

The Earliest Known “Stars and Stripes”

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Le drapeau américain, que l'on connaît bien aujourd'hui comme la bannière étoilée, a été hissé la première fois en mer par un navire-corsaire pendant la Guerre de l'Indépendance américaine. Jusque-là, le corsaire avait connu une série de campagnes remarquable, mais son butin de guerre a réussi à s'échapper lors d'un engagement avec le navire britannique Bridgewater East Indiaman. Par la suite, le capitaine a demandé que l'événement soit immortalisé dans un tableau par Francis Holman (1729-1784), un peintre de vie marine respecté. La campagne de ce corsaire est importante non seulement parce qu'elle représente la première utilisation d'un drapeau aujourd'hui bien connu, mais aussi parce que les documents de l'époque illustrent les difficultés que l'on pouvait éprouver devant une cour d'amirauté, même dans un port allié et un territoire de compétence supposé ami.

The first known use at sea of the now familiar American “Stars and Stripes” flag was by a privateer during the American War of Independence. In an otherwise successful series of cruises, in one engagement, with the British East Indiaman *Bridgewater*, her intended prize got away. *Bridgewater's* captain had the event immortalized in a painting by Francis Holman, (1729 - 84), a well respected marine artist. The cruise of that privateer is of interest for reasons other than the first use of a now familiar flag. Contemporary records reveal the difficulties that could be encountered in an admiralty court, even in an allied port and supposedly friendly jurisdiction.

During the American War of Independence the American privateer *Hampden* was fitted out at Portsmouth, New Hampshire in the spring of 1778 under Lieutenant Samuel Pickering.¹ Owned by one John Langdon, at 400 tons, armed with twenty-two guns,² and with a crew of 150 men, she was one of the largest

¹ The author is grateful to Walter Lewis for his assistance in tracking down several references, to K.N. Kellow of the website “The American War of Independence at Sea” and the huge resources which he has made available, and to Christies for permission to reproduce the painting by Francis Holman.

² Six x 9-pounder, 14 x 6-pounder and 2 x pounder.

privateers intended to prey on English shipping.³ A recruiting poster for marines to be commanded by “Captain of marines George Waldron” in the *New Hampshire Gazette* on 9 June 1778 described her as: “Mounts twenty-two Guns, nine and six Pounders. The Accommodations on Board are elegant, and suited for Convenience of all concern’d. The said Hamden (sic), without any Complement, mental Reservation, or Equivocation, is suppos’d to be as fast a sailing Vessel as any yet that has been fix’d out in the Thirteen States, therefore can take or leave.”⁴

Hampden sailed for European waters in August 1778, and took several prizes which were sent into France. One prize was the brig *Harmony* “with a cargo of great value;”⁵ another was the French *Constance* which had been taken by a Guernsey privateer on 29 September 1778 and was retaken by *Hampden* on 2 October 1778, and a third was a Danish-flagged vessel, *Linderust*. Pickering sent his prizes into Brest and followed them there, but the recapture of *Constance* was to cause Pickering some trouble. He wrote to the American commissioners in Paris, the senior of whom was Benjamin Franklin and thus effectively the USA’s ambassador to the French king: “I arriv’d here on the 6th Octor. last from a Cruize from the Port of Pisscataqua in the State of New hamshire N. America ... in the Course of my Cruize I fell in with a French Ship called the *L’Constant* from St. Domingo bound to Bourdeaux. Which sd. Ship, had been taken four days before by a Guernsey Privateer.”⁶

Pickering, thinking that *Constance* was his, told Franklin that he had sold her and her cargo for £12,600 sterling (note the currency), “on Condition that they should indemnify me from all Damages and Incumbrances whatsoever that should attend the Sale thereof’ ... in regard of the Cargoe of the Ship, as she was Leaky when I retook her, in this also I was to be Clear & free from all Damages therein.”⁷

This was a fine start to Pickering’s privateering cruise. However, *Constance*’s original owners, understandably wanted their ship back and started legal action. Pickering wrote again to Franklin (the much improved spelling and orthography must be due to his lawyer):

In accordance with the marine ordinance of 1681 [Pickering] addressed himself to [Peter] Riou within twenty-four hours. Captain Moody of the

³ Maclay, Edgar Stanton, *A History of American Privateers*, (New York: D Applteon & Co, 1899), 135. Maclay erroneously lists her commander as Salter, who later commanded her later during the Penobscot Expedition.

⁴ *The Freeman’s Journal, or, The New-Hampshire Gazette* [Portsmouth], Tuesday, June 9, 1778.

⁵ Report of the Adjutant General of the State of New Hampshire for the Year Ending June 1, 1866, Concord Pickering to the American Commissioners in France, 28 January 1779, in Franklin Papers www.franklinpapers.org : George G. Jenks, 1866, II, 369.

⁶ Pickering to the American Commissioners in France, 28 January 1779, in Franklin Papers www.franklinpapers.org

⁷ *Ibid.*

prize ship was in attendance, and two Frenchmen from on board the ship were also questioned by admiralty judges. The legitimacy of the capture was established by these formalities, and Pickering and Riou considered their legal obligations fulfilled. They believed they were following the precedent set by Captain Jones, who had been allowed to sell his prize. Pickering therefore gave Riou power of attorney to sell the ship and all its goods. The buyers, Lestume and Coquillon, took possession on October 16 and proceeded to unload and sell the cargo right under the eyes of the [French] admiralty.⁸

The Captain Jones whom Pickering hoped had set a precedent was, of course, John Paul Jones.

Jones was in Brest recruiting for the *Bonnehomme Richard*, which was being prepared for service in the Continental Navy at L’Orient. Jones was impressing as many American seamen as he could find, and evidently had shanghaied men who belonged to Hampden. Pickering protested to Franklin: “I Assume the Liberty of Writing you per this Post, advising you that Capt. Jones has impos’d on himself the dignity of a Continental Officer, and thereby securing all Desserters from American Vessels to the great Prejudice of the United States. As I humbly Conceive it a matter of great Consequence to suffer such Unnatrual & Illegal Proceedings, must humbly request of you to put a stop to his further proceedings.”⁹

Meanwhile Pickering receiving payment for *Constance* on 18 October, shared the proceeds with his crew, and prepared to set out on another privateering cruise. All was peaceful until Riou was notified on 22 October that an admiralty court’s ruling of 27 September regarding the procedures for selling ships and cargo applied to Pickering. After calming down angry buyers by assuring them that all parties had been acting in good faith, and that they could continue to sell off the goods, Riou wrote to Franklin for his assistance, but apparently received no answer.

On 1 December 1778 *Hampden* sailed again, in company with seven French frigates. Franco-US cooperation was not all it could have been and Pickering complained that ‘I apply’d to the [French] Commodore for their Signals at Sea, but he would not grant me’.¹⁰ Later he wrote:

I sail’d from this Place the 1st: Inst: in Company as above, with an intended Cruize for 4 Months and then To proceed to North America; but meeting with bad Weather and Contrary Winds on the Coast, I soon Lost

⁸ Letter, Peter Riou and Thomas Pickering to the American Commissioners, 23 December 1778, in Franklin Papers. www.franklinpapers.org

⁹ Letter, Pickering to Franklin, 23 November 1778, in Franklin Papers. www.franklinpapers.org

¹⁰ Letter, Pickering to Franklin, 30 December 1778, in Franklin Papers. www.franklinpapers.org

Compy. of the French Ships, however I stil continued my Cruize, and on the 8th. Inst. was Chased by two Frigates in the Channell which I took to be English Cruizers, but they proved to be French Frigates, and in Order to avoid being Taken I Crowded such Sail on my Ship She sprung a Leak, Carried away the Fore Top Mast, and sprung the Bowspritt, and was Oblig'd to put away for this Port.”¹¹

Pickering returned to Brest on 19 December, after an eighteen day cruise, having picked up just two, small prizes. He told Franklin on 22 December:

I have taken two Prizes—the one a Brigantine from Newfoundland Loaden with dry Codd Fish—The other a Dutch Dogger from Barcalona Loaden with Nutts—bound for London. Notwithstanding the Dutch Captain first Possitive Declaration when I took him on Board the Ship *Hampden* that the Cargoe belong'd & was Consign'd To some Merchants in London, he now has made a nother Declaration, since he came in here, which says he is not Certain whether the Cargoe is a Spanish Property or English upon the whole (by the request of Monsieur Peter Riou a Gentleman who is Kings Lingester here and has heretofore Transacted my Bussiness for the Captors &c: with the greatest Integrity & faithfulness) the Court of Admiralty, has taken the Vessel & Cargoe under their Immediate Care & Inspection and have Seal'd the Vessels Hatches down, until such Times as they can inform themselves better of the Property &ca.¹²

In Brest Pickering also discovered that the owners of *Constance* were pursuing their legal claim, and next day he wrote again to Franklin, asking for his help. Somehow one imagines Pickering with his pen in his teeth: “Before I attempted the saile of the Ship and Cargo I made my Self acquainted with the laws and Customs of France which was if any Prises or Prisses that was taken by the Enemy being in there hands more then Twenty four Hours then Retaken was a total prise to the Ratakers.”¹³

Pickering was afraid that the claim by *Constance's* original owners would detain *Hampden* in Brest.¹⁴ Peter Riou and Pickering write jointly to Franklin:

The admiralty officials on December 5 sequestered the prize ship [*Constance*] and its contents, and even forced the buyers to show them where the resold goods had been taken. The buyers turned to the Council

¹¹ Ibid

¹² Letter, Pickering to Franklin, 22 December 1778, in Franklin Papers. www.franklinpapers.org

¹³ Letter, Pickering to Franklin, 23 December 1778, in Franklin Papers. www.franklinpapers.org

¹⁴ Letter, Pickering to the American Commissioners in France, 28 January 1779, in Franklin Papers. www.franklinpapers.org

of Prizes for help, but so did Arnaud de Lavau of Bordeaux, a representative of the original owners who sought to recover *La Constance* for themselves. Since the ship had been taken by the English, how could it any longer be the property of the original owners, and how could they hope to recover it? If the *Hampden* had been French, the retaking of it would certainly have been valid. Pickering, who is back with two new prizes, fears Lestume and Coquillon may take them away from him. Will the commissioners please sustain the interests of their countrymen and use their power for those people depending on them?¹⁵

To complicate matters, the buyers of *Constance*, fearing they would lose their money and goods, had impounded the proceeds of the sale of the prizes which Pickering had taken on his second cruise. He told Franklin: “so that I cannot proceed to Sea, neither do any thing concerning this Case, before your answer whether the Ship is a Lawful Prize or not. My Ship Lays here with 120 Men on Board at a vast Expence.”¹⁶

Riou also wrote in favour of getting *Hampden* to sea.¹⁷ Franklin tried and on 7 January 1779 sent a note to the French Minister of Marine, Sartine, pointing out that there was no provision in the Treaty of Amity and Commerce Between the United States and France signed on 6 February 1778 which regulated such recaptures, and that the French law should prevail. They also pointed out that the sale had occurred before the new regulations went into effect.¹⁸ Meanwhile port officials in Brest were making life difficult for Pickering and despite the wintery weather would not allow him to bring his ship alongside:

Since I have been here I have apply'd to the Commodant for Permission to come into the Harbour to Repair & fit my Ship, but he has Absolutely refus'd it, my Ship is so Leaky, that I am Oblig'd to keep the Pumps Continually going to prevent her from sinking—I have perus'd the Treaty between the United States of America & France [of 1778] which not only says they shall Assist and Succour all Armed Vessels belonging to the States of America, but even Merchant Ships.

Their treatment of me in this Case at present (if I may be allow'd the Expression) is in my Opinion really breaking such a Treaty—I am now stil lying in the Road, with my Ship in Distress with One hundred &

¹⁵ Letter, Peter Riou and Thomas Pickering to the American Commissioners, 23 December 1778, in Franklin Papers. www.franklinpapers.org

¹⁶ Letter, Pickering to the American Commissioners in France, 28 January 1779, in Franklin Papers. www.franklinpapers.org

¹⁷ Letter, Peter Riou to the American Commissioners, about 28 January 1779, at Franklin Papers. www.franklinpapers.org

¹⁸ Letter, American Commissioners to Sartine, 7 January 1779, in Franklin Papers. www.franklinpapers.org

twenty Men on Board and at a great Expence— . . . He is forcing me to go 4 or 5 Miles distant from this place where there was never a ship of this Burden before, and am Inform'd by Gentlemen in this place is very hazourdous so that I am in danger of loosing the Ship finally.¹⁹

It is unclear what happened next but the beginning of February 1779 Pickering was able to sail from Brest.

This third cruise was uneventful until, when *Hampden* was in mid-Atlantic, at 47°13'N 28°30'W, in company with a schooner “under one Smith, armed with twelve x 4-pounders,” Pickering saw a sight which made up for his frustration of the previous months: a rich, homeward, East Indiaman. At 10:00 on 7 March a sail was sighted, to the southwest, about six miles distant, and Pickering promptly began chasing her. He signalled to Smith to follow him, until at 17:00 the stranger raised a British blue ensign, which Pickering answered with a British red ensign, and fired a gun. Pickering’s red ensign was a ruse de guerre, and he hoped that by pretending that *Hampden* was a warship that the stranger was heave to to enable him to board. What he probably realized was that the blue ensign was also a bluff. The chase took all day and the next night. At 2100 the stranger disappeared in the gathering darkness, and Pickering hoisted three lanterns at the stern as a signal for Smith to follow him.

During the night *Hampden* prepared for action, and dawn found the stranger about three miles ahead of *Hampden*. *Hampden* would arrived at Portsmouth, New Hampshire on 19 April 1779, when a letter from an officer aboard the *Hampden* described what happened next:

At 7 A.M. came under her lee quarter within hail, hoisted continental colours and gave her a broadside. She kept all her guns hous'd till just before we fired, altho' we could tell her ports thirteen of a side, a very great distance apart; she return'd the broadside without any damage, with twenty-four nine pounders and eight four pounders and had the advantage of a spar deck to cover her men. Being a beautiful large ship with two tier of cabin windows we knew her to be an East Indian and of much superior force, but supposing they were badly mann'd, were determined to fight her as long as we could.²⁰

Though the officers of *Hampden* never discovered the identity of their victim, the ship of “much superior force” was the 800-ton Thames-built East Indiaman, *Bridgewater*, and she was indeed short-handed. Built at Dudman’s yard in 1769, she was on ether third voyage to the East, returning after two years from

¹⁹ Letter, Pickering to Franklin, 30 December 1778, in Franklin Papers. www.franklinpapers.org .

²⁰ *The New Hampshire Gazette, or State Journal, and General Advertiser* [Portsmouth], Tuesday, 20 April 1779.

Bencoolen (now Bengkulu), a British possession (1714-1824) on the southwest coast of Sumatra.

Her master was Captain William Parker, “a native of this City ... whose ancestors have been uniformly as highly respected for their virtues, as for the important offices which they repeatedly filled in Cork.”²¹ Parker was about to display other qualities too. *Bridgewater* carried only twenty-six guns, four more than *Hampden*, but she was poorly manned with only eighty-four men, many of whom were sickly, and in such a poor state that Parker had been forced to refit for a month at anchor off St Helena.

According to the anonymous correspondent of the *New Hampshire Gazette*:

The engagement continued till half past Ten, close alongside, when finding our three masts and bowsprit very badly wounded, our starboard main shrouds totally gone, our rigging and sails cut to pieces, our double headed shott expended, and near twenty of our men killed and wounded, were obliged to our grief to leave her a mere wreck, her masts, yards, sails and rigging cut to pieces. Having ourselves only the foresail which we could set to get off with, the sheets being cut away, were obliged to use our tacks. During the action our brave and worthy commander, Capt. Pickering, was killed. Mr. Peltier a Frenchman kill'd. Samuel Shortridge so badly wounded he died in two hours after. John Bunting, both legs shot away but liv'd nine days after. John Tanner, master's mate, left arm shot off. Micajah Blasdel, left hand shot off. Peter Derrick, his mouth shot to pieces, and twelve others wounded, but none dangerous. We gave them three different cheers during the action, and our men fought with the greatest Bravery and coolness possible. The Ship was about Eight Hundred Tons, and a Tier of Air Ports under her Gun Ports.²²

Each ship over-estimated the strength of the other. According to Parker, *Hampden* (misreported as *Campden*) was an American frigate of twenty-eight guns, and 300 men, with a sloop in company. The frigate hoisted American colours, the fight started at 8 o'clock in the morning and lasted three hours until the frigate sheered off with the loss of her captain and nineteen seamen killed, and twenty-five wounded, while the sloop or schooner “it blowing fresh ... could not get into action.”²³ It had taken a day for *Hampden* to catch *Bridgewater*, which tells us that *Bridgewater* was well sailed despite being short-handed, Parker held his fire until *Hampden* had ranged up alongside, and the fight ended

²¹ Carlisle, Nicholas, *Topographical Dictionary Of Ireland* (London: William Miller, Albermarle Street, 1810).

²² *The New Hampshire Gazette, or State Journal, and General Advertiser*, [Portsmouth], Tuesday, 20 April, 1779.

²³ Carlisle, Nicholas, *Topographical Dictionary Of Ireland*, (London: William Miller, Albermarle Street, 1810).

when *Bridgewater* put her helm over and raked *Hampden*, causing havoc in *Hampden* and killing Pickering.

Bridgewater was not badly hurt in the action and reached England safely two weeks later on 23 March 1779. When the Court of Directors of the East India



The East Indiaman *Bridgewater* delivers a raking broadside on the New Hampshire privateer *Hampden*, 7 March 1779, Francis Holman (Christie's).

Company examined the log of the *Hampden* and examined Parker, and presumably read the *New Hampshire Gazette*, they resolved at their meeting on 10 June 1779:

That for such a masterly defence of his ship, and against such a very unequal force ... and in consideration of the gallant defence made by the Officers and Seamen of the ship *Bridgewater*, against an American Ship of War of superior force, which after an engagement of some hours was obliged to sheer off, a gratuity of Two thousand pounds, be paid to the said Officers and Seamen, in such proportion as shall be settled by the Committee of Shipping. That Captain Parker do receive the Thanks of this Court for his gallant conduct, and that he be presented with a Piece of Plate of One hundred guineas value, with the Company's Arms engraved thereon.²⁴

²⁴ Ibid.

Parker’s heroic defence of his ship was widely reported.²⁵ However, we know so much about him because he chose to commentate his victory over *Hampden* by spending some portion of his share of his reward on a painting, choosing Francis Holman who was well-acquainted with the sea. Holman was born at Ramsgate in Kent and lived at Wapping on the Thames, his father was a master mariner and his younger brother, also a sea captain, ran the family shipping business. He began his artistic career painting portraits of ships for his father’s friends, and learned to draw hulls, rigging and flags with scrupulous attention to detail and accuracy. Later he drew scenes on the Thames, and then patriotic themes especially sea battles. Holman’s painting of *Bridgewater*’s fight shows much of the detail which he must have learned from the eyewitness account of William Parker, including the presence of a third ship, the brailed-up sails, the fresh wind, open sea, and the flags worn by the opposing vessels.

Bridgewater was flying the British blue ensign, but *Hampden* was flying what the literature tells us was “American colours” (Parker) or “Continental colours” (*New Hampshire Gazette*). Until the Flag Act of 1777 Continental colours (also known as the “Grand Union Flag,” the “Congress Flag,” the “Cambridge Flag,” or the “First Navy Ensign” were very similarly to the flag of the Honourable East India Company: alternating thirteen red and white stripes with the British Union Flag (without St Patrick’s cross which was introduced in 1801) in the canton. The Flag Act replaced the British Union Flag in the upper canton of the hoist with a new constellation of white stars on a blue field, and Holman’s painting shows thirteen stars in a circle.²⁶ Holman’s painting is, as far as is known, the first known representation of the Stars and Stripes at sea.

Six weeks after the fight with *Bridgewater*, *Hampden* limped into Portsmouth, New Hampshire. A week later the newspaper carried an advertisement for her sale. She was described as a “remarkably fast sailing vessel, frigate built and measuring 400 tons, and armed with six 9-pounders, fourteen 6-pounders and two 4-pounders.” All her stores, including one ton of gunpowder, were to be sold.²⁷ However at the end of June during the Penobscot Expedition,²⁸ John Langdon offered *Hampden* to the New Hampshire Committee of Safety if the committee would insure her against loss. She was duly lost to the British.²⁹ Meanwhile, in May an armed brigantine arrived from France at Portsmouth, with good news for the survivors of her privateering career,³⁰ and on

²⁵ *The Gentleman’s Magazine and Historical Chronicle*, 49 (1799) June, p 324; *The Scots Magazine*, 41 (1779, July, 394-95; Lindsay, William Schaw, *History of Merchant Shipping and Ancient Commerce* (London: Sampson Low, Marston, Low, & Searle, 1874), 580.

²⁶ Fawcett, Charles, “The Striped Flag of the East India Company, and its Connexion with the American ‘Stars and Stripes’,” *The Mariner’s Mirror* XXIII:4 (October 1937).

²⁷ *The New Hampshire Gazette*, Tuesday, April 27, 1779.

²⁸ *The New Hampshire Gazette*, Tuesday, April 20, 1779.

²⁹ Winslow, “Wealth and Honour,” 46.

³⁰ *The New Hampshire Gazette*, Tuesday, May 11, 1779.

29 June 1779 an advertisement appeared calling on anyone who had an interest in a prizes captured by the *Hampden* to collect their money.³¹

Today the privateering cruise of the *Hampden* is almost forgotten, but the flag she was the first to wear at sea has become one of the most famous in the world.

³¹ *The New Hampshire Gazette*, Tuesday, June 29, 1779.