

A Miniature of Lieutenant Ellis of the 49th Foot from the Period of the War of 1812

By Simon Ellis

This note concerns a miniature painting of a member of the Ellis family who was an officer in the 49th Foot during the first quarter of the nineteenth century. The miniature is owned by the author. It is 6 cm by 5 cm in size, and is preserved under glass with a metal binding ring and a loop for hanging. The rear of the miniature is covered with a plaid of, presumably, the sitter's hair. The whole is contained in the original brown leather case with a pale cream satin lining. The case is closed with a hook and loop fastener while a hole at the top enables the loop for suspension to protrude. The painting is not signed. The style is perhaps not of the topmost quality but the painter has much confidence in his brushstrokes above all with the romantic hairstyle, which still persists amongst the current generation of the family! The purpose of this note is however more to provide some historical than artistic analysis of the painting.



Some particulars of the uniform worn in the miniature are of interest. The clasp on the white cross belt clearly identifies the regiment as the 49th Foot. Some such metal belt clasps of this regiment appear to have been oval while some were square or rectangular. In some cases the number of the regiment is surmounted by the crown, and in some cases the number of the regiment is shown alone. In this case the clasp is oval and is surmounted by a crown.

The 49th Foot was also known as the Green Devils in part because the high collar of the uniform was normally dark green, as shown on the contemporary miniatures of two other lieutenants from the 49th John Sewell, and Nicholas Claus.¹ In this case however the collar is gold. The officer concerned did not, it would appear, want to be depicted in the usual regimental colours, but chose instead a more standard dress uniform. The officer also wears epaulettes whereas the Sewell portrait shows cording. Sewell has a rectangular belt clasp whereas Claus has an oval badge like the Ellis portrait. It is of course well known that not all officers or men were able to obtain, or in the case of officers afford, the latest regulation uniform.² Furthermore the painting may have been commissioned from someone who simply did not know that the regiment had a green collar. He may have roughed up details of the face and then added something of a standard military uniform on a later occasion without the sitter's presence. It is thus impossible to tell exactly why a dark green collar was not depicted, though one further possible explanation is discussed below.

Identity of the Officer³

Two brothers of the Ellis family, Hercules and Dixie, were lieutenants in the 49th Foot between about 1800 and the end of the War of 1812. The family came from Ulster. Their father Hercules served in the 44th Foot under Amherst and was commissioned a lieutenant by him at Oswego on August 6th 1760 just before the advance on Montreal, but he returned to Ireland after the end of the campaign.⁴ It is tempting to consider that he encouraged his sons to see service in Canada.

Hercules; probably joined the regiment about 1800, moving with it to Canada in 1802. From 1802-4 he served with Captain Alexander Clerk at Fort St. Joseph on the island of the same name on Lake Huron.⁵ The contingent of the 49th was responsible for refurbishing the Fort which stood it in good stead for the coming conflict with the United States. Hercules was recalled to Britain in 1809 to take up a commission as Captain in the 73rd Foot, but drowned on the way

home in 1809.⁶ He left a 'natural' or illegitimate son who is recorded as having been brought up by his commander Major-General Isaac Brock, and was later provided for after the latter's death at Queenston Heights in 1812 when the boy was apparently ten years old.⁷

The circumstances under which the senior commander in Upper Canada adopted the illegitimate son of one of his junior officers have yet to be sufficiently explained, especially when Hercules's own brother was in the same regiment at that time. The only obvious complicating factor was that the family was engaged in a very demanding law suit with their mother Frances Coddington's relatives under which they seem to have been demanding repayment of her dowry. In 1804 Dixie had sold his inheritance to Henry Coddington for £252 as well as borrowing an additional £87 from him.⁸ It is possible of course that this financial hardship was in part due to the need to buy his commission in the 49th.

Dixie joined the regiment a short time after his brother, after having served in the Armagh militia under Lord Gosford who also helped him join the 49th. The year after Hercules had left Fort St Joseph Dixie was tasked to bring reinforcements to the outpost in August 1805.⁹ Dixie led the right hand flanking company at the Battle of Crysler's Farm in November 1813 and gave the command to pivot right and volley into the U.S. cavalry.¹⁰ The cavalry retreated in disorder and the battle was won. On a more negative note he was reprimanded for losing his baggage while with the 'army of the centre' on 12 August 1813.¹¹ Like several others he petitioned the Duke of York for promotion in early 1814 with a 'Memorial' which was supported by several of his superiors.¹² In this he states that he had been in every major engagement fought by the regiment so far. He was unsuccessful in his request despite his key role at Crysler's Farm and did not become a captain until 1820 when he retired on half pay. By that time he had already left Ireland for the Isle of Man where he died in 1847. Ironically he probably died before he could apply for the Military General Service Medal with Crysler's Farm clasp, which was issued that same year to all living soldiers who had fought in the engagement. His sons Nicholas and Arthur emigrated to New Zealand where his descendants remain today. Stone from the brothers' quarry was used to build Christchurch Cathedral which as I write in early 2012 is due to be demolished after damage from the recent earthquakes there.

A small piece of paper stuck with glue to the rear glass of the miniature reads 'Hercules'. The piece was owned by my grandfather but the note is not in his hand. If we accept the note then the

occasion of the portrait might be Hercules on the announcement of his promotion. This might explain why he declined to be shown with the Green Tigers colours. On the other hand we must explain how a plaid of his actual hair was included in the back of the piece, given that he drowned on the way home. The piece might have been made in Canada before his departure, perhaps as a memento to be sent to his family if he was to be transferred directly without seeing them. Moreover the 73rd Foot was to be transferred to New South Wales and this may have been the last image the family would see of Hercules for a very long time. Did this impending momentous transfer of Hercules to the other side of the world also influence Dixie's family to emigrate to the southern hemisphere some quarter of a century later?

On the other hand could this portrait not be of Dixie the hero of Chrysler's Farm? Dixie by his action in the battle became perhaps the most famous member of the family and a portrait might have been appropriate under such circumstances. We have only the paper note and family tradition against this interpretation, but from this author's personal viewpoint I would respect the family tradition and the evidence of the note until proved false.

Hercules Sr. had three other sons. Arthur (1771-1861), from whom I am directly descended was a very strong-minded clergyman in Louth. He lived until the age of 90, and married Jane Brabazon a daughter of the Earl of Meath who provided him with substantial land holdings. At the beginning of his career he was described as, "a well looking man but a wretched preacher with a vile pronunciation," while by 1836 he was seen as "an unhappy relic of the past generation spared to show what Irish parsons once were."¹³ Nicholas (d.1867) was the first in a long line of legal professionals in the family which continues to the present day. Henry became a Captain in the 62nd Foot. The various careers of Hercules Sr sons attest to the potential openings for the rising middle class at the beginning of the nineteenth century, while the new professions such as the law were beginning to take a hold, the traditional occupations for those who would not inherit – the church and the army still held sway.

Conclusion

This fine miniature provides links to several events of the 1812 War and the two Ellis brothers of the 49th Foot. Discussion has helped suggest the context in which such miniatures might be commissioned, such as promotion, transfer, or noteworthy actions. It recalls the lot of individual

British soldiers separated from their families and fighting far from home. It also raises some issues about the reasons for the choice of uniforms in such paintings. Finally the miniatures of three lieutenants in the 49th Foot, Claus, Ellis, and Sewell, provide some further direct evidence for the lives of junior officers who fought in the War of 1812.

Notes

¹ For Claus see Donald E. Graves, *Field of Glory; the battle of Crysler's Farm 1813* Toronto: Robin Brass Studio, 1999, p. 172. For John Sewell see web site of his descendant Robert Sewell <http://www.robertsewell.ca/johnstalban.html#family> accessed 5 March 2012.

² I have to thank Donald E. Graves and René Chartrand for some initial comments on a photograph of the miniature. Their comments were given rapidly and any misinterpretation is my fault.

³ The main record of the family history is William Smith-Ellis, "Notices of the Ellises" (1866). Dixie and Hercules are discussed on p. 269.

⁴ Hercules Sr commission is in the possession of the author.

⁵ War Office RG8 WO27. Library and Archives Canada (hereafter LAC).

⁶ Shaeffe to Thornton C923.99, 7 Dec 1810. War Office RG8 WO27. LAC.

⁷ The account of the shipwreck is in Clavert to Craig C981.1 War Office RG8 WO27. LAC, It has not as yet prove possible to locate either the name of the ship or the wreck site. The issue of Hercules 'natural' son is recounted in Baskerville to William Brock, L. Kosche 'Relics of Brock; an investigation', *Archivaria*, 9 (1979) pp. 79-90.

⁸ Report on probate for will of Hercules Ellis Sr, in possession of the author.

⁹ C923.57 War Office RG8 WO27. LAC.

¹⁰ Graves, "Field of Glory; the battle of Crysler's Farm 1813", pp. 243 and 249. The critical information on Dixie's action seems to have been reported by his fellow lieutenant John Sewell.

¹¹ C84.111 War Office RG8 WO27. LAC.

¹² C924.40-1, Memorial, 18 Feb 1814. C1224.25, supporting letter from Col Yates, 22 Feb 1814. War Office RG8 WO27. LAC.

¹³ First quotation from Sarah Burney, second quote from 'The British Magazine', Vol. 13 (1836) p.558.