

## HMS GASPEE —THE COURT-MARTIAL

by SAMUEL W. BRYANT

The Graduate School, Brown University

*Rhode Island History*, July 1966, 23:3, pp 65-72.

*Digitized and reformatted from .pdf available on-line courtesy RI Historical Society at: [http://www.rihs.org/assets/files/publications/1966\\_July.pdf](http://www.rihs.org/assets/files/publications/1966_July.pdf)*

HMS *Gaspee*, a schooner carried on the Admiralty List of 21 January 1772 as the smallest of five vessels in Rear Admiral Montagu's North American Squadron, was rated as carrying no guns and thirty men, under the command of Lieutenant William Dudingston. Montagu ordered her to duty halting and searching vessels as they entered Narragansett Bay, an irksome assignment for a mettlesome captain and ship. It was as though an American warship were ordered to coast guard duty.

Montagu objected to the expense the work entailed, and he wrote on 31 January 1772 to Mr. Stevens, secretary of the Admiralty, telling him "of my desire of reducing the expense of Pilotage to the Navy by throwing a part upon the Revenue for the time Sloops and Schooners are employed upon the Service of the Custom House." [1]

Lieutenant Dudingston, perhaps frustrated, certainly ambitious, carried out his duty with such devotion that he and his command became notorious in the Bay. With notoriety came hatred and fear on the part of the merchants, ship-owners, and the waterfront rabble who might at any time be impressed into the Royal Navy. When Dudingston's authority was questioned by a sheriff sent on board HMS *Gaspee* by Chief Justice Stephen Hopkins of Rhode Island, Hopkins found that Dudingston had the full support of Admiral Montagu. This was an inevitable reaction; the Royal Navy was virtually a rule unto itself, and its officers were mantled with arrogance as though so endowed by nature.

The Rhode Islanders, in contrast, were of the tradesman breed, eager to make a shilling either legally or illegally.: when their pocketbooks were affected, their complaints that their rights were being infringed grew shrill. The English knew the colony as the 'latrino' of New England. HMS *Gaspee* had caused losses to several Providence and Newport merchants by seizing their vessels and sending them to Boston to be tried in the Vice-Admiralty Court there. It was considered impossible to get a just decision in such cases in a Rhode Island court. Even if a ship was condemned and offered at auction in Rhode Island, only the owner bid for her. Among the merchants HMS *Gaspee*, had annoyed were the members of Nathanael Greene & Co., whose sloop *Fortune* she had seized. *Fortune's* cargo included "twelve hogsheads of West India rum, containing about fourteen hundred gallons, forty gallons of Jamaica spirits and one hogshead of brown sugar, all of the value of two hundred and ninety-four pounds lawful money." [2] She was condemned in Boston and her owners began a suit to recover damages that was to last for years.

Working in this atmosphere of animosity, HMS *Gaspee* was going about her lawful occasions on 9 June 1772, running up the Bay to Providence to pick up some of her ship's company who had taken a prize to Boston and were coming to Providence overland, when she ran hard aground on a sand spit with the tide running out. The news reached Providence, seven miles away early that evening, and drums began to beat along the waterfront. An expedition was formed to attack the stranded vessel before the tide could flow and float her.

At about 12:45 a.m., June 10, in the moonless dark, HMS *Gaspee* was attacked by an overwhelming force and set afire. Lieutenant Dudingston was gravely wounded, and the crew handled roughly. The attackers, guilty of treason under English common law, had the wit to preserve a pusillanimous anonymity.

Lieutenant Dudingston, when he had recovered from his wounds, went to England on HMS *Beaver* to stand trial for the loss of his command, for whenever a Royal Navy ship is lost, her commanding, or senior surviving officer, must account for the loss of His Majesty's property to a court-martial.

A key document in the case that has recently come to light is the following record of that trial:[3]

---

**MINUTES OF A COURT-MARTIAL ASSEMBLED ON BOARD HIS MAJESTY'S SHIP  
CENTAUR IN PORTSMOUTH HARBOUR ON THE FOURTEENTH DAY OF OCTOBER 1772.**

PRESENT

|                             |                          |
|-----------------------------|--------------------------|
| Captn. Richard Hughes Junr. | Captn. Thos. Collingwood |
| John Wheelock               | George Balfour           |
| John Bentinck               | Richard King             |
| Charles Douglas             | Henry Davis              |

APPEARED

Wm. Dudingston. Lieut. & Commander of His Majesty's late Schooner *Gaspee*  
Wm. Dickinson — Midshipman  
John Johnson—Boatswain's Mate

&

Thomas Parr, Edward Pullibeck, & Bartholemew Chivers — Seamen

AUDIENCE ADMITTED

The Order of the Right Honourable Lords Commissioners of the Admiralty dated the seventh Day of October instant directed to Captain Edward Jekyll, Commander of His Majesty's Ship *Egmont* and now Senior Captain of His Majesty's Ships and Vessels at Portsmouth for assembling a Court Martial to inquire into the Loss of His Majesty's Ship *Gaspee* in Providence River, Rhode Island on the tenth Day of June last, and to try Lieutenant Dudingston together with such of the Officers and People who belonged to her at the Time and are returned to England in His Majesty's Sloop *Beaver* for their conduct upon that Occasion, was read.

The Members of the Court and Deputy Judge Advocate, then in open Court and before they proceeded to Trial, respectively took the several Oaths enjoined and directed by an Act of Parliament made and passed in the twenty-second Year of the Reign of our late Sovereign Lord George the second entitled "An Act for amending explaining and reducing into one Act of

Parliament the Laws relating to the Government of His Majesty's Ships Vessels and Stores by Sea."

Lieutenant Dudingston was then acquainted by the Court that it was incumbent on him to account to the Court for the Loss of His Majesty's Schooner the *Gaspee* under his Command.

On which he delivered a Narrative marked with the Letter A. which was read & is hereto annexed.[4]

He then desired that Bartholomew Chivers and Mr. Dickinson might be sworn to support the Narrative.

BARTHOLOMEW CHIVERS SEAMAN SWORN.

Q. Was you sentinel on the Quarter Deck when the *Gaspee* was lost?

A. I was.

Q. At what Hour?

A. Three Quarters after twelve at Night.

Q. Relate the Circumstances to the Court.

A. I saw four or five Boats coming from the Shore. I hailed them but had no answer. I tried to fire but the Musket snapped six or seven Times. I acquainted the Captain and Midshipman of it. I took the People at first for Rocks. the Captain came on Deck in his Shirt. He went forward to the Starboard side for Chains. I hailed them again they answered, "God damn your Blood, we have you now." The Schooner was aground they came alongside. The Captain called for Matches but could get none. He called for Arms but the Arms Chest was locked, the Captain ordered all hands to he called, the Captain ordered the Boats to keep off, and kept striking with his Hanger sword to keep them off, and he threatened to fire into them. They cursed and swore that they would come on board, they then fired a Musket at the Captain and wounded him. The Captain went off the People from the Boats got into the Vessel so fast as they could, they told the People they should not come up the Shuttle, they then said, damn them let them come up, and we will do for them, they drove them down the Hatchway and took possession of the Vessel, swore they would burn the Schooner and put is all to Death, they ordered the Crew up one by one and pinioned them, put us into the Boat and carried us ashore, they released me to assist the Captain.

Q. How many Boats?

A. There were many Boats, about five or six Boats — they said about eight or nine.

Q. How many men?

A. About two hundred.

Q. How many had you on hoard?

A. About nineteen Persons, the Master and four Men were gone on Duty to Boston with a Vessel which we had seized.

WILLIAM DICKINSON MIDSHIPMAN SWORN.

Q. Relate what you know of the Loss of the *Gaspee* Schooner.

A. About half past twelve on the eleventh of June the *Sentinel* came down and made an Alarm that there were a Number of Boats coming down the River. Mr. Dudingston was going in his Shirt on Deck. I was close to him he told me to go back and get the Keys of the Arm Chest which were in the Cabin. I went on Deck opened the Chest. and threw some arms on Deck. I took up one and fired it, the Boats were then about forty or fifty Yards from the Quarter Deck. I went forward and saw Mr. Dudingston striking a Person coming into the Chains with his Hanger, there were Pistols fired from us, I don't know how many, the Fire was returned from the Boats, and Mr. Dudingston was shot, they then came on board us, and I saw them beating two of our People down the Shuttle. Mr. Dudingston went aft, and I stood by him, our other People were driven down. Then the Witness referred for what passed on the Deck to the Deposition<sup>[5]</sup> taken before Governor Hutchinson accompanying the Order.

Q. How many on Deck at the Time of their Boarding?

A. Six.

Q. How long was it between your first seeing them in the Time of their Boarding her?

A. Not quite three Minutes.

Q. Were there any wounded in the Boats?

A. I don't know.

Mr. Dudingston acquainted the Court that he was informed that one of the People in the Boats was privately buried ashore.

COURT ASKED:

Q. Do you apprehend every Measure was pursued that could be on so short a Notice for the Preservation of His Majesty's Schooner?

A. Yes.

Q. Was you tied as the others were?

A. Yes, and thrown into the Boat, and afterwards on the Captains wanting me they released me.

Q. Did they set her on fire?

A. Yes I waited on shore 'til I saw her on Fire.

Q. Were you released on the Shore?

A. Yes.

Q. How many People do you think boarded her?

A. About one hundred and fifty in seven Boats. which I counted in Launches and Merchant Ships Boats.

Q. Had you any Fire on board?

A. None but Candles they struck a Light an Hour and a Half before I left her.

Q. How many Persons were on board of the Schooner's Complement?

A. About nineteen.

Mr. Dudingston acquainted the Court that the Reason of his sending for Mr. Dickinson and Chivers down into the Cabin was that they might take particular Notice of the Peoples Features who were there.

Captain John Linzee late of His Majesty's Sloop *Beaver* sworn. Mr. Dudingston asked-

Q. You know the Spot when' the *Gaspee* was destroyed and as I had only left you a few Hours could you suppose I could possibly have the least Reason to apprehend an Attack from the Shore in the Manner I did being so far from the Shore?

A. I am of the Opinion there was no Reason to apprehend any Attack as she lay four Miles from any principal Town,

COURT ASKED

Mr. Dudingston have you any Objection to the Conduct of the Officers or People?

A. None, they would have done their Duty had they had their Clothes on.

The same question was put to the People as to the Captain's Conduct.

A. He did his utmost.

THE COURT WAS CLEARED.

The Court agreed that the Schooner was seized in the Night by a Number of armed Men in Boats that Mr. Dudingston and the Rest of the Officers and People belonging to her did their Duty in opposing the Seizure to the Utmost of their Power on so short a Notice and that they should be honorably acquitted.

The Court was opened and Sentence passed accordingly.

Thos. BINSTEED  
*Deputy Judge Advocate.*

---

Dudingston was promoted soon after the Court found him blameless, and eventually became a rear admiral.

The search for the criminals continued for nearly a year but no one was ever convicted. Since the court which convened in Newport had orders to send the culprits to England for trial the

colonists objected strongly; it was their conviction that Great Britain had no right to transfer such accused prisoners to England, far from the scene of the crime. On this point Rhode Island was supported widely by several of the colonies and to a modest extent the incident helped to create the spirit of union which later, with the Tea Party and the Coercive Acts, led to Revolution.

---

## APPENDIX

PAWTUXET, 12th June, 1772.

SIR:—On Wednesday morning, about one o'clock, as his Majesty's schooner was lying upon a spit of sand called Nancutt, the sentinels discovered a number of boats coming down the River towards us. As soon as I was acquainted with it, I came upon deck and hailed the boats, forbidding them to come near the schooner, or I should order them to be fired upon. They made answer, they had the sheriff with them, and must come on board. I told them, the sheriff could not be admitted on board at that time of night, on which they set up a hallow and rowed as fast as they could towards the vessel's bows. I was then using every means in my power to get the guns to bear upon them, which I could not effect, as they came right ahead of the vessel, she being aground.

I then ordered the men to come forward with their small arms and prevent them from boarding. As I was standing myself to oppose them, and making a stroke with tiny sword at the man who was attempting to come up, at that instant I found myself disabled in my left arm, and shot through the groin. I then stepped from the gunwale with an intention to order them to retire to close quarters, but soon saw that most of them were knocked down, and myself twice (after telling them I was mortally wounded) They damned me, and said I was not wounded;—if I was, my own people had done it. As loss of blood made me drop down upon deck, they ordered me to beg my life, and commanded the people to surrender. As I saw there was no possibility of defending the vessel against such numbers, who were in every respect armed and commanded with regularity by one who personated the sheriff, I thought it best for the people's preservation. to propose to them that I would order them to surrender if they assured me they should not be hurt, which they did. I then called out, which was immediately echoed by the people round me, that I had given them orders to surrender. They hurried all the people below and ordered them up one by one and tied their hands behind their backs, then ordered them into different boats. I then begged they would either dispatch me or suffer my wounds to be dressed: upon that they allowed any servant to unbound to get me things for dressing, and carried me below. But what was my surprise when I came down in the cabin, two surgeons were ordered down from the deck to dress me. who were furnished with drops and began to scrape lint for that purpose. During this time I had an opportunity of observing the persons of about a dozen, who were in the cabin. They appeared to me to be merchants and masters of vessels, who were at my bureau reading and examining my papers. They promised to let me have the schooner's books and my clothes; instead of which, as they were handing me up to go in the boat they threw them overboard, or into some of the boats, I was soon afterwards thrust into a boat, almost naked. During the time they were rowing me on shore, I had an opportunity of observing the boat, which appeared to me to be a very large longboat. I saw by the man who steered her a cutlass lying by him, and directing the men to have their arms ready. As soon as they put off, the Sheriff gave them orders to land me on some neck, and the boat to come off immediately, and told me if I did not consent to pay the value of the rum I must not expect to have any thing belonging to me

saved. I made answer, whatever reparation law would give, I was ready and willing; as to my things they might do with them as they pleased. They were accordingly going to land me on this neck, which I told them they had better throw me overboard. One man, who had a little more humanity than any of the rest, said they had better land me at the Point of Pawtuxet. As I was unable to stand, they unbound five of the men and gave them a blanket to carry me up. When I was half way on shore I heard some of the schooner's guns go off, and heard the people say she was on fire. I had not been carried far when the people exclaimed, I was on an Island; and they saw no house—on which they laid me down and went in quest of one. Soon after they came to acquaint me they saw one, which I was carried to; a man was immediately dispatched to Providence for a surgeon. A little after the people joined me with the midshipman; all of whom that I could persuade are sent on board his Majesty's sloop *Beaver*. The schooner is utterly destroyed, and every thing appertaining to her, me, and the schooner's company. If I live, I am not without hope of being able to convict some of the principal people that were with them. The pain with the loss of blood rendered me incapable of informing you before of the particulars. There are none of the people any ways wounded, but bruised with handspikes.

I am, etc. your most humble servant.

W. DUDINGSTON

---

This article was developed in the course of work on a Maritime History of Rhode Island. The writer is a student in the History Department of The Graduate School.

1. Montagu's Journal, entry of 31 January 1772.
2. Court of Common Pleas, July term, 1772; 720-725.
3. Admiralty records more, than fifty years old are in the custody of the Public Record Office, Chancery Lane, London, W.C.2. The record of Dudingston's court martial (Adm. 1/5305) is listed in the "Index of Officers Tried to Court Martial from 1750 to 1792 with Index of Ships Lost" (IND. 4782). A photostatic copy of the court record has been deposited in the Library of The Rhode Island Historical Society, Crown copyright.
4. It is likely that this 'narrative' did not differ greatly from Dudingston's report to Admiral Montagu, which is reprinted here as an appendix.
5. This deposition is similar to Dudingston's report to Montagu.