

**THE CASE OF THE
PRIVATE ARMED BRIG OF
WAR GEN. ARMSTRONG**

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The Case of the Private Armed Brig of War Gen. Armstrong by Jr. Reid

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JR. REID

**THE CASE OF THE
PRIVATE ARMED BRIG OF
WAR GEN. ARMSTRONG**

D. W. Spofford

INTERNATIONAL LAW.

THE CASE

OF THE

PRIVATE ARMED BRIG OF WAR

GEN. ARMSTRONG,

CONTAINING

LETTERS AND DOCUMENTS REFERRING TO THE HISTORY
OF THE CLAIM; BRIEF OF FACTS, AND AUTHORITIES
CITED; ARGUMENTS OF CHARLES O'CONNOR, ESQ.,
HON. P. PHILLIPS, AND SAM C. REID, JR.; AND
BRIEF OF THE U. S. SOLICITOR

BEFORE THE UNITED STATES COURT OF CLAIMS

AT WASHINGTON, D. C.

WITH

THE DECISION OF THE COURT,

AND

AN APPENDIX

CONSISTING OF

SECRETARY MONROE'S LETTER OF INSTRUCTIONS TO PRIVATE ARMED
VESSELS; THE TREATY WITH PORTUGAL, AND THE
AWARD OF LOUIS NAPOLEON.

REPORTED AND EDITED

BY SAM C. REID, JR.,

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OFFICIAL REPORT

OF

THE BATTLE OF FAYAL,

MADE BY CAPTAIN REID TO MESSRS. JENKINS AND HAYENS, THE AGENTS.

FAYAL, 4th October, 1814.

With infinite regret I am constrained to say it has eventually fallen to my lot to state to you the loss and total destruction of the private armed brig General Armstrong, late under my command.

We sailed from Sandy Hook on the evening of the 9th ult., and about midnight fell in close aboard of a razeed and ship-of-the-line. They pursued till next day noon, when they thought proper to give over chase. On the 11th, after a nine hours' chase, boarded the private armed schooner Perry, John Colman, six days from Philadelphia; had thrown over all his guns. On the following day, fell in with an enemy's gun brig; exchanged a few shots with, and left him. On the 24th, boarded a Spanish brig and schooner, and a Portuguese ship, all from the Havana. On the 26th following, came to in Fayal Roads, for the purpose of filling water; called on the American consul, who very politely ordered our water immediately sent off, it being our intention to proceed to sea early the next day. At 5, P.M., I went on board, the consul and some other gentlemen in company. I asked some questions concerning enemy's cruisers, and was told there had been none at these islands for several weeks; when about dusk, while we were conversing, the British brig Carnation suddenly hove in sight, close under the N.E. head of the

harbor, within gunshot when first discovered. The idea of getting under way was instantly suggested ; but finding the enemy's brig had the advantage of a breeze, and but little wind with us, it was thought doubtful if we should be able to get to sea without hazarding an action. I questioned the consul to know if, in his opinion, the enemy would regard the neutrality of the port? He gave me to understand I might make myself perfectly easy, assuring me, at the same time, they would never molest us while at anchor. But no sooner did the enemy's brig understand from the pilot-boat who we were, when she immediately hauled close in, and let go her anchor within pistolshot of us. At the same moment, the Plantagenet and frigate Rota hove in sight, to whom the Carnation instantly made signal, and a constant interchange took place for some time. The result was, the Carnation proceeded to throw out all her boats, despatched one on board the commodore, and appeared otherwise to be making unusual exertions. From these circumstances I began to suspect their real intentions. The moon was near its full, which enabled us to observe them very minutely ; and I now determined to haul in nearer the shore. Accordingly, after clearing for action, we got under way, and began to sweep in. The moment this was observed by the enemy's brig, she instantly cut her cable, made sail, and despatched four boats in pursuit of us. Being now about 8 p.m. as soon as we saw the boats approaching we let go our anchor, got springs on our cable, and prepared to receive them. I hailed them repeatedly as they drew near, but they felt no inclination to reply. Sure of their game, they only pulled up with the greater speed. I observed the boats were well manned, and apparently as well armed ; and, as soon as they had cleverly got alongside, we opened our fire, which was as soon returned ; but meeting with rather a warmer reception than they had probably been aware of, they soon cried out for quarters, and hauled off. In this skirmish, I had one man killed, and my first lieutenant wounded. The enemy's loss must have been upwards of twenty killed and wounded.

They had now repaired to their ships to prepare for a more for-

midable attack. We, in the interim, having taken the hint, prepared to haul close in to the beach, where we moored head and stern within half pistolshot of the castle. This done, we again prepared, in the best possible manner, for their second reception. About 9 P.M. we observed the enemy's brig towing in a large fleet of boats. They soon after left the brig, and took their stations in three divisions, under the covert of a small reef of rocks, within about musketshot of us. Here they continued manœuvring for some time, the brig still keeping under way to act with the boats, should we at any time attempt our escape.

The shore was lined with the inhabitants, waiting the expected attack ; and from the brightness of the moon, they had a most favorable view of the scene. The governor, with most of the first people of the place, stood by and saw the whole affair.

At length, about midnight, we observed the boats in motion (our crew having laid at their quarters during the whole of this interval.) They came on in one direct line, keeping in close order, and we plainly counted twelve boats. As soon as they came within proper distance we opened our fire, which was warmly returned from the enemy's carronades and small arms. The discharge from our Long Tom rather staggered them ; but soon recovering, they gave three cheers, and came on most spiritedly. In a moment they succeeded in gaining our bow and starboard quarter, and the word was *Board*. Our great guns now becoming useless, we attacked them sword in hand, together with our pikes, pistols, and musketry, from which our lads poured on them a most destructive fire. The enemy made frequent and repeated attempts to gain our decks, but were repulsed at all times, and at all points, with the greatest slaughter. About the middle of the action, I received intelligence of the death of my second lieutenant ; and soon after of the third lieutenant being badly wounded. From this and other causes, I found our fire had much slackened on the forecastle ; and, fearful of the event, I instantly rallied the whole of our after division, who had been bravely defending and now had succeeded in beating the boats off

the quarters. They gave a shout, rushed forward, opened a fresh fire, and soon after decided the conflict, which terminated in the total defeat of the enemy, and the loss of many of their boats: two of which, belonging to the Rota, we took possession of, literally loaded with their own dead. Seventeen only escaped from them both, who had swam to the shore. In another boat under our quarter, commanded by one of the lieutenants of the Plantagenet, all were killed saving four. This I have from the lieutenant himself, who further told me that he jumped overboard to save his own life.

The duration of this action was forty minutes. Our deck was now found in much confusion, our Long Tom dismounted, and several of our carriages broken; many of our crew having left the vessel, and others disabled. Under these circumstances, however, we succeeded in getting Long Tom in his berth, and the decks cleared in some sort for a fresh action, should the enemy attack us again before daylight. About 3 A. M. I received a message from the American consul, requesting to see me on shore, where he informed me the governor had sent a note to Captain Lloyd, begging him to desist from further hostilities. To which Captain Lloyd sent for answer, that he was now determined to have the privateer at the risk of knocking down the whole town; and if the governor suffered the Americans to injure the privateer in any manner, he should consider the place an enemy's port, and treat it accordingly. Finding this to be the case, I considered all hopes of saving our vessel to be at an end. I, therefore, went on board, and ordered all our wounded and dead to be taken on shore, and the crew to save their effects as fast as possible. Soon after this it became daylight, when the enemy's brig stood close in, and commenced a heavy fire on us with all her force. After several broadsides she hauled off, having received a shot in her hull, her rigging much cut, and her foretopmast wounded. She soon after came in again, and anchored close to the privateer. I then ordered the Armstrong to be scuttled, to prevent the enemy from getting her