

## America's Unwitting Pirate: The Adventures and Misfortunes of a Continental Navy Captain

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### Introduction

After the onset of the American Revolutionary War, Patriot leaders realized that an American maritime harassment of British commercial shipping close-to-home and British seaside communities was likely to produce shock — if not awe. This "asymmetric" battle strategy, sometimes-called irregular warfare, uses unconventional tactics to exploit the vulnerabilities of the stronger opponent.



**Figure 1.** Capt. Gustavus Conyngham. Painting by V. Zveg, 1976, based on a miniature by Louis Marie Sicardi. Courtesy of the U.S. Navy Art Collection, Washington, D.C. U.S. Naval History and Heritage Command Photograph.

Several Continental Navy captains were adept at attacking the British near their coastal waters. The most celebrated and skillful self-promoter was John Paul Jones. His exploits as Captain of *Ranger* and *Bonhomme Richard* earned him the title of "pirate" in the eyes of the His Majesty's government. Lambert Wickes was also successfully operated close to the British Isles, but unfortunately Wickes, along with his ship *Reprisal*, was lost at sea in September 1777. Since this tragedy occurred relatively early in the war away from American shores, his fame ebbed like an outgoing Atlantic tide. A third captain, Gustavus Conyngham, also engaged in this asymmetric naval warfare and was credited with 31 ships apprehended, but suffered multiple physical and financial misfortunes. Conyngham received little public gratitude, token remuneration and sparse recognition in history. An examination of his heroic maritime service indicates that he may have been the Revolutionary War's unintended American pirate.

The 1776 Continental Navy consisted of 27 vessels whose mission was to oppose the approximately 270 warships of the British Navy. During the course of the war, somewhere between 60 and 65 vessels were designated as Continental Navy ships. Sources vary concerning the exact number, but the vessels listed include those built for the purpose, converted merchantmen, vessels on loan and those captured and turned against the enemy. Only eleven survived by the war's end. Eleven of the thirteen states commissioned small State Navies. Only Delaware and New Jersey did not authorize navies. Privateering was so important to the founders that the Continental Congress endorsed and protected it. This form of what many consider legalized piracy involved approximately 55,000 Revolutionary War seamen who may have chosen this vocation out

of patriotism but arguably many served because of its potential financial rewards. Close to 1,700 vessels were designated privateers during this time.

The Revolutionary War sea-battles that the Continental, State and Privateer vessels fought against British foes were largely one-on-one or occasionally in pairs. One notable exception was the 1779 Penobscot Expedition, an armada of forty-four American vessels from disparate sources. Three were from the Continental Navy, two from the Massachusetts Navy, one from the New Hampshire Navy and the others were Privateers or transports hired for the specific mission. Unfortunately a powerful British force crushed all forty-four ships, the largest single American naval battle loss until Pearl Harbor in 1941.<sup>1</sup>

### **Early Life and *Charming Peggy***

In 1747 Gustavus Conyngham was born in County Donegal to an Anglican Irish family. This branch of the Conyngham family immigrated to America in 1763. Gustavus Conyngham's cousin, Redmond Conyngham, who had arrived in America some years before, had achieved moderate financial success. Redmond employed his sixteen-year-old relative Gustavus in the Philadelphia merchant firm of Conyngham and (James) Nesbitt Redmond, a company active in the shipping industry.<sup>2</sup>

Gustavus Conyngham did not enjoy formal academics pursuits; therefore he decided that his future vocation might best lie upon the world's oceans. He learned mariner's skills as an apprentice to Captain Henderson.<sup>3</sup> Gustavus, sailing under the tutelage of Henderson in Caribbean waters, displayed a talent for seamanship. Conyngham was so successful that he received an invitation to join the highly regarded Philadelphia Society for the Relief of Poor, Aged & Infirm Masters of Ships, popularly known locally as the "Sea Captain's Club." Its members met for occasional dinners in Philadelphia's City Tavern, where Conyngham met Nicholas Biddle and fellow Irishman John Barry, both of whom would become renowned captains in the Continental Navy. In 1773, at the age of twenty-six, Conyngham married the well-educated Anne Hockley of Philadelphia. A portrait of Conyngham at roughly this age shows him as trim with a healthy head of purportedly red hair, a thin nose and eyes that seem to say, "Whom are you looking at?"

This same time Redmond Conyngham died, Redmond's son David, closer to Gustavus's age, took became a partner within the Conyngham and Nesbitt Company and Gustavus Conyngham was given his first command, the brigantine *Charming Peggy*. At the beginning of the Revolutionary War, the Continental Army desperately needed gunpowder and other military equipment. The Maryland Council of Safety contracted the Philadelphia merchant firm of Conyngham and Nesbitt Company "to procure Munitions of War of every description."<sup>4</sup> In September 1775, (Thomas) Willing, (Robert) Morris and Company, in turn, sent *Charming Peggy* under Conyngham to France to obtain the war supplies and smuggle them back to America.<sup>5</sup> The young captain crossed the Atlantic in three weeks, first stopping at Londonderry. With his Irish brogue, he gave any British subjects he encountered the impression that he was just another merchantman pausing to obtain a cargo of Irish whiskey to sell in England. Believing that his ruse was

unsuspected, Conyngham set sail on his real mission. On 11 November he arrived at the French city Dunkirk, about six miles from the Belgium border. Conyngham's log did not go into the details of his brief detour to Eire, but simply reported, "arrived at Dunkirk after circuitous route, here we could not accomplish in any way our object[ive]."6

Conyngham moored *Charming Peggy* near a British transport that was under repair. Although the port's powder magazine was nearby, getting barrels of powder onboard in the shadow of a manned British ship presented a problem. The solution was to move the precious cargo at night and be very quiet about it. The nearby English crew became suspicious that something was awry. The transport's captain alerted the British consul, Andrew Frazer, who in turn, contacted England's Ambassador to France, Lord Stormont (France David Murray), about Conyngham's suspected shenanigans.

Stormont was becoming increasingly aware of growing French public support for the Americans. They might be on the verge of helping the rebellious upstart Americans against King George III. He demanded that the French Foreign Minister (Antoine Raymond Jean Gabriel de Sartine Charles Gravier) Comte Vergennes do something about this chap named "Conyngham" who is purported to be Irish, but may be an American or an American sympathizer on a clandestine mission to obtain arms for the rebels.

On 3 December, French Admiralty Officers boarded *Charming Peggy* in response to Stormont's complaint. They used iron rods and axes to rummage through the vessel, but found nothing. Somehow Conyngham had received word that the French officials were coming and jettisoned the powder before the search. Without proof of contraband, they could not hold *Charming Peggy's* Captain, so he sailed for Holland minus the needed cargo.

The *Charming Peggy* encountered dense fog in the English Channel and when the fog lifted, Conyngham found that he was in close proximity to a British naval frigate. The frigate's captain seized *Charming Peggy* suspecting that he had captured a smuggler. Conyngham presented false documents that said *Charming Peggy* was a Londonderry vessel and vigorously protested being stopped on international seas. The unimpressed, British captain placed a small prize crew onboard *Charming Peggy* with orders to take the captured brigantine to Plymouth. Once the frigate was out of sight, Conyngham and his men overpowered the prize crew and continued to their destination in Holland.

The military goods for which the Maryland Council of Safety and the Philadelphia merchants had contracted was difficult to obtain openly, therefore Conyngham sailed *Charming Peggy* to Holland's Texel Island. The Dutch, being opportunistic businessmen, brought two vessels to Texel loaded with the desired cargo plus "flints, medicine, [and] cloathing."<sup>7</sup> Contrary winds detained Conyngham's departure and misfortune struck. For reasons not fully understood, a *Charming Peggy* crewman and fellow Irishman named Brackenridge betrayed his captain by telling the local British Consul about the cargo and the vessel's mission. *Charming Peggy* was seized and Conyngham was arrested, the first

apprehension that would prove to be an ill-fated precedent for the young man. Ever alert for a possible escape, Conyngham and some of his crew once again disarmed the guards that had been placed onboard. They put the *Charming Peggy* out to sea, but Conyngham encountered more bad luck. The vessel became becalmed and in danger of recapture, so the captain and crew made for the nearest port. *Charming Peggy* was sold to the Dutch government with the hope that the American would have sufficient funds to buy another vessel that would not create suspicion and complete his undertaking. Because of local corruption, Conyngham was never paid for *Charming Peggy* and was thus forced to search elsewhere for a new ship in order to deliver the contracted cargo.

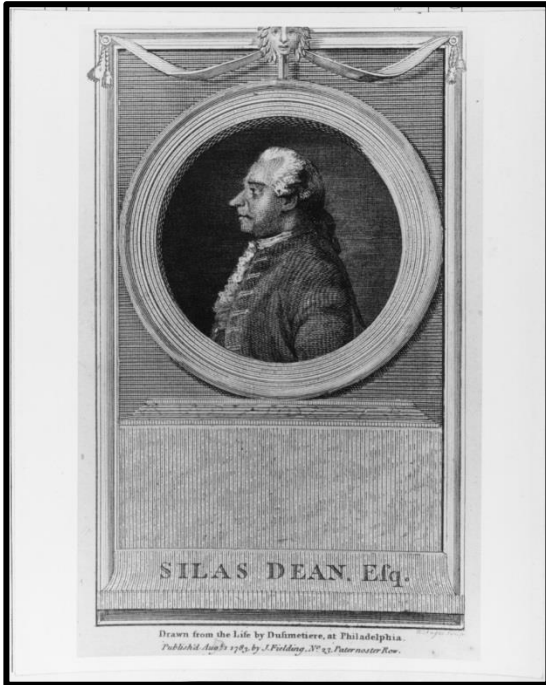
Conyngham had now been away from North America for about eighteen months. The Philadelphia merchants and his wife assumed that he and his ship had been lost, but this was not the case. John Ross, an immigrant from Scotland now under the employ of Robert Morris, had recently arrived in France and sought out American Minister Benjamin Franklin in Paris.<sup>8</sup> Philadelphia merchant William Hodge, purportedly a relative of David Conyngham's wife, arrived in France via Martinique about this time.<sup>9</sup> Hodge had learned that William Bingham, the American Commissioner stationed in Martinique and yet another protégé of Morris, had great success procuring military wares and smuggling them into the American colonies usually via the Caribbean and had turned this into a profitable business. Because Morris's firm had hired Conyngham for his *Charming Peggy* voyage, Ross was aware of Conyngham's daring. Ross initiated a relationship between Hodge and Conyngham that became a convoluted and sometimes puzzling association. Hodge was purchasing European vessels in collaboration with American Commissioners Silas Deane and Bingham. Morris, Deane and Bingham invested in ships used for smuggling but either partly or wholly with public money. They, in turn, were sharing profits from the sale of prize ships and goods that they carried.

### **Without a Ship**

Conyngham made his way to Paris. Without a ship to fulfill his contract, he sought help from Benjamin Franklin. Franklin was about to implement Washington's and Congress's plan asymmetrical warfare against British shipping in their local waters. The hope was to influence commerce, maritime insurance rates and British morale. Secondly this strategy might keep more of His Majesty's vessels on patrol near the British Isles and far from North American waters. Ross recommended Conyngham to Doctor Franklin as a potential captain whom he thought could be effective in harassing British shipping while based in Europe. Franklin also may have reasoned that Conyngham's Irish ethnicity might be useful in conducting irregular naval warfare in the British Isles where he could obtain refuge in Ireland if necessary. Wealthy Englishmen owned much of Eire and these upper-class landlords provided comparatively little for the ordinary poor Irishman.

Franklin held blank commissions to be filled up at his own discretion, but generally "officers [receiving] appointments, . . . were to remain valid for a limited period only."<sup>10</sup> Franklin and his commissioners were recruiting experienced European officers for the Continental Army.<sup>11</sup> Benjamin Franklin filled out a blank Continental Navy commission for Conyngham dated 1 March 1777. No written expiration date or restrictive clause was

contained in Franklin's blank commission. It was signed by John Hancock, the president in Congress and attested to by Charles Thompson Secretary.<sup>12</sup> Conyngham was now a Continental Navy Captain in the company of fellow Philadelphians Nicholas Biddle and John Barry, both of whom he respected.



**Figure 2.** Silas Deane (1737-89) American Statesman & Diplomat. Line engraving by W. Angus after Du Simetiére, published by J. Fielding, London, 1783. Courtesy of Mr. Frederick S. Hicks, Alexandria, VA. U.S. Naval History and Heritage Command.

About this time, American Commissioner Silas Deane of Connecticut was making many lucrative commercial dealings with French businessmen in Paris and likely saw Conyngham as someone who might be useful in Deane's business pursuits. On 22 March 1777 Deane wrote to Conrad A. Gerard "Mr. Conyngham . . . is about to settle at Martonico [Martinique], for carrying on to the greatest advantage Commerce between France and United States of America, for which reason is desirous of being naturalized in this kingdom. . . . As his business obliges him soon to leave Paris, he prays to be informed whether his petition can be granted. . ."<sup>13</sup> It is interesting that Conyngham wished to obtain French citizenship, apparently for business purposes. This never happened, but this apparent commercial relationship between Deane and Conyngham, later would prove politically important.

Privateering was increasingly becoming an important Revolutionary War enterprise.

Sailing under a letter of marque and reprisal

authorized a vessel, but not its captain, to conduct reprisal operations outside the borders of its home nation and profit from the sale of cargos and prizes taken. Ship owners could apply for a letter of marque by providing a detailed description of the vessel, its armament, and demonstrating that they could post a bond to assure that the vessel would observe international laws and customs.<sup>14</sup> It further specified the vessel could attack the enemy only within the time limits of the letter of marque. If the letter of marque grantee failed to comply with the obligations, the letter could be revoked, award of prize money refused, the bond forfeited and legal proceeding for injuries and damages could be sanctioned. An employment-limiting clause in the law stated that at least one third of the privateer's crew had to be landsmen. Presumably this was meant to make a critical mass of sailors available to serve in the Continental Navy. Being a privateer during this time was both potentially lucrative and dangerous. Britain declared America's revolutionary activities as illegal, thus anyone engaged in privateering was considered a pirate and, if caught, punished as the law prescribed. That usually meant being hanged, but no captured American Revolutionary War privateer met death in this way.<sup>15</sup>

First issued by state (colonial) legislatures, as the revolutionary War progressed, in a bill dated 3 April 1776, the Continental Congress also issued letters of marque authorizing commissions of letters of marque and reprisal to capture British vessels and cargoes.<sup>16</sup> Whether of these letters were issued as blank documents to American commissioners so ship owners could apply them to any of their vessels of choosing is not documented. Hodge and his partners were wealthy enough to put up the required bond and perhaps blank congressional privateer commissions might have obtained from Deane, but the primary source confirmation that this occurred is lacking.<sup>17</sup>

A 4 June 1777 document relating to Conyngham, Conyngham and Nesbitt and Company, (Thomas) and (Robert) Morris Company of Philadelphia and Deane indicated that the vessels Hodge obtained were for profit, a business venture. They did not say that they were privateers, but imply that they were used for smuggling operations. Of interest, the letter contains the clause “he has a proper Commission” referring to Conyngham’s naval commission.<sup>18</sup> If “commission” refers to a letter of marque, he likely would have mentioned it. That noted however, it was not unusual for Continental sea officers to engage in profitable privateering while they were waiting to be assigned to a commissioned naval vessel. In fact, some papers and correspondence regarding Conyngham’s activities refer to his vessels as privateers, but it is unlikely that Conyngham saw any of these documents. No documents written *by* or *to* Conyngham refer to his actions as privateering. This is further evidence that Conyngham did not think that he was acting as a privateer.

### **Surprise**

Hodge was fond of luggers and cutters because they were relatively swift and quite seaworthy in turbulent waters. Luggers, widely used as fishing boats, made good vessels for smuggling, interdicting shipping and were readily available in Dunkirk. After learning that Conyngham was seeking a ship, Hodge asked him to assume command of recently purchased lugger *Peacock*. The vessel was partly owned by Deane and Hodge. Conyngham believed that the armed vessel under his command was purchased and fitted by order of Commissioners of the United States. Consequentially he logically considered it to be a Continental Navy warship and his crew were to be “govern’d by the regulations made for Seamen in the Continental Service” and not owned privately.<sup>19</sup> He said in a retrospective narrative dated March 1779 that he “Went on a cruze under my former Commission U.S. Navy.”<sup>20</sup> Adding to this perception, long after the war, one of Conyngham’s first lieutenants, Matthew Lawler, wrote to Navy Board member Timothy Pickering stating that, to his knowledge, he served on a “continental Vessel.”<sup>21</sup>

On 17 April 1777, the *Peacock*, then under the command of John Beach of Dublin, had been surreptitiously outfitted with small cannon and swivel guns. When Hodge passed the command to Conyngham, Beach was appointed his first officer. Conyngham renamed the vessel *Surprise*. Captain Conyngham recruited his crew largely from idle American sailors who had been detained in the ports of France and Belgium plus an assortment of foreign nationals. No French sailors were included at the request of Jean Frédéric Phelpeaux Compte de Maurepas, Prime Minister of France.<sup>22</sup> Prior to the alliance with

the Americans, they were serious about maintaining the strictest neutrality.

Instructions dated 15 July 1777 from another American Commissioner stationed in France, William Carmichael, put a sharper focus Conyngham's mission. In part they stated, ". . . you should not cruise against the Commerce of England, I beg and intreat you . . . that you do nothing which may involve your security or occasion Umbrage to the Ministry of France. Not withstanding which your stock is not abundant . . . or If attackd first by our Enemies, the circumstances of the case will extenuate in your favor of your conduct . . ." in essence you may defend yourself. But Carmichael went on to say that he was to proceed directly to America to deliver dispatches as soon as possible.<sup>23</sup>

Conyngham ignored the order and set out to do more damage to British shipping. *Surprize* sailed in May 1777 from Dunkirk into the narrow English Channel.

Conyngham cruised between the coasts of Holland and England, capturing two vessels while at sea. One was a British mail packet *Prince of Orange* from Harwich carrying mail to the Dutch fortified seaport of Helvoetsluis in the south of Holland. Conyngham "stepping upon the deck of his prize, walked coolly down into her cabin, where he found her master [William Story] and passengers at breakfast. . . . Conyngham believed his acquisition to be of sufficient importance to return to port, and [set a course] to reappear at Dunkirk in a day or two."<sup>24</sup> Along his way he also captured the brig *Joseph* that was carrying a cargo of wine. On 9 May he ordered his two prize crews to make for land with the prizes where they were to make some repairs and then sell them. When *Surprize* and the prize vessels approached Dunkirk's harbor, they encountered two British Navy ketches. The British refrained from firing their guns. Instead, they aggressively attacked Conyngham and his prizes by repeatedly colliding with them damaging their hulls. The British were picking a fight, but wanted Conyngham's men to officially initiate the skirmish by firing the first shot. Realizing that they were now in neutral French waters, Conyngham avoided being ensnared. Refusing to respond, he proceeded to the protection of the neutral harbor deciding to use the courts as a weapon. He would sue the British government for payment of damages to his ships once they got safely to shore. However, his seemingly logical plan failed miserably.

The outraged British Ambassador British protested to Comte Vergennes in Paris. The Treaty of Utrecht of 1713 between France and England explicitly closed the ports of either power to the enemies of the other. Vigorously objecting to Conyngham's seizure of two of His Majesty's vessels in the English Channel, the British sent the 18-gun sloop *Ceres* to blockade the American and his entourage. The French had no choice. They seized *Surprize*, confiscated Conyngham's Continental Navy commission papers and placed him and his crew under arrest.<sup>25</sup>

For Stormont Conyngham's subterfuge was now confirmed. The American was using Dunkirk as a port of convenience, but because of complex interpretation of former treaties, Dunkirk was technically as much a British as a French port at the time. Stories about Conyngham's (aka Cunningham in British broadsheets) seizure of British vessels in the channel were now prominently featured in the English newspapers. The British public had been told that they were winning the war against the rebelling colonies, but

now this premise was being questioned.

The British Admiralty was so upset with Conyngham's audacity that two sloops of war were sent to Dunkirk to extradite the Irish expatriate and his crew to England for trial. For the first time, official dispatches referred to Conyngham as a pirate. Political cartoons of him in the press as such would weigh heavily on Conyngham in the future. Fortunately for the American mariner and his crew, Franklin had garnered the sympathy for the American cause within the French court of Louis XVI. Conyngham, his crew and the *Surprise* were released, but the expatriate Irishman was now a notorious criminal in the eyes of the British. Around this time Carmichael delivered a new Continental Navy commission to Conyngham dated 2 May 1777. The document, dutifully signed by Hancock, once again recorded or validated Conyngham's service in the Continental Navy. This replaced his 1 March 1777 commission document that had been seized and re-certified him as a captain in the Continental Navy.

### *Revenge*

William Hodge, still based at Dunkirk, had other plans for his ship *Surprise* and started to get the lugger ready for sale. Meanwhile Hodge, with Franklin's approval, purchased another ship, the cutter *Greyhound*, and had contracted her conversion into an armed merchant vessel.<sup>26</sup> Vergennes, still smarting from the British objections, asked the French officials at Dunkirk to prevent *Greyhound* from sailing, but Franklin and Deane pushed the local officials to disregard Vergennes's request. In order to get the vessel to sea, Hodge resorted to a ploy. To make the purchase seem innocuous, the papers stated that *Greyhound* had been sold to an Englishman named Richard Allen and *Surprise* was sold to a French woman. To local authorities, Conyngham appeared uninvolved in Hodge's latest dealings.

*Greyhound*, as her name implies, was built for speed. She was 100 tons, 64 feet in length and her beam was 23-feet. The cutter had black with yellow horizontal markings, a single mast, and carried both square sails and a large mainsail fore-and-aft. Merchant Captain Allen changed the name *Greyhound* to *Pegasus*.<sup>27</sup> Everything seemed quite correct. Once Captain Allen was well clear of Dunkirk's harbor however, Richard Allen "miraculously" became Gustavus Conyngham. The Irish-American took

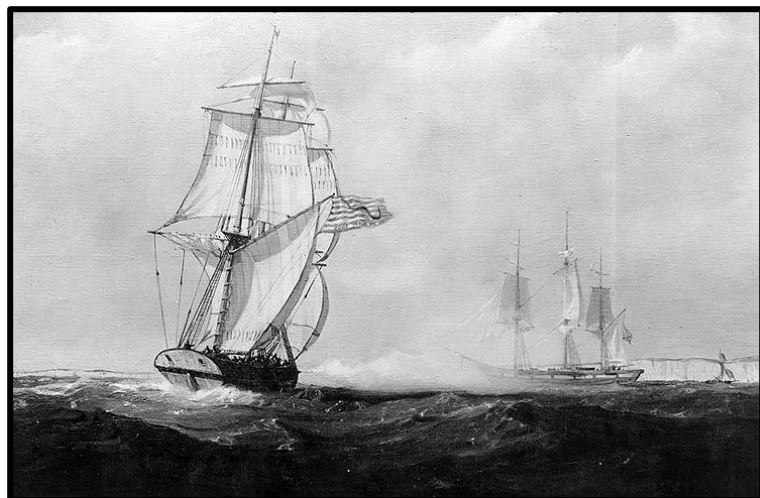


Figure 3. Continental Cutter *Revenge*. In action in the English Channel while under the command of Captain Gustavus Conyngham, 1777-1778. 1930s vintage photograph of a painting by John P. Benson, Kittery, Maine. Courtesy of Mrs. Alice Conyngham Gifford Johnson. U.S. Naval History and Heritage Command Photograph.



command of *Pegasus* and renamed her once again, this time as *Revenge*. In his mind he had resumed his appointment as a Continental Navy officer and the cutter *Revenge* was now to be considered a Continental Navy ship. According to a March 1779 letter he stated, “[I continued in Comd of her [*Revenge*] – Went on a cruze under my former Commision U.S. Navy.”<sup>28</sup> Now at sea, *Revenge* would create havoc with British shipping, capturing or destroying many of their relatively unarmed smaller vessels.

Shortly *Revenge* was formidably armed with 14 cannon and 22 swivel guns. Her crew of 106 was largely comprised of *Surprize* veterans. When Conyngham took *Revenge* to sea on 16 July he was chased and fired on by several British vessels, but escaped. The captain later captured four British small merchant ships; among them was a mail packet with many letters onboard. Stories of the shipping captures caused even greater concern in London. During the years 1777-1778, the maritime insurance rates increased by twenty-eight percent, “higher than at any time in the last with France and Spain.”<sup>29</sup> “Not only did the British merchants ask for protection of war ships for their merchantmen on distant voyages, but they even demanded escorts for linen ships from Ireland to England.”<sup>30</sup> Cargoes were switched to French and other neutral nation vessels.

In a questionable decision, Conyngham landed his prizes at Dunkirk once again. This action caused apprehension now that Conyngham was “back at work” operating out of Dunkirk. An infuriated Stormont once again protested to Vergennes. The French ministry ordered the prizes to be returned to the British owners and imprisoned Conyngham, his crew and William Hodge. Hodge was incarcerated in the Bastille for a time because he had deliberately deceived the French government by outfitting a privateer in the guise of a merchantman.<sup>31</sup> Thus the English were temporarily placated. The British were positive that Conyngham was a pirate and Hodge was an outlaw smuggler. This episode and its affect is succinctly summarized in the following extract of a letter from Silas Deane to Robert Morris:<sup>32</sup>

Paris, August 23<sup>rd</sup>, 1777

Soon after Mr. Hodge’s arrival, we bought the letter that over, and sent her to Dunkirk. Mr. Hodge went after her, and equipped her was great secrecy, designing a blow in the North Sea. He sent Capt. [Conyngham] Cunningham in her, and ordered him to intercept the packet between England and Holland, and then to cruise northward for the Baltic. Cunningham fell in with the packet in a day or two after leaving Dunkirk, and took her. As she had a prodigious number of letters on board, he imagined it was proper you should return to Dunkirk instead of continuing his course. In his return he took a brig of some value, and brought both prizes into port. This spread the alarm far and wide and gave much real ground all complaint, as he had been entirely armed and equipped in Dunkirk, and had returned thither with his prizes. The ministry, therefore to appease England, ordered the prizes to be returned, and Cunningham and his crew to be imprisoned, which gave the English a temporary triumph.

But not discouraged thereby, another cutter was bought and equipped completely in the port of Dunkirk. Cunningham and his crew were set at liberty, and with some address and intrigue he got again to sea from the same port, in a swift sailing cutter. .

. . . His first adventure greatly raised insurance on the northern trade: even the packet boats from Dover to Calais work for sometime in short. On his leaving the port of Dunkirk the second time, he had orders to proceed directly for America; but he and his crew, full of resentment for the insults that they had received from the enemy whilst in prison at Dunkirk and afterwards, attacked the first vessels they met with, and plundered and burnt as they went on. Our last accounts are, that they had taken or destroyed about twenty sail, and had appeared off the town of Lynn, and threatened to burn it unless ransomed; but the wind proved unfavorable, and they could not put their threats into execution. In a word, Cunningham, by his first and second bold expeditions, is become the terror of all the eastern coast of England and Scotland. . . . But though this distresses our enemies, it embarrasses us. We solicited his enlargement; and Mr. Hodge engaged for his going directly for America. I know now how this engagement was expressed, but to appease the British ministry, and drive off an instant war, Mr. Hodge has been arrested and confined. His friends need not be in distress for him: he will soon be at liberty. He merits much from his country having been ready at all times to promote and serve its interests.

Hodge was soon released by the intervention of Franklin or Deane who now had valuable political connections in the French Court. About this time, enmity between Arthur Lee and Silas Deane started to overtly surface and Conyngham's ventures would be given as one of the reasons for the animus. Although convivial, Deane had little patience for bureaucracy. A self-important braggart often appearing as a super patriot, at times his scrupulousness was questionable. Lee, by contrast, was a highly intelligent jack of many trades: a physician, attorney, political essayist and colonial agent. He cast himself as extremely upright, but could be over-zealous in his dealings and appeared quite paranoid.

Deane as Commissioner was asked to procure arms for the Revolutionary War from European powers. Profiting from these dealings, although considered unlawful by today's standards, was normal business at the time. Deane, in particular, had dealings with playwright and staunch American supporter Pierre-Augustin Caron de Beaumarchais. Lee, apparently resentful of Deane's successes, started a campaign to denigrate Deane's character. He later accused Deane of being a secret partner of Conyngham and sharing with the financial rewards from his prizes, therefore abusing his office of Commissioner. On 4 October 1777 Arthur Lee wrote to his brother, Chairman of the Marine Committee Chairman Richard Henry Lee, saying that Conyngham was sent on a cruise into the English Channel contrary to the treaty that the American's had with the British. "It was done by Mr. Deane without consult[ing] or informing us. He has therefore thought it necessary to write an apology for it, which I understand is to be shown about privately, & he seems desirous of persuading us & others to be ill-humour with the Court for taking violent measures to which they have been compelled [sic] by his unwarrantable conduct."<sup>33</sup> Deane was later charged with disloyalty, embezzlement, and charging for supplies that the French has given as gifts to America. Although never verified, the accusations partly led to Deane's ruin.

Conyngham and his crew gained release from the French authorities and *Revenge* set sail, this time for the mouth of the Thames River. He had orders not to attack British shipping, but he was permitted to burn, sink and annihilate the enemy. One order seemed to contradict the other, but Conyngham interpreted the orders to mean: given the opportunity, all British vessels were fair game.

Conyngham wasted little time before sailing *Revenge* into action. He scoured the shipping lanes off the English coast for quarry. He recorded several captures:

21 July, schooner *Happy Return* with a cargo of liquor. Burned within sight of a British man of war.

23 July, brig *Maria* in ballast. Burned at sea. British naval vessels made it impossible to land her as a prize.

25 July, brig *Patty* in ballast. Ransomed for 630 guineas. Sent back to England with orders to remit ransom to the American commissioners in Paris.

26 July, *Northampton*, cargo of timber, hemp and iron. Captured on the North Sea and taken as a prize vessel and sent to Spain.



**Figure 4.** Eighteenth Century French engraving, reproduced in *Letters and Papers relating to the Cruises of Gustavus Conyngham*, edited by Robert Wilden Neeser, 1915. U.S. Naval History and Heritage Command Photograph.

easily subdued, so Conyngham headed back through the Straits of Dover to the western coast of Ireland. “We suffered from Gales sprung our bowsprit, short of supplies put into Kinehead [Northwest coast of Ireland]. We got Watters very little else to be got there,

Conyngham sailed up the North Sea and turned east off Scotland’s coast into the mouth of the Baltic Sea in search of prey. Not finding vulnerable British vessels, he then headed west to rounded Scotland’s Shetland Islands and sailed south toward Ireland. His next capture, the whaler *Venus* with a cargo of whale oil, occurred in August. He sent it down to Martinique as a prize. *Venus*, unfortunately for Conyngham and his crew, was recaptured by the British off Barbados. Their prize money was lost. *Northampton* never arrived in Spain as ordered, but the officer charged with the command of the prize, Benjamin Bailey, landed in Lynn, England instead. Bailey told officials that Conyngham was acting in a piratical fashion. He now became known as the “Dunkirk pirate” to the British populace via its press. Hardly surprised at Conyngham’s criminal characterization by one of his men, Stormont asked Vergennes to issue orders to arrest the rebel if he returned to France.

Meanwhile *Revenge* was having difficulty encountering British vessels that could be

the little we Got, paid them their own price . . . Leaving this place Bare away from ferrol.”<sup>34</sup> While sailing for Spain, even in his ship’s compromised sailing condition, he managed to take the brig *Black Prince* in the Bay of Biscay as a prize. Nearing the Spanish coast, Conyngham encountered a British warship. The ships fired several shots at each other, but storm damaged, *Revenge* was vulnerable. He ordered his ship to “come about” and avoid a fight. When the British Admiralty learned that Conyngham had exchanged gunfire with a Royal warship off the Spanish coast, and was now likely in El Ferrol, a British diplomat protested to the Spanish government.

On 1 September the *Revenge* arrived at El Ferrol, a busy port on the northwestern coast of Spain. During their voyage they encounter a heavy gale that *damaged* the *Revenge*. Conyngham had to have a new masthead and other repairs crafted. Local American agents supervised the work across the Bay of Coruña, by hiring Miguel Lagoanere and Company. The total cost of the repairs came to 37,573 Spanish reales, of which Conyngham paid 12,000 reales in cash. The balance, or 25,573 reales was paid via “a draft for the same amount payable at 40 days . . . payable in Madrid, and in payment of which I pledge in case of need, my person, my belongings present and future, and generally and especially the armed sloop-of-war the *Revenge* which I command and the prizes and ransoms that I have already taken in virtue of a commission from the Congress. . . .”<sup>35</sup> This is further evidence that Conyngham believed that he was in command of a Continental Navy ship and he took personal responsibility for the vessel’s wellbeing.

Conyngham’s prize that he sent into El Ferrol, the *Black Prince*, was loaded with wine and fruit. This cargo should have fetched a good price. Unfortunately at the time the Spanish were even more serious about their neutrality status than the French. The American decided to dispose of the vessel and her cargo by sending *Black Prince* to the French port of Bayonne under false papers he managed to obtain from a Spanish merchant.

Unfortunately for Conyngham the Spanish were becoming concerned about their neutrality status, so in early October the governor of El Ferrol ordered Conyngham to leave. After departing El Ferrol, illogically, he sailed to a second Spanish port, La Coruña. Along the way, the American captured four vessels including the brig *Brothers*, with dried codfish, and the British transport *Two Brothers*, in ballast but with four guns.<sup>36</sup> Conyngham removed the guns off a British flagged transport in a neutral Spanish port and, in doing so, further provoked the British. His Majesty’s consul in La Coruña, an enraged Herman Katencamp, protested to the Third Viscount Weymouth, Thomas Thynne, writing, “This Pirate has been at Ferrol . . .so long that it is almost impossible [that] His Majesty’s Ships . . . should not be apprized of it, yet none of them make their appearance in this Neighborhood. . . .”<sup>37</sup>

When *Revenge* left La Coruña about the end of November 1777, Conyngham took several documents with him. Among them were letters of credit from American agents at La Coruña, Lagoanere & Company, to various merchants imports on the Atlantic coast of Spain saying, “. . . beg you to be so kind as to render all the services with in your power

to the captain and to those who may come from this part, requesting you likewise to make such disbursements for our account as he or his representatives may be in need of, giving us immediate advices of the same that we may reimburse them to you.”<sup>38</sup> He reported the taking of several more prizes, but incomplete and conflicting records make it difficult to trace the *Revenge*’s exact sailings from Spain. In January 1778 Silas Deane (Anglicizing Conyngham’s name) reported “Cunningham had, on 20 December, carried in two prizes to Caroque, One of which sold for 6,000 [reals?] & the other for 4,500 [reals?] & was gone all on a second Cruize.”<sup>39</sup> Conyngham did not sail on the second cruise until the end of January 1778.

Cruising off Cape Ortegal east of Bilbao, *Revenge* encountered and subdued the French brig *Graciosa* en route from London to La Coruña with dry goods that were fully insured in England. The British merchants were shipping goods via a “neutral bottom” in order to avoid capture by the now notorious “Dunkirk pirate.” Conyngham wanted to let her go, but unruly crew, desiring more booty, insisted on taking the vessel as a prize. The potential value of the captured goods was appealing to the crew, but taking a neutral French vessel into a neutral Spanish port was a huge diplomatic blunder. The crew became almost mutinous compelling Conyngham to place a prize crew onboard *Graciosa* and sent her to Bilboa.<sup>40</sup> The prize crew however they put into St. Sebastián along the way — a disastrous move. Once the vessel reached St. Sebastián, Conyngham’s prize crew was jailed and their prize brig, the *Graciosa*, was returned to her French owners.

The report of this incident reached Paris and further inflaming the enmity between Lee and Deane. Conyngham was a favorite of Deane, but Lee found Conyngham’s lack of judgment appalling. For once the two American commissioners were in agreement. Deane berated Conyngham in January 1778 writing, “Every such adventure gives our Enemies advantage against us by representing us as persons who regard not the Laws of Nations. . . .Your Idea that you are at Liberty to seize English Property on board of French or other neutral Vessels is wrong; it is contrary to the established Laws among the maritime Powers of Europe. . . .”<sup>41</sup>

Conyngham apologized to Deane concerning this diplomatic misdeed and dropped all claims to the captured vessel and its cargo. Yet he pointedly questioned if British naval ships could confiscate goods from American vessels, should not Continental Navy vessels be able to do the same? “Have we not a right to retaliate?”<sup>42</sup> Clearly Conyngham, acting under his Continental Navy captain’s commission, wanted the prerogative to engage the enemy at will. He also assumed that Lee was partly behind his letter of reprimand from Deane.

Conyngham set a course for Gibraltar and, on the way, captured and burned a small tender from the 28-gun British frigate *Enterprise*. The warship gave chase, but maneuverable and swift cutter *Revenge* sailed out of range of the British warship’s cannon. Still looking for prey, Conyngham next captured the 16-guns *Hope* with a cargo of silk and fruit that was sent into Bilbao, but one primary source states he relinquished his prize when *Enterprise* reappeared on the horizon.<sup>43</sup> The preferable option was a hasty escape for *Revenge*. A contrary primary source says that on 19 February 1778 letter from

William Hodge to John Ross mentions that the *Hope* and her cargo did arrive in Bilboa along with a discussion about sharing the subsequent prize money. The letter also implies that Silas Deane shared in the proceeds of the venture and Arthur Lee had written a letter that was detrimental to Hodge.<sup>44</sup>

Five vessels surrendered to Conyngham through mid-March and he sent these prizes across the Atlantic to Newburyport, Massachusetts the small seaport at the mouth of the Merrimac River. It is not clear why he selected this relatively obscure port for his prizes. On 10 March 1779, the Marine Committee ultimately wrote to the Newburyport firm of Jackson, Tracy & Tracy to account for the prize vessels that they had received from Conyngham and on the same day, the committee ordered the sale of the cutter *Revenge*. The sale request order is further evidence that *Revenge* was not private property, but a government ship.<sup>45</sup>

Conyngham put into Cadiz around the end of March 1778 and did not leave the port between 24 March and 19 April. Many Spanish merchants were sympathetic to the American rebellion and helped refit *Revenge* in port and by now France had formally allied with of the Americans against the British. The British blockaded Cadiz harbor with two frigates, but Conyngham managed to sail past them during a dark night. He headed for the Canary Islands where he captured and burned several more ships, all the while evading other British frigates with orders to hunt him down. When the American captain returned to La Coruña, his reception was better. While at the Spanish port of La Coruña, his crew demanded payment for their services. This obviously presented problems, but Conyngham somehow managed to find the funds to continue on his quest to harass British maritime commerce.

Leaving Spain once again, Conyngham chased and captured the Swedish brig *Henerica Sophia*, commanded by Captain Peter Helolt. The vessel, carrying a cargo of dry goods, had left London on 9 May; her destination was Teneriffe in the Canary Islands. Silas Deane had previously written Conyngham stating that only neutral vessels, "loaded with Warlike stores & bound to the Ports of our Enemy," could be detained.<sup>46</sup> Dry goods could not be classified as "warlike stores" and Teneriffe was certainly not an enemy port. This was equivalent to the recently bungled *Graciosa* affair. Conyngham may have learned his lesson in international diplomacy, but once again, his crew saw this capture as a lucrative prize. At his crew's insistence Conyngham was pressed into finding way out of the dilemma. He drafted an attestation in which he said, "has directions not to insult any Neutral Flag yet, the Cargoes appearing so plain to be British property we have eng'd him to take her, & try her chance to America."<sup>47</sup> Thus Conyngham sent the Captain Helolt and three of her crew to America, and incarcerated the rest her crew in the hold of the *Revenge*. This ill-considered action caused all sorts of repercussions including letters of rebuke about the "American corsair named Cunningham" from Comte Gustaf Philip Creutz to Comte Vegennes and from Franklin to Ferdinand Grand and Lee to assorted foreign diplomats.<sup>48</sup>

The *Henerica Sophia* was the last vessel that Conyngham captured in European waters. His mission of conducting irregular warfare in the enemy's domain ended. The daring

American was not done however. The *Revenge* arrived in Martinique towards the end of October. Conyngham went on to take five vessels in November, including a privateer schooner *Admiral Barrington* carrying six guns and 14 swivels and the privateer brig *Loyalist* with 10 guns and 14 swivels and fifty men. In addition a Boston newspaper report stated that Conyngham “had an engagement off Barbadoes [sic] with a King’s Cutter of 28-guns which he pursued near the guns of the fort, and which would not have escaped, had it not been for a high sea which prevented his boarding her.”<sup>49</sup>

At Martinique, Continental agent William Bingham was well acquainted with Conyngham’s achievements. Now he had a chance to cultivate a friendship with him. Bingham received a dispatch that Admiral (Charles Henri Théodat) Comte d’Estaing was bringing a French fleet and troops to Martinique, but a British fleet was in the area. On 28 December Bingham sent Conyngham to warn the Admiral that a large British squadron was to his French fleet’s windward and they were therefore vulnerable. D’ Estaing met and engaged the British force, but the cutter *Revenge* was only a messenger. Conyngham was content to be a distant spectator and subsequently returned to the quiet port of St. Pierre on 2 January 1779.

Foreign vessels frequently smuggled arms into Martinique for a quick and quiet sale. Now that there was a sufficient store on hand, Bingham asked Conyngham to deliver fifty chests of vitally needed weapons to Philadelphia for use by the Continental Army. Before he left, Conyngham understated his Caribbean adventures as follows: “Kept the British privateers in Good order in those seas, captured two of them.”<sup>50</sup> Meanwhile the Marine Committee of Congress met in Philadelphia on 4 January 1779 and “recommended that Capt. Conyngham give an account of himself” but the memorial delivered to committee member Samuel Adams was declared “Obsolete” on 10 February.<sup>51</sup> The sometimes-injudicious captain’s diplomatic abuses had triggered questions at home.

After being away from his family for three years, Conyngham and *Revenge* completed the trip in sixteen days with the badly needed chests on 21 February. When Conyngham arrived back in Philadelphia, he was astounded by the firestorm of criticism and complaints he encountered. Some members of his former crew that arrived home before him claimed that they had not been paid their promised wages. In addition, he was unaware that he had become embroiled in scandals surrounding Deane. Arthur Lee and his brother Richard Henry Lee, now chair of the Marine Committee, set out to disgrace Deane. It was alleged that Hodge, who had purchased both the *Surprize* and *Revenge* as privateers, was a partner with Deane and both men profited handsomely from their shares of the prize money derived from Conyngham’s cruises. This was a vituperative move by Arthur Lee, but he only exposed Congress to the surface of the affair. The legality of awarding prize money from Conyngham’s captures was complex. His initial cruises occurred when France was feigning neutrality. He was forced to disguise his prizes in unconventional ways, but with the confidential and private approval of both American and French diplomats. America’s European commissioners delineated his mission. Conyngham effectively defended himself before the Marine Committee. Fighting irregular marine warfare proved to be an effective strategy during the early stages of the Revolutionary War and the seaborne warrior proved his willingness to die for his country.

He claimed his motive was to harass British shipping and any financial gains ensued from his actions were secondary to the accomplishment of his goal. Conyngham's arguments gained sympathy if not success in some quarters.

Conyngham's primary mission as captain of the "Continental Navy Cutter *Revenge*" was over. The *Revenge* was ordered decommissioned by Richard Lee and put up for auction on St Patrick's Day 1779, an ironic and yet perhaps an appropriate day for the Irish immigrant's vessel. The merchant firm of Conyngham and Nesbitt purchased *Revenge* in a move that completed a figurative circle. The obvious choice for her captain was Gustavus Conyngham. The Commonwealth of Pennsylvania, which had been an unsuccessful bidder, chartered *Revenge* for the fortnight to protect the city's commerce on the Delaware River under a letter of marque and reprisal, that is a lawful privateer. By the end of April 1779, the letter of marque charter expired. *Revenge* set out to the Capes of Delaware on a private cruise minus any governmental "paper" cover. What would soon prove to be of legal significance, on 2 June 1779 the Marine Committee forwarded to Colonel John Beatty of Middlebrook, New Jersey, certificates from Deane and others that stated that Conyngham "was duly commissioned commander of the *Surprize*."<sup>52</sup> This is further evidence that Conyngham was likely under the impression that he was in command of a Continental Navy vessel.

### **His Majesty's Prisoner**

Now Conyngham could cruise in waters off New Jersey and New York without the diplomatic double-dealing that was needed in the past to rescue him. Unfortunately his Irish luck ran out once again, this time with far greater consequences. The 20-gun HMS *Galatea* engaged *Revenge* in battle. Conyngham, out-gunned and out maneuvered, was forced to surrender. The British Captain, Thomas Jordan, knew Gustavus Conyngham by reputation, but sticking to maritime protocol, Jordan requested Conyngham's papers. Having none, Conyngham was unceremoniously sent into the orlop (low storage) deck and placed in irons. Once *Galatea* arrived in New York City, his troubles rapidly mounted. Conyngham was incarcerated on a retched prison hulk anchored in the East River. "Conyngham was taken to the provost's prison, where he was weighted down with fifty-five pounds of chains, fastened to his ankles, his wrists, and a heavy iron ring about his neck."<sup>53</sup>

After largely being starved and mistreated for some weeks, the captive was brought before Commodore Sir George Collier. Conyngham's reputation as a despot pirate was well established in England and the Admiral had little sympathy for the American captive. Collier said that he anticipated that he would be hanged as a common criminal. A morning or two later Conyngham was paraded through the streets on a cart to the dock. During this quasi-rogue's march (or in this case ride) he was jeered and insulted by a loyalist crowd. He was then rowed out to the British packet *Sandwich* bound for London. Collier gave orders to have him placed in the grimy coal hold of the packet for the duration of the voyage to British home soil for his public trial and likely execution.<sup>54</sup>



Before *Sandwich* sailed on 12 June, Conyngham was given the opportunity to write a letter telling of his situation to his wife Anne. He wrote, "Sorry I am to inform you that I am on board and to be sent to England. I have in part lost my health and cannot live long in this manner."<sup>55</sup> Conyngham's treatment during the passage was inhumane. Although always kept in irons, he was occasionally allowed on deck in the daylight, but mostly he endured the long passage in the filthy unventilated coal hold. Finally reaching England, "Captain Conyngham was brought from New York to Falmouth on board the *Sandwich* packet, was kept in irons the whole voyage. . . . sent to Pendennis Castle. . . ."<sup>56</sup> While at Pendennis, Conyngham was confined in heavy irons within a small windowless cell sealed with the ironbound door. His room was so full of fleas he found it nearly impossible to lay down and sleep. He begged to at least leave the door left open for fresh air and light because he could not escape. In time this minor favor was granted. Despite Conyngham's ill treatment, his health recovered.

Meanwhile Anne Conyngham, "armed" with her husband's letter, appealed to Congress with the help of influential friends to obtain her husband's release. In arguing the case she wrote a letter to John Jay, the president of Congress, and personally delivered it. She contended that her husband was a commissioned Continental Navy captain and should not be regarded as a pirate. As a naval officer his treatment was a violation of international prisoner of war protocol. She went on to describe the inhumane conditions under which her husband had suffered and went on to say, "The Delay of a single Hour may fix my Husband's fate for ever, Pardon me therefore whist I once more intreat your immediate Attention to his Case; consider Sir's the safety of your numerous officers, and soldiers, by Sea and Land is connected with that of my Husband."<sup>57</sup>

Franklin, as the American Minister in France, had previously asked Stormont that the Americans held in British prisons be subject to an exchange of prisoners. The British emissary condescendingly replied, "The King's ambassador receives no application from rebels, unless they implore his majesty's mercy."<sup>58</sup> On 2 April 1777, Franklin wrote to Stormont, "whereby it will be known to your Court, that the United States are not unacquainted with the barbarous Treatment their People receive, when they have the Misfortune of being your Prisoners here in Europe: And that if your Conduct towards us is not altered, it is not unlikely that severe Reprisals may be thought justifiable, from the Necessity of putting some Check to such abominable Practices."<sup>59</sup>

In due time he agreed saying, "the recognition of American Prisoners as human beings was forced upon Great Britain by the number of British prisoners taken, upon whom retaliation, according to the usages of war, might be practiced."<sup>60</sup>

Congress, moved by Anne Conyngham's petition, indignantly wrote to Admiral Collier in New York to intervene in the matter. His curt unsympathetic reply was, "...civilized nations . . .punish criminals in the usual course of justice, [Conyngham] . . . stands in this predicament, and is therefore sent to England to receive that punishment from his injured country, which crimes shall be found to deserve."<sup>61</sup> Members of The Society for the Relief of Poor, Aged & Infirm Masters of Ships, Conyngham's local sea captain's club, learned of Conyngham's plight. Seventy-nine residents of Philadelphia, mostly sea

captains, angrily protested the severity of the treatment accorded to Conyngham before the Continental Congress.<sup>62</sup> In response and retaliation Congress's Marine Committee ordered a British naval officer, Lieutenant Christopher Hele, formerly of HMS *Hotham* but then confined in a Boston prison, placed in confinement conditions similar to that of Conyngham.<sup>63</sup> This evidently brought the issue to the admiral's attention and led to Conyngham being "removed to Mill Prison, Plymouth. . . and is now rated as an exchangeable prisoner, together with near 109 of his countrymen. . . ."<sup>64</sup>

"Old Mill prison" as it was called was at Millbay, the coastal quarter of Plymouth, England. Jailing several hundred Spanish and French as well as American prisoners, it was built to house American Revolutionary War overflow of prisoners that were released from the abysmal prison hulks. Data indicate that between 1777 and 1783 roughly 10,000 prisoners passed through the Plymouth facility. The prison complex's sturdily constructed stone buildings had a lone access, two eight-foot tall iron gates. Sentries patrolled the gates and the two walls that overlooked the prison yards as well as the road to the prison.<sup>65</sup> Old Mill was an unpleasant place. If you committed "the least fault as they termed it, 42 days in the dungeon on the half of the allowance of Beef & bread — of the worst quality. . . .dogs, cats rats even Grass eaten by the prisoners, thiss [sic] hard to be credited, but is a fact."<sup>66</sup>

Prisoners at Mill and Forton, the second prison where Americans were kept, tried to communicate to the influential Franklin about their hardships. Conyngham succeeded in contacting fellow Philadelphian Thomas Diggs, an American merchant in London. Diggs, in turn, wrote to Franklin about Conyngham's incarceration. In another letter to Franklin, Jonathan Nesbitt said of Conyngham, "He has done so much harm to the enemy that he can expect no mercy at their hands."<sup>67</sup> Franklin responded, "I desire you would take care to supply him with necessaries, that a brave man may not suffer for want of assistance in his distress," and volunteered to pay whatever costs he incurred.<sup>68</sup>

Now largely recovered from the incapacitating health issues of his earlier incarcerations, Conyngham tried to escape several times. Once he nonchalantly walked out of the prison gate after mingling with a group of visitors, but was caught after he started to go his own way. In his second attempt he dressed in a formal dark suit and put on wire-rimmed spectacles in the disguise of a visiting doctor. Putting his head down and pretending to be engrossed in a book, he passed through the prison gates, but was recognized by a prison tradesman and was recaptured. On a particular stormy day, when the guards were seemingly preoccupied by the weather, he broke out again but was soon captured. After these attempts he was placed for a time in solitary confinement, a place commonly referred to by the inmates as the "black hole." On 3 November 1781 Conyngham finally succeeded in escaping with a group of about fifty other Americans.<sup>69</sup> The details of his escape vary among several sources. All agree, however, that he and several men escaped through a tunnel dug under the prison wall.<sup>70</sup> One of Britain's most reviled Americans at large attempting to find a way out of England.

Conyngham and some of his fellow escapees eventually made it across the channel to Holland. On 18 November Conyngham wrote Franklin from Amsterdam, "I brought 3

officers with me. I came by the way of London, it being the safest. At London we met our good friend Mr. Digges, who did everything in his power to serve me and all his countrymen that chance to fall his way. The treatment I received is unparalleled.”<sup>71</sup> He also said that he intended to leave the next day for Dunkirk.

Correspondence from Captain John Paul Jones to Franklin informed him that Jones was at the Texel with the *Serapis* and his squadron. Jones had come into port earlier in the month after his famous battle conducted onboard the *Bonhome Richard*. Franklin noted that perhaps Jones might be able to help find passage home for the recent escapee. When the two men met for the first time, Jones greeted Conyngham warmly. Each had successfully fought the British in their home waters and the British considered both men pirates. The two American “rogues” were briefly united on board the frigate *Alliance*, the ship upon which Commodore Jones had transferred his command.

The British were blockading the Dutch harbor. When the wind blew these vessels off station and the *Alliance* snuck out of Texel. This was 27 December 1779 and by New Year’s Day 1780 she was through the English Channel and off Ushant. Jones continued southwest to the latitude of Cape Finisterre in the hope of taking prizes. After stopping several neutrals, he finally took a small English frigate. On 16 January 1780, after encountering nasty weather, Jones made his way into La Coruña to be refitted and supplied by the now familiar Lazonere and Company.

Jones, still after British prizes, was not planning to sail for North America soon, but Conyngham wished to return home to his family and perhaps a new command, therefore he made his way back to Nantes, France. In June 1781 Conyngham learned that his former employer, Jonathan Nesbitt, had identified a ship that should meet his needs. The vessel, about to be launched at L’Orient, was the *Layona* that mounted 24 twelve and nines. He likely thought that this vessel would be a formidable Continental Navy man-of-war. Conyngham started to muster a crew, but before he could take command of *Layona*, the French Minister of Marine decided that the vessel should remain in French hands. Disappointed he returned to Philadelphia on the ship *Hannibal* whose crew included ninety-five fellow escapees from British prisons.<sup>72</sup>

### **The Peripatetic Seaman Returns**

With the September 1783 signing of The Treaty of Paris, the Revolutionary War finally ended. Conyngham’s naval exploits were condemned in some quarters making it politically difficult to recompense the officers and men who served on *Surprise* and *Revenge* for their naval service. Conyngham had been issued two naval captain’s commissions, signed by the then President of Congress and one personally presented to him by the United States Minister to France, Benjamin Franklin.

On 7 August 1782, Franklin intervened on Conyngham’s behalf requesting the restoration of the 1 March 1777 commission he gave to him as Continental Navy Captain.<sup>73</sup> (For that matter he was also given a second commission dated 2 May 1777 by Carmichael that seemed to have little consequences with Congress’s Marine Committee.) The fact that the

French had confiscated the first commission before they were allied with America, and it could not be produced, was a legal technicality. This appeal was unsuccessful. On 6 October 1783, once again Conyngham appealed to Congress to have his captain's rank in the navy certified.<sup>74</sup> Congress refused and therefore would not pay what he considered was due to him. Conyngham, however, was persistent. He spent seven years trying to persuade Congress to give him the federal back pay he felt that he earned and deserved. Even Secretary of the Treasury Alexander Hamilton was sympathetic. Hamilton tried but failed to advance Conyngham's claim through Congress.<sup>75</sup> On 26 December 1797, Conyngham complained to Congress that "it remains to this day in the same state of Doubt & uncertainty . . . no investigation or report having yet been made. . . [to finally resolve his petition]."<sup>76</sup> The congressional investigation turned out to have a subplot. Arthur Lee was a member of the three-man committee that reviewed the appeal. After three months of deliberation and an opportunity for Lee to humiliate Deane, the request was denied. Congress restated that it considered the commissions issued in Paris were for temporary expeditions and did not confer a permanent Continental Navy rank on the holder.<sup>77</sup> His hope of back-payments from Congress was dashed.<sup>78</sup>

Conyngham temporarily returned to the merchant service. Later he requested a captain's commission in newly formed United States Navy, but was not placed on the captain's list. During the quasi-war with France, Conyngham became part owner and commander of the privateer *Maria* making several cruises in her. For a time, he also sailed the privateer *America*, but unlike his many Revolutionary War harassment and capture accomplishments, he had little success. His wife Anne died in 1811. The next year, with the outbreak of the War of 1812, he tried privateering. Because of his relatively advanced age (sixty-five) and failing health, he was forced to give up this pursuit. After that the War of 1812, Conyngham made two trips to Paris in search of the original commission issued by Franklin on 1 March 1777. With this he thought that he could prove his right to back pay as a Continental Navy captain, even though congress had ruled these commissions were temporary. Gustavus Conyngham died in Philadelphia on 27 November 1819 at the age of seventy-two. His missing commission was discovered in the twentieth century in a collection of American historical papers in a Charavay of Paris auction sale. Paper 143 was a "commission giving the rank of captain in the navy of the United Colonies to one Gustavus Conyngham, and appointing him to the command of the armed vessel *Surprize*."<sup>79</sup>

### **In retrospect**

Gustavus Conyngham is not widely known as a Revolutionary War naval hero, yet he served the cause of American Independence with distinction. He endured many hardships in English prisons. Conyngham was considered a pirate by the British because of the financial injury and loss of morale in the British Isles. Supply and transport ships fell so often to privateers that some British insurers wondered if their captains were taking bribes from Americans to surrender their vessels. Conyngham took many physical risks put his life on the line. His actions were all within the rules of maritime warfare and, because he considered himself a commissioned officer in Continental Navy, he was in the employment of his country.

Conyngham “took thirty-one prizes while in command of *Surprize* and *Revenge*, more than any other American naval Officer did in the Revolutionary War.”<sup>80</sup> The Congress of the United States was not munificent. Sale of his prizes and their cargos produced large sums of money. Conyngham undertook his incursions for several years and he had to provide his crew with food, military provisions, and upkeep of his vessel. The money his prizes brought had to accrue and somehow reach him for his needs to conduct his raids. A few lines in Conyngham’s rabbling account of his cruises gives some evidence about how this was handled. “On arrival of prizes my directions to the prize maters & agents they should advise the Commison [sic.] & take their orders in disposal of the property, Arthur Lee Esq did write the Agents that all prizes made by Continental vessells [sci.]; the funds to be held at his disposal. . . .”<sup>81</sup> Note that that he considered his ships “Continental vessels” and not privateers. He later said, “Several Prizes were made and put into the hands of Messrs. Legoneire & Co, how the Proceeds were disposed of I do not particularly know, but Messrs. Legoneire & Co. had the American commissioners orders respecting them.”<sup>82</sup>

Conyngham pressed to receive a portion of the prize funds (two 20<sup>th</sup> of a share), but he was not allowed compensation for his activities as a naval officer.<sup>83</sup> He believed his nemesis was Arthur Lee who, “not withstanding [provided] every difficulty. . . thrown my way of a settlement.”<sup>84</sup> Unfortunately Congress ruled that his navy commission was considered temporary and therefore they must have considered him a privateer. There is no evidence, however, that Conyngham considered himself a privateer. There is no evidence of *Surprize* and *Revenge* receiving letters of marque nor were either vessel listed in the register of the Continental Navy.<sup>85</sup> Conyngham testified in a claims report to Benjamin Walker, “I always acted under the orders of the Commissioners, and none others, I understood (merely by hearsay) that the money [for the purchase of the vessels] was advanced by private persons, but did not know the terms of the advance, and I never received the smallest shadow of orders from any private person or persons whatever.”<sup>86</sup> In another document written by Conyngham after his service, he stated, “I appyed to Marine board if the Commission I held was or was not sufficient to entitle me as expressed an officer in the AM [American] Navy, should I continue in comd. of said [vessels] & they, and different members of Congress assured me it was.”<sup>87</sup> His lack of awareness that he was acting as a privateer rather than a Continental naval officer appears as self-delusional, but unlikely a ruse. In summary, if Conyngham fought under an “expired” naval commission and his vessels were neither Continental Navy vessels nor were they issued proper letters of marque, according to maritime law, his actions were technically that of a buccaneer. Legally Conyngham could have been tried and, if convicted, hanged —albeit as an unwitting pirate.

Conyngham repeatedly landed his prizes where they would cause diplomatic repercussions and with little concern, an unprofessional act as a naval officer. Also he allowed himself to become a pawn in the historic feud between Silas Deane and Arthur Lee. Gustavus Conyngham was daring, imaginative, resolute, and resilient, but also naïve and, in retrospect, enigmatic. His raids near the British Isles during the Revolutionary War, whether legal acts of asymmetric warfare or guileless piracy, impacted British

morale at home tempered their commercial maritime activity and contributed to the realization of America's independence.

### Notes:

<sup>1</sup> George E. Buker, *The Penobscot Expedition: Commodore Saltonstall and the Massachusetts Conspiracy of 1779* (Annapolis, MD: Naval Institute Press, 2002), and Louis Arthur Norton, "Dudley Saltonstall and the Penobscot Expedition, 1779." *Connecticut History*, vol. 2, #1, March 2003, 19-31.

<sup>2</sup> Horace Edwin Hayden, *Reminiscences of David Hayfield Conyngham, 1750-1834, of the revolutionary house of Conyngham and Nesbitt, Philadelphia, Pa.* (Wilkes-Barre, PA: Extracted from the Wyoming Historical and Geological Society proceedings and collections, v. 8, 1904) 8,10,13,18, and Robert Wilden Nesser ed., *Letters And Papers Relating to the Cruises of Gustavus Conyngham, A Captain Of The Continental Navy 1777-1779*, (Whitefish, MT: Kessinger Publishing, 2006) 9, 21 (Henceforth Nesser, *Letters and Papers of Conyngham*)

<sup>3</sup> Henderson's given name is not recorded.

<sup>4</sup> Robert Wilden Nesser ed., *Letters And Papers Conyngham*, 9.

<sup>5</sup> John A. Manemin, *Captains of the Continental Navy* (Ho-Ho-Kus, NJ: Ho-Ho-Kus Publishing Company, 1981) 100.

<sup>6</sup> Robert Wilden Nesser ed., *Letters And Papers Conyngham*, 9.

<sup>7</sup> Nesser, *Letters and Papers of Conyngham*, 10.

<sup>8</sup> Franklin's formal acceptance by Louis XVI did not occur until the colonies demonstrated that they had some chance of success in their War of Independence by winning the battle of Saratoga in 1777.

<sup>9</sup> Eleanor S. Coleman, *Captain Gustavus Conyngham, U.S.N. Pirate or Privateer, 1747-1819*, (Washington, DC: University Press of America, 1982) 31.

<sup>10</sup> James Fennimore Cooper, *The History of the Navy of the United States of America*, (Philadelphia, PA: Thomas, Cowperthwait and Company, 1845) 84.

<sup>11</sup> Franklin and his commissioners recruited many outstanding European officers to be appointed generals including Gilbert du Motier Marquise de Lafayette, Baron Friedrich Von Steuben and Count Casimir Pulaski.

<sup>12</sup> Nesser, *Letters and Papers of Conyngham*, 1.

<sup>13</sup> Nesser, *Letters and Papers of Conyngham*, 14.

<sup>14</sup> The bonds were \$5000 for vessels under 100 tons and \$10,000 for vessels exceeding 100 tons.

<sup>15</sup> Donald Barr Chidsey, *The American Privateers: A History* (New York, NY: Dodd, Mead, and Company, 1962) 54.

<sup>16</sup> Library of Congress, *Naval Records of the American Revolution, 1775-1788*. Washington, DC: Government Printing Office, 1906, 10-11. (Henceforth *NRAR*).

<sup>17</sup> Robert H. Patton, *Patriot Pirates: The Privateer War for Freedom and Fortune in the American Revolution* (New York, NY: Pantheon Books, 2008) 173; Milton C. Van Vlack, Silas Deane, *Revolutionary War Diplomat and Politician* (Jefferson, NC: McFarland and Company, 2013) 134.

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- <sup>18</sup> Nesser, *Letters and Papers of Conyngham*, 42.
- <sup>19</sup> Nesser, *Letters and Papers of Conyngham*, 216-219.
- <sup>20</sup> Nesser, *Letters and Papers of Conyngham*, 11.
- <sup>21</sup> Nesser, *Letters and Papers of Conyngham*, 223-224.
- <sup>22</sup> Nesser, *Letters and Papers of Conyngham*, 60.
- <sup>23</sup> Nesser, *Letters and Papers of Conyngham*, 64-65.
- <sup>24</sup> Cooper, *The History of the Navy*, 57.
- <sup>25</sup> The American naval captain's commission was taken to Versailles, not to be seen again for about a hundred and thirty years.
- <sup>26</sup> Sarah Vlasity, "Privateers as Diplomatic Agents of the American Revolution 1776-1778", PhD diss, Department of History, University of Colorado at Boulder, 2011) 31. Vlasity noted that the cutter purchased for Conyngham was for the navy.
- <sup>27</sup> Michael J. Crawford, ed., *Naval Documents of the American Revolution* (Washington, DC: Naval Historical Center, vol. 10, 1996) 901. (Henceforth NDAR).
- <sup>28</sup> Crawford, NDAR, 1.
- <sup>29</sup> *Wharton's Diplomatic Correspondence of the American Revolution* (Washington, DC: Department of State, Vol. II,) 262 and 311.
- <sup>30</sup> Edgar Stanton Maclay, *A History of American Privateers* (New York, NY: D. Appleton and Company, 1899) xii.
- <sup>31</sup> Nesser, *Letters and Papers of Conyngham*, 88.
- <sup>32</sup> MSS. Department of State: printed in *Wharton's Diplomatic Correspondence*, Vol. II, 378-382.
- <sup>33</sup> Tim McGrath, *Give Me a Fast Ship: The Continental Navy and America's Revolution at Sea*, (New York, NY: New American Library, 2014,) 160.
- <sup>34</sup> Nesser, *Letters And Papers of Conyngham*, 4.
- <sup>35</sup> Nesser, *Letters and Papers of Conyngham*, 104.
- <sup>36</sup> Some sources identify the vessel as the *St. John Evangelist*.
- <sup>37</sup> Crawford, NDAR, vol. 10, 890.
- <sup>38</sup> Nesser, *Letters And Papers of Conyngham*, 106.
- <sup>39</sup> Nesser, *Letters and Papers of Conyngham*, 118.
- <sup>40</sup> Ethnically mixed crews assembled for a ship in foreign ports sometimes were not always strictly obedient to the captain and his officers. They sometimes constructed rules or social pacts that enumerated rights and responsibilities among the captains and crew. In order to maintain command, prudent captains remained sensitive to reasonable requests of their men.
- <sup>41</sup> Nesser, *Letters and Papers of Conyngham*, 120.
- <sup>42</sup> Crawford, NDAR, 11: 956-957, Conyngham to Lee 1/13/1778.
- <sup>43</sup> Nesser, *Letters And Papers of Conyngham*, 152 (facing page table).
- <sup>44</sup> Nesser, *Letters and Papers of Conyngham*, 123.
- <sup>45</sup> Library of Congress, NRAR, 99.
- <sup>46</sup> Crawford, NDAR., 120.
- <sup>47</sup> Manemin, *Captains of the Continental Navy*, 109.
- <sup>48</sup> Nesser, *Letters And Papers of Conyngham*, 138, 148, 149. Also Franklin's letter to Grand in *Wharton's Diplomatic Correspondence of the American Revolution*, Vol. II, pp. 827-828.

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- <sup>49</sup> Manemin, *Captains of the Continental Navy*, 110.
- <sup>50</sup> *Boston Gazette*, 2/15/79.
- <sup>51</sup> Library of Congress, *NRAR*, 93.
- <sup>52</sup> Library of Congress, *NRAR*, 107.
- <sup>53</sup> McGrath, *Give Me a Fast Ship*, 249.
- <sup>54</sup> Being hanged in public was a common punishment for pirates in England, although by the time of the reign of George III, it was less common. Perhaps Conyngham's Irish ethnicity precipitated his extraordinarily cruel treatment.
- <sup>55</sup> Nesser, *Letters And Papers of Conyngham*, 176.
- <sup>56</sup> Nesser, *Letters and Papers of Conyngham*, 174.
- <sup>57</sup> Nesser, *Letters and Papers of Conyngham*, 180.
- <sup>58</sup> H. Hastings Weld, *Benjamin Franklin: His Autobiography; with a Narrative of His Public Services* (New York, NY: Harper and Brothers, publishers, 1848) 497.
- <sup>59</sup> *Papers of Benjamin Franklin* (Baltimore, MD: Johns Hopkins University Library; Washington, DC: Library of Congress) American Commissioners to Lord Stormont, 2 April 1777.
- <sup>60</sup> Weld, *Benjamin Franklin: His Autobiography*, 497.
- <sup>61</sup> Weld, *Benjamin Franklin: His Autobiography*, 182-183 (Collier to the Secretary of Congress; *Pennsylvania Gazette*, 8/4/79).
- <sup>62</sup> Library of Congress, *NRAR*, 110-111.
- <sup>63</sup> Library of Congress, *NRAR*, 114 and Nesser, *Letters And Papers of Conyngham*, 184, 192.
- <sup>64</sup> Nesser, *Letters And Papers of Conyngham*, 174.
- <sup>65</sup> Several Continental Navy officers had been imprisoned at Old Mill Prison besides Conyngham including, Silas Talbot, Richard Dale, John Sims Green, Joshua Barney and Samuel Alexander to name a few of the most prominent among them.
- <sup>66</sup> Nesser, *Letters and Papers of Conyngham*, 11.
- <sup>67</sup> Nesser, *Letters and Papers of Conyngham*, 185-186, Jonathan Nesbitt to Benjamin Franklin.
- <sup>68</sup> Nesser, *Letters and Papers of Conyngham*, 183. Diggs was later found to be a British spy and embezzled most of the money that he received for the prisoners.
- <sup>69</sup> Nesser, *Letters and Papers of Conyngham*, 190.
- <sup>70</sup> Manemin, *Captains of the Continental Navy*, 112-113.
- <sup>71</sup> Nesser, *Letters And Papers of Conyngham*, 190.
- <sup>71</sup> Nesser, *Letters and Papers of Conyngham*, 174.
- <sup>72</sup> Nesser, *Letters and Papers of Conyngham*, 12.
- <sup>73</sup> Nesser, *Letters and Papers of Conyngham*, 207-208.
- <sup>74</sup> Library of Congress, *NRAR*, 197.
- <sup>75</sup> Nesser, *Letters And Papers of Conyngham*, 213.
- <sup>76</sup> Nesser, *Letters and Papers of Conyngham*, 215.
- <sup>77</sup> Library of Congress, *NRAR*, 200.
- <sup>78</sup> Although there is no direct evidence of ethnic bias Congress's decision against Conyngham, there were anti-Irish feelings in some quarters of the nation, a holdover from the frank British bigotry that occurred during the 18<sup>th</sup> and 19<sup>th</sup> centuries.



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<sup>79</sup> Nesser, *Letters And Papers of Conyngham*, xxii-xxiii. A photograph of Conyngham's 1 March 1777 commission is contained in E. Gordon Bowen-Hassell, Dennis M. Conrad and Mark L. Hayes, *Sea Raiders of the American Revolution: The Continental Navy in European Waters* (Washington, DC: Naval Historical Center, Department of the Navy, 2003) 20.

<sup>80</sup> Bowen-Hassell, et al., *Sea Raiders of the American Revolution*, 41. (It should be noted that none of these vessels were British men-of-war).

<sup>81</sup> Nesser, *Letters And Papers of Conyngham*, 8.

<sup>82</sup> Nesser, *Letters and Papers of Conyngham*, 216.

<sup>83</sup> Nesser, *Letters and Papers of Conyngham*, 221.

<sup>84</sup> Nesser, *Letters and Papers of Conyngham*, 158.

<sup>85</sup> Granville W. Hough, *Maritime Units and Vessels and Their Supporters During American the Revolutionary War (1775-1783)*, web source, <http://www.awiatsea.com>. (Under Gustavus Conyngham, *Surprize and Revenge*).

<sup>86</sup> Nesser, *Letters And Papers of Conyngham*, 218.

<sup>87</sup> Nesser, *Letters and Papers of Conyngham*, 158.