

## Legal battle over 1812 shipwreck

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**The legal battle over a recently discovered Lake Erie shipwreck — believed to be the storied, Canadian-built brig Caledonia from the War of 1812 — took another twist last week in a New York court as the U.S. salvage company that found the sunken vessel rejected accusations by state lawyers it has “plundered” the wreck site and disturbed human remains.**



Northeast Research, Photo Handout

The wreck of the Caledonia, a Canadian-built warship that played a role in major victories by both sides in the War of 1812.

**USS Caledonia was a brig, formerly HMS Caledonia, which was captured by the U.S. Navy during the War of 1812 and taken into American service. The brig played an important role with the American squadron on Lake Erie, and was sold at the end of the war.**

A court hearing before U.S. District Judge Richard Arcara followed a state magistrate's ruling in May that the wreck should be left preserved on the lake bottom — the position held by state legal and archeological officials.

But Northeast Research Ltd., the U.S. dive company that found the wreck in 60 metres water about 30 kilometres offshore of Dunkirk, N.Y., appealed the May ruling and asked Arcara to grant a full trial to determine the wreck's future.

Northeast co-owner Pat Clyne, condemning the state's policy of "in situ preservation" as equivalent to leaving wrecks "on the bottom to rot," told Postmedia News if Arcara grants a trial his company could win the right to raise the wreck and create a major international War of 1812 tourist attraction.

"We were pleased with the judge's questions as well as our attorney's ability to explain why we believe that this historic ship should be raised, conserved and put on display for all to see — and not just for a handful of privileged few," Clyne said. "If the judge's decision goes our way, we then get our chance to confront the State of New York in court with all of our evidence and extensive research to prove our case."

Northeast's lawyer defended the company's dives to the wreck as respectful toward the historic artifacts and human remains known to be at the site.

While several relics were raised and preserved to help identify the ship, and a few bone fragments were inadvertently moved during a dive, Northeast contends its handling of the wreck has been thoroughly professional.

If the ship on the Erie lake bed is the Caledonia — a 26-metre, two-masted schooner with a richly documented history — it would be discovery of international importance.