, a verdict was rendered in favor of the captors of the Caledonia, but for what amount is not known; but that no part of it was ever paid over to the captors.

The present clerk of the United States court states that the books and papers of his office having been burnt, he is unable to give any information at present in regard to the suit aforesaid, but that the amount of the verdict was probably paid into the hands of Heron Rudd, who was clerk of the court from 1812 to 1816, and became a defaulter for about \$60,000.

Captain Towson explains, in a letter, the reasons for his delay in making the application, and is desirous that Mrs. Elliott, the widow of Commodore Elliott, should also be provided for, so far as her husband was entitled for planning the expedition. Mrs. Elliott herself desires to be included, and refers to her papers, connected with an application which she was about to make, in the hands of an attorney, since deceased; but the main facts of the case are referred to as being part of the public records of the times.

On referring to the legislation of Congress on this subject, *it does not appear that any allowance has ever been made for the Caledonia or her cargo*. On July 13, 1813, Congress included in "An act to reward the officers and crew of the sloop-of-war Hornet," &c., a provision "to Lieutenant Elliott, his officers and companions, &c., the sum of \$12,000 for the capture and destruction of the British brig Detroit."

In a joint resolution, approved January 29, 1813, Congress acknowledged the brilliant achievements of Captains Hull, Decatur, and Jones, in the capture of the British vessels Guerriere, Macedonia, and Frolic.

The second section of the said resolution authorized the President to present to Lieutenant Elliott, of the navy, an elegant sword with suitable emblems and devices, in testimony of the just sense entertained by Congress of his gallantry and good conduct in boarding and capturing the British brigs Detroit and Caledonia, whilst anchored under the protection of Fort Erie.

It is with reference to the part borne in this brilliant and hazardous affair by Captain Towson, that the statements of General Scott and Brown, and Major Barker, apply; and in regard to which General Brown said, in his letter of October 8, 1814, "the modesty of Captain Towson forbade him to urge his pretensions; *but the government gave intimation that a suitable notice would be taken of this meritorious act.*"

The delay in this application, as explained by General Towson, does not in any degree detract from the merit or justice of the claim now pending, the facts forming a part of the history of the country.

It is, therefore, recommended that a bill be passed directing payment to be made to the widow of the late Commodore Jesse D. Elliott, to the legal representatives of the late General Nathan Towson, and the other officers engaged in the enterprise, and to the sailors, soldiers, and volunteers accompanying them, according to the usages of the naval service in regard to captures from the enemy, for the capture and preservation of the brig Caledonia. The value of the cargo, or of such part as was applied to the use of the army, is not ascertained with sufficient precision to justify an allowance at present, and, therefore, no action upon this branch of the memorial is deemed advisable.

It was deemed proper, when the subject was under consideration at the last session, that in view of the gallant service, the high responsibility assumed by General (then Captain) Towson at a critical moment, and the important part performed by him, not only in the action itself, *but in saving the Caledonia for useful service in Commodore Perry's fleet*, that special distinction and an honorary reward were due from Congress to General Towson—Lieutenant Elliott having been thus honored as the projector of the enterprise—and the committee unanimously resolved to recommend the presentation of a sword to the gallant general; but before there was time for formal action upon the subject General Towson died, unaware of this intended mark of gratitude and respect. Whether the honor thus intended for the hero himself in his lifetime shall be transferred to his nearest male relative is reserved for future consideration.

In the meanwhile, the committee report a bill providing payment to the captors of the Caledonia for the value of said brig, to be paid according to the usages of the naval service.