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# Between King Cotton and Queen Victoria: Confederate Informal Diplomacy and Privatized Violence in British America During the American Civil War

Cleland, Beau

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Between King Cotton and Queen Victoria:

Confederate Informal Diplomacy and Privatized Violence in British America During the  
American Civil War

by

Beau Darl Cleland

A THESIS

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## Abstract

This dissertation explores the Confederate and British colonial relationship during the American Civil War, particularly the networks of minor officials, merchants, and other private individuals that supported the rebellion in the colonies of British America. This support included blockade running most importantly, but also diplomatic tasks, communications, and even military action. This commercial-diplomatic network proved vital for coordinating the movement of arms and supplies from Europe to the shores of the Confederacy, and for protecting the local interests of the Confederacy from Union and British interference. The specific local social and political conditions of the colonies deeply affected the depth and nature of their involvement in Confederate schemes, which had a potential to disrupt regional peace and order far in excess of their size.

Ultimately, this project makes the case for the enduring importance of private actors for our understanding of international violence and diplomacy during and after the Civil War. British colonial merchants and elites demonstrated the power to resist or alter the policies of the world's most powerful state. The Civil War also marked an inflection in the dynamics of privatized violence in North America and beyond. In the antebellum era it existed outside or in cooperation with the state, as with filibustering and privateering, but during the war Confederates looked for new ways to bind private military action and private enterprise to state authority as a response to changes in international law and technology that disrupted the older traditions of international, state-permitted violence.

This dissertation looks at the international Civil War with the British colonies rather than the metropole as the center of gravity, and as such relies heavily on manuscript sources,

government records, and contemporary publications written in or about British America, especially the files of the Colonial Office, alongside relevant Confederate and colonial accounts. I begin with an analysis of antebellum relations between the South and the colonies and existing patterns of privatized violence and informal diplomacy and consider how those patterns affected the Civil War and colonies by examining them in the Bahamas, Bermuda, and British North America respectively.

## Preface

This thesis is original, unpublished work by the author, Beau Cleland.

## Acknowledgements

For all that writing a dissertation is solitary work, it still would not be possible without the support and efforts of many people. Dr. Frank Towers, my primary supervisor, went above and beyond the call of duty in helping me prepare for practically every aspect of the academic game. I showed up here rather rough-hewn, and much of my improvement as a scholar and writer is due to him. Dr. Brian Schoen, my co-supervisor, took up his role rather late in the game, but he was absolutely indispensable in getting this dissertation over the finish line, while making it a much better product along the way. Thanks are due as well to the members of my committee and my examiners, Drs. John Ferris, George Colpitts, Maureen Hiebert, and Jay Sexton, as well as the long list of people that keep the graduate program running in Calgary, particularly Drs. Jewel Spangler, Mark Konnert, and Hendrik Kraay. Our inimitable graduate program coordinator, Lori Somner, knows where the bodies are buried and mercifully did not add me to their ranks.

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Graduate school can be a lonely business, so I'm grateful to my friends and fellow students at the University of Calgary for helping to keep me sane along the way, especially John Woitkowitz, Erna Kurbegovic, Shawn Brackett, Will Pratt, Shannon Murray, Mikkel Dack, Louis Halewood, Avram Lytton, and Andrew McEwen. The same goes to my friends and colleagues beyond Western Canada – you provided encouragement, feedback, and commiseration at conferences, conventions, and gatherings on two continents. To the fish in the Bow River, thanks for helping to keep me sane, and sorry for all the hooks. If you can read this, I have badly miscalculated the ethics of fishing. And to my friends back home in Florida, thank you for repeatedly reminding me that sometimes you do get to choose your family, and I chose well. I will never forget what you did for my mother while she was sick and I was so far away. I'm sorry for finishing this project – now you'll have to find something else to make fun of me for. Wade can offer you suggestions.

When I started down this road, I had a fiancé and a dog. Now I have a wife, two dogs, a cat, and three ebullient, incorrigible, occasionally infuriating little boys. To Teddy, Ray, and Bernie, I can't say that you made this project go faster, but you certainly made it more of an adventure and I wouldn't change a thing. Life doesn't wait for convenience, and you three are life. Aylin, vous avez rendu cela et mon bonheur possible. Je t'aime. To my brothers, please continue to not get blown up in various dangerous places – I feel like we've done enough of that

for three lifetimes, and I'd like to do a little more fishing with you. To my mother-in-law Annik, I thank you for your immense help in caring for the children, especially when I needed to travel. I don't know how we would have done it without you. To the rest of my family, thanks for being there and for being you. Dad, thanks for always being willing to come running when I needed help. Mom, I love you, and if you're reading this you can stop asking when my "book" will be done.<sup>1</sup>

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<sup>1</sup> It's not a book.



Dedication

For Aylin. I wouldn't have done it without you.

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List of Symbols, Abbreviations, and Nomenclature

Alabama Claims – *Correspondence Concerning Claims Against Great Britain Transmitted to the Senate of the United States in Answer to the Resolutions of December 4 and 10, 1867, and of May 27, 1863.*

CSAR – Confederate States of America Records 1854-1889, Manuscript Division, Library of Congress, Washington, DC

FRUS – *Foreign Relations of the United States*

HDL – High-Density Library, University of Calgary, Calgary, AB

LAC – Library and Archives Canada

LC – Manuscript Division, Library of Congress

MM – The National Maritime Museum, Greenwich, United Kingdom

NARA – The National Archives and Records Administration, Washington, DC

NARA II – The National Archives and Records Administration, College Park, MD

OR – *War of the Rebellion: the Official Records of the Union and Confederate Armies*

ORN – *The Official Records of the Union and Confederate Navies in the War of the Rebellion*

PJD – *The Papers of Jefferson Davis*

SHC – Southern Historical Collection, Wilson Library, University of North Carolina

UKNA – The National Archives, Kew, United Kingdom.

. . . all concerned were laboring under the honest delusion that they were engaged in a legitimate, belligerent act . . .<sup>1</sup>

– Judah P. Benjamin, Confederate Secretary of State

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<sup>1</sup> Judah P. Benjamin to Henry Hotze, 5 May 1864, ORN ser. 2, vol. 3, 1113.

## Introduction

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*“Halifax has been for more than one year, and yet is, a naval station for vessels which, running the blockade, furnish supplies and munitions of war to our enemy, and it has been made a rendezvous for those piratical cruisers which come out from Liverpool and Glasgow, to destroy our commerce on the high seas, and even to carry war into the ports of the United States. Halifax is a postal and despatch station in the correspondence between the rebels at Richmond and their emissaries in Europe. Halifax merchants are known to have surreptitiously imported provisions, arms, and ammunition from our seaports, and then transshipped them to the rebels. The governor of Nova Scotia has been neutral, just, and friendly; so were the judges of the province who presided on the trial of the Chesapeake. But then it is understood that, on the other hand, merchant shippers of Halifax, and many of the people of Halifax, are willing agents and abettors of the enemies of the United States, and their hostility has proved not merely offensive but deeply injurious.”<sup>2</sup>*

— Secretary of State William H. Seward

Seward’s Confederate counterparts agreed with his assessment of their friends in the colonies, and even though Seward called the colonial governor and admiralty judges “neutral, just, and friendly,” the Confederacy often found colonial governments and courts to be quite sympathetic to its cause. James P. Holcombe, a Virginia law professor who was in the colonies on official Confederate business, wrote that among the elites of Nova Scotia “the wish for our success is almost universal, and is freely expressed.” Nearly everyone recognized “the almost

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<sup>2</sup> William H. Seward to J. Hume Burnley, 14 March 1865, *Papers Relating to Foreign Affairs Accompanying the Annual Message of the President to the First Session, Thirty-Ninth Congress*, part 2 (Washington: Government Printing Office, 1866) 96. Hereinafter, documents in this series will be cited FRUS, followed by the year of the documents concerned, as is the practice with subsequent collections published by the State Department’s *Foreign Relations of the United States* series. See [history.state.gov/historicaldocuments/about-frus](http://history.state.gov/historicaldocuments/about-frus) (accessed 1 June 2019) for details.

self-evident truth that the future independence of these provinces is bound up” with the fate of the Confederacy. “The clergy, the bar, the press, are unanimous or nearly so in our favor. The sentiment is stronger still in the army. The acting governor, General Doyle, is our friend ... and expressed to me warm wishes for our success.” The colonies, in Holcombe’s estimation, were home to people who knew “the true interest of England,” in stark contrast to the perfidious government in London.<sup>3</sup> Individual colonials likewise garnered praise for their “generous sympathy and liberal contribution” to the Confederate cause. Holcombe told his superiors in Richmond that prominent men in Halifax “have given money, time, and influence without reserve, as if our cause had been that of their own country.” In the midst of the war Confederate President Jefferson Davis presented his personal thanks to several British Americans for their aid to the rebellion.<sup>4</sup>

Clearly influential figures in both the Union and Confederate governments saw British colonies in North America as sites of active support for the Southern cause. Union observers judged the value of that aid to be immense. Massachusetts Senator Charles Sumner, in a speech rejecting the Johnson-Clarendon Convention of 1868, estimated that British support may have doubled the duration of the war and added two billion dollars to the cost of defeating the insurgency.<sup>5</sup> Even if Sumner exaggerated these figures for negotiating purposes, British

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<sup>3</sup> James P. Holcombe, private letter to Judah P. Benjamin, 26 April 1864, ORN ser. 2, vol. 3, 1101-1102.

<sup>4</sup> Holcombe to Benjamin, 1 April 1864, in ORN ser. 2, vol. 3, 1073-1075. Benjamin to Holcombe, 20 April 1864, in ORN ser. 2, vol. 3, 1095-1097.

<sup>5</sup> Charles Sumner, *The Works of Charles Sumner*, 15 vols. (Boston: Lee and Shepard, 1870-1883), 13:85-86. The Johnson-Clarendon convention was an early attempt to settle damage claims between Britain and the United States arising out of the Civil War. These were later settled under international arbitration following the 1871 Treaty of Washington.

resources were, in fact, essential to the rebellion's survival. In the face of a blockade that after 1861 made direct imports nearly impossible, the overwhelming majority of the arms and supplies that the Confederacy received from abroad passed through British colonies en route from Europe, usually on British-flagged ships, consigned to British merchants, and paid for with cotton that followed the same path out of Southern ports.<sup>6</sup> Without the advantage provided by British (and to a far lesser extent, Spanish) colonies, the Confederacy had no prayer of military victory. The colonies were unsinkable, unassailable refuges in an enemy-controlled sea.

The private parties that Seward denounced and Davis praised worked toward a Confederate victory in a transnational effort that deeply involved the colonial subjects of the British Empire in North America. Informal diplomacy – that is, the broad universe of international contacts not undertaken by formal agents of a state, yet working broadly toward that state's interests – played an important role in developing a widespread network of merchants, politicians, sailors, minor officials, and conservative elites that worked closely in support of the Confederate rebellion across the ocean and land frontiers of North America. Some of these loose, ad hoc networks operated mostly within the Confederacy, notably the merchants and citizens' groups that spread and enforced the informal cotton embargo of 1861-62. Many others, however, were transnational undertakings that involved British subjects alongside Confederate citizens, especially in the critical endeavor of blockade running. The colonies, not Europe, were the beating heart of Confederate international trade – practically everything, going in or coming out, had to flow through them. The Confederacy's informal diplomats built communications networks, modified local laws, provided introductions and peddled influence on

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<sup>6</sup> Stephen R. Wise, *Lifeline of the Confederacy: Blockade Running During the Civil War* (Columbia: University of South Carolina Press, 1988), 226 and Appendices 5-19.



Confederate behalf. The unofficial representatives of the rebellion, it is no exaggeration to say, accomplished far more for their cause in practical terms than the official envoys ever did. This project seeks to center the importance of private, informal diplomacy and international violence, and show that they, and the colonial spaces that hosted and sheltered them, were inseparable from the Confederacy's formal war effort.

This Confederate reliance on private parties in the transnational aspects of the war came amidst a transformative period for international law and colonial governance. Positivism, the view that law was “fundamentally a human creation” and bound by strictures of utilitarian rules and rational state interests rather than universal precepts of natural law, was the dominant trend in the developing regime of international law, especially regarding war.<sup>7</sup> In the nineteenth century Britain was the leading advocate for a reformed international legal regime that firmly placed the state as the only legitimate purveyor of violence. Best exemplified by the 1856 Declaration of Paris, which among other things banned privateering (state-sanctioned private warfare at sea) and formalized requirements for blockades and the capture of neutral shipping, Britain sought a positivist, rules-based international order.<sup>8</sup> This “rage for order,” as legal historians Lauren Benton and Lisa Ford termed it, made the imperial government the implacable foe of filibusters, privateers, pirates, and other elements of international entropy – a position quite at odds with much of North America's contemporary experience. However, the reform of

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<sup>7</sup> Stephen C. Neff, *War and the Law of Nations* (New York: Cambridge University Press, 2005), 160–63.

<sup>8</sup> Historians differ strongly as to why and how this ordering of international violence occurred, but generally agree as to the chronology. Neff, 167–77; Lauren Benton and Lisa Ford, *Rage For Order: The British Empire and the Origins of International Law, 1800-1850* (Cambridge, MA: Harvard University Press, 2016), 188–97; Janice E. Thomson, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton: Princeton University Press, 1994), 69–77 and 140–42.

settler-colonial governance in the nineteenth century granted most of British America the ability, if not the uncontested right, to defy imperial preference and policy when local interests diverged from the metropole. This phenomenon was the most developed in British North America after 1841, and it manifested itself across the American colonies repeatedly during the Civil War as colonial officials and courts undermined the pursuit of raiders, pirates, and filibusters on the international margins of the war. Functioning and independent colonial court systems had tremendous leeway to interpret the law, and often did so in ways that protected Confederate (and usually, by association, local) interests and promoted rather than discouraged the very behavior that the British government wanted to stamp out.

The "traditional" history of Confederate foreign relations typically focuses on diplomacy with the Great Powers of Europe. This is entirely appropriate and has been ably covered over the years by historians like E.D. Adams, Frank Owsley, D.P. Crook, and Howard Jones. Other recent scholarship has greatly expanded the scope of historical investigation, reimagining the Civil War as an international and transnational crisis, and it is in this vein that I write. The failures of Confederate diplomacy were numerous and well-documented, from the ill-starred reign of King Cotton, to the repeated failure of rebel diplomats to obtain recognition in Europe's halls of power. London and Paris, however, were not the only places where the Confederacy could forge international connections. Southerners could and did find influence and success far closer to home, particularly in the colonies of British America.

Civil War Southerners did not have to cross the Atlantic to interact with the British: they could do so in colonies a mere stone's throw away. Nassau, Bahamas, and St. George's, Bermuda, were hours or a few days away from Charleston by steamer, while Southerners could (and did) ride the rails to Canada across the Suspension Bridge at Buffalo, incognito of course.

What Confederates and their colonial partners quickly developed was a complex, public-private hybrid, commercial-diplomatic network, built on the back of connections between British, colonial, and Southern merchants. This informal network was crucial to Confederate military and diplomatic fortunes. Perhaps most importantly, it provided the foundation and the backbone for blockade running, the bulk of which was done by privately-owned vessels and firms, but it also became the chief Confederate avenue for sending communications and people abroad. This network also facilitated extensive covert subversion and military action, particularly in British North America, whose shared border with the Northern states made it an attractive launching point for a wide variety of activities ranging from recovering escaped prisoners of war, to political interference in Northern elections, to outright raiding. This commercial-diplomatic network proved vital for coordinating the movement of arms and supplies from Europe to the shores of the Confederacy, and for protecting the local interests of the Confederacy from both Union and British interference.

This story is just as much a colonial one as it is Confederate. The individual histories of the colonies most involved, and their specific local social and political conditions deeply affected the depth and nature of their involvement in Confederate schemes. Poverty and greed played a significant role, but other factors were also important, especially the nature of local governance, and the relative power of pro-Confederate elites in local power structures. Some colonials found the potential riches of blockade running too alluring to pass up. Others, particularly former slaveholders, sympathized with Southern racial and social hierarchy. Many who were otherwise opposed to slavery romanticized the Southern cause and embraced their struggle for “liberty” seemingly without irony. The Confederate cause found influential friends across British America, many of whom took substantial risks on its behalf.

In the following chapters several broad patterns emerge that attest to the significance of the Confederate-colonial connection and the importance of including this transnational relationship into the narrative of the “international” Civil War. First is Confederate reliance on merchants and business connections to develop the networks that supported blockade running, communication, and covert action. The Confederate government proved more than willing to tolerate wildcat foreign policy from merchants and local officials who coordinated the informal cotton embargo of 1861-1862. In this tradition, Confederate citizens worked with friends and partners in British America on a variety of schemes and efforts connected to foreign policy and diplomacy, with little or no encouragement from Richmond. Relatedly, there emerged substantial subcontracting of "diplomatic" functions, sometimes out of necessity, to British colonial subjects, who acted as “cut-outs” (a term for those who lent Confederates their identities and addresses and sometimes acted as their proxies) for the Confederate government, appealing for help or asking for favor from both colonial and the British imperial governments, both of which would offer a British subject aid that would have been denied to a Confederate citizen. The public-private nature of blockade running and Confederate overseas communications was not uncommon in nineteenth-century governance, and in this case, it was a product of both Confederate preference for private action, as well as necessity. Once established by the summer of 1862, these commercial-diplomatic networks of trade proved to be remarkably resilient, if not efficient, and very resistant to later Confederate efforts to exert greater direct control, especially in 1864.

This study also finds substantial exploitation of the divided sovereignty inherent in the colonies, not only by Confederates, but by colonial subjects. The British government under Lord Palmerston, who had only a precarious majority in Parliament, was fundamentally cautious in its

foreign policy, and it sought to remain neutral in the conflict, preserve international and regional order, and tend to its own commercial and political interests in North America.<sup>9</sup> North and South each had their partisans in Parliament and the administration, but Palmerston and Foreign Secretary Lord John Russell settled on a neutrality tailored toward maritime power which, even if Americans like William H. Seward did not realize it, tended to favor the Union by making privateering and commerce raiding more difficult.<sup>10</sup> Local elites and government bodies often frustrated the policies of the imperial government, whose reach and power were limited by the structure of colonial governments, especially the relative independence of their elected assemblies and courts. The people of British North America, in particular, jealously guarded their hard-won prerogatives of "responsible government" and judicial independence, often to the frustration of authorities in London and Washington. The Confederate government likewise found it difficult to control those acting on its behalf in the colonies. Reliance on private individuals for governmental and paramilitary tasks made it very difficult for Confederate authorities to control freelance military or quasi-filibustering activities. Confederate inability to create much legitimate privateering, for example, attracted figures like John C. Braine and Vernon Locke – both British subjects operating from the colonies – to nebulous or outright illegal actions against Union ships on the high seas. All the above combined to substantially complicate our understanding of the nature of British neutrality, which was far from uniform, and was constantly contested by both British subjects and Confederate citizens. Neutrality served

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<sup>9</sup> David F. Krein, *The Last Palmerston Government: Foreign Policy, Domestic Politics, and the Genesis of "Splendid Isolation"* (Ames: Iowa State University Press, 1978), 4–5.

<sup>10</sup> Krein, 44–54; Phillip E. Myers, *Caution and Cooperation: The American Civil War in British-American Relations* (Kent, OH: Kent State University Press, 2008), 35–47; Brian Jenkins, *Britain and the War for the Union*, vol. 1 (Montreal: McGill-Queen's University Press, 1974), 90–94.

as a ragged and patchwork edge, rather than a sharply defined line, between colonial Britons and participation in the American Civil War.

Finally, this study aims to draw greater attention to the importance of informal and privatized warfare on the margins of Civil War America. Privatized warfare here means organized violence carried out by private parties rather than uniformed persons regularly enlisted in the armed forces of a government, such as guerillas, privateers, filibusters, and so on. Privateering – essentially state-authorized piracy by privately-owned ships against enemy commerce – formed the centerpiece of early Confederate naval strategy, and it was subject to fairly rigorous domestic and international regulation. In the taxonomy of private violence, filibustering – that is, illegal, private, armed expeditions launched from neutral territory – loomed especially large in the public imagination in 1861. Karl Marx, in his explanation of the origins of the American Civil War to the readers of the Vienna newspaper *Die Presse* in the autumn of 1861, explicitly linked filibustering to the survival of a slaveholder’s republic. He wrote that “Only by acquisition and the prospect of acquisition of new territories, as well as by filibustering expeditions, is it possible to square the interests of these ‘poor whites’ with those of the slaveholders, to give their restless thirst for action a harmless direction and to tame them with the prospect of one day becoming slaveholders themselves.”<sup>11</sup> Marx, unusually perceptive for a foreign observer of the war, understood the importance of privatized violence in the geopolitical affairs of mid-nineteenth century North America and the ubiquitous nature of filibustering and other species of extralegal raiding in both spreading and attacking slavery. To Marx, who had ebulliently praised John Brown’s own raid against the slave South, the “unceasing piratical

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<sup>11</sup> Karl Marx, “The North American Civil War,” *Die Presse*, 25 Oct. 1861, in Karl Marx and Friedrich Engels, *The Civil War in the United States*, trans. Andrew Zimmerman, 2nd ed. (New York: International Publishers, 2016), 46.

expeditions of the filibusters” were inseparable from the pro-slavery occupants of the antebellum United States government and the quest to secure an empire for slavery in the Western Hemisphere. Marx’s assessment was largely correct – filibustering flourished with the support, or at least non-interference, of pro-slavery expansionists. That pattern carried on when those evangelists for slavery moved on to form the Confederate States.<sup>12</sup>

The clash of armies in the war may have drowned out the buzz of filibustering, banditry, piracy, and other forms of raiding, but these flourished on the boundaries of the continent and at sea, encouraged by the Confederate government. As their sponsors lost control, they threatened incredible disruption and chaos. Many Southern politicians who rose to prominence in the Confederate government supported filibustering in the antebellum era, particularly the future Confederate Secretary of the Navy, Stephen R. Mallory, and Southern support for privateering in 1861 was widespread. Traditional privateering floundered after the first year of the war, but a fusion of it with filibustering-style attacks from neutral territory offered a brief glimmer of hope to Mallory, Judah P. Benjamin, and Jefferson Davis. Confederate leaders hoped to harness private enterprise and unconventional warfare to offset Union military and naval advantages and, perhaps, strike a blow that would change Confederate fortunes for good. These operations required international shelter, and Confederates found it, and substantial assistance, among the territory and peoples of the British American colonies. British subjects in the colonies were, in many cases, participants in the Civil War rather than observers, and the colonial theater of war had far greater potential to disrupt regional peace and order than many historians have been willing to admit.

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<sup>12</sup> Marx and Engels, 44.

Ultimately, this project makes the case for the enduring importance of private actors for our understanding of international violence and diplomacy during and after the Civil War. British colonial merchants and businesses demonstrated the power to resist or alter the policies of even the world's most powerful state, and they would help shape the emerging dichotomy between settler dominions and conquered colonies within the British Empire for decades to come. The Civil War likewise marked an inflection in the dynamics of privatized violence in North America and beyond. In the antebellum era it existed outside or in cooperation with the state, as with filibustering and privateering, but during the war Confederates looked for new ways to bind private military action to private enterprise and state authority as a response to changes in international law and technology that disrupted the older traditions of transnational violence. The emergence in the United States of parallel structures of private and public violence after the war is understandable as part of this trend, and similar structures – think of entities like the United Fruit Company, the Pinkertons, and the U.S. Marine Corps in Latin America – were instrumental in building the formal and informal U.S. empire in the Caribbean basin and the Pacific in the late nineteenth and early twentieth century, with the slow-motion seizure of Hawaii as perhaps the greatest example.<sup>13</sup> Filibustering did not disappear, as events like the Fenian raids of the immediate postwar years attested, but increasingly governments found alternative and more internationally-acceptable methods of adventurism that maintained at least a veneer of international order and state monopoly on violence.

In a project such as this that works across several different bodies of scholarship, the historiographical engagement is necessarily broad, and encompasses three general areas: 1.

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<sup>13</sup> Jonathan Obert, *The Six-Shooter State: Public and Private Violence in American Politics* (New York: Cambridge University Press, 2018), 44–62.



Britain and the British colonies in the Civil War era; 2. State power in the nineteenth century, particularly with regard to the Confederacy and settler-colonial governance; and 3. the “international Civil War,” which here encompasses a variety of military, diplomatic, and other transnational analyses of the war. This project seeks to add to the scholarship in each of these areas.

Scholarship on British colonies and the American Civil War, where it exists, often focuses on a particular colony or region. Historians examining the connections between the West Indies and the Civil War era have focused recently on the connections between British emancipation, Southern imperial ambitions and anxieties, and the coming of secession and Civil War. There is substantial scholarship on how a “conspiratorial vision of abolition” heightened the anxiety of Southern slaveholders about British interference with slavery and white supremacy, and the security threat that post-abolition colonies posed to the slaveholder-dominated United States in the antebellum era.<sup>14</sup> There are relatively few monographs devoted to the colonies of British America in the Civil War era, and most are written from Canadian national or regional perspectives, or deal narrowly with specific events.<sup>15</sup> Historians of Bermuda

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<sup>14</sup> Edward Bartlett Rugemer, *The Problem of Emancipation: The Caribbean Roots of the American Civil War* (Baton Rouge: Louisiana State University Press, 2008); Gerald Home, *Negro Comrades of the Crown: African Americans and the British Empire Fight the U.S. before Emancipation* (New York: New York University Press, 2012); Howard Jones and Donald A. Rakestraw, *Prologue to Manifest Destiny: Anglo-American Relations in the 1840s* (Wilmington, DE: Scholarly Resources, 1997); David C. Keehn, *Knights of the Golden Circle: Secret Empire, Southern Secession, Civil War* (Baton Rouge: Louisiana State University Press, 2013).

<sup>15</sup> Patrick Brode, *The Odyssey of John Anderson* (Toronto: University of Toronto Press, 1989); Dennis K. Wilson, *Justice Under Pressure: The St. Albans Raid and Its Aftermath* (New York: University Press of America, 1992). Case studies of particular court cases such as these have been particularly useful, but they cannot, by design, address

and Bahamas give the era far less attention, and their national histories tend, understandably, to favor early settlement, the emancipation era, and the twentieth-century struggles for racial equality and potential independence.<sup>16</sup> Numerous smaller studies look at particular incidents relating to the Civil War in the colonies and are excellent for illustrating just how broad the war's reach truly was in the Empire, but these are often treated as events in isolation.<sup>17</sup> This study adds to the literature by emphasizing the close connections between colonial elites from

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transimperial issues. There is a substantial body of scholarship on the role of British North America, particularly Upper Canada/Canada West, in the Underground Railroad and protecting fugitive slaves, but it is largely outside the scope of this project. For the wartime contribution of black residents of Canada see Richard M. Reid, *African Canadians in Union Blue: Volunteering for the Cause in the Civil War*, (Kent, OH: Kent State University Press, 2015).

<sup>16</sup> Robin W. Winks, *The Civil War Years: Canada and the United States*, 4th ed. (Montreal: McGill-Queen's University Press, 1998); Greg Marquis, *In Armageddon's Shadow: The Civil War and Canada's Maritime Provinces* (Montreal: McGill-Queen's University Press, 1998); Michael Craton and Gail Saunders, *Islanders in the Stream: A History of the Bahamian People, Vol. 2*, 2 vols. (Athens: University of Georgia Press, 1998); Adam Mayers, *Dixie and the Dominion: Canada, the Confederacy, and the War for the Union* (Toronto: Dundurn Press, 2003); Michael Jarvis, *In the Eye of All Trade: Bermuda, Bermudians, and the Maritime Atlantic World, 1680-1783* (Chapel Hill: The University of North Carolina Press, 2010); Henry Campbell Wilkinson, *Bermuda From Sail to Steam: The History of the Island From 1784-1901*, vol. 2, 2 vols. (London: Oxford University Press, 1973); Narda Dobson, *A History of Belize* (London: Longman Caribbean, 1973). A number of popular histories of Canadian involvement in the Civil War also exist, but add little to the historiography of the subject.

<sup>17</sup> Catherine Deichmann, *Rogues and Runners: Bermuda and the American Civil War* (Hamilton, Bermuda: Bermuda National Trust, 2003); Gail Saunders, "The Blockade Running Era in the Bahamas: Blessing or Curse?," *Journal of the Bahamas Historical Society* 10, no. 1 (October 1988): 14–18; Daniel B. Thorp, "New Zealand and the American Civil War," *Pacific Historical Review* 80, no. 1 (February 2011): 97–130; J.H. Moore, "New South Wales and the American Civil War," *Australian Journal of Politics and History* 16, no. 1 (April 1970): 24–38.

across the hemisphere, particularly merchants, and the Confederacy, and demonstrates the myriad ways that these local figures influenced political and legal affairs in their colonies to the benefit of themselves and their largely-civilian Confederate partners. This study frames the Civil War-era colonies not as one-dimensional sketches of places on the way to future political development, but as sites of crucial transnational and transimperial interaction, where imperial policy was created and tested, and where informal agents, merchants, sailors, and minor officials built the framework for the Confederacy's most important logistical and diplomatic success.

The literature on settler-colonial governance and the related development of international law in the nineteenth century is also important for this work. The development and governance of British settler colonies has received renewed attention from historians in recent decades as part of a broader move toward a “new” history of empire, with a reimagining of a “British” or “Anglo” world, and a focus on the distinct nature of development in the settler colonies of the empire.<sup>18</sup> That distinction, marked by greater autonomy for the (usually) white settler governments and relatively rapid economic and population growth, is usefully augmented by histories that analyze the importance of cultural and economic factors in colonial development,

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<sup>18</sup> Zoe Laidlaw, “Breaking Britannia’s Bounds? Law, Settlers, and Space in Britain’s Imperial Historiography,” *The Historical Journal* 55, no. 3 (September 2012): 807–30; Phillip A. Buckner and R. Douglas Francis, *Rediscovering the British World* (Calgary: University of Calgary Press, 2005); James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783-1939* (New York: Oxford University Press, 2009); Cecilia Morgan, *Building Better Britains? Settler Societies in the British World, 1783-1920* (Toronto: University of Toronto Press, 2017).

and emphasize that influence flowed both ways in the colony-metropole relationship.<sup>19</sup> While colonial governance is not the primary focus, this study suggests that local attitudes in the colonies had significant effects on the international situation of the Civil War, particularly with regard to blockade running and raiding, and that the interplay of the Colonial Office and colonial governments deserves greater attention when it comes to matters of British foreign policy. By decentralizing the history of the British Empire and the Civil War, both bureaucratically, away from the Foreign and toward the Colonial Office, and geographically away from the metropole and toward the colonies, this project emphasizes the importance and influence of people on the margins of the empire on the behavior of the imperial government, and it highlights the divergent interests driving British policy. It also points to the under-appreciated importance of sub-national governmental contacts in shaping the course of the entire war.

This work is also implicitly concerned with matters of governance and international law. The nature and relative power of the Confederate state has been the subject of an excellent body of scholarship that has moved decidedly toward a robust and expansive assessment of the reach and strength of governance in nineteenth-century North America.<sup>20</sup> Recent studies also

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<sup>19</sup> Andrew Smith, *British Businessmen and Canadian Confederation: Constitution Making in an Era of Anglo-Globalization* (Montreal and Kingston: McGill-Queen's University Press, 2008); Catherine Hall, *Civilising Subjects: Colony and Metropole in the English Imagination, 1830-1867* (Chicago: University of Chicago Press, 2002).

<sup>20</sup> Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (New York: Cambridge University Press, 2009); Richard Franklin Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859-1877* (New York: Cambridge University Press, 1990); Max M. Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State* (New York: Oxford University Press, 2003); William J. Novak, "The Myth of the 'Weak' American State," *The American Historical Review* 113, no. 3 (June 2008): 752-72; Stephanie McCurry, *Confederate Reckoning: Power and Politics*

emphasize the flexibility of Southerners (and the Confederate government) in adapting the power of the state to the development of industry, agriculture, and a rudimentary form of corporatism, as well as the robust, if declining, power of merchants in negotiating the bounds of the general government's power over trade.<sup>21</sup> This work augments that scholarly trend, and emphasizes that the Confederate government, for reasons of pragmatism and bureaucratic weakness, relied heavily on private parties to fulfill its obligations beyond its shores, especially merchants. For the British Empire and the Confederacy, the problems of governance and sovereignty were also linked to the rapidly developing body of international law in the mid-nineteenth century.<sup>22</sup> A

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*in the Civil War South* (Cambridge, MA: Harvard University Press, 2010); Emory Thomas, *The Confederate Nation: 1861-1865* (New York: Harper & Row, 1979).

<sup>21</sup> Michael Brem Bonner, *Confederate Political Economy: Creating and Managing a Southern Corporatist Nation* (Baton Rouge: Louisiana State University Press, 2016); John Majewski, *Modernizing a Slave Economy: The Economic Vision of the Confederate Nation* (Chapel Hill: University of North Carolina Press, 2009); Harold S. Wilson, *Confederate Industry: Manufacturers and Quartermasters in the Civil War* (Jackson: University Press of Mississippi, 2002); William G. Thomas, *The Iron Way: Railroads, the Civil War, and the Making of Modern America* (New Haven: Yale University Press, 2011); Gautham Rao, *National Duties: Customs Houses and the Making of the American State* (Chicago: University of Chicago Press, 2016).

<sup>22</sup> On the move toward positivism (or formalism) and a “scientific” body of international law in the nineteenth century, see for example Steven M. Harris, “The Global Construction of International Law in the Nineteenth Century: The Case of Arbitration,” *Journal of World History* 27, no. 2 (2016): 303–25; Matthew Craven, Malgosia Fitzmaurice, and Maria Vogiatzi, eds., *Time, History and International Law* (Leiden: Brill, 2007); Andrew Fitzmaurice, “Liberalism and Empire in Nineteenth-Century International Law,” *The American Historical Review* 117, no. 1 (February 2012): 122–40; Martii Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960* (Cambridge: Cambridge University Press, 2001). On sovereignty in particular, see Lauren Benton, *A Search for Sovereignty* (Cambridge: Cambridge University Press, 2010). Andrew Fitzmaurice argues the hegemony of positivism in the era has been overstated, but the overall trend is not in dispute.

great deal of recent scholarship usefully takes a trans-colonial approach to understanding the development of self-government and the continuous tug-of-war between colony and metropole over the distribution of power and responsibility.<sup>23</sup> The feeling-out process between colonies and Britain inevitably entangled itself with international law as well, and during the Civil War this manifested itself emphatically over maritime issues and the rights and duties of neutrals.<sup>24</sup> To an extent greater than most histories have emphasized, Confederates and their colonial allies weaponized the law of nations and took advantage of its weakness in the muddled area between intra-imperial and international (or interpolity) law.

Traditional histories of Civil War-era diplomacy and foreign policy tend to focus on the actions of national governments and formal officials. With regard to Britain and the Civil War, they almost universally address the issue of intervention as the primary concern on all sides, with the assumption that such intervention was both reasonably possible, and potentially decisive to

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<sup>23</sup> John McLaren, *Dewigged, Bothered, and Bewildered: British Colonial Judges on Trial, 1800-1900* (Toronto: University of Toronto Press, for the Osgoode Society, 2011); John Manning Ward, *Colonial Self-Government: The British Experience, 1759-1856* (London: Macmillan, 1976); P.J. Cain and A.G. Hopkins, *British Imperialism: Innovation and Expansion 1688-1914* (London: Longman, 1993); Mark Francis, *Governors and Settlers: Images of Authority in the British Colonies, 1820-60* (London: Macmillan, 1992); Allan Greer and Ian Radforth, eds., *Colonial Leviathan: State Formation in Mid-Nineteenth Century Canada* (Toronto: University of Toronto Press, 1992).

<sup>24</sup> Benton and Ford, *Rage For Order*; Stuart L. Bernath, *Squall Across the Atlantic: American Civil War Prize Cases and Diplomacy* (Berkeley and Los Angeles: University of California Press, 1970); Jan Lemnitzer, *Power, Law, and the End of Privateering* (London: Palgrave MacMillan, 2014); Mark A. Weitz, *The Confederacy on Trial: The Piracy and Sequestration Cases of 1861* (Lawrence: University Press of Kansas, 2005); Samuel Negus, "A Notorious Nest of Offence: Neutrals, Belligerents, and Union Jails in Civil War Blockade Running," *Civil War History* 56, no. 4 (December 2010): 350–85.

the outcome of the conflict.<sup>25</sup> More recent entries in the field do not necessarily ignore intervention, but rather expand the scope of inquiry, and they often place particular emphasis on factors, such as ideology, social connections, technological change, and nationalism, that have transnational effects but do not necessarily involve the formal levers of state power.<sup>26</sup> Of note are

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<sup>25</sup> Frank Lawrence Owsley Sr. and Harriet Chappell Owsley, *King Cotton Diplomacy: Foreign Relations of the Confederate States of America*, 3rd ed. (Tuscaloosa: University of Alabama Press, 2008); D.P. Crook, *The North, the South, and the Powers 1861-1865* (New York: John Wiley & Sons, 1974); Jenkins, *Britain and the War for the Union*; Howard Jones, *Blue and Gray Diplomacy: A History of Union and Confederate Foreign Relations* (Chapel Hill: University of North Carolina Press, 2010).

<sup>26</sup> Many of these broadly fall under the aegis of the “New Diplomatic History,” that seeks to place foreign policy more tightly in both domestic and global contexts. Don H. Doyle, *The Cause of All Nations: An International History of the American Civil War* (New York: Basic Books, 2015); Don Doyle, ed., *American Civil Wars: The United States, Latin America, Europe and the Crisis of the 1860s* (Chapel Hill: University of North Carolina Press, 2017). On the role nationalism in the international dimensions of the war see Andre Fleche, *The Revolution of 1861: The American Civil War in the Age of Nationalist Conflict* (Chapel Hill: University of North Carolina Press, 2012) esp. chapter 4; On the “new” diplomatic history see Elizabeth Cobbs Hoffman, “Diplomatic History and the Meaning of Life: Toward a Global American History,” *Diplomatic History* 21, no. 4 (Fall 1997): 499–518; Matthew Karp, *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy* (Cambridge, MA: Harvard University Press, 2015); Patrick Kelly, “The Lost Continent of Abraham Lincoln,” *Journal of the Civil War Era* 9, no. 2 (June 2019): 223–48; William S. Kiser, “‘We Must Have Chihuahua and Sonora’: Civil War Diplomacy in the U.S.-Mexico Borderlands,” *Journal of the Civil War Era* 9, no. 2 (June 2019): 196–222; Robert E. May, “The Irony of Southern Diplomacy: Visions of Empire, the Monroe Doctrine, and the Quest for Nationhood,” *Journal of Southern History* 83, no. 1 (January 2017): 69–106; Skye Montgomery, “Reannealing the Heart Ties: The Rhetoric of Anglo-American Kinship and the Politics of Reconciliation in the Prince of Wales’s 1860 Tour,” *Journal of the Civil War Era* 6, no. 2 (June 2016): 193–219; Jay Sexton, *Debtor Diplomacy: Finance and American Foreign Relations in the Civil War Era, 1837-1873* (New York: Oxford University Press, 2005). The expanded scholarship on the transnational Civil War reaches beyond the focus on Europe that pervades much of the older, traditional

the works that emphasize the international vision, imagination, and ambition of the slaveholding South – a now well-established departure from the early twentieth century paradigm of an insular and inward-looking agrarian region that rejected modernity.<sup>27</sup> Few of these works pay any sustained attention to the role of British colonies or colonial subjects in the war. There is likewise little sense of the role or importance of informal diplomats and other contacts between the British Empire and the Confederate rebellion at the regional and local level. The Confederate diplomatic record improves dramatically when these sub-national and peripheral relationships receive consideration.

The scholarship on privatized warfare during the Civil War is robust, but most of it focuses, understandably, on the domestic guerilla war.<sup>28</sup> Histories of filibustering tend to either

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works on diplomatic history, particularly with regard to Spanish America. William Kiser's work on Confederate efforts in northern Mexico provides a particularly informative contrast to the situation in British America, wherein Confederate operatives sought cross-border cooperation with Mexicans in ways often at odds with the wishes of the national governments involved – in this case, the Confederacy, the Union, Mexico, and France.

<sup>27</sup> Matthew Pratt Guterl, *American Mediterranean: Southern Slaveholders in the Age of Emancipation* (Cambridge, MA: Harvard University Press, 2008); Rugemer, *The Problem of Emancipation*; Daniel Kilbride, "The Old South Confronts the Dilemma of David Livingstone," *Journal of Southern History* 82, no. 4 (November 2016): 789–822; Michael O'Brien, *Conjectures of Order: Intellectual Life in the Old South, 1810-1860* (Chapel Hill: University of North Carolina Press, 2004). For a discussion of how visions of slavery fit into the nineteenth-century imagination of Southern slaveholders see Anthony Kaye, "The Second Slavery: Modernity in the Nineteenth-Century South and the Atlantic World," *Journal of Southern History* 75, no. 3 (August 2009): 627–50.

<sup>28</sup> Aaron Sheehan-Dean, *The Calculus of Violence: How Americans Fought the Civil War* (Cambridge: Harvard University Press, 2018); On the importance of the domestic guerilla war, see Daniel E. Sutherland, *A Savage Conflict: The Decisive Role of Guerillas in the American Civil War* (Chapel Hill: University of North Carolina Press, 2009). Sheehan-Dean emphasizes the reluctance to adopt guerilla practices by many Confederate officers and



end their narrative before the Civil War, or use the war as a coda alongside later events like the Fenian raids.<sup>29</sup> This study emphasizes that the grassroots foreign policy tradition characterized by filibustering not only survived but thrived during the Civil War, especially on the international margins of the war, where conventional armies and guerilla forces were largely absent. Histories of privatized warfare at sea in the Civil War focus on privateering, either celebrating its brief success, or examining the legal and political sources of its failure.<sup>30</sup> Blockade running has received deep attention from historians, though the premier volume on the subject is now thirty years old, and few histories pay much attention to the colonies themselves as sites of exchange or to the colonists as agents and participants in the struggle.<sup>31</sup> This work aims to foreground the

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officials, as well as the restraint that characterized much of war's violence, and Sutherland likewise notes the choice by Confederate leaders (including some who encouraged filibustering and transnational raiding) not to pursue a guerilla campaign after the defeat of their conventional armies.

<sup>29</sup> Charles H. Brown, *Agents of Manifest Destiny: The Lives and Times of the Filibusters* (Chapel Hill: University of North Carolina Press, 1980); Robert E. May, *Manifest Destiny's Underworld: Filibustering in Antebellum America* (Chapel Hill: University of North Carolina Press, 2002); Amy S. Greenberg, *Manifest Manhood and the Antebellum American Empire* (New York: Cambridge University Press, 2010); Travis Childs, "In Liberating Strife: American Filibusters in the Texas Revolution 1835-1836 and the Canadian Rebellion 1837-1839" (master's thesis, University of Texas at Arlington, 2005); Frank Lawrence Owsley and Gene A. Smith, *Filibusters and Expansionists: Jeffersonian Manifest Destiny, 1800-1821* (Tuscaloosa: University of Alabama Press, 2004); Joseph Allen Stout, *Schemers & Dreamers: Filibustering in Mexico, 1848-1921* (Fort Worth: Texas Christian University Press, 2002).

<sup>30</sup> William Morrison Robinson, *The Confederate Privateers* (Columbia: University of South Carolina Press, 1928); Weitz, *Confederacy on Trial*; Lemnitzer, *Power, Law, and the End of Privateering*.

<sup>31</sup> Wise, *Lifeline of the Confederacy*; M. Brem Bonner and Peter McCord, "Reassessment of the Union Blockade's Effectiveness in the Civil War," *North Carolina Historical Review* 88, no. 4 (October 2011): 375–95; David G. Surdam, "The Union Navy's Blockade Reconsidered," *Naval War College Review* 51, no. 4 (September 1998): 85; Mark E. Neely Jr., "The Perils of Running the Blockade: The Influence of International Law in an Era of Total

importance of both. More broadly, it also seeks to emphasize the connections between these disparate bodies of work. Filibustering and privateering experienced a fusion later in the war informed deeply by Confederate raiding practices along coastal waterways and protected by the networks of pro-Confederate officials and subjects across British America first built in the service of blockade running. This new type of maritime private warfare – centered around hijacking ships by attackers posing as passengers – defied easy categorization, confounded British government officials seeking to repress it, and encouraged Confederates and colonials who embraced the opportunity to harness private enterprise for personal and military gain.

This work is divided into five chapters, proceeding roughly chronologically from the immediate antebellum era through 1865, with chapters two through five also organized geographically to focus on particular colonies and themes. Chapter one examines antebellum relations between the South and Britain, with a focus on the colonies as sites of conflict, particularly over slavery. It also establishes a pattern of non-state diplomatic and military action favored by powerful Southern and later Confederate politicians, and places that pattern within the mid-nineteenth century context of British efforts to reform imperial governance and shape international law toward a positivist vision of order.

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War,” *Civil War History* 32, no. 2 (June 1986): 101–18; Hamilton Cochran, *Blockade Runners of the Confederacy* (Westport, CT: Greenwood Press, 1958); David G. Surdam, *Northern Naval Superiority and the Economics of the American Civil War* (Columbia: University of South Carolina Press, 2001); Thelma Peters, “Blockade-Running in the Bahamas During the Civil War,” *Tequesta: The Journal of the Historical Association of Southern Florida* 1, no. 5 (1945): 16–29; Saunders, “The Blockade Running Era in the Bahamas: Blessing or Curse?”; William N. Still Jr., “A Naval Sieve: The Union Blockade in the Civil War,” *Naval War College Review* 36, no. 3 (June 1983): 38–45; Negus, “A Notorious Nest of Offence.” Most of the scholarly literature is concerned with questions of the effectiveness of the blockade, or its economic and legal repercussions.

Chapter two examines the critical importance of British colonial support for the establishment and sustainment of Confederate blockade running from 1861-1863, including the largely unexamined role of local politicians and officials in the Bahamas in creating favorable conditions for the most critical Confederate logistical campaign of the entire war. The Confederate government's operations in Nassau were, from a practical standpoint, inseparable from private business concerns there and relied upon Southern firms working hand-in-hand with influential Bahamians like Nassau merchant and former slaveholder Henry Adderley. Local aid allowed Confederates to move cargo through Nassau with relative ease by changing laws, expanding bonded warehouse space, and giving access, through local cut-outs, to British diplomatic and communications infrastructure. The Confederate commercial-diplomatic network at Nassau was a triumph of informal diplomacy and cemented the ad hoc, privatized approach favored by Confederate officials in the early months of the war.

The difficulties surrounding Confederate government efforts to take control over blockade running are the focus of chapter three. Geographically centered on Bermuda, the chapter examines efforts by the Confederate general government to wrest blockade running from the hands of private parties and state governments, and the sheer difficulty they faced in undoing the complicated public-private hybrid nature of most shipping operations. It also examines the social role of the Confederate establishment among the colonial elites and common people of Bermuda, and the importance of social engagements in creating and maintaining relationships between Confederates and Bermudian officials.

As yellow fever temporarily drove blockade running out of Bermuda in the late summer and fall of 1863, Confederate operatives, both official and informal, found refuge in Halifax and the Maritime colonies of British North America. Chapter four examines the case of the

*Chesapeake* hijacking as an example of the increasing fusion of privateering and filibustering by pro-Confederate raiders. British government efforts to prevent the use of their territory for such behavior foundered on the perennial problems of colonial governance, particularly divided sovereignty. Colonial subjects, officials, and especially courts successfully resisted imperial pressure to capture and convict local men involved in raiding and piracy.

The final chapter, set largely in Canada, argues that the Confederate government, notably Secretary of the Navy Stephen R. Mallory, Secretary of State Judah P. Benjamin, and Jefferson Davis, embraced the logic of informal warfare and diplomacy in 1864 and increasingly lent official sanction to the raiders and pirates acting on Confederate behalf, even when their actions clearly violated nineteenth century norms of warfare and international law. Confederate operatives used Canadian territory to conduct a subversion and political influence campaign directed at the Old Northwest, with the dual aims of Republican electoral defeat in the 1864 elections and, concurrently, fostering insurrection or even secession of the northwestern states. When these failed, Confederate officials lost control of their agents and supporters, whose depredations increasingly took the form of criminal reprisals or wild attempts to strike decisive blows for the faltering rebellion. These culminated in the failed attempts at biological warfare of the Yellow Fever Plot and the arson of New York City, and the successful assassination of Abraham Lincoln. While not necessarily done at the order of the Confederate government, all of these relied to some extent on the Confederate networks of support and communications in British America, and likely would not have occurred without them.

Lastly, it is necessary to mention what this study is *not*. It is not an exhaustive history of British colonial involvement in the American Civil War. I have left to the side, for example, the extensive enrollment of British North Americans in the Union army and most other colonial

interactions that involved only the North or the United States government – the focus here is decidedly on the Confederacy and the British Empire. The Union response to Anglo-Confederate interactions is included where it is particularly relevant to the quasi-war in the colonies – the Union navy’s pursuit and seizure of the *Chesapeake* in Nova Scotia territorial waters, or the implementation of a passport system along the Canadian frontier after the St. Albans raid, for two examples. For similar reasons of narrative focus, I have mostly excluded Confederate interactions with Mexico and with non-British colonies such as Cuba. While they mattered for the course of the war and played a role in blockade running, they do not have as much to tell us about specifically British imperial governance and private parties.

Caught between King Cotton and Queen Victoria, the colonies of British America occupied a place of ambiguous loyalty and ambivalent neutrality during the American Civil War. Many British Americans simultaneously took pride in their place in a mighty empire and resented that empire's interference in their affairs. Colonists almost everywhere disliked slavery, yet many actively supported a slaveholder's republic in the name of freedom. Confederates, for their part, shared in the inconsistency. Government officials insisted on respecting the neutrality of British territory, provided there was gain in it, diplomatic or otherwise. An ad hoc commercial-diplomatic network bound the colonies and the rebellion together on the basis of trade, sentiment, and occasionally kinship. And in the midst of it all, freelance rebels - privateers, adventurers, and swindlers among them- carried the Confederate torch beyond Southern shores, starting fires along the way, often ignorant or heedless of international law, Confederate policy, or the strictures of neutrality.

### A Note on Terminology

For the sake of clarity and consistency I have attempted to adhere to contemporary names for cities and colonies. Of note, "Canada" refers to the united province of Canada which, prior to 1841, had been Upper Canada and Lower Canada - contemporary Ontario and Quebec. The two portions were renamed Canada East and Canada West, although the old names remained in use.<sup>32</sup> British North America refers to the collective colonies of Canada, New Brunswick, Nova Scotia, and Prince Edward Island.<sup>33</sup> British America, as noted above, is the term I have chosen to cover all of these, plus Bermuda and the Bahamas. The term thus excludes some British colonies in the Western Hemisphere, primarily those in the West Indies, plus British Honduras (Belize) and the Hudson's Bay Company territory.<sup>34</sup> To distinguish the non-indigenous residents of these places from residents of Great Britain proper, I refer to them as "colonists" or "colonials."

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<sup>32</sup> Some, particularly Americans, used "Canada" as shorthand for all of British North America in the mid-nineteenth century. I have avoided or clarified such usage in this text.

<sup>33</sup> Some writers include Newfoundland as well, but it was governed separately (i.e., not under the aegis of the Governor-General of British North America) and in fact did not join with the rest as a part of modern Canada until after the Second World War. During the Civil War, British Columbia remained a part of the Hudson's Bay Company territory, while Vancouver Island was governed as a separate Crown Colony.

<sup>34</sup> I have chosen to separate Bermuda and the Bahamas from the British West Indies mostly as a matter of geography and contemporary governance – slavery had been a more marginal presence on these islands than on the sugar-producing islands of the West Indies, and the white minority was substantially larger as a proportion of the population. They retained political power and legislative bodies even as their counterparts in the West Indies faced retrenchment and even a return to direct imperial governance. Other scholars consider them linked well enough to the West Indies by cultural and social factors to be grouped together. See for example, F.E. Manning, "Nicknames and Number Plates in the British West Indies," *Journal of American Folklore* 87, no. 344 (June 1974).

In a work such as this that features cooperation and a sometimes hazy distinction between private citizens and the Confederate government, it can be difficult to properly label those people involved and avoid confusion over their often-muddled roles. The general term “Confederate” applies to citizens of the Confederate States, regardless of if they held a government position. “Pro-Confederates” were non-citizens (usually colonists) working in support of the rebellion. When referring to the government or individuals acting in their capacity as government officials, I specifically refer to them as such. For example, “Confederates expected British intervention, but the Confederate government did little to prepare for an extended war if Britain remained neutral.” “Confederate government” refers to the general government and not state or local entities unless specified otherwise.

## Chapter 1

### “That Nation of Pirates”: Private Violence and the North American Origins of Confederate Informal Diplomacy 1837-1861

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When William Howard Russell, the famed correspondent of the London *Times*, visited Montgomery, Alabama in the late spring of 1861, he encountered the seat of the Confederate government in the chaotic throes of organizing itself, an army, and a foreign policy. Russell interviewed several important Confederate leaders, including Jefferson Davis, but he also described the conditions in the city and the characters falling into the new government’s orbit. Russell’s hotel, filled beyond capacity along with the rest of city, required him to share one room, and three beds, with five men, and his shared room was “full of tobacco smoke, filibusters, and conversation.”<sup>1</sup> These filibusters – veterans and supporters of unauthorized military expeditions – seemed at ease with the highest officers of the Confederate government, and many found places in the army or, in the case of John T. Pickett, the Confederate diplomatic corps.<sup>2</sup> While filibusters and self-appointed revolutionaries like George N. Sanders (“a learned pig” in Russell’s jaundiced opinion) vied for Russell’s attentions, the Confederate government sought out his opinion on the issue of privateering.<sup>3</sup> William Montague Brown, the assistant Secretary

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<sup>1</sup> William Howard Russell, *My Diary North and South* (Boston: T.O.H.P. Burnham, 1863)

<http://hdl.handle.net/2027/loc.ark:/13960/t6d229r63> (accessed 11 July 2013), 178.

<sup>2</sup> David C. Keehn, *Knights of the Golden Circle: Secret Empire, Southern Secession, Civil War* (Baton Rouge: Louisiana State University Press, 2013), 152–54.

<sup>3</sup> Russell, *My Diary North and South*, 167.



of State, intimated to Russell that the government had received hundreds of applications for letters of marque, and later asked if he would help them create such letters, as Browne and Judah Benjamin, then Attorney-General, could not find an example. Russell declined, begging that the duties of neutrality forbade him from giving such assistance.<sup>4</sup> Russell's brief sojourn to Montgomery hinted at recurring, and understudied, factors in the wider American Civil War: the Confederate government's comfort with privatized warfare, the unconventional and unprepared nature of its diplomacy and foreign policy, and its inescapable need for help from British subjects.

This chapter addresses two related themes in the immediate antebellum era and the early months of the American Civil War, glimpsed in Russell's experience at Montgomery: the relationship between the South and British Empire, including public opinion, and the widespread pattern of privatized diplomacy and transnational violence in antebellum North America and the early months of the war. Anglo-Southern relations were often fraught in the antebellum era. Tensions over slavery and abolition loomed over Southern, and later Confederate, attitudes toward Britain, and Anglophobia persisted throughout the United States, particularly around elections. Nevertheless, populist Anglophobia often gave way to realism in course of foreign policy, particularly if it allowed the U.S. government to harness British power in its own interests, as with the Clayton-Bulwer Treaty of 1850, which prevented exclusive British control of a transisthmian canal in Central America and forbade further British territorial claims in the region.<sup>5</sup> The opinion of the British government toward the South, especially with regard to

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<sup>4</sup> Russell, 170, 175–76.

<sup>5</sup> Matthew Karp, *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy* (Cambridge, MA: Harvard University Press, 2015), 43–44, 51–53; Jay Sexton, “Anglophobia in Nineteenth-Century Elections,

phenomena like filibustering and privateering, influenced how the Empire's representatives on the margins of the conflict responded to Confederate provocations later in the war. The state of colonial popular opinion toward the Confederacy likewise affected the extent and enthusiasm of their support for the rebellion. Few, if any, colonials in British North America, Bermuda, or the Bahamas expected the Civil War to assume such gigantic proportions, and the colonies found themselves inexorably drawn into the conflict. Whether they liked it or not, colonial territories and subjects became active participants in the war.

This chapter examines mid-nineteenth century patterns of privatized, transnational diplomacy and violence in North America, in order to understand how and why both Confederates and surprising numbers of British colonials embraced the use of tactics that resembled filibustering and piracy as much as they did the practices of regular, interstate warfare, and how so much of the work of diplomacy and foreign policy fell into the hands of private citizens. A wide spectrum of privatized violence persisted on the frontiers of the United States and British America in the antebellum era, and it also influenced public opinion and, later, the course of the informal warfare and diplomacy in these border regions. Filibustering garnered the most attention, but violence over the fate of fugitive slaves and widespread kidnappings by private detectives and other non-state actors weakened the border as an obstacle to transnational violence. Many prominent Southerners who went on to influential positions in the Confederate government had, in the 1850s, embraced the practice of filibustering when it suited their interests. Some went so far as to reject the premise that such adventures should be illegal under

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Politics, and Diplomacy,” in *America at the Ballot Box: Elections and Political History*, by Gareth Davies and Julian E. Zelizer (Philadelphia: University of Pennsylvania Press, 2015), 110–16.

either United States or international law. Even the famously rigid “constitutionalist” Jefferson Davis regarded filibusters like William Walker with ambivalence rather than revulsion, and Davis never completely rejected the idea of private adventurism. The closer that privatized violence came under the wing of the state, the more enthusiastically future Confederates promoted it. Southerners (and many Northerners for that matter) embraced privateering as a weapon of war in 1860, even as the powers of Europe moved to banish it from the seas with the 1856 Declaration of Paris.<sup>6</sup> The changing environment of maritime law in the nineteenth century, along with the shift from sail to steam power made privateering a disappointment to Confederate leaders, and drove the Confederates to innovations of increasingly dubious legality in an effort to harness private enterprise to the war at sea. Alongside this private violence, the Confederate government tacitly encouraged private citizens to shape its foreign policy. In the first months of the war this manifested itself in the informal cotton embargo. Later, the influence of private merchants, promoters, and self-appointed agents deeply affected the structure of key Confederate operations like blockade running in the colonies.

These somewhat disparate threads provide the background necessary to understand the crucial role that informal diplomacy and private military action played in sustaining the rebellion. They also illustrate the indispensable role of British colonial territory and subjects in support of the Confederate project. The establishment of large-scale blockade running required the conjuncture of British colonial governance, with its inherently divided sovereignty, and the network of business and family connections between colonial ports of British America and the South. Bereft of their usual connection to transatlantic shipping and communications routes

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<sup>6</sup> Jan Lemnitzer, *Power, Law, and the End of Privateering* (London: Palgrave MacMillan, 2014), 115–53.

through Northern ports like New York, Confederate merchants turned to colonial ports to facilitate the crucial trafficking of weapons and cotton across the saltwater frontier and the Union blockade. Colonial ports and territory also provided essential shelter and launching points for a variety of pro-Confederate military actions, from facilitating the arming of commissioned warships like the CSS *Florida*, to raiding across the land frontier from British North America, to acts of outright piracy. The informal diplomacy and war in and around British America happened as it did because of the conditions and popular opinion of the immediate antebellum era. Southerners remained suspicious of the British Empire, but their attitudes toward the colonies were more flexible; they could be imagined simultaneously as British and American, in the broadest sense of the word.

For much of the antebellum era, many Southerners viewed Britain with a mix of paranoia and contempt. Slaveholders widely feared a British-sponsored abolitionist conspiracy, particularly in the years between British abolition in the West Indies and the Mexican-American War.<sup>7</sup> Although these fears softened in the 1850s, many Southerners replaced them with an assumption that greed and dependence on cotton would force the British to submit quickly in the event of war – or to recognize and aid an independent South in the event of secession. Attitudes toward the colonies proved far more flexible – southern observers projected their needs and assumptions onto the colonies as circumstances required. The colonies could be both entirely British – a stand-in for the Empire at large, or they could be regarded as a thing apart and a

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<sup>7</sup> Gerald Horne, *Negro Comrades of the Crown: African Americans and the British Empire Fight the U.S. before Emancipation* (New York: New York University Press, 2012), 133–63; Edward Bartlett Rugemer, *The Problem of Emancipation: The Caribbean Roots of the American Civil War* (Baton Rouge: Louisiana State University Press, 2008), 180–221.

vulnerability to be soothed or exploited. The colonies did not occupy a place of importance in Southern discourse during the secession crisis. On the other side of things, strong growth and the “settler revolution” led the colonies, especially British North America, to the cusp of vastly-increased independence from London.<sup>8</sup> While colonial public opinion was largely united against slavery, abolitionism’s luster had faded a bit in the intervening years, and individual colonial governments were poised in 1860 to seek advantage in the impending crisis, even if it conflicted with London’s prerogative over foreign affairs.<sup>9</sup> At the same time, the Royal Navy and the Foreign Office gave significant attention to the threat of filibustering, up to and after the start of the Civil War. Their concern should serve as a reminder of the disruptiveness of privatized warfare and the important place it had in popular imagination in 1860-1861. British authorities did not assume it would simply fade away, and they were right.

British attitudes toward the United States, slavery, and the Confederacy have been widely studied. The Palmerston government treated the United States with diffidence. Palmerston himself disliked the United States and republican governance in general, but his cabinet did not seek out conflict and conciliated the Americans where it could, within the bounds of national honor.<sup>10</sup> Popular opinion varied widely by social class, religion, and political affiliation, as

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<sup>8</sup> On the “settler revolution” and colonial autonomy, see James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783-1939* (New York: Oxford University Press, 2009).

<sup>9</sup> Catherine Hall, *Civilising Subjects: Colony and Metropole in the English Imagination, 1830-1867* (Chicago: University of Chicago Press, 2002), 338–79.

<sup>10</sup> David F. Krein, *The Last Palmerston Government: Foreign Policy, Domestic Politics, and the Genesis of “Splendid Isolation”* (Ames: Iowa State University Press, 1978), 32; Phillip E. Myers, *Caution and Cooperation: The American Civil War in British-American Relations* (Kent, OH: Kent State University Press, 2008).

studies by R.J.M. Blackett and Peter O'Connor show, but most literate Britons identified American slavery as a national rather than a sectional institution. The Confederacy's supporters in Britain tended to be political conservatives, often aristocrats, as well merchants or those who stood to gain from the cotton trade. They also tended to view slavery as a peripheral issue.<sup>11</sup> Nevertheless, once the war began the Confederacy's unapologetic embrace of slavery proved to be a diplomatic millstone around their neck, preventing many Britons who might otherwise have been sympathetic from supporting their cause. In most ways, opinions in the colonies toward the South approximated those of metropolitan Britain, with some important exceptions.

British colonials did not mirror the South's angst toward them, but anti-slavery sentiment certainly affected attitudes, especially in British North America. Canada, if anything, became more staunchly abolitionist in the wake of the Fugitive Slave Law of 1850, and slaves seeking freedom met with welcome, however lukewarm and segregated. Canadian Reformers, led by the newspaper editor and sometime politician George Brown hoped to witness the "overthrow of two equally baleful dominions – the Slavocracy of the South, and the French Priestocracy of the North," although he could hardly have known that the "priestocracy" would become a staunch supporter of the Confederacy.<sup>12</sup> Public opinion in British North America soured quickly once the

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<sup>11</sup> R. J. M. Blackett, *Divided Hearts: Britain and the American Civil War* (Baton Rouge: Louisiana State University Press, 2001), 17–26; Peter O'Connor, *American Sectionalism in the British Mind, 1832-1863* (Baton Rouge: Louisiana State University Press, 2017), 13–16. This interpretation is not uncontested. See Duncan Andrew Campbell, *English Public Opinion and the American Civil War*, (Rochester, NY: Boydell Press, 2003).

<sup>12</sup> Robin W. Winks, *The Civil War Years: Canada and the United States*, 4th ed. (Montreal: McGill-Queen's University Press, 1998), 9–10. For more on Catholic support for the Confederacy in British North America see chapters 4 and 5.

war began, on the twin influences of the *Trent* affair and the initial refusal of the Lincoln administration to proclaim emancipation as a war aim. Even before the war began, however, Canadian conservatives, some descended from United Empire Loyalists who proudly traced their lineage to “Tory” refugees of the American Revolution, had not forgotten the republican sentiments and support of the Canadian rebellions of 1837-38, and leaped to the South’s defense in spite of slavery, while even the Union’s supporters in Canada found themselves caught against the tide of pro-British (or at least anti-American) sentiment.<sup>13</sup> The island colonies, many suffering from post-emancipation economic stagnation and political or racial unrest (a source of *schadenfreude* for some pro-slavery observers), offered a more welcoming climate of opinion, particularly as steamship traffic increasingly passed them by. Although their commercial ties had shifted somewhat toward the North, especially New York, by 1860, the white mercantile elites of Bermuda and the Bahamas both maintained some cultural affinity with the South.<sup>14</sup> Many of the leading figures of these colonies – especially the Bahamas – had vociferously opposed British emancipation and resisted any growth of political rights for the large black populations of their

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<sup>13</sup> Helen G. MacDonald, *Canadian Public Opinion on the American Civil War* (New York: Columbia University Press, 1926), 82–89; Winks, *The Civil War Years*, 16–17. Winks characterizes Canadians who opposed the Union as generally anti-Northern rather than pro-Southern.

<sup>14</sup> Bahamas Blue Book, 1860, f109-115, CO 27/58, CO 27: Colonial Office and predecessors: Bahamas, Miscellaneous. Blue Books of Statistics, etc. UKNA. Bermuda Blue Book, 1860, f171, CO 41/55, CO 41: Colonial Office and predecessors: Bermuda, Miscellaneous. Blue Books of Statistics, etc. UKNA. The Blue Book compilations of trade statistics show that most of the colonies’ trade by value and volume went to the United States, and customs entrance and clearance reports printed in the *Nassau Guardian* and *Bermuda Royal Gazette* show New York as the most common port of exchange.

colony.<sup>15</sup> These island territories, despite their place in Southern imagination as outposts of abolition, harbored great potential for friendship with a slaveholding Southern Republic, regardless of the Empire's official stance on slavery or the Civil War.

Indeed, abolitionism (as a cause, if not as an ideology) had lost some of its influence in British society by the 1850s. In Britain, membership and activism in abolitionist groups waned as a consequence of their own success at home and their relative powerlessness to influence non-British slavery – a symptom of the emergence of an “anti-slavery pluralism” that permitted disagreement over race, equality, and governance even as it remained unified in opposition to holding humans as property.<sup>16</sup> Colonial governments in the West Indies struggled with racial animosity and economic stagnation, and many in the white minority sought to preserve their social and political power at the expense of former slaves and their descendants in ways that would have warmed the hearts of the architects of Jim Crow, even to the point of abolishing

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<sup>15</sup> Michael Craton and Gail Saunders, *Islanders in the Stream: A History of the Bahamian People, Vol. 2* (Athens: University of Georgia Press, 1998), 17–20; Rosalyn Themistocleous, “The Merchant Princes of Nassau: The Maintenance of Political Hegemony in the Bahamas, 1834-1948” (PhD diss., University of Kent at Canterbury, 2000); On cultural similarities between the South and the Nassau elite, see Kenneth M. Startup, “‘The Guardians of Our Own Honor’: Confederate Sympathies and the Pew Controversy in Christ Church,” *Journal of the Bahamas Historical Society* 30 (October 2008).

<sup>16</sup> Richard Huzzey, *Freedom Burning: Anti-Slavery and Empire in Victorian Britain* (Ithaca, NY: Cornell University Press, 2012), 8–9; Huzzey disagrees with the idea that anti-slavery sentiment truly waned after 1834, although Catherine Hall, among others, contends that even if “anti-slavery sentiment was alive and well, it no longer dominated the public mind.” Hall, *Civilising Subjects*, 390. I find Huzzey's argument that Victorian Britain was “an anti-slavery nation” less convincing in places like the colonies.



representative government in favor of direct rule by a Crown-appointed governor.<sup>17</sup> While they held out little hope of re-establishing slavery, the white mercantile and planter elites of the islands openly supported white supremacy, and few, if any, among them looked with anticipation toward the prospect of emancipation in their continental neighbor to the northwest.

Antebellum Southern sentiment toward the British colonies was ambivalent at best, not least because of lingering Anglophobia and the effects, real and imagined, of British emancipation. Southerners pointed to conditions in the colonies to reinforce their proslavery arguments and even, in some cases, to advocate for the reopening of the transatlantic slave trade.<sup>18</sup> South Carolinians, in the context of the earlier nullification crisis, expressed fears that West Indian emancipation portended the same fate for the South at the hands of a distant majority, and this invited, if not insurrection, then economic loss, and the tales of Jamaican planters and comparisons to San Domingo found receptive audiences.<sup>19</sup> South Carolina planter Edward B. Bryan's tract *The Rightful Remedy*, published in 1850, painted Northern and British abolitionism as one and the same – a dishonest, hypocritical ploy to impoverish the South for

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<sup>17</sup> John Manning Ward, *Colonial Self-Government: The British Experience, 1759-1856* (London: Macmillan, 1976); Hall, *Civilising Subjects*, 338–79; Huzzey, *Freedom Burning*, 185–86.

<sup>18</sup> See, for example, Edward B. Bryan, *Letters to the Southern People Concerning the Acts of Congress and Treaties with Great Britain, in Relation to the African Slave Trade* (Charleston, SC: Press of Walker, Evans, and Co., 1858); Brian Schoen, *The Fragile Fabric of Union: Cotton, Federal Politics and the Global Origins of the Civil War* (Baltimore: Johns Hopkins University Press, 2009), 218–22.

<sup>19</sup> Joe Wilkins, “Window on Freedom: South Carolina’s Response to British West Indian Slave Emancipation, 1833-1834,” *The South Carolina Historical Magazine* 85, no. 2 (1984): 135–44.

their own benefit, with secession being the remedy for this situation.<sup>20</sup> Bryan's work for the Southern Rights Association highlights what historian Edward Rugemer called Southerners' "conspiratorial view of British abolition," and the widespread suspicion of British motives as anything but humanitarian.<sup>21</sup> Historian Gerald Horne suggests slaveholders' fear was not without reason, claiming that "the alliance between London and Africans within the republic was probably the single most important threat to U.S. national security" in the nineteenth century.<sup>22</sup> High profile incidents, like the self-liberation of the slaves aboard the *Creole*, who reached the Bahamas and freedom, or John Brown's raid on Harper's Ferry, which received substantial support in Chatham, Canada West, soured the attitude of many Southerners, especially planters and fire-eaters, toward their most proximate British neighbors.<sup>23</sup>

British colonies, especially in the West Indies, appeared frequently in pro-slavery arguments as examples of the evils and dangers of emancipation, and evinced fears of "black-amoor regiments" (i.e., the British West India regiments garrisoned there) threatening the South in the event of war with Britain.<sup>24</sup> Antebellum Southerners looked out from the shore and saw, as John C. Calhoun put it, the "[Royal] navy, sheltered in the commanding positions of Halifax,

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<sup>20</sup> Edward B. Bryan, *The Rightful Remedy. Addressed to the Slaveholders of the South* (Charleston, SC: Walker and James, 1850), 27–32.

<sup>21</sup> Rugemer, *The Problem of Emancipation*, 181.

<sup>22</sup> Horne, *Negro Comrades of the Crown*, 5.

<sup>23</sup> David Christy, "Cotton is King: or, slavery in the light of political economy," in E.N. Elliott, ed., *Cotton is King, and Pro-Slavery Arguments: comprising the writings of Hammond, Harper, Christy, Stringfellow, Hodge, Bledsoe, and Cartwright, on this important subject*, (Augusta, GA: Pritchard, Abbott & Loomis, 1860), 23–24.

<sup>24</sup> *Raleigh North Carolina Standard*, 3 Nov. 1841, 1.

Bermuda, and the Bahamas, ready to strike a blow at any point she may select on this long line of coast."<sup>25</sup> Those inclined to Anglophobia saw the colonies as a beam holding up, in the form of the Royal Navy, the Sword of Damocles over the South, and the United States as a whole. As late as 1859, U.S. Senator Stephen R. Mallory of Florida spoke of the oppressive net of British colonies in the Atlantic and Caribbean that threatened American expansion and commerce and formed part of their effort to “undermine us in every part of the earth.”<sup>26</sup>

Yet, contradictorily, others saw the colonies as a weakness waiting to be exploited in the event of war. During tensions over the Maine boundary dispute in 1839, the New Orleans *True American* predicted that Britain's "West India possessions populated by hosts of free blacks will rise against the home government" and "join the Santo Domingo league." Canada, likewise, was "ripe for rebellion" in the still-roiling aftermath of the failed uprisings of 1837-1838 and would also "raise the standard of revolt."<sup>27</sup> Neither of these outcomes seems likely, but they indicated a willingness on the part of Southern observers to project attributes upon the colonies that suited the needs of the moment. In 1850, Edward Bryan sarcastically applauded the “defenceless” state of Britain’s post-abolition colonies, their weakness being, naturally, the result of freeing the slaves.<sup>28</sup> As sectional tensions over slavery mounted in the late 1850s, some Southerners found meaning anew in the colonies as “weak and dependent” pawns of the British crown, deliberately kept in a state of helplessness and serving as an example for Northerners in their supposed efforts

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<sup>25</sup> John C. Calhoun, *The Works of John C. Calhoun*, 6 vols. (New York: D. Appleton and Co., 1854) 4:32.

<sup>26</sup> *Congressional Globe*, Senate, 35<sup>th</sup> Congress, 2<sup>nd</sup> Session, 1190.

<sup>27</sup> New Orleans *True American*, 22 April 1839, 2.

<sup>28</sup> Bryan, *Rightful Remedy*, 28.

to subjugate the South.<sup>29</sup> In their bad moments, the colonies were fully British, and indistinguishable from the evils of the mother country. When the need arose, however, they could be considered in isolation, as entities separable from Britain itself.

Anxiety over abolitionism lay behind much of the Southern dislike of British colonies in the 1840s and 1850s. The *Creole* is the most famous example of a series of cases involving American ships carrying slaves that landed, for one reason or another, in British territory, resulting in the liberation of their human cargo. It became a matter of British policy that, after 1834 and emancipation, any slave reaching British territory immediately gained freedom. Several ships engaged in the intrastate slave trade such as the *Comet*, *Hermosa*, and *Encomium* arrived in the Bahamas as a result of storms while en route from the Upper South to New Orleans. Passage through the shoals and narrow straits of the islands could be treacherous even in good weather. Bahamian authorities freed slaves who arrived at the islands, whatever their provenance or cost - indeed, the Bahamas frequently became the new home for Africans liberated by the Royal Navy from slavers bound for Cuba.<sup>30</sup>

The *Creole*, a brig bound from Virginia to New Orleans with a cargo of slaves intended for sale, came to the Bahamas deliberately, after a party of slaves rose up against the crew, killing one and taking control of the ship in early November 1841.<sup>31</sup> They forced the remaining crew to sail to the Bahamas because some of the slaves on board knew they would be free if they

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<sup>29</sup> “British and Northern Slave Policy,” *Charleston Mercury*, 13 July 1857, 2.

<sup>30</sup> Howard Jones, “The Peculiar Institution and National Honor: The Case of the *Creole* Slave Revolt,” *Civil War History* 21, no. 1 (March 1975): 31.

<sup>31</sup> Perhaps the best recent account of the uprising itself can be found in Jeffrey R. Kerr-Ritchie, *Rebellious Passage: The “Creole” Revolt and America’s Coastal Slave Trade* (New York: Cambridge University Press, 2019), 99–123.

could reach the islands. One of the leaders of the uprising, Madison Washington, had escaped slavery and lived for some time in Canada, near Toronto, and he was certainly aware of the safety offered by British soil. He had returned south that summer with the aid of abolitionists to attempt to free his wife, who was still held in bondage, but slavers recaptured him and put him on the *Creole* to be sold. A number of the other slaves on the *Creole* came from the same plantation as those freed from the *Hermosa*, so it is likely they also knew that the Bahamas specifically could give them refuge. The brig reached Nassau on November 9<sup>th</sup>, and the slaves informed local authorities of what had transpired. Governor Cockburn, who was an imperial appointee, and George Anderson, the locally resident attorney general of the Bahamas, allowed the vast bulk of the slaves on board the *Creole* to go free, feeling that precedent and the pressure of a large group of black residents of Nassau gave them little choice. The threat of mob violence – small boats full of armed black men had surrounded the *Creole* – underlined the actions of Bahamian officials, who later showed themselves quite sympathetic with slavery when it did not threaten their personal or professional safety. When the *Creole*'s first mate protested the impending release, Anderson told him “you had better let them go quietly ashore; if you object I am afraid there will be blood shed.”<sup>32</sup> The governor detained only the nineteen suspected of being involved in the "mutiny." A detachment of black troops from the West Indian regiment

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<sup>32</sup> Kerr-Ritchie, 137–41. Quote is from page 141. Several Bahamian figures involved in the *Creole* case remained in office two decades later during the Civil War, including Colonial Secretary Charles Nesbitt and Attorney-General George Anderson, and issued repeated decisions that favored Confederate interests. See next chapter.

garrison foiled an attempt by a party of Americans to retake the *Creole* by force, and the authorities allowed the vessel to continue to New Orleans, less its human cargo.<sup>33</sup>

White Southerners reacted angrily to the release of the slaves and demanded that the so-called "mutineers" be extradited to the United States. The Colonial Office, after consulting with the Crown law officers in London, determined in January 1842 that piracy had not occurred, and the case was ineligible for trial in any British court. Despite this, the Nassau vice-admiralty court – staffed with local judges who were often of uneven quality – examined the matter in April, perhaps at the insistence of the U.S. consul, but it adhered to Crown policy and determined that it held no jurisdiction over crimes of mutiny and murder that occurred on the high seas, and the so-called mutineers walked free, further enraging the proponents of slavery.<sup>34</sup> Their rage might have burned even brighter had they known that, in the late 1840s, John Brown invited Madison Washington to join him in his early plans for a strike against slavery. Washington declined, but throughout the 1840s and 1850s he persisted in abolitionist imagination as a romantic and heroic

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<sup>33</sup> Howard Jones and Donald A. Rakestraw, *Prologue to Manifest Destiny: Anglo-American Relations in the 1840s* (Wilmington, DE: Scholarly Resources, 1997), 81–89; Stanley Harrold, "Romanticizing Slave Revolt: Madison Washington, the Creole Mutiny, and Abolitionist Celebration of Violent Means," in *Antislavery Violence: Sectional, Racial, and Cultural Conflict in Antebellum America*, ed. Stanley Harrold and John R. McKivigan (Knoxville: University of Tennessee Press, 1999), 90–92.

<sup>34</sup> Kerr-Ritchie, *Rebellious Passage*, 158–60; Michael Craton, "The Role of the Caribbean Vice Admiralty Courts in British Imperialism," *Caribbean Studies* 11, no. 2 (1971): 8–9. The fact that the court heard the case at all, given the Crown's legal opinion, shows that Bahamian courts and judges were willing to ignore or contest imperial decisions.

figure, and in slaveholders' imaginations as a symbol of British perfidy and of the persistent threat posed by British colonies as outposts of free soil on the American periphery.<sup>35</sup>

Suspicion of British motives drove Southern opinion and, frequently, U.S. foreign policy in the 1840s. Led by John C. Calhoun, the annexation of Texas "was based upon an interpretation of British abolitionism that synthesized a decade of southern commentary on" British emancipation, the struggles of West Indian economies under free labor, and interference with the intrastate slave trade.<sup>36</sup> Rugemer makes an explicit connection between what was happening in British colonies and southern fears over what might happen if such a colony were to appear on the southwestern frontier in the form of Texas. The negotiations over what became the Webster-Ashburton Treaty also suffered because of Southern concerns over slavery. President John Tyler, a Virginia slaveholder concerned with the safety of the coastwise slave trade, annoyed British negotiators with his demands for an apology and guarantees against future recurrences of cases like the *Creole*, but Britain would not budge on the issue of returning slaves to bondage. Lord Ashburton described Tyler as "sore and testy" and "obstinate," and he confided to Lord Aberdeen, the Foreign Secretary, that "My great plague was the *Creole*," and bemoaned Tyler's "garrulous, foolish" interference in the negotiation because of the ship.<sup>37</sup> The poison of the *Creole* spread into other areas of the treaty, and nearly scuttled the portion concerned with policing the international slave trade. All Tyler achieved regarding the *Creole* was a vague promise to avoid "officious interference" with American vessels that sought shelter in British

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<sup>35</sup> Harrold, "Romanticizing Slave Revolt," 101–2; Jones, "The Case of the *Creole* Slave Revolt," 33–34.

<sup>36</sup> Rugemer, *The Problem of Emancipation*, 220–221.

<sup>37</sup> Quoted in Wilbur Devereux Jones, "The Influence of Slavery on the Webster-Ashburton Negotiations," *Journal of Southern History* 22, no. 1 (February 1956): 48–52.

ports, and a promise that British colonial officials would not encourage slave mutiny or revolts. An exchange of notes to this effect reassured enough Southern senators that the treaty passed, and they received further reassurance in 1855 when an arbitrator awarded the owners of the *Creole* slaves a substantial judgment against the British government in compensation.<sup>38</sup>

Perhaps most importantly, the contentious atmosphere around the Webster-Ashburton negotiation caused the portion of the treaty establishing provisions for extradition between Britain (and, by extension, its colonies) and the United States to remain unsettled and vague. Article X allowed for extradition only in the case of seven ostensibly non-political crimes, chiefly murder, robbery, piracy, and forgery, but because they were not explicitly defined it remained an open question whether a British court would consider any of these a crime if committed by a slave seeking their freedom. In 1843 a Bahamian court narrowly avoided deciding the issue in an extradition proceeding against seven slaves accused of killing a white man in Florida before reaching the Bahamas via the “saltwater railroad.” The court released the men for lack of evidence, but in its decision implied that it would have considered sending them back to the United States if the proof had been sufficient.<sup>39</sup> The matter remained troublingly unsettled until the question came up again in Canada on the eve of the secession crisis. The relatively muted Southern reaction to the case of John Anderson, a fugitive slave facing possible extradition to the United States, can be explained by the distraction over the political crisis in the

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<sup>38</sup> Jones, “The Case of the Creole Slave Revolt,” 43–47. The arbitration ruling did not admit that Britain had to return slaves or compensate owners in every case. The decision rested upon the governor’s order to send British troops on board the *Creole*.

<sup>39</sup> Patrick Brode, *The Odyssey of John Anderson* (Toronto: University of Toronto Press, 1989), 21.



United States, but it also reflects the softening attitude of many Southerners toward Britain and British America.

Canada often came to Southern attention in the late antebellum period in connection with escaped slaves, and the case of John Anderson illustrated vividly the fickleness of Southern attitudes toward the colonies. It also showcased how colonial resistance to imperial law could stymie rigid compliance with British policy. After the strengthened Fugitive Slave Law of 1850 came into force, Canada West became a frequent destination for escaped slaves who did not feel secure in Northern states. John Anderson, who killed a white slaveholder in Missouri during his escape in 1853, was one of the thousands who made their way north of the border. Anderson reached Canada with the aid of abolitionists, eventually settling in Brant County, where he lived relatively quietly until early 1860. Another escaped slave, after quarreling with Anderson, told the local police magistrate that he knew of a murder committed by Anderson during his escape. The magistrate issued a warrant against Anderson, and a justice of the peace arrested him in March 1860. Word quickly reached Windsor, just across from Detroit, where Anderson's pursuers had lost his trail in 1854. Slave catchers frequented the Detroit-Windsor corridor, hoping to catch word of potential victims, and one of them, James Gunning, learned of Anderson's arrest and decided to use the as-yet untested extradition treaty to recover his employer's "property."

Gunning returned with evidence to claim his quarry, who had been released in the meantime and was hiding in the town of Simcoe. Local police re-arrested Anderson and returned him to Brantford, in no small part because a large party of angry blacks in Simcoe seemed poised to forcibly liberate him. The posse followed Anderson's captors back to Brant County to ensure

they did not attempt to sneak their prisoner across the border – a concern they held with good reason.<sup>40</sup> Secretary of State Lewis Cass formally requested Anderson's extradition in October from Lord Lyons, recently arrived as British minister in Washington, who forwarded the request to London and British North America. Anderson faced an extradition hearing in Brantford, where a justice of the peace heard arguments in the case. The magistrate, under guidance from Attorney-General John A. Macdonald to require “evidence of criminality sufficient to sustain a charge according to the laws of this Province,” signed a warrant of commitment for Anderson. Now only Macdonald and the Governor-General stood between him and certain death in Missouri.<sup>41</sup>

Macdonald, for his part, had no desire to send Anderson back to the United States, but felt himself limited by the legal circumstances of the case. The treaty only required evidence sufficient to charge a person in order to extradite them – it did not have to be of enough strength to make conviction likely. Under this requirement, Anderson had little hope of avoiding being sent back on murder charges. Macdonald tried to play both sides by allowing an appeal for a habeas corpus proceeding in order to delay the apparently inevitable, while also funding the defense of the penniless Anderson. The habeas corpus hearing took the matter out of the local magistrate's hands and put it before the Toronto Court of the Queen's Bench, possibly in contravention of treaty provisions. Extradition was an administrative proceeding – ultimately the

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<sup>40</sup> Brode, 24–25; Katherine Unterman, *Uncle Sam's Policemen: The Pursuit of Fugitives Across Borders* (Cambridge, MA: Harvard University Press, 2015), 22.

<sup>41</sup> Brode, *The Odyssey of John Anderson*, 29–31; Paul Finkelman, “International Extradition and Fugitive Slaves: The John Anderson Case,” *Brooklyn Journal of International Law* 18, no. 3 (1992): 774–76. Finkelman overestimates the ability of the Governor-General to overrule the wishes of the colonial ministers.

Ashburton Treaty and the Canadian Fugitive Offenders Act, which put its terms into effect, left the final decision on extradition to the Governor-General, who in Canada would abide by the decision of the Executive Council, led by Macdonald. The advent of “responsible government” left several things that touched on foreign policy, such as tariffs and extradition, in Canadian hands, either through tacit understanding (the British government negotiated the 1854 Reciprocity Treaty according to Canadian wishes) or by direct statute from the Parliament in London devolving powers upon the colonial government. Macdonald, a skilled politician, hoped that he could avoid making an immensely unpopular decision by shoving it onto the courts. If they released Anderson, he could blame them for interfering with his duties under the treaty, and if they allowed him to be extradited, Macdonald could blame them and say he was merely performing the court’s wishes, however much they disgusted him.

The Anderson case, which had been heretofore obscure, suddenly became a cause célèbre in November and December 1860, as the habeas corpus proceeding neared. George Brown, leader of the Reform Party and editor of the influential Toronto *Globe*, took up Anderson’s cause, not least as a political maneuver against his rival Macdonald. Abolitionist groups in Canada, the United States, and Britain seized on Anderson’s case. American abolitionists worried, rightly, that if Anderson were extradited it could spell the end of Canada as a last place of refuge for fugitive slaves. Canadian and British abolitionists likewise expressed fury at the possibility of Britain and Canada being turned into “tools of the slave-catchers” and organized a widespread campaign of petitions to the government, particularly the Colonial Office, urging

them not to send Anderson to be “[burned] alive by a slow fire.”<sup>42</sup> Ironically, Southern observers paid little attention to the very case that might, at long last, give them a weapon to recover the “property” that Anglophobes said Britain schemed to deny them. When the three-judge panel gave its ruling, the public in and around the courthouse erupted with anger. They ruled, two to one, that sufficient cause existed for Anderson to be held for extradition. The editor of the *Richmond Daily Dispatch* praised the decision and the preparations by the Canadian government to prevent a rescue attempt, comparing it favorably against mob actions in Boston. Though “just as deeply tainted with abolitionism as the Yankees,” the Toronto mob faced “a government that allowed no trifling with its laws.”<sup>43</sup> Anderson and his attorneys again appealed, with Macdonald’s blessing, to the Court of Common Pleas, also in Toronto.

Meanwhile in London, two parallel actions concerning Anderson’s case threatened to upend two decades of relative comity and increasing independence in Anglo-Canadian relations. A British abolitionist group, fearing that the court in Toronto was about to send Anderson to his death, appealed to the Court of the Queen’s Bench in London for a writ of habeas corpus, which would require Anderson to appear in person, rendering him momentarily safe from extradition. In an extraordinary series of legal missteps, the court issued the writ in the erroneous belief that British courts still held authority in colonies with their own legal systems. A special courier raced for Toronto with the writ, hoping to arrive in time. At the same time and in complete ignorance of the court proceeding, the Colonial Office issued an order to Governor-General Head

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<sup>42</sup> Abraham Fisher to the Duke of Newcastle, 9 Jan. 1861, f158, CO 42/631, CO 42: Colonial Office and predecessors. Canada: Original Correspondence – Secretary of State, reel B-451, HDL. CO 42/631 contains dozens of similar petitions.

<sup>43</sup> “The Law in Great Britain and the United States,” *Richmond Daily Dispatch*, 19 December 1860.

that he was, under no circumstances, to hand over Anderson.<sup>44</sup> Both of these measures were a clear usurpation of colonial judicial independence and responsible government. Both governments desired the same thing – to avoid handing over Anderson – but the Canadians did not welcome unwarranted and, as they saw it, illegal meddling in their affairs, even in a cause they agreed was right. The vague wording of the Ashburton Treaty threatened imperial harmony at a moment of crisis in North America.

The wording of the treaty, ironically, also became Anderson's savior. The Court of Common Pleas heard the case for and against Anderson's extradition, and gave every appearance of agreeing with the earlier ruling. The judges then issued their decision: Anderson was free to go. The initial warrant for his extradition was invalid because of a technicality in its wording. The affidavits from witnesses in Missouri only accused Anderson of stabbing and killing Seneca Digges. They did not explicitly say that Anderson was wanted for murder.<sup>45</sup> Since other crimes not included in the treaty, such as manslaughter, could have occurred, the court deemed the request invalid. The courier from London arrived before the announcement and served the writ for Anderson to the sheriff in Toronto, who sat on it, unsure of its legality and unwilling to interrupt while the court prepared its decision. Observers of every political stripe put aside their bickering briefly to condemn London's usurpation of local judicial authority. Most of the Canadian body politic resented this imperial usurpation of what had been their local prerogative for years. Had they learned of the Colonial Office orders to Head, their anger would have been even greater.<sup>46</sup> Interestingly, one of the Confederacy's strongest eventual friends in Canada,

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<sup>44</sup> Sir William Fenwick Williams to Newcastle, 26 Jan. 1861, f60, CO 42/626, reel B-447, HDL.

<sup>45</sup> Finkelman, "John Anderson Case," 777.

<sup>46</sup> Brode, *The Odyssey of John Anderson*, 87-99.

George Taylor Denison, authored a pamphlet praising the release of Anderson and the denial of his extradition on legal and humanitarian grounds.<sup>47</sup> Abolitionists, fearing re-arrest under a correctly-worded warrant, immediately sent Anderson to Britain, where he was feted at huge gatherings before being shuffled off, apparently less-than-enthusiastically, to Liberia, where he vanished from the record. Anderson's ordeal foreshadowed several cases that followed involving the possible extradition of pro-Confederate raiders, which provoked similar themes of colonial-metropolitan conflict over legal and treaty responsibilities. In the next four years colonial courts repeatedly turned to technicalities of questionable validity in order to avoid making unpopular rulings.

The secession crisis drowned out Southern (and now Confederate) reaction to the Anderson case. The Buchanan administration, paralyzed by resignations and incompetence, did nothing, and most influential Southerners, who might otherwise have cared deeply about the opportunity seemingly afforded by the Anderson case, had already left the Federal government as their home states seceded. The *Mobile Evening News* reported on the Anderson verdict in one terse sentence, in an issue dedicated largely to Jefferson Davis's arrival in Montgomery and the proceedings of the provisional government there.<sup>48</sup> The new Confederate government, bereft of even a rudimentary diplomatic bureaucracy and lacking official recognition from Britain, could not hope to capitalize on the opening the case provided for retrieving fugitive slaves, and its attention was elsewhere in any event. Ultimately, the Confederacy benefitted from the

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<sup>47</sup> George Taylor Denison, *A Review of the Judgments of the Bench in the Anderson Extradition Case; or, seven ways of proving that Anderson should not be remanded: with the judgments of the court appended*, (Toronto: printed for George Taylor Denison, 1861).

<sup>48</sup> *Mobile Evening News*, 18 February 1861.

willingness, demonstrated in the Anderson affair, of colonial subjects and officials to ignore or honor in the breach imperial directives that conflicted with colonial prerogatives or popular opinion. Struggles with London over governance pervaded British settler colonies around the world in the mid-nineteenth century, and the imperial government frequently accepted colonial endeavors as a *fait accompli*, or otherwise compromised in some way with the issue at hand. Again and again, colonial interpretations of “British” governance and rights differed in ways large and small from their metropolitan counterparts, shaped by local history, climate, and political conditions, and this affected the relative power and level of imperial control over legislation, governorships, and the judiciary in the colonies.<sup>49</sup> The fractures between colony and metropole over issues of sovereignty, even in an issue of overwhelming agreement like opposition to slavery, hinted at the advantages the Confederacy might find in the colonies, particularly through low level engagement and an informal diplomacy led by merchants and minor officials.

As the muted responses to the Anderson case and other potentially inflammatory events such as John Brown’s 1858 pre-raid planning convention in Chatham, Canada West show, compared to earlier controversies like the *Creole* affair, Southern Anglophobia toward the colonies eased somewhat in the 1850s despite the irritating British insistence that slavery was, in fact, bad. British North America garnered occasional mention as a fruitful potential free-trade

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<sup>49</sup> P.J. Cain and A.G. Hopkins, *British Imperialism: Innovation and Expansion 1688-1914* (London: Longman, 1993), 258–75; Narda Dobson, *A History of Belize* (London: Longman Caribbean, 1973), 124–25; Mark Francis, *Governors and Settlers: Images of Authority in the British Colonies, 1820-60* (London: Macmillan, 1992), 239–41; John McLaren, *Dewigged, Bothered, and Bewildered: British Colonial Judges on Trial, 1800-1900* (Toronto: University of Toronto Press, for the Osgoode Society, 2011), 43–46, 280–87.

partner with the approval of the Reciprocity Treaty of 1854, which writers like “King Cotton” theorist David Christy linked to a beneficial (for planters) reduction in the prices of foodstuffs and similar commodities.<sup>50</sup> A community of free people of color in Buxton, Canada West, “subjected to wholesome restraint” by their former owner, served as a pro-slavery example of “the capacity of free colored people for improvement” only under the supervision and tutelage of (Southern) whites.<sup>51</sup> In the West Indies and the Gulf of Mexico, the Royal Navy, operating from colonial bases and depots, stirred anger by stopping and searching American-owned ships suspected of being slavers, but the British government relented on the right of visitation and search of American vessels in a successful bid to reduce tensions after a particularly sharp disagreement in 1858 that briefly united Republicans and Democrats. British posture throughout region became conciliatory, and as a result tensions eased alongside Southern Anglophobia.<sup>52</sup> Indeed, as Matthew Karp, Daniel Kilbride, and Skye Montgomery have recently demonstrated, Southern attitudes toward the British Empire softened somewhat in the 1850s, although suspicion of abolitionist motives never completely faded.<sup>53</sup>

Legal and diplomatic disputes over slavery were far from the only sources of tension on the margins of the United States and the British Empire in the antebellum era. A persistent

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<sup>50</sup> Christy, “Cotton is King,” 96.

<sup>51</sup> Christy, “Cotton is King,” 135.

<sup>52</sup> Schoen, *Fragile Fabric of Union*, 223–24.

<sup>53</sup> Karp, *This Vast Southern Empire*, 127–28, 135–40; Daniel Kilbride, “The Old South Confronts the Dilemma of David Livingstone,” *Journal of Southern History* 82, no. 4 (November 2016): 819–22; Skye Montgomery, “Reannealing the Heart Ties: The Rhetoric of Anglo-American Kinship and the Politics of Reconciliation in the Prince of Wales’s 1860 Tour,” *Journal of the Civil War Era* 6, no. 2 (June 2016): 193–219.



tradition of transnational, private violence shaped British policy and tempted Americans, particularly Southerners, with a ready – yet easily disavowed in the case of trouble – tool of empire. British imperial and colonial officials regarded the United States, and the South in particular, as a continuing source of violence and disorder in North America. Antebellum filibustering, usually but not always led by American citizens, caused endless headaches for British governors, diplomats, and the Royal Navy. On the eve of the Civil War, it was private, unauthorized, extraterritorial violence that captured the imaginations of these officials and seemed to pose the greatest threat to the positivist, rules-based international order pursued by Britain – perhaps best embodied by the 1856 Declaration of Paris. The British foreign secretary Lord Clarendon, in Paris to negotiate that agreement, raged at the conduct of the Americans, particularly in Nicaragua. He warned that this “nation of Pirates” would threaten everyone with “insolence” and disorder unless convinced that it would face “a universal league to compel them to observe the usages of civilized nations.”<sup>54</sup> If state-sanctioned privateering posed such a threat to order that the powers of Europe could be induced to forbid it, then unsanctioned adventurers conquering territory required the attention of Britain, the power best-poised to suppress it if the United States could, or would, not.

Filibustering caused the British government no end of trouble in the twenty-five years preceding the Civil War. American filibusters joined in the rebellions in Canada in 1837-1838, which threatened to wrest away the largest settler colony remaining in the Empire. Filibustering expeditions also threatened Spanish Cuba and British territorial claims in Central America in the

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<sup>54</sup> Lord Clarendon to Cowley, 4 and 6 June 1856, quoted in Kenneth Bourne, *Britain and the Balance of Power in North America, 1815-1908* (Berkeley and Los Angeles: University of California Press, 1967), 195.

1840s and 1850s, especially William Walker's remarkably successful forays into Nicaragua. Walker's adventurism also threatened British strategic interests in the region, especially cross-Isthmus access to the Pacific Ocean, negotiations over the fate of the Bay Islands, and the unsettled treaty arrangements with the United States regarding a future interoceanic canal.<sup>55</sup> A detailed history of filibustering need not be presented here. Rather, the intent is to demonstrate its ubiquity as part of a spectrum of private, international violence in the immediate antebellum era. British officials considered it a real menace, while American officials, and influential future Confederates, were often happy to embrace it if it suited their ends.

Filibustering from "that Nation of pirates" consumed the attention of British officials, and it shaped the Empire's approach to international law, as well as its military response to the secession crisis. Walker alone moved British legal opinion and naval policy regarding private violence further down the spectrum toward exclusive state control, continuing the trends seen at Paris in 1856. Previously, in 1854, the Crown's Law Officers issued an opinion that, in dealing with filibusters "the military or naval forces of friendly states not immediately concerned should not actually and directly attack, or engage any but pirates and banditti."<sup>56</sup> This excluded filibusters from categorization as *hostis humani generis* ("enemy of all mankind" – a legal appellation from admiralty law applied to pirates and, in this era, slave traders at sea) and thus from capture or attack by the Royal Navy. Yet in 1858, following the European accord against privateering in 1856 and Walker's serial invasions of Nicaragua, Britain changed course and the Admiralty issued instructions for the navy to render assistance to local forces in repelling any

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<sup>55</sup> Bourne, 176–78.

<sup>56</sup> Richard W. Van Alstyne, "American Filibustering and the British Navy," *American Journal of International Law* 32, no. 1 (January 1938): 138–42.

filibuster attacks along the coast of Central America.<sup>57</sup> British ships never had to act on these orders, but they demonstrated the increasing concern of the British government over the metastasis of violence from the United States.

During the secession crisis and the early months of the Civil War, filibustering remained a primary concern of colonial governors and Royal Navy officers in North America. Vice-Admiral Alexander Milne, the recently arrived commander of the North American and West Indies Station, expressed relief at the capture and execution of William Walker in September 1860, and the return of the remnants of his expedition to New Orleans. Milne's ships were indispensable in both, and he "confidently hoped that the organized system of Filibustering that has for so many years distracted those unhappy [Central American] countries has received its death blow."<sup>58</sup> Yet almost immediately the governor of Jamaica asked for further protection against a possible renewal of filibustering.<sup>59</sup> Other governors and officials echoed those concerns in the following months, in some cases in fear of direct attacks on their own colonies by Northern filibusters after Anglo-American tensions spiked amid the *Trent* affair in late 1861.<sup>60</sup>

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<sup>57</sup> Regis A. Courtemanche, "The Royal Navy and the End of William Walker," *Historian* 30, no. 3 (1968): 352.

<sup>58</sup> Vice-Admiral Alexander Milne to the Secretary of the Admiralty, 4 October 1860, in *The Milne Papers*, vol. 2, John Beeler ed. (Burlington, VT: Ashgate, 2015) 2:110.

<sup>59</sup> Regis A. Courtemanche, *No Need of Glory: The British Navy in American Waters, 1860-1864* (Annapolis: Naval Institute Press, 1977), 125–26.

<sup>60</sup> Lord Lyons to Russell, 31 December 1861, Box 107, Private Correspondence, Lyons Papers, Arundel Castle Archives; Charles J. Bayley to the Duke of Newcastle, 19 August 1862, Governor's Despatches, 1861-1866 (microfilm), Bahamas National Archives, Nassau, Bahamas; Lt. Gen. William Fenwick Williams to Lord Monck, 28 and 30 November 1861, f157 and f174, CO 42/628, reel B-442, HDL.

It is important to note that while filibustering was perceived, then as now, as a chiefly American phenomenon, the participants in (and targets of) filibustering expeditions were far from homogenous, and British subjects in North America often took a very different view of filibustering if Imperial policy diverged from their interests. Europeans, including Britons, formed a large portion of Walker's first expedition into Nicaragua, and it was at the invitation of British colonists, upset at the impending return of their settlement in Ruatan to Honduras, that Walker undertook his fateful, final mission in 1860.<sup>61</sup> More markedly, the British participants in the Aroostook "War" in Maine, which wavered on the spectrum between vigilantism, filibustering, and state-sponsored warfare, came almost entirely from New Brunswick. The participants in filibuster expeditions launched from the United States came from all sections of the country, and from a wide variety of backgrounds. On the extreme end, several forays from California into Sonora between 1852 and 1854 comprised almost entirely of French citizens, while another against Cuba from New York was led and manned by Cuban exiles.<sup>62</sup> Filibustering and private military adventurism transcended borders in antebellum North America. The Civil War obscured but did not alter that formula.

The eventual leaders of the Confederacy held shifting and occasionally conflicting attitudes toward filibustering. Jefferson Davis generally disapproved of adventurers like William Walker, although some historians, such as Karp, have argued that this disfavor stemmed in part because slaveholders held the most powerful positions in the federal government for much of the 1850s, and Davis, among others, therefore felt that control over foreign policy offset the

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<sup>61</sup> Ruatan was the contemporary spelling of present-day Roatán.

<sup>62</sup> Robert E. May, *Manifest Destiny's Underworld: Filibustering in Antebellum America* (Chapel Hill: University of North Carolina Press, 2002), 63–64.

usefulness of supporting filibusters.<sup>63</sup> That argument hinges on the interpretation that the protection, rather than the extension, of slavery mattered most to Davis and other likeminded slaveholders. Walker, for his part, boldly proclaimed the necessity of expanding slavery within and without the United States, and he explicitly tied his Nicaraguan adventures to the battle over slavery in Kansas.<sup>64</sup> The other two most important figures in the eventual use of private, extraterritorial violence in the Civil War, Stephen Mallory and Judah P. Benjamin, usually, though not always, spoke supportively of filibustering in the 1850s. Mallory told the Senate that “I do not look upon filibustering as the worst crime in the world. I do not think highly of the 1818 [Neutrality] law. It was wise, no doubt, in our state of weakness, but it is useless to us now.”<sup>65</sup> The policy motivation for Davis, Benjamin, and Mallory matters less than the fact that they were perfectly willing, if the situation required it, to embrace private, perhaps even extralegal violence. Davis spoke ambivalently about filibustering in the Senate, proclaiming his disfavor for the tactic and those involved, yet questioning the wisdom of the Buchanan administration in interfering with Walker’s latest foray into Nicaragua, as well as its legal power to do so. Davis’ fellow Senator from Mississippi, Albert Gallatin Brown, went further and praised Walker and his volunteers as “patriotic men – not lawless and piratical men as is now charged” who sought to restore Walker to his rightful position. Future Confederate Secretary of State Robert Toombs, in the same debate, compared Walker favorably with Hungarian

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<sup>63</sup> Karp, *This Vast Southern Empire*, 195–96. The response of Davis, James Mason, and others to Cuban filibustering suggests that their aversion was practical rather than moral in this instance.

<sup>64</sup> William Walker, *The War in Nicaragua* (Mobile: S.H. Goetzl, 1860), 275–79.

<sup>65</sup> *Congressional Globe*, 35th Congress, 1<sup>st</sup> Session, 222.

revolutionary Lajos Kossuth.<sup>66</sup> Future Confederates framed their debate over Walker in terms of municipal neutrality laws of the United States. They tended to pay little attention to what international law might require in suppressing armed expeditions.

The debates over Walker presaged the later Confederate interpretation of neutrality laws and the obligation to prevent armed expeditions against another state. Republican and some Northern and border state Democratic senators pointed out repeatedly that Walker's expedition was *prima facie* a violation of U.S. neutrality laws, as well as "a flagrant and outrageous violation of the laws of nations."<sup>67</sup> Jefferson Davis proved to be more cautious than some of his future cabinet – he agreed with calls for a more stringent, if temporary, neutrality law to tamp down on filibustering in Central America, although he only tepidly spoke against the expedition itself. Still, Davis and Alexander Stephens supported Southern expansionism, and Davis praised Walker's Nicaraguan expeditions because they "gave hope to the South of the expansion of her institutions."<sup>68</sup> John Slidell, while condemning Walker, went the other direction and proposed repealing or modifying the neutrality law to permit private adventurers to join in conflicts when it suited the interest of the United States, using a theoretical Spanish intervention in Mexico as an example. Alexander Stephens likewise supported the repeal of neutrality laws and unabashedly

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<sup>66</sup> *Congressional Globe*, 35th Congress, 1<sup>st</sup> Session, 217-221. Toombs served as the first Secretary of State for the Confederacy, and as the great-great-grandfather to entertainer and actor Roderick George Toombs, better known as "Rowdy" Roddy Piper.

<sup>67</sup> *Congressional Globe*, 35th Congress, 1<sup>st</sup> Session, 224-225.

<sup>68</sup> Robert E. May, "The Irony of Southern Diplomacy: Visions of Empire, the Monroe Doctrine, and the Quest for Nationhood," *Journal of Southern History* 83, no. 1 (January 2017): 77–78.

praised filibustering expeditions of all stripes.<sup>69</sup> Walker's defenders argued his innocence by reading the neutrality law as narrowly as possible, in a manner that would effectively exempt from it hostilities not actively begun from the United States – an interpretation that Confederate operatives in Canada would mirror in 1864. Confederates, particularly Mallory, used this narrow legalism effectively on the British Foreign Enlistment Act during the war to launch raiders like the *Alabama* and *Florida* from British shipyards. Mallory and Benjamin used the same reasoning later to justify raiding and hijackings using British colonial territory, having finally convinced Davis to actively support them (see Chapter 5). The roots of their support for events like the St. Albans raid or the hijacking of the steamer *Roanoke* in 1864 were plain to see in future-Confederate support for William Walker and filibustering.

While American filibustering to the south received the lion's share of public and official attention, other species of casual and unauthorized violence thrived in the borderlands between the colonies and the disintegrating United States. On the northern border, unauthorized violence flourished in the tumultuous few years surrounding the Canadian rebellion and originated on both sides of the line.<sup>70</sup> Such marauding faded as Canadian political violence eased in the 1840s, but other parties kept the fire burning. Police and private detectives frequently seized fugitives and spirited them across the border without authorization. On some occasions, these men resorted to violence when their quarry resisted. Some of these incursions were little more than informal, if technically illegal, extraditions by police officers from one side of the border, facilitating police from the other as a favor or professional courtesy. Sometimes the victim was a

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<sup>69</sup> May, 78. *Congressional Globe*, 35th Congress, 1<sup>st</sup> Session, 1541.

<sup>70</sup> For the genesis of the violence among its French-Canadian participants see Allan Greer, *The Patriots and the People: The Rebellion of 1837 in Rural Lower Canada* (Toronto: University of Toronto Press, 1993).

petty criminal or prisoner who escaped over the border to elude pursuit, but fugitive slaves and political or military figures became targets as well. While not all this cross-border violence was linked to international or American sectional strife, even the portion linked to ordinary criminality serves to remind that the antebellum northern border was no impenetrable obstacle but rather the frequent scene of illicit violence.

Low intensity fighting, raiding, and arson happened relatively frequently along the border between the United States and British North America in the antebellum era, and vividly illustrates that illegal cross-frontier violence was not merely the province of Americans and occurred within living memory of the Civil War.<sup>71</sup> Deaths from this violence were rare, but beatings and arson were commonplace. English Canadians crossed the frontier on several occasions during and immediately after the 1837-38 rebellions, seeking to kidnap *patriotes* refugees hiding in Vermont, or in vengeance for similar attacks by *patriotes*, Hunter's Lodges, and American filibusters.<sup>72</sup> The most famous incident was the *Caroline* affair, where a party of Canadian "loyalists" crossed the Niagara river to burn the *Caroline*, an American steamer hired to transport supplies to Canadian insurgents on Navy Island. The *Caroline's* attackers were civilians, but they acted under the orders of a British officer, leading to a long-running diplomatic feud and the retaliatory burning of the British steamer *Sir Robert Peel* by American filibusters.<sup>73</sup> Rumors abounded of plots to kidnap leaders of the rebellion who sought shelter in

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<sup>71</sup> Reginald C. Stuart, *United States Expansionism in British North America, 1775-1871* (Chapel Hill: University of North Carolina Press, 1988), 129–37.

<sup>72</sup> Swanton, Vermont *North American*, 1 July 1840, 2, and 25 July 1840, 3. New York *Morning Herald*, 28 May 1839, 2. Swanton was the site of fervent and vocal support for the Lower Canadian rebellion.

<sup>73</sup> May, *Manifest Destiny's Underworld*, 10–13.



the United States, including William Lyon MacKenzie while he lived in Rochester, New York.<sup>74</sup> Low-level violence also accompanied the so-called Aroostook War, as settlers and lumberjacks from Maine and New Brunswick clashed over possession of disputed land along the poorly defined border. The private violence, mostly involving fisticuffs and, according to legend, a patriotic black bear attack, threatened to involve British and American troops before cooler heads prevailed.<sup>75</sup> The violence largely subsided by 1843, as political reforms in Canada and the settlement of the Maine boundary dispute removed some of the sources of grievance. A decade or so later and far to the west, border disputes and a series of confrontations by British and American settlers in the 1850s culminated in the murder of an “unruly hog” by private parties in the San Juan Islands and once again drew in armed forces from both sides. A British farmer on the island lamented that “an American shot one of my pigs for Trespassing!”<sup>76</sup> The farcical beginning devolved into a relatively tense joint occupation of the islands by British and American troops that persisted through the Civil War and beyond. In the interim, other forms of private violence persisted in the northern borderlands.

Kidnapping and what one historian has termed “irregular rendition” were also commonplace in the era.<sup>77</sup> Fugitive slaves were often the target of the most sensational cases,

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<sup>74</sup> “Conspiracy to Kidnap and Abduct Wm. L. McKenzie, the Canadian Patriot,” Georgetown, Ohio *Democratic Standard*, 15 Dec. 1840, 1.

<sup>75</sup> Howard Jones, “Anglophobia and the Aroostook War,” *The New England Quarterly* 48, no. 4 (1975): 519–39. The story of the bear attacking British woodsmen is probably apocryphal.

<sup>76</sup> Gordon Robert Lyall, “From Imbroglia to Pig War: The San Juan Island Dispute, 1853-1871, in History and Memory,” *BC Studies*, no. 185 (Summer 2015): 73–77.

<sup>77</sup> Unterman, *Uncle Sam’s Policemen*, 48.

and they frequently resisted ferociously, echoing similar violence within the United States. Escaped slave and abolitionist writer William Wells Brown recalled how in 1835 a slave catcher named Bacon Tate hired a party of men to kidnap a family of escaped slaves living in St. Catharines, Upper Canada. Brown makes no mention of the nationality of the kidnapers, but they seized the family violently only to be caught and trounced by a large party of black citizens across the border in Buffalo, who liberated the family.<sup>78</sup> Kidnapping attempts in Canada occurred throughout the antebellum era. In some cases, American citizens seized their victims personally, and in others they attempted, with mixed success, to induce Canadians to do their dirty work for them with promises of financial reward. John Anderson's case was exceptional in that it used formal extradition as its tool. In other instances, the expectation was to work outside the law.<sup>79</sup> The editor of the *Montreal Gazette* excoriated a Baltimore constable, John H. Pope, who openly attempted to bribe city police officers into helping him trick or otherwise coerce fugitive slaves to the border so he could seize them.<sup>80</sup> Pope's brazen offer to the Montreal chief of police and his mocking letter in response to the *Gazette's* editor, in which he bragged of the ease of inducing Canadians to aid him, suggests that this kind of arrangement was fairly

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<sup>78</sup> William Wells Brown, *Narrative of William W. Brown, an American Slave: Written by Himself*, DocSouth Books Edition (Chapel Hill: University of North Carolina Press, 2011), 71–77,

<https://docsouth.unc.edu/neh/brown47/menu.html>. Wells mistakenly identifies the year as 1836 in his memoir.

Upper Canada (present-day Ontario) was renamed Canada West by the Act of Union in 1841.

<sup>79</sup> "Kidnappers on Trial at Cleveland," *New York Times*, 8 July 1859, 5.

<sup>80</sup> *Montreal Gazette*, 13 Jan. 1855. Reprinted in the *New York Times*, 17 Jan. 1855, 1.

common, and that widespread antislavery sentiment in Canada was not necessarily an obstacle to colonial participation in illegal violence across the border.<sup>81</sup>

The practice of quasi-legal kidnapping or extradition usually escaped the notice of senior colonial or imperial officials. That was, after all, the point of avoiding formal extradition – the process was cumbersome, and many crimes did not fall under the terms of the Ashburton Treaty. To make matters worse, American courts later ruled that international kidnappings did not violate U.S. law, ensuring the relative impunity of private citizens and detectives who snatched people across borders.<sup>82</sup> These irregular renditions happened often enough that imperial officials sought, belatedly, to quash the practice. Two Canadians faced trial in 1859 for helping American private detectives kidnap a man wanted for embezzlement and return him to police in the United States. A Toronto jury could not agree on a verdict, but prosecutors convinced the defendants to plead guilty in return for a lenient sentence to avoid encouraging the kidnapping of fugitive slaves. The outbreak of the Civil War did not interrupt this cycle of abductions.<sup>83</sup> A Canadian constable arrested Peter Needham in Canada West and dragged him over the border to Niagara City, New York, in March 1864, where a New York detective took the prisoner to face trial for embezzlement. Needham’s friends complained that he had been kidnapped, and their complaint had merit: Needham had committed no crime in Canada and he was not eligible for extradition.<sup>84</sup> Lord Monck, Governor-General of British North America during the tumult of the Civil War, wrote of the frequent practice of law officers “on both sides of the frontier of affording reciprocal

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<sup>81</sup> *New York Times*, 7 Feb. 1855, 2.

<sup>82</sup> Unterman, *Uncle Sam’s Policemen*, 48–50, 60–61.

<sup>83</sup> “Canadian Affairs,” *New York Times*, 15 Jan. 1859 and 22 Jan. 1859.

<sup>84</sup> Lord Monck to Edward Cardwell, with enclosures, 10 May 1864, f224, CO 42/641, reel B-458, HDL.

aid to each other in the arrest of fugitive criminals without complying with the regular forms of law.”<sup>85</sup> Monck hoped to obtain the aid of authorities in the United States to help suppress the renditions, which he recognized as too often devolving into kidnapping and violence. The advent of the Civil War clearly did not end the practice.

Private violence existed on the maritime boundary as well. As was so often the case in the United States, people of color were frequently victims. On the eve of the Civil War, a Southern ship captain took advantage of the geographic isolation of the Bahamas – and the relatively weak British naval presence – to kidnap a pair of black Bahamian boys and sell them into slavery in Georgia. John Stirrup and Samuel Edwards were with a group fishing on the Bahama Banks in March 1861, when an American schooner, the *Hebe*, hailed them. The captain of the *Hebe* invited Stirrup and Edwards to join two other boys, brought over by white crew from the British ship *Leazer*, aboard for some refreshment. While the crew plied the teenage boys with strong drink, the white British sailors shoved off, leaving their two boys behind. Someone on the *Hebe* set Stirrup’s boat adrift, leaving them no way off the ship. When one of the boys noticed and raised the alarm, the crew seized Stirrup and Edwards. Their companions leaped overboard to avoid capture, but one of them died in the water, possibly from two gunshots fired from the *Hebe*. The captain and his partner, a Florida man named Frederick Clark, hid the captured boys

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<sup>85</sup> Monck to Lord Lyons, 7 May 1864, enclosure in Monck to Cardwell, 10 May 1864, f230-231, CO 42/641, reel B-458, HDL.

in the forecastle until the ship reached Florida, where the pair were sold into slavery for \$800 each.<sup>86</sup>

The kidnapping of Stirrup and Edwards was not unusual, but the consequences showed just how difficult it was for British and American authorities to police these areas, especially as Federal control over the South unraveled, and how easy it was for attackers to escape even the slightest consequences for their actions. The governor of the Bahamas learned of the kidnapping rather quickly and alerted authorities in London and Lord Lyons, the British minister in Washington, but he could do little else – the Bahamas are a huge archipelago, and the governor had no authority beyond the three-mile limit of territorial waters. He could not have pursued the kidnappers even if he had the ability. The Royal Navy could have given chase under its authority to suppress the slave trade, but Nassau was a minor port with no permanent naval presence. The *Hebe* escaped cleanly. Lyons made substantial efforts, with American cooperation, to locate the boys, but the difficulties were enormous, and the Confederate government could be of no help. In other such cases, the Colonial Office felt restricted from contacting the Confederate government for the release of wrongly-held slaves because it would be tantamount to recognition.<sup>87</sup> Stirrup escaped from a Georgia plantation and reached Union forces, eventually ending up on the Sea Islands working for the Union Navy, where Lyons found him and provided him transportation home in 1863. Edwards remained enslaved for the rest of the war, only returning home permanently in 1870. Frederick Clark faced trial for the kidnapping after the war, but ultimately

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<sup>86</sup> Eugene H. Berwanger, “The Case of Stirrup and Edwards, 1861-1870: The Kidnapping and Georgia Enslavement of West Indian Blacks,” *Georgia Historical Quarterly* 76, no. 1 (Spring 1992): 1–18.

<sup>87</sup> Minute of the Duke of Newcastle, in Charles Nesbitt to Newcastle, 19 August 1861, f47-48, CO 23/166, CO 23: Colonial Office and predecessors: Bahamas: Original Correspondence, Secretary of State, UKNA.

avoided conviction because the court lacked much of the evidence contained in State Department and Foreign Office files. Neither Clark nor the captain of the *Hebe* were punished in the end, and the British sailors involved in the initial kidnapping avoided charges altogether.

While these cases of unsanctioned, international cross-border violence were not so widespread as they were along the internal boundary between slave and free states, they still occurred with some regularity and illustrated a longstanding willingness to violate international frontiers.<sup>88</sup> Both American citizens and British subjects involved themselves with these affairs, not only because the relative inability of authorities to police the border made it unlikely they would be caught, but also because that very weakness made it inconvenient or impossible to follow the required legal process in the case of fugitives. When raiders, fugitives, and others engaged in illicit violence and depredations on the margins of North America during the Civil War, they were not merely the creation of wartime pressures. They were also the continuance of a long tradition of private parties engaging in extraterritorial violence as they had in the decades prior to the war. They are also, more broadly, a reminder that the Confederate government, for all of its innovation in developing state power, retained significant features of eighteenth century military practice with regard to privatized warfare, in defiance of the prevailing trends of the nineteenth century.<sup>89</sup>

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<sup>88</sup> Stanley Harrold, *Border War: Fighting Over Slavery Before the Civil War* (Chapel Hill: University of North Carolina Press, 2010), 53–71.

<sup>89</sup> Janice E. Thomson, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton: Princeton University Press, 1994), 69–77, 107–39.

Confederates sought desperately to join the “family of nations” in 1861, and in most respects they accepted the existing regime of norms and responsibilities. It offered a road to recognition and thereby legitimacy, prestige, and the possibility of foreign assistance. Yet the emerging Confederacy was far less enthusiastic about following Britain and the powers of Europe in limiting the non-state use of force, especially after 1863 when their hopes of prompt recognition faded. The Confederate general and state governments organized huge conventional armies and a bureaucracy with extraordinary speed in 1861 in a remarkable feat of state building, but they leaned on private parties in ways that differed sharply from their opponents and the major powers they aspired to join. The Confederacy did not, in other words, uniformly rush to embrace the prevailing movement of the time toward a positivist, rules-based international order that concentrated authority and legitimacy under the state, especially regarding the use of force. The absence, rather than the presence, of state authority was the norm in North American borderland regions before Southern secession – it follows that the same species of private behavior would fill that vacuum during the war.

Private initiative and relationships played a crucial role in the early months of Confederate diplomacy, foreign policy, and naval operations, yet their importance is often obscured in traditional diplomatic histories. Early Confederate experiments with the cotton embargo, committees of safety, privateering, and “destructionists” illustrate the crucial role these people played in creating, executing, or disrupting official government foreign policy at a time of acute bureaucratic weakness and turmoil. Private initiative became the tool of choice and necessity in naval affairs and trade policy not least because it reflected the ideological and economic preferences of the planter and merchant classes of the Confederacy. By the end of 1861 the precedents for encouraging private participation in the tools of foreign policy had been

set, and the Confederate government would find it exceedingly difficult to assert control over its affairs in British America as the war dragged on. In the early moments of the Confederacy, however, private engagement with foreign policy and extraterritorial violence served the ends of the rebellion efficiently.

Observers, then and now, characterized Confederate foreign policy in the first year of the war as “King Cotton diplomacy.” The widespread assumption that British and French desire for cotton would, through venality, greed, and *realpolitik*, force them to quickly recognize an independent Southern Confederacy, colored the decisions of Confederate leaders and diplomats. It also shaped the decisions of Southern citizens with no role in government who, in an atmosphere of enthusiasm and confidence, undertook a freelance foray into international trade policy through the so-called cotton embargo. Even though the embargo undermined another key goal of Confederate diplomacy – demonstrating the ineffectiveness, and therefore illegality, of the Federal blockade – Jefferson Davis, his revolving door of cabinet officials, and the Confederate Congress acquiesced in the wildcat foreign policy of the embargo. Whether because of states’ rights ideology, persistent Anglophobia, or simple benign neglect, the Confederate general government did little to guide the embargo or move it into conformity with any coherent foreign policy until financial and military shortfalls made cotton exports a necessity. By the winter of 1861-1862, the fortunes of war and the Union blockade forced Confederates to look beyond the coast for aid and shelter to address persistent financial and material shortfalls. Confederates found comfort in the arms of nearby British America despite their lingering suspicions, and discovered that many colonists were, in fact, eager to assist the rebellion.



Many prominent Southerners fully expected Britain to race to their aid in the event of war. They would do so, contended James Henry Hammond, among others, out of pecuniary interest in maintaining the flow of cotton from Southern ports to the factories of Lancashire. This reliance on "King Cotton Diplomacy" has been ably explored by historians. Frank L. Owsley, in his eponymous work, judged Southern assumptions about the power of cotton to be logical, and based on a regional culture "clinging to the rationalism" of the Enlightenment. In his account, Southerners drew upon mounds of evidence, from speeches to trade statistics to build their foreign policy assumptions.<sup>90</sup> More recent studies tie the Southern fascination with the power of cotton into broader global networks of trade and capital.<sup>91</sup> Brian Schoen, for example, argues convincingly that "Deep South disunionists assumed that potential European allies and northern adversaries shared their conviction that cotton ruled global trade," and that secession suggested not "a rejection of economic realism, ... but an overabundance of faith in it."<sup>92</sup> Whatever the cause, this abiding faith, to paraphrase historian Scott Marler, in the strong international influence of an independent South colored perceptions both of the nature of its desired partner, the British Empire, and of the expected course of Southern trade and diplomacy in the event of civil war.<sup>93</sup>

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<sup>90</sup> Frank Lawrence Owsley Sr. and Harriet Chappell Owsley, *King Cotton Diplomacy: Foreign Relations of the Confederate States of America*, 3rd ed. (Tuscaloosa: University of Alabama Press, 2008), 1–14.

<sup>91</sup> See, most prominently, Sven Beckert, *Empire of Cotton: A Global History*, (New York: Vintage, 2015).

<sup>92</sup> Schoen, *Fragile Fabric of Union*, 10.

<sup>93</sup> Scott P. Marler, "An Abiding Faith in Cotton": The Merchant Capitalist Community of New Orleans, 1860-1862," *Civil War History* 54, no. 3 (September 2008): 247–76.

During the secession crisis the leading lights of the fledgling Confederate government frequently expressed confidence in their region's power of economic warfare and coercion. Jefferson Davis, during his circuitous journey from Mississippi to Montgomery to accept the Presidency of the Confederate States in early 1861, spoke frequently on the subject. In a speech delivered in Jackson, Mississippi, Davis expressed confidence that England and France would "not allow our great staple to be dammed up within our limits," regardless of a potential Northern blockade.<sup>94</sup> In separate speeches along the way Davis likewise predicted quick recognition by the British government and alluded to his belief in the potency of privateering as a weapon against "coercion." He claimed, in a dig at the supposedly mercenary North, that "all we had to do would be to open our ports, grant Letters of Marque, and buy the last enterprising Yankee out of Boston!"<sup>95</sup> Davis repeated the allusions to privateering and the power of King Cotton, albeit more obliquely, in his inaugural address to the Confederate Congress on 18 February, 1861.<sup>96</sup> The start of the Civil War did not dampen Southern confidence. Southerners assured British journalist William Howard Russell that his country was "bound to take our part; if they don't, we'll just give them a hint about cotton, and that will set matters right."<sup>97</sup> Francis Pickens, perhaps misinterpreting a conversation with Robert Bunch, the British consul in Charleston, wrote to Jefferson Davis just days after Ft. Sumter surrendered and claimed that any Union attempt to impose a blockade "would immediately lead to the recognition of the

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<sup>94</sup> New Orleans *Daily Delta*, Feb. 14 and 17, 1861. Quoted in PJD 7:38.

<sup>95</sup> PJD, 7:44.

<sup>96</sup> PJD, 7:48-49.

<sup>97</sup> Russell, *My Diary North and South*, 96-98.

Independence of the South by Great Britain,” and that he had “no doubt of the truth of it.”<sup>98</sup> The truth of it mattered little, it turned out, in the face of such overwhelming self-assurance. Davis seemed fully assured that individual enterprise in maritime warfare and perhaps even economic policy would secure victory for the new Confederacy.

The logic of King Cotton diplomacy held that by denying the powers of Europe access to the South’s staple export, their hands could be forced into recognizing and supporting Confederate independence. The tool of choice for achieving this outcome, an embargo on cotton exports, showed the power of private parties in Confederate foreign policy in the early days of the war, as individuals and businesses drove the practical application of King Cotton diplomacy. Public opinion in 1861, at least as expressed in newspapers, supported a cotton embargo nearly unanimously.<sup>99</sup> Merchants in New Orleans, the South’s most important commercial city, expressed an understandable desire for stability in 1860 leading up to the election, and the city’s voters went overwhelmingly for John Bell and Stephen Douglas in November. The commercial class of New Orleans nevertheless identified strongly with the institution of slavery and, conscious of their intense dependence on the products of slave-labor agriculture, embraced secession.<sup>100</sup> After Louisiana cast its lot with the new Confederacy, the merchants of New Orleans needed a prompt return to stable trade, and quick recognition by Britain and France offered a seemingly easy means to that end. Stung by the failure of Britain to swiftly recognize the Confederacy and sweep away the blockade, yet sustained by their “abiding faith in cotton,” in

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<sup>98</sup> Francis W. Pickens to Jefferson Davis, 16 April 1861, PJD, 7:104-106.

<sup>99</sup> Owsley Sr. and Owsley, *King Cotton Diplomacy*, 24–27.

<sup>100</sup> Scott P. Marler, *The Merchants’ Capital: New Orleans and the Political Economy of the Nineteenth-Century South* (Cambridge: Cambridge University Press, 2013), 81–84 and 122–27.

July 1861 a large body of the city's most influential merchants took foreign policy into their own hands and imposed a de facto embargo on cotton shipments from New Orleans. Within a few weeks most of the major cotton ports in the Confederacy followed suit.<sup>101</sup>

Confederate farmers and planters shared this faith in the power of Southern agriculture to bring Europe to their aid and many cooperated in suppressing cotton exports.<sup>102</sup> The editor of the *Mobile Advertiser and Register* scorned “the many discontented subjects of King Cotton” in England and declared that “Our planters and our Government will see that” cotton exports were prevented, “so that England may have ‘the will’ to get the staple, ‘the way’ will only be such a way as suits us.”<sup>103</sup> Confederate merchants did not limit their interference in trade policy to cotton. The Safety Committee of Wilmington, North Carolina – dominated by merchants like Armand DeRosset – discouraged the export of local staples such as turpentine and naval stores, in order to keep them out of Northern hands. The editor of the *Wilmington Journal* lamented the local army commander’s inability to interfere with trade and called for private action instead. “It therefore rests, for the present, with the citizens of Wilmington – with the merchants of Wilmington, to say whether any more shipments be allowed” for export. “The Safety Committee – the people – the merchants must act in this matter for the present.”<sup>104</sup> Merchants in and around

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<sup>101</sup> Marler, “An Abiding Faith in Cotton,” 263–67.

<sup>102</sup> R. Douglas Hurt, *Agriculture and the Confederacy: Policy, Productivity, and Power in the Civil War South* (Chapel Hill: University of North Carolina Press, 2015), 9, 18–20.

<sup>103</sup> *Mobile Advertiser and Register*, 3 October 1861, 2.

<sup>104</sup> *Wilmington Journal*, 17 Apr. 1861, 4; *Wilmington Journal*, 29 Aug. 1861, 2.

Charleston, Savannah, and other ports echoed these sentiments as well, even as they called for the Confederate Congress to take action to make the embargo a matter of law.<sup>105</sup>

This wildcat imposition of trade and foreign policy by merchants was not necessarily at odds with the ultimate goal of the Confederate general government, but it caused suspicion and confusion as to what actually constituted the government's official policy, both at home and abroad.<sup>106</sup> Many people wrote to Jefferson Davis and various cabinet officials, requesting permission to ship cotton out through an embargo that did not officially exist. Simultaneously, the massive drop in cotton exports – shipments from New Orleans, the South's most important port, fell by 99 percent between the 1860 and 1861 seasons – torpedoed Confederate claims in London that the British should ignore an ineffective, and therefore illegal, Union blockade. British observers, while erroneously attributing the embargo to the Confederate general government, were not fooled in the slightest as to the cause of the drop in cotton exports or its objective, and many expressed indignation at Southern presumptions about British venality.<sup>107</sup> William Howard Russell regarded King Cotton as a “grievous delusion” but recognized its near-universal acceptance among Southerners as “a lively, all-powerful faith without distracting heresies or schisms.” He confessed his irritation with the tone of the King Cotton sentiments repeatedly pressed upon him as he traveled through the South.<sup>108</sup> Robert Bunch wrote to the

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<sup>105</sup> “A Back-Countryman,” letter to the editor of the *Charleston Mercury*, 5 October 1861, reprinted in the *Atlanta Southern Cultivator*, vol. 19, issue 11 (November 1861), 290; *Mobile Advertiser and Register*, 2 October 1861, 2.

<sup>106</sup> Charles M. Hubbard, “James Mason, the ‘Confederate Lobby’ and the Blockade Debate of March 1862,” *Civil War History* 45, no. 3 (September 1999): 232–33.

<sup>107</sup> *The Economist*, 22 June and 21 Sept. 1861, quoted in Owsley Sr., *King Cotton Diplomacy*, 40.

<sup>108</sup> Russell, *My Diary North and South*, 98.

Foreign Minister, Lord John Russell in June, 1861, to point out that a bill before the Confederate Congress to limit cotton exports was aimed at influencing Britain.<sup>109</sup> That bill, along with several of similar scope, failed, but the intent was crystal clear, and few in the British government had any illusions as to the goal of the embargo, even if they did not know who was behind it.

Foreign confusion over this policy was understandable. Judah Benjamin worked behind the scenes with Louisiana congressman Duncan Kenner to promote the embargo, even as he quietly helped Davis discourage the Congress from actually passing legislation to that effect. State governments added to the turmoil by periodically interfering with cotton exports, often by unilateral actions by governors such as Thomas Moore of Louisiana, and especially John Milton of Florida, or by the various Committees of Safety in the Confederacy's major port cities.<sup>110</sup> Confederates, whether private citizens or government officials, accepted the existence of the extralegal cotton embargo and carried on this informal foreign policy well into 1862, despite the intense frustration of British consuls and ship owners. The Confederate government, at all levels, was quite comfortable with private parties, rather than the state, taking the lead on matters of foreign policy. A similar situation prevailed regarding warfare at sea.

While Confederate officials tacitly encouraged private parties to shape and enforce its foreign policy, especially through the cotton embargo, their embrace of privatized warfare beyond the South's borders in 1861 displayed no such coyness. Confederate leaders fully

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<sup>109</sup> Owsley Sr. and Owsley, *King Cotton Diplomacy*, 31.

<sup>110</sup> Owsley Sr. and Owsley, 32–38. John Milton to George Randolph, 25 June 1862; Milton to James M. Baker, 18 Aug. 1862, box 1, folder 11, Milton Letterbooks (1861-1863), State Library and Archives of Florida. Original held at Florida Historical Society, Cocoa, FL.

expected to make up for their section's dramatic naval disadvantage by embracing the long tradition of privateering in North America. For decades privateers in the service of many nations had brought wealth and naval success to Southern ports, alongside an occasionally cavalier disregard for U.S. customs and neutrality laws.<sup>111</sup> Civil War privateering, however, never became the panacea that its proponents hoped for.<sup>112</sup> Just as in the antebellum era with cross-border pursuit of fugitives (one might think of them as a species of privateers seizing people), cumbersome rules at home and in the colonies, coupled with a vacuum of authority in many areas of the Atlantic littoral, drove many privateers to either abandon their trade or to abandon the rules. As in previous centuries, "the line separating privateer from pirate was, more often than not, indistinguishable," and the common practice of "no prey, no pay," served to drive privateers toward piracy simply to keep their crews placid.<sup>113</sup> Confederate control over its private military forces abroad was tenuous from the very start, and when they failed to produce the success that Davis and so many others had predicted, Confederate leaders found themselves faced with a choice. They could abandon privateering as a lost cause, or they could embrace the efforts of their citizens and supporters who sought a fusion of privateering and filibustering. The events of 1861-1862 hinted strongly that they would choose the latter.

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<sup>111</sup> David Head, *Privateers of the Americas: Spanish American Privateering from the United States in the Early Republic* (Athens: University of Georgia Press, 2015), 5–8, 60–64.

<sup>112</sup> For a broad survey of Confederate privateering, see William Morrison Robinson, *The Confederate Privateers* (Columbia: University of South Carolina Press, 1928).

<sup>113</sup> Guy Chet, *The Ocean Is a Wilderness: Atlantic Piracy and the Limits of State Authority, 1688-1856* (Boston and Amherst: University of Massachusetts Press, 2014), 37.

The early capture of Confederate privateers created a crisis over the legitimacy of private violence on the margins of the Civil War. The initial Union reaction to the capture of privateers from the *Jeff Davis* and the *Petrel* was to treat them as pirates rather than prisoners of war, which carried the possibility of a death sentence. The question before the Union government was simple – if the rebels were a true belligerent power at war with the United States, the captured men should be treated as prisoners of war. If it was not, the men were criminals guilty of either treason or piracy. International law theorists such as Vattel and Wheaton, preeminent at the time, showed plainly that rebellions reaching sufficient strength had claim to the status of a belligerent power, but it took Northern courts several years to finally reach that conclusion.<sup>114</sup> To complicate matters, four Britons were among the crew captured from the privateer *Savannah*, causing Britain, not for the last time, to intercede on the behalf of pro-Confederate combatants and demand they not be executed. In the meantime, Jefferson Davis reacted sharply and threatened retribution on Union captives for any harm visited upon the imprisoned privateers. Lincoln conceded rather than risking a cycle of retribution on prisoners, and Davis established a precedent of lending his government's protection and legitimacy to private parties caught engaging in hostile behavior on its behalf.<sup>115</sup>

While the Davis administration successfully forced the Union to accept Confederate privateering, the British persuaded the rest of the world to shut the door in their face by closing their ports to captured prizes. This policy more than any other factor crippled Confederate

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<sup>114</sup> Mark A. Weitz, *The Confederacy on Trial: The Piracy and Sequestration Cases of 1861* (Lawrence: University Press of Kansas, 2005).

<sup>115</sup> Aaron Sheehan-Dean, *The Calculus of Violence: How Americans Fought the Civil War* (Cambridge: Harvard University Press, 2018), 57–62.



privateering. Britain recognized Confederate belligerency and, by extension, its right to issue letters of marque, but international law did not require neutral nations to allow their prize courts to be used by contending parties to condemn captured ships for sale, nor did it require them to admit captured vessels into their harbors at all, except in cases of distress.<sup>116</sup> This policy, utterly predictable given Britain's efforts to outlaw privateering in 1856, somehow came as a shock to Confederate authorities, and it formed the nucleus for years of bitter complaint by Jefferson Davis of British partiality toward the Union.<sup>117</sup> As late as the summer of 1863, Davis in vain expressed hope to a British officer that the ports of the Empire might be opened to prizes of both sides without damaging its impartiality.<sup>118</sup> Despite some early success, Confederate privateers dried up fairly quickly because they could not easily bring their prizes into Confederate ports for condemnation and sale, and neutral ports would not accept them. The increasingly steam-powered Union navy totally outmatched sail-driven privateer schooners, and steamers were in desperately short supply in Confederate ports. For those with the capital to purchase or build steamers abroad, blockade running offered a much more reliable and profitable return on the investment of men and ships. Most privateers gave up, but some decided to ignore the increasingly inconvenient rules and engaged in illegal cargo sales, plunder, and, later in the war, hijackings by "stratagem" – that is, boarding civilian ships in the guise of passengers or distressed seamen. This last practice was adapted from Confederate guerilla raiding along the Chesapeake. It was prima facie an act of piracy for civilians to do it on the high seas, but Davis

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<sup>116</sup> Lemnitzer, *Power, Law, and the End of Privateering*, 132–33.

<sup>117</sup> Speech of Jefferson Davis at Jackson, 26 Dec. 1862, in PJD, 8:576.

<sup>118</sup> Arthur J. L. Fremantle, *Three Months in the Southern States: April - June 1863* (Edinburgh: William Blackwood and Sons, 1863), 216.

and the Confederate government chose to uphold and justify the practice rather than disavow it (see Chapter 4). Confederate comfort with privatized warfare and frustration with the failure of traditional privateering led directly to state-supported piracy more reminiscent of the Elizabethan era than the increasingly legalistic norms of nineteenth-century warfare.

The balance of opinion by leading figures within the Confederate government suggested both overconfidence in the diplomatic situation of the Confederacy, and a disinclination to make serious, energetic government efforts to centrally coordinate the two most important and potentially conflicting goals of Confederate foreign policy in the event of war: keeping Southern ports open in the face of superior naval strength, and using (or at least passively allowing) economic coercion in the form of dramatically restricted cotton exports to Britain, as discussed above. Efforts at accomplishing the former took three forms: encouraging private armed vessels to attack Northern commerce, building or buying a naval force capable of breaking through a blockading squadron, and convincing the powers of Europe, mainly Britain, that a Northern blockade was ineffective and, thereby, illegal under the terms of the 1856 Declaration of Paris. Only the second of these required serious government effort - private ships and merchants would have to take care of the others. Meanwhile, if private commerce succeeded in easily penetrating the blockade, then the Confederate government would be hard pressed to explain the lack of cotton exports as anything other than economic blackmail. The Confederate government painted itself into a corner, diplomatically, before the war even started, practically guaranteeing sour relations with London, although not necessarily with all corners of the Empire. Any Confederate rapprochement with colonial Britain, however, had to overcome decades of suspicion and hostility.

British officials recognized some of the difficulties that private parties caught up in privateering, filibusters, and the blockade might present to them, and they raced to formulate policies to deal with them during the secession crisis and the early months of the war. The imperial garrison in Canada and the North American fleet both received reinforcements to discourage adventurism, authorized or not, from either belligerent.<sup>119</sup> The Queen's neutrality proclamation, issued on May 17, 1861, recognized Confederate belligerency, thereby clarifying the issue of the legality Union blockade and the legal status of blockade runners and privateers, who were to be treated as legitimate combatants.<sup>120</sup> The proclamation applied to all British territory, as did the Foreign Enlistment Act. Together they were intended to prevent blatant interference in the war by British subjects. Privateering was dealt with by an additional announcement, on June 3, that prizes of either side would be excluded from all British ports – a move calculated to both make privateering more difficult and to avoid Union cutting-out expeditions into British ports.<sup>121</sup> The Admiralty sent directives to Vice Admiral Milne to avoid “any measure or demonstration likely to give umbrage . . . or to have the appearance of partizanship” to either side of the conflict.<sup>122</sup> Similar orders went out to Canada and to Lord Lyons in Washington.<sup>123</sup> Despite the earlier fears from places like Jamaica of revenge attacks “for the fate of [William] Walker . . . on the part of the lawless adventurers who abound in the

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<sup>119</sup> Dundas to Alexander Milne, 4 May 1861, *Milne Papers* 2:275-276; Brian Jenkins, *Britain and the War for the Union*, vol. 1 (Montreal: McGill-Queen's University Press, 1974), 96–97.

<sup>120</sup> Jenkins, 1:14.

<sup>121</sup> Jenkins, 1:100–101.

<sup>122</sup> Secretary of the Admiralty to Alexander Milne, with enclosures, 22 December 1860, *Milne Papers*, 2:177-179.

<sup>123</sup> Jenkins, *Britain and the War for the Union*, 1:88.

S[ou]th[ern] United States,” the Colonial Office, with substantial encouragement from Governor-General Edmund Head and rhetoric about filibustering from colonial politicians like John A. Macdonald, worried more about the danger to Canada than other colonies from regular or irregular attacks, although preparations by Macdonald’s government were limited by their habitual unwillingness to pay for them.<sup>124</sup> British preparations for trouble in early 1861 conformed with their nineteenth century experience with the Americans: the chief threats were filibustering, privateering, and a possible invasion of Canada.

In general, British policies were directed at security from external attack on the colonies or lawlessness at sea rather than preventing neutrality violations from their own possessions, and the legal tools for prosecuting those were consequently limited. The normative changes in international law and British policy that problematized previously accepted species of private violence had not brought with them the necessary means to crush them out. The Foreign Enlistment Act for example did not anticipate the covert arming of ships in colonies or at sea, and no system existed for the reliable transmission between colonies of warrants for violations of the Act. The neutrality declaration likewise did not forbid British subjects from breaking a blockade, and the authorities rightly assumed their robust participation in that trade, although not perhaps the vast pro-Confederate network that emerged from it. These policies did not anticipate the ambiguity of nationality for ships and people who moved along the maritime periphery of North America, or how colonials would use that to shield themselves from capture and prosecution by Britain or the Union.

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<sup>124</sup> Charles Darling to Commodore Hugh Dunlop, 22 October 1860, *Milne Papers*, 2:189-90; Jenkins, 1:64–67.

As 1861 drew to a close, the groundwork had been laid for expansive economic and military interaction between the Confederacy and British America that was conducted largely by private parties. While mercantile and military pragmatism swamped the old slaveholders' Anglophobia, British colonists likewise found reasons to downplay or ignore the prevailing anti-slavery sentiment and assist the rebellion in the fractured United States. The proximity of British colonies made them, by necessity, the most important and accessible safe territory for a wide variety of Confederate activity, especially blockade running. For their part, newly-empowered colonial elites were ready to cooperate with Confederates, with or without London's permission, and ironically the Anderson case demonstrated just how much freedom the North American colonies had to contest or ignore imperial policy because it affirmed the powerlessness of British courts to overrule colonial judges, even in cases involving foreign affairs where imperial prerogative otherwise remained supreme.

The frequent and varied incidents of cross-border and maritime private violence that characterized the preceding decades in North America attested to the existence of a tradition of private, non-state violence on the eve of the Civil War, and the widespread participation in that violence by both Americans and colonial Britons. Many Southern politicians expressed comfort and sympathy with filibustering, the most dramatic species of antebellum international private violence, and privateering, whose very susceptibility to disorder and piracy drove most of Europe to ban it in 1856, was the keystone of Confederate naval policy at the start of the war. By end of 1861, the Confederate States had firmly accepted the central role of private parties and private violence in its foreign policy and maritime affairs. The merchants, ship captains, sailors, and self-appointed promoters of the Confederacy quickly turned to the colonies for shelter and advantage.

British America's importance for the rebellion probably came as a surprise to many Confederate observers, not least because of their unfulfilled and unrealistic expectations about the international power and influence of the South once divorced from Washington and, thereby, international legitimacy. King Cotton, and his rhetorical cousin the Slave Power, did not fare well on their own abroad despite longstanding expectations of Southern influence, especially among the architects of secession and the leaders of the new Confederate state. Indeed, the stubborn colonial allies of the Confederacy only became important *because* of the failure of King Cotton to bend John Bull to his will. Nassau and Bermuda would hardly have mattered at all if the Royal Navy had swept away the blockade. Deprived of an easy victory on the backs of the Royal Navy, Confederate merchants and purchasing agents quickly recognized the necessity of shipping cotton out in order to finance both civilian and military imports. As the rapidly improving Union blockade prevented direct trade with Europe, Confederate transatlantic commerce turned by necessity to the nearest neighbors: foreign colonies just off the coast, especially the Bahamas, Bermuda, and, to a lesser extent, British North America.

## Chapter 2

"Through the Influence of Our Friends": Informal Diplomacy and Anglo-Confederate Relations  
in the Bahamas, 1861-1863

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On March 13, 1865, just one day before his missive about Nova Scotia, Secretary of State William Seward wrote to J. Hume Burnley, the British chargé d'affaires in Washington, stating "among those British subjects who were the first to institute a contraband trade with the insurgents, in violation of our laws, and in contempt of the Queen's proclamation [of neutrality], is a house established in Nassau and Liverpool, under the name of Adderly & Co." Seward, with undisguised anger, referred to the head of that firm, Henry Adderley, as "a person who is so vicious as to dishonor his own country and send desolation abroad to mine upon the motive of commercial gain. I desire that the British nation may understand that . . . we do not confound the just and the good with the unjust and depraved."<sup>1</sup>

Henry Adderley excited such a strong reaction from Seward because he represented an enduring source of frustration for Union authorities, who could do little to curtail the Adderley firm's crucial support for blockade running and other Confederate endeavors in the Bahamas. Yet Seward underestimated the sources of motivation for Adderley, and others like him, who risked their commercial and political fortunes in order to extend the cover of their British nationality to shield Confederate operations from the Union. The potential financial gains were enormous, but

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<sup>1</sup> William Seward to J. Hume Burnley, 13 March 1865, in FRUS 1865, part 2, 95. In this correspondence Seward had misidentified another man, a B. Adderly, as Henry Adderley but his reaction was genuine.

longstanding ties of culture, kinship, and a lingering sympathy for slaveholding also prompted Adderley to support the rebellion.

More broadly, as Seward alluded to, Adderley is illustrative of the importance of colonial partners to the Confederate war effort, and of the deep reliance by the Confederate government on private parties to execute, and even create, their trade and diplomatic policy in the Bahamas. These colonial partners often skirted the edge of what British neutrality laws allowed, and they became a constant source of tension between the Union and Britain and also between colonial and imperial authority in Britain. When Confederates needed arms shipments from Britain, Adderley received them. When Confederates needed harbor space in Nassau, Adderley provided it. When Confederates needed crewmen for a warship, Adderley & Co. rounded them up. And when Confederates needed local regulations changed, or the aid of the British government, Adderley and his partners used their position and influence to provide it. The Colonial Office watched in frustration as figures from the governor down to local customs inspectors acted as enablers in word and deed for the Confederacy, often under the influence of the Nassau mercantile elite. The Adderley firm, and how it came to be the indispensable assistant to Confederate operations in the Bahamas, offer a window through which to examine the mechanics of Confederate policy and state power, and the limitations of both the Confederate and British governments in their efforts to control events in the contested islands and waters of the Bahamas.

The friendly reception that these “numerous strangers from the neighbouring continent,” as Colonial Secretary Charles Nesbitt called them, received in Nassau was not simply



an accident of geography.<sup>2</sup> In an unlikely triumph of informal Confederate diplomacy, merchants, planters, and ship captains on both sides created these ties and sustained them against pressure from both the Union and Imperial government. This was a diplomacy of personal acquaintance, business relationships, and shipping routes, rather than one of formal envoys, and these informal networks gave the Confederacy a rare success in international affairs. By using British colonial partners, the Confederacy's ad hoc collection of minor officials, merchants, and ship-owners pressed claims on the British government, and through them the Union, in ways that their formal diplomats could not. In doing so, they formed and protected the blockade running enterprise that sustained much of the Confederate war effort, and they created the means for expatriates and foreign allies to materially aid the rebellion. This Confederate commercial-diplomatic network extended across British America, from Toronto to British Honduras, but it had its greatest success in Nassau.

This commercial-diplomatic network required the close cooperation of British subjects in the Bahamas, particularly the mercantile elite that dominated the colony's government. Profit provided a powerful motive for merchants in a backwater colony like the Bahamas, but many expressed support for the Confederacy and secession long before receiving any financial gain. Understanding why and how they supported the Confederacy illustrates how Confederate officials and civilian merchants managed to co-opt British diplomacy and communications networks to boost their own cause. Local support gave Confederates indirect access to the machinery of government because of the influence their colonial partners enjoyed. Local partners

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<sup>2</sup> Charles R. Nesbitt, speech before the Bahamas Assembly, 18 Feb. 1862, f247, CO 23/168. CO 23: Colonial Office and predecessors: Bahamas, Original Correspondence, UKNA. Nesbitt was the longtime Colonial Secretary of the Bahamas and on this occasion was filling in for the absent governor, Charles J. Bayley.

proved indispensable to Confederate informal diplomacy in the Bahamas, just as it did elsewhere in British America. Local colonial tensions with the Imperial government also allowed the Bahamian members of the network to repeatedly contest British official policy regarding trade and neutrality, and the appointed governor frequently found himself powerless to do much about it. The result is that British neutrality looked far less neutral in the colonies than it did in London, owing much to the divided sovereignty inherent in the elected legislatures of the colonial governments.

Diplomatic histories of the Civil War mostly overlook the Bahamas, and British colonies generally, as sites of meaningful diplomatic action.<sup>3</sup> This is understandable for histories of formal, interstate diplomacy: the Bahamas, like other colonies, had no independent foreign policy. London controlled the Empire's external relations except in areas expressly delegated to colonial governments by act of Parliament. Frank L. Owsley's enduring *King Cotton Diplomacy*, for example, mentions Nassau and the Bahamas primarily as a source of information for Confederate diplomats in London and Paris and to bolster Owsley's contention that the Union blockade was ineffective.<sup>4</sup> Perhaps the most comprehensive recent account of Civil War foreign relations, Howard Jones's *Blue and Gray Diplomacy*, likewise gives the Bahamas only passing mention while discussing the *Trent* affair and the CSS *Florida*, which came to the Bahamas

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<sup>3</sup> D.P. Crook, *The North, the South, and the Powers 1861-1865* (New York: John Wiley & Sons, 1974); Amanda Foreman, *A World on Fire: Britain's Crucial Role in the American Civil War* (New York: Random House, 2010); Dean Mahin, *One War at a Time: The International Dimensions of the Civil War* (Washington, DC: Brassey's, 1999); Phillip E. Myers, *Caution and Cooperation: The American Civil War in British-American Relations* (Kent, OH: Kent State University Press, 2008).

<sup>4</sup> Frank Lawrence Owsley Sr. and Harriet Chappell Owsley, *King Cotton Diplomacy: Foreign Relations of the Confederate States of America*, 3rd ed. (Tuscaloosa: University of Alabama Press, 2008), 249–51, 300–301.

ostensibly as a merchant ship before being released from an admiralty court and outfitted with arms.<sup>5</sup> By contrast, Brian Jenkins' thorough two-volume *Britain and the War for the Union* gives attention to Nassau as a site of blockade running and potential tension between Britain and the Union. Jenkins credited the port's rise to prominence as a result of its usefulness as a coal depot and attributed its friendliness to the Confederate cause as a product of greed.<sup>6</sup>

This relative lack of attention suggests the need for a study that emphasizes informal, rather than formal diplomacy as a way to measure the true importance of the Bahamas, and British America, to the Civil War. Informal diplomacy is necessarily a broad term, but it refers here to the sum of official and semi-official relations between two states or territories that occur without the use, in general, of accredited diplomats. It seems patently obvious why informal relations mattered so much to the Confederacy: as an unrecognized state with a hastily cobbled together State Department, it had no credentialed diplomats, and only a handful of men who served *de facto* as such, chiefly Mason and Slidell, along with Ambrose Dudley Mann and a few others, almost all of whom served in one European capital or another. The burden, to paraphrase historian Charles Hubbard, of Confederate diplomacy in the colonies, therefore, fell primarily upon minor officials, private businessmen, trading and shipping firms, and sailors.<sup>7</sup> These people developed and maintained relations between the Confederacy and the Bahamas throughout the

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<sup>5</sup> Howard Jones, *Blue and Gray Diplomacy: A History of Union and Confederate Foreign Relations* (Chapel Hill: University of North Carolina Press, 2010), 83 and 193. The word "Bahamas" appears only twice in the entire text.

<sup>6</sup> Brian Jenkins, *Britain and the War for the Union*, vol. 1 (Montreal: McGill-Queen's University Press, 1974), 76–77, 117–19, and 284.

<sup>7</sup> Charles M. Hubbard, *The Burden of Confederate Diplomacy* (Knoxville: University of Tennessee Press, 1998). Hubbard analyzes Confederate diplomacy chiefly as a national project and emphasizes the failures of formal diplomacy.

war, sustaining an indispensable node in the Confederacy's network of links to the outside world in the process.

Histories of both the Civil War and of the Bahamas often overlook how, precisely, Confederates and their allies built their logistical and diplomatic network in cooperation with colonial merchants in Nassau. Michael Craton's *A History of the Bahamas* ignores the process entirely in favor of the colorful (and often unreliable) accounts of Thomas Taylor and J.H. Stark dating from the 1890s, indulging in the sort of romanticism that characterizes much of the early work on blockade running.<sup>8</sup> Other works address conditions on the islands more directly, though they do not examine the details of the Confederate-Bahamian connection.<sup>9</sup> Stephen Wise's *Lifeline of the Confederacy* provides a wealth of detail on the war-related traffic to and from Nassau, but Wise devotes little attention to how Confederates built their network there.<sup>10</sup> Much of the recent work on blockade running continues, with new data or interpretations, the debate around the effectiveness of the blockade and its economic impact on the Confederacy, and it

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<sup>8</sup> See for example Francis Bradlee, *Blockade Running During the Civil War and the Effect of Land and Water Transportation on the Confederacy* (Salem, MA: The Essex Institute, 1925); Hamilton Cochran, *Blockade Runners of the Confederacy* (Westport, CT: Greenwood Press, 1958). Cochran is more rigorous, but the work lacks footnotes and still abounds with references to "plucky" blockade runners and "beviies of ladies" who greet them.

<sup>9</sup> Gail Saunders, "The Blockade Running Era in the Bahamas: Blessing or Curse?," *Journal of the Bahamas Historical Society* 10, no. 1 (October 1988): 14–18; Thelma Peters, "Blockade-Running in the Bahamas During the Civil War," *Tequesta: The Journal of the Historical Association of Southern Florida* 1, no. 5 (1945): 16–29.

<sup>10</sup> Stephen R. Wise, *Lifeline of the Confederacy: Blockade Running During the Civil War* (Columbia: University of South Carolina Press, 1988).

gives correspondingly little emphasis to local diplomatic and political structures in colonial ports.<sup>11</sup>

Once the war began, Nassau, on the island of New Providence, quickly transformed into a critical node in the Confederate foreign logistical and diplomatic network. Nassau shared ties of commerce and sentiment with the South, stemming from existing trade, geographical proximity – Nassau is roughly 550 miles (880 kilometers) from Charleston, 650 miles (1,050 kilometers) from Wilmington, and a mere 275 miles (440 kilometers) from Key West – and the legacy of the thousands of Loyalists who fled the United States after the Revolution. The descendants of slave-owning Loyalist planters constituted the political and economic elite of the colony, and their Nassau mercantile establishments provided the base upon which Confederates built their blockade running infrastructure. The commercial life of the Bahamas in 1860 already was oriented toward the fracturing United States, as Bahamian exports to the United States were double the value of those going to Britain, their next-largest trading partner, while the value of imports from the United States was almost quadruple of those from Britain (£92,800 to £25,442). Bahamian exports at the time consisted mainly of fruit such as pineapples and oranges, salt, and

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<sup>11</sup> M. Brem Bonner and Peter McCord, “Reassessment of the Union Blockade’s Effectiveness in the Civil War,” *North Carolina Historical Review* 88, no. 4 (October 2011): 375–95; William N. Still Jr., “A Naval Sieve: The Union Blockade in the Civil War,” *Naval War College Review* 36, no. 3 (June 1983): 38–45; David G. Surdam, “The Union Navy’s Blockade Reconsidered,” *Naval War College Review* 51, no. 4 (September 1998): 85; David G. Surdam, *Northern Naval Superiority and the Economics of the American Civil War* (Columbia: University of South Carolina Press, 2001).

fisheries products, especially sponges (of the natural variety, collected by divers).<sup>12</sup> By 1864, the colony's trade had increased massively: it reported imports totaling £5.35 million, while shipping out goods worth £4.67 million.<sup>13</sup> Imports of cotton alone from the Confederacy totaled nearly £3.5 million for the same year, a total that matches almost exactly the value of exports reported to Britain.<sup>14</sup> Cotton imports in 1864 were worth forty times the total of all goods brought from the entire United States in 1860. This explosion in trade, which likely undercounts the true totals in volume and value due to smuggling and bonded warehouses, reflects the importance of Nassau as a logistical hub for the Confederacy.

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<sup>12</sup> Michael Craton and Gail Saunders, *Islanders in the Stream: A History of the Bahamian People, Vol. 2* (Athens: University of Georgia Press, 1998), 31–44. Bahamas Blue Book, 1860, f109-111, CO 27/59, CO 27: Colonial Office and predecessors: Bahamas, Miscellaneous. Blue Books of Statistics, etc. UKNA.

<sup>13</sup> Bahamas Blue Book, 1864, f83, CO 27/62, UKNA. All amounts are in contemporary currency valuations.

<sup>14</sup> Bahamas Blue Book, 1864, f91, CO 27/62, UKNA. This sterling valuation is almost certainly an undercount of the cotton's true price. 62,617 bales of cotton were entered, duty free, at Nassau in 1864, almost all of which were re-exported to Britain. Exports to the "Southern States of America" were listed at a mere £4,460, only because clearance papers almost never listed the true destination of ships bound for the Confederate states.

<i>Year</i>	<i>Total Imports (millions)</i>	<i>Total Exports (millions)</i>
1860	£0.23	£0.16
1861	£0.27	£0.19
1862	£1.25	£1.01
1863	£6.29	£3.37
1864	£5.35	£4.67

Figure 2.1 – Annual Trade Values in the Bahamas, 1860-1864.<sup>15</sup>

For its part, the Confederate government declined to exercise tight control over the development and execution of blockade running through Nassau, and instead allowed private parties almost unlimited leeway well into 1863. Merchant houses such as John Fraser and Co. of Charleston and Henry Adderley and Co. of Nassau, often controlled by some of the wealthiest men in their respective cities, cemented the relationship between Nassau and the new Confederacy.<sup>16</sup> This connection, reinforced by private citizens and Confederate government representatives deployed to Nassau, provided the most important conduit for goods, people, and

<sup>15</sup> Compiled from data reported by the colonial government in its annual Blue Books of Statistics, 1860-1864, in CO 27/59 through CO 27/62, UKNA.

<sup>16</sup> John Gorman, "The Adderley Family in the New World," *Journal of the Bahamas Historical Society* 22 (October 2000): 31–41; Ethel Trenholm Seabrook Nepveux, *George Alfred Trenholm and the Company That Went to War, 1861-1865* (Charleston, SC: self-published, 1973), 6–8, 73–77.

communications from the Confederacy to the outside world. By relying heavily on private individuals and firms to maintain this network, the Confederate government effectively subcontracted a substantial part of a critical function of government: conducting local diplomacy and regulating trade. In doing so, the Confederacy displayed both adaptability in the face of necessity and managed to mitigate some of its fundamental bureaucratic weakness. This benign neglect served them well early in the war because of the flexibility and low risk that outsourcing diplomatic and commercial authority offered. A hands-off approach also empowered a variety of Confederate citizens and supporters to conduct freelance diplomatic and military activities, interacting with the colonial authorities, Royal Navy officers, and occasionally the British government without the sanction of the Confederate government, and occasionally to the detriment of a coherent military and diplomatic policy. This pragmatic approach enabled the rapid establishment of blockade running and transshipment operations in places like Nassau in the space of a few months.

Bahamians provided essential support to their "new" neighbors for several reasons. The colony struggled economically in the mid-nineteenth century as attempts at cotton and other cash-crop agriculture failed, and colonists of all backgrounds welcomed the influx of money and employment opportunity that secession and war brought.<sup>17</sup> While financial gain was probably the chief motivator for Bahamian cooperation with the Confederacy, it was far from the only one. The colony's elite also had a shared cultural heritage with Southern planter society, despite the relative failure of plantation agriculture in the Bahamas earlier in the nineteenth century. An honor culture remarkably similar to that of the antebellum South persisted among the Bahamian

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<sup>17</sup> Craton and Saunders, *Islanders in the Stream*, 33–40; Glen O. I. Phillips, "The Changing Role of the Merchant Class in the British West Indies, 1834-1867" (PhD diss., Howard University, 1976), 163–84.



elite, and historian Kenneth Startup argues that many white Bahamians "saw the South's secession movement as deriving from kindred sensibilities" about honor and local (versus outside imposed) prerogatives.<sup>18</sup> Many of the older members of the Bahamian mercantile elite also shared with Southerners the experience of slaveholding, had not welcomed abolition, and worked hard to maintain their position of racial and economic hegemony within the colony.<sup>19</sup> Supporting a slaveholder's republic provided little or no moral dilemma for them.

The cultural connections between the Bahamas and the South were at least as old as the Republic itself. In the waning days of the Revolution, thousands of Loyalists fled the United States and ultimately settled in the Bahamas. These refugees departed mostly from New York City and points across the South, including Florida, a temporary refuge which Britain returned to the Spanish in the Treaty of Paris in 1783.<sup>20</sup> Southerners made up most of those who settled in the Bahamas, and people from Georgia and South Carolina alone made up about 70 percent of those who settled and received grants of land.<sup>21</sup> In many cases these settlers brought their slaves with them. The net effect was a significant re-population of the sparsely settled archipelago and the rise of attempts at plantation agriculture. The influx of refugees and their slaves doubled the

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<sup>18</sup> Kenneth M. Startup, "'The Guardians of Our Own Honor': Confederate Sympathies and the Pew Controversy in Christ Church," *Journal of the Bahamas Historical Society* 30 (October 2008): 15–21.

<sup>19</sup> Rosalyn Themistocleous, "The Merchant Princes of Nassau: The Maintenance of Political Hegemony in the Bahamas, 1834-1948" (PhD diss., University of Kent at Canterbury, 2000), 145–63.

<sup>20</sup> Thelma Peters, "The American Loyalists in the Bahama Islands: Who They Were," *Florida Historical Quarterly* 40, no. 3 (January 1962): 226.

<sup>21</sup> Caroline Watterson Troxler, "Use of the Bahamas by Southern Loyalist Exiles," in *The Loyal Atlantic: Remaking the British Atlantic in the Revolutionary Era*, ed. Jerry Bannister and Liam Riordan (Toronto: University of Toronto Press, 2012), 185.

population of the Bahamas between 1783 and 1786, to almost nine thousand people, two-thirds of whom were black and largely enslaved.<sup>22</sup> Thus established, the planter class and its descendants dominated the politics of the islands for decades. Although many Loyalists eventually left the Bahamas after their plantations failed, enough remained to maintain political control, even after the Empire-wide abolition of slavery in 1834, and many shifted their households to Nassau and went into business as commission merchants or shippers.<sup>23</sup> Some of the most important local supporters of the Confederacy came from this group. Henry Adderley and his sons were perhaps the most prominent in terms of wealth, influence, and aid to the rebellion.

The Adderleys were not, in fact, Loyalist refugees, but they still received an extensive land grant under a program devised to encourage permanent resettlement in the Bahamas and intermarried with Loyalist families. Henry Adderley's grandfather Abraham, a shipping merchant in Nassau of Bermudian extraction, gained joint title to around 740 acres of land on Long Island (Bahamas) in 1788. It appears that the Adderley household included many slaves, perhaps 27, at the time of the grant.<sup>24</sup> Adderley's father, Nehemiah, further increased the family's holdings by buying out the failed estates of Loyalist planters whose dreams of Sea Island cotton cultivation withered in the thin soil of the Bahamas. Henry Adderley, born in 1802, did not inherit much land from his father (most went to his brother William), but given the poverty of the soil this perhaps was to his advantage, as he took up his grandfather's trade as a

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<sup>22</sup> Michael Craton, *A History of the Bahamas*, 3rd ed. (Waterloo, ON: San Salvador Press, 1986), 151.

<sup>23</sup> Peters, "American Loyalists in the Bahama Islands," 228–29.

<sup>24</sup> Gorman, "The Adderley Family in the New World," 35.

shipping merchant in Nassau.<sup>25</sup> He augmented his connection with Southern slaveholders by marrying Mary Ann Perpall, the daughter of John Perpall, a Loyalist who came to the Bahamas in 1785 with 12 slaves.<sup>26</sup> Adderley was representative of the fusion of Loyalist and local planters into a merchant elite based in Nassau during the first half of the nineteenth century. Labeled “Bay Street” for the main thoroughfare along Nassau’s waterfront, this “white Bahamian agrocommercial oligarchy” controlled the affairs of the colony in a fashion quite similar to the “Front Street” elites of Bermuda.<sup>27</sup> This commercial elite provided the backbone of colonial support for the rebellion, lending their financial and political support to the cause.

That merchants in Nassau in 1861 might support the Confederacy is not surprising, purely for financial reasons, but for Henry Adderley it went beyond monetary considerations. Adderley, like many West Indian slaveholders, bitterly opposed emancipation, which was being considered just as he began a three-decade career as a member of the Bahamian House of Assembly, the elected lower house of the colonial government. He opposed emancipation so vociferously that the colonial governor fined him £50 and sentenced him to a brief stint in jail in 1832, which Adderley avoided by paying the fine and apologizing.<sup>28</sup> By 1860 former slaveowners or their sons still dominated the House of Assembly, owing to strict property requirements for suffrage and plural voting rules that favored absentee landowners from the Out Islands (i.e., those other than New Providence) who often lived in Nassau, and effectively

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<sup>25</sup> Will of Nehemiah Adderley, February 5, 1845. Supreme Court Wills, Bahamas National Archives, Nassau, Bahamas.

<sup>26</sup> Gorman, “The Adderley Family in the New World,” 36.

<sup>27</sup> Craton and Saunders, *Islanders in the Stream*, 2:17.

<sup>28</sup> Gorman, “The Adderley Family in the New World,” 38.

disfranchised poor whites and almost all black Bahamians. Likewise, former slaveholders composed the majority, and the most powerful members of, the appointed Executive Council of the Bahamas. Five of the eight members in 1861, including the Attorney General, George C. Anderson, and the Colonial Secretary, Charles R. Nesbitt, owned slaves at the time of British emancipation.<sup>29</sup> Although living in what might charitably be described as a backwater, these were locally powerful men, accustomed to getting their way. An anecdote relayed by the governor, Charles J. Bayley, to the Colonial Office illustrates vividly the sense of privilege and the racial attitudes of Henry Adderley.

Two days ago, Mr Adderley, (who is by far the richest merchant and proprietor in the colony) summoned a black man for an assault before Mr [Edward Barnet Anderson] Taylor the Police Magistrate. It turned out on investigation that Mr Adderley had given the first provocation, and consequently Mr Taylor (who is Mr Adderley's son-in-law) dismissed the case. On this, Mr Adderley (who had hitherto allowed Mr Taylor to occupy one of his houses rent-free) gave Mr Taylor notice to quit, with the alternative of paying a rent far above the level of the rent usually exacted here. Mr Taylor immediately removed his family at great personal inconvenience. Next day he received a message through his own Brother-in-law

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<sup>29</sup> A list of office holders can be found in the Bahamas Blue Book, 1861, CO 27/59, UKNA. Slaveowner information from "The Legacies of British Slave-ownership" database, University College London (<https://www.ucl.ac.uk/lbs/>) Accessed 14 March 2016.

that henceforth the whole Adderley family would lose no opportunity of injuring and persecuting him.<sup>30</sup>

For refusing to unjustly prosecute a black man, Adderley viciously shunned his son-in-law, E.B.A. Taylor, even at the expense of evicting his own daughter from her house. Bayley, who was no advocate for equality on matters of race, was appalled by Adderley's vindictiveness and pointed the matter out to the Colonial Secretary, the Duke of Newcastle, as an example of the intransigence of the Nassau elite. This incident is remarkable only because of Taylor's refusal to punish a black man for insolence. In a modest preview of Reconstruction, white elites had used the law to enforce their dominance over former slaves from the earliest days of West Indian emancipation, where black victims of white landowners often found themselves punished for "insolence."<sup>31</sup> Given their efforts to maintain, to the extent possible, the pre-abolition racial and social status quo, Adderley and many of his fellow ex-slaveholders no doubt thought the strict racial hierarchy of the South a social principle worth preserving.

Widespread support for secession and the Confederacy appeared in the Bahamas before any windfall of cash, although Union naval activity and interference with trade boosted pro-Confederate sentiment. While Henry Adderley's wealth and influence made him the most frequently noted Confederate supporter, he was far from the only one. Samuel Whiting, newly arrived as the U.S. Consul for Nassau in the summer of 1861, noted that "the strongest prejudice

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<sup>30</sup> C.J. Bayley to the Duke of Newcastle, 3 July 1862. Governor's Despatches, 1861-1866, Bahamas National Archives. The brother-in-law Bayley refers to is likely either Augustus J. Adderley or George D. Harris, both partners in Henry Adderley and Co. Augustus was a member of the House of Assembly, while Harris served on the colony's Executive Council.

<sup>31</sup> Themistocleous, "Merchant Princes of Nassau," 46-67.

exists here among the British officials in favor of the Secession movement and the same spirit exists among the mercantile portion of the community.”<sup>32</sup> This “spirit” was plainly manifest well before blockade running began to enrich that mercantile community. Blockade runners did not favor Nassau in considerable numbers until 1862, when the Federal blockade tightened and reduced the possibility of successful voyages directly to and from Britain.<sup>33</sup> The actions of the Federal government cemented the pro-Confederate attitudes of Nassau’s “merchant princes,” whose support predated the polarizing events of the *Trent* affair. When Union Captain Charles Wilkes, commander of the USS *San Jacinto*, seized James Mason and John Slidell from the British mail packet *Trent* while en route from Havana to St. Thomas on November 8, 1861, colonists and metropolitan Britons alike united in outrage. British military officials in Nassau were similarly moved, according to recently arrived Confederate agent Lewis Heyliger. “The affair of the *Trent* I find creates a universal feeling of indignation among the Britishers [in Nassau]. I heard an officer say that if Government did not resent it becomingly he would forever renounce his title as an Englishman.”<sup>34</sup> Union blockade enforcement added to many colonists’ displeasure. Some of the Union navy’s earliest and most contentious captures of suspected blockade runners were of Bahamas-bound vessels. The case of the *Bermuda*, captured by a Union warship while en route from Bermuda to Nassau while loaded with arms and ammunition for the South, attracted a great deal of attention, as did several others. The detention and, in some cases, loss of these ships did not endear the Union to many Bay Street merchants regardless of the legality of the seizures.

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<sup>32</sup> Samuel Whiting to Robert Shufeldt, 28 July 1861. RG 84, Consular Dispatches - Nassau, vol. 13., NARA II.

<sup>33</sup> Wise, *Lifeline of the Confederacy*, appendices 5-8.

<sup>34</sup> OR ser. 4, vol. 1, 781.

Not every influential Bahamian, of course, supported the Confederacy. Governor Bayley named Timothy Darling, a wealthy Nassau resident born in New Brunswick to American parents, to the Executive Council (the appointed cabinet) of the Bahamas, over the fierce objections of his detractors. Darling was a former U.S. consul in Nassau and a resolute supporter of the Union, which gained him few friends in the House of Assembly or among Nassau's merchants. To placate their contention that Darling was anti-English, Bayley extracted a promise from him to resign in the event of war between the Union and Britain.<sup>35</sup> Union sympathies were enough, by 1862, to earn Darling suspicions of being a traitor. Confederate sympathizers never received similar treatment in the Executive Council.

Despite these promising signs, Southern opinion toward the Bahamas before the war had not been uniformly positive. There was a great deal of resentment toward British colonial officials who freed slaves that ended up on Bahamian soil, and toward the black Bahamians who aided slaves in petitioning for freedom upon their arrival. Despite lingering pro-slavery sentiment, imperial officials in the Bahamas consistently upheld emancipation for any enslaved people who reached British soil, a prospect that "continued to frighten masters and planters in the South and to complicate Anglo-American affairs until the firing on Fort Sumter."<sup>36</sup> Several recent works by Edward Rugemer, Matthew Guterl, and others have elaborated upon the hemispheric awareness of Southerners, particularly with regard to the causes and consequences of British emancipation in the Caribbean, and the celebrated (for slaveholders, notorious) case of

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<sup>35</sup> Bayley to Newcastle, 11 October 1862. Governor's Despatches, 1861-1866, Bahamas National Archives.

Diplomatic consuls in this period were often not citizens of the country they represented, especially in remote areas.

<sup>36</sup> Irvin D. S. Winsboro and Joe Knetsch, "Florida Slaves, the 'Saltwater Railroad,' to the Bahamas, and Anglo-American Relations," *Journal of Southern History* 79, no. 1 (February 2013): 77.

the *Creole* drew Southern attention to the Bahamas in a decidedly negative fashion.<sup>37</sup> On the balance, however, elite opinion in Nassau was firmly in favor of the Confederacy throughout the war, while Southern sentiment was not so inflamed as to overlook the obvious advantages to be found in the Bahamas. North Carolina journalist Frank I. Wilson's 1864 pamphlet *Sketches of Nassau*, for example, presented a generally positive assessment of the utility of Nassau for the Confederate cause, while painting a derisive portrait of the condition of the large black population of New Providence and the supposed shortcomings in their manner of treatment by Bahamian whites.<sup>38</sup> Southerners separated their antipathy with metropolitan British anti-slavery from the colonial subjects best positioned to aid their cause and their pocketbooks.

In addition to these ties of sentiment and kinship, Bahamians of all stripes supported the Confederate cause because they stood to gain from the economic opportunities offered by the Civil War and the blockade. Merchants profited the most, but black laborers and wreckers (men engaged in salvaging stranded or wrecked vessels) also benefitted from the increased wages and shipping traffic caused by the boom of the blockade years, though they cared little for a country that would have happily seen them enslaved. The Bahamas' economic fortunes had been in decline for decades before the Civil War, as repeated efforts at plantation agriculture failed or

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<sup>37</sup> Jeffrey R. Kerr-Ritchie, *Rebellious Passage: The "Creole" Revolt and America's Coastal Slave Trade* (New York: Cambridge University Press, 2019); Edward Bartlett Rugemer, *The Problem of Emancipation: The Caribbean Roots of the American Civil War* (Baton Rouge: Louisiana State University Press, 2008), 180–85; Matthew Pratt Guterl, *American Mediterranean: Southern Slaveholders in the Age of Emancipation* (Cambridge, MA: Harvard University Press, 2008), 50–59; Howard Jones and Donald A. Rakestraw, *Prologue to Manifest Destiny: Anglo-American Relations in the 1840s* (Wilmington, DE: Scholarly Resources, 1997), 81–89.

<sup>38</sup> Frank I. Wilson, *Sketches of Nassau. To Which Is Added the Devil's Ball Alley; An Indian Tradition* (Raleigh, NC: The "Standard" Office, 1864), 5–24.



proved unprofitable in the thin soil of its coral islands. Local boosters promoted the islands as a tourist destination in hopes of improving their fortunes. In 1857 the House of Assembly voted to subsidize regular steamship service between Nassau and New York, and later funded the construction of the Royal Victoria Hotel, an elaborate establishment intended to cater to northern visitors.<sup>39</sup> In his speech to open the Assembly's 1860 session, Governor Bayley hoped "that our island may have many opportunities of justifying its claims to be sought and remembered by invalids as the Madeira of the Western hemisphere."<sup>40</sup> The hotel was filled to capacity soon after it opened, just not by tourists seeking improved health.

The start of the war and the declaration of the blockade brought a swift (and temporary) turnabout in the economic fortunes of the Bahamas. Despite being a net importer by a wide margin in 1860, the Bahamas' balance of trade with the United States and with Britain was close to even in 1861, reflecting Nassau's increasing importance as a transshipment point. Nassau's harbor, sheltered to the north by the mass of Hog Island (now renamed Paradise Island and home to a gargantuan resort and casino), had two convenient exits and was sufficiently deep for use by shallow-draft steamships. It was ideally situated to facilitate the transfer of goods from larger vessels onto blockade runners and vice-versa. By 1864, the peak year of blockade running traffic through Nassau, the balance of trade remained nearly even and the volume (by value, not tonnage) had increased by over 1,000 percent. In other words, Nassau merchants shipped and received goods worth ten times the value of those that entered and cleared the port in 1861. Blockade-running enterprises landed the overwhelming majority of these goods in bond,

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<sup>39</sup> Craton and Saunders, *Islanders in the Stream*, 75.

<sup>40</sup> Charles J. Bayley to the House of Assembly, *Votes of the House of Assembly of the Bahamas Islands, 1860*, Bahamas National Archives, 8. Microfilm.

meaning duty-free in a controlled warehouse, for eventual transshipment either into the Confederacy or on to Britain.<sup>41</sup> On the crest of this boom the colony quickly repaid its public debt and was able to raise the salaries of public officials substantially after years of stagnation and even reductions, although often not by enough to offset the drastic price increases brought on by the flood of easy money.<sup>42</sup> The war years were, economically, perhaps the best the Bahamas had ever seen, or would see again for almost sixty years, when rum-running during Prohibition again made Nassau a popular destination for those seeking to bring illicit cargoes to the U.S. mainland.

Like the blockade itself, blockade running through Nassau started slowly and haphazardly at first, but immediately involved local merchants and authorities in questions about British policy and particulars of neutrality. The first Confederate visitors to Nassau after the outbreak of war were not dedicated blockade runners or diplomats, but private ship-owners and captains. They immediately forced Bahamian authorities to make decisions about the crisis on the mainland without the luxury of consulting the Colonial Office or the Foreign Office in London. One of the first arrivals to excite comment was the schooner *William H. Northrop*, of Wilmington, which arrived in Nassau on June 20, 1861, displaying “an unacknowledged flag which is known only as having recently been raised in rebellion to the United States.”<sup>43</sup> The U.S. consul protested to the acting governor, Charles R. Nesbitt (a Bahamian who frequently served as the colony’s administrator in the absence of the governor), who replied that regardless of port of departure, “all vessels belonging to the ‘United States of America’ as hitherto and still

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<sup>41</sup> Compiled from CO 27, Bahamas Blue Books, 1860-1865, UKNA.

<sup>42</sup> Craton, *A History of the Bahamas*, 223.

<sup>43</sup> C.R. Nesbitt to the Duke of Newcastle, 21 June 1861, f343, CO 23/165, UKNA.

recognized by Her Majesty's Government" would be considered as such, but that flying an unrecognized flag was not against British law and would not prevent such vessels from using the ports and facilities of the Bahamas. The Crown Law Officers had anticipated such a problem during the secession crisis, and ruled that an unrecognized flag was not a reason to exclude ships from British ports so long as their papers were in order, although they carefully specified that local port regulations could overrule this.<sup>44</sup> Nesbitt also declined to interfere with Southern captains who failed to present their vessel's papers to the consul as required by U.S. law, calling it a jurisdictional matter "in which the Executive Government of the Colony has neither right nor power to interfere."<sup>45</sup> This was not true, according to the Law Officers' opinion, though it is not clear if Bahamas authorities were aware of it. Nesbitt, in his caution, essentially opened the Bahamas to Confederate ships with an unrecognized country of register.

Despite being able to enter Nassau under the Confederate flag, most Confederate ship-owners chose another course. Following Abraham Lincoln's declaration of a blockade of the states in rebellion on April 16, 1861, risk-averse Southern ship-owners soon sought shelter from capture by the Union Navy by obtaining British registry. One of the first of these, the schooner *John Hancock* of New Orleans, visited the Bahamas in June 1861. This first attempt at swapping flags was so blatantly fraudulent that even Nesbitt rejected it as illegitimate.<sup>46</sup> By the terms of the 1854 Merchant Shipping Act, to obtain a British flag a vessel had to have a legitimate British

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<sup>44</sup> Law Officers of the Crown to Lord Russell, 7 December 1860, f2-3, FO 414/17, Correspondence Relative to the Civil War in the United States, November 1860 to January 1862, FO 414: Foreign Office, Confidential Print North America, UKNA.

<sup>45</sup> Nesbitt to Newcastle, 21 June 1861.

<sup>46</sup> Nesbitt to Newcastle, 5 July 1861, CO 23/165 (microfilm), Bahamas National Archives.

subject as the owner, with the actual controlling interest in the ship also in British hands. Nesbitt, however, a short time later granted British registry to the very same vessel, renamed the *Ann Heation* after its fraudulent “owner”, when the attorney for its Confederate owner found a willing local, Archibald Forsyth, to “purchase” the vessel. Nesbitt did so despite his own admission that the original owners almost certainly retained control of the vessel and Forsyth could not possibly have come up with the £5,000 purchase price. Nesbitt wrote “I can hardly view Mr. Forsyth in this transaction other than as the Trustee of the original American owners,” but then, in a creditable imitation of Pontius Pilate, declared that the validity of the case “is not for me to determine.”<sup>47</sup> The Bahamas thereafter did a brisk business in changing ship registries. Private Confederate citizens once again forced British colonial authorities into making policy decisions that would have cascading effects. The decision to be relatively permissive in granting British registry was upheld by the Board of Trade and the case was distributed as a circular to colonial governors across the British Atlantic in Bermuda, Halifax, and beyond, establishing it as the precedent they should follow.<sup>48</sup> This also enabled a massive “flight from the flag” for both Union and Confederate ships, as they sought protection from commerce raiders and blockaders respectively, aiding the disintegration of the U.S. maritime carrying trade. In this case colonial officials in the Bahamas had effectively decided British policy worldwide.

The Confederate government connection to Nassau developed from the commercial links maintained by these troublesome schooners. These small sailing vessels, like the *Albion*, a

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<sup>47</sup> Nesbitt to Newcastle, 11 July 1861, f480-482, CO 23/165, UKNA.

<sup>48</sup> Harry St. George Ord to the Duke of Newcastle, 15 Aug. 1861, including Colonial Office minutes, f347-350, CO 37/178, UKNA; Board of Trade to Undersecretary of State, Colonial Office, 3 Oct. 1861, f200-201, CO 37/180, CO 37: Colonial Office and predecessors: Bermuda, Original Correspondence, UKNA.

Southern-owned vessel sailing under a newly-acquired English flag, made up the bulk of blockade running ships in 1861.<sup>49</sup> They ran haphazardly between Nassau and the Confederate coast early in the war carrying cargoes of opportunity, but they were vulnerable to steam-powered blockaders. The Confederate government recognized the potential importance of trade and furloughed experienced river and harbor pilots who enlisted in the army, but apparently did not require them to work on behalf of the government. One of these men, Tom Hernandez of Savannah, was captured aboard the *Albion* on a private, profit-motivated run in November, 1861.<sup>50</sup> The first solid Nassau tie with the Confederate government was established by John P. Baldwin, a Richmond merchant and Confederate commissary officer, who sought assistance in forwarding a cargo of arms on behalf of Secretary of the Navy Stephen R. Mallory. Baldwin wrote to Henry Adderley in July 1861 that “I have recommended [the shipments] to be consigned to you, and I have to ask of you, as a favor to me, to take good care of them. I will be with you soon, and will expect your aid in transshipping them.”<sup>51</sup> The personal nature of the connection is quite clear from the letter’s tone, as is the expectation by Baldwin that he would soon meet with his “friend” Adderley in person. Ultimately, Baldwin was not sent to Nassau, likely because the letter in question came into the hands of Union authorities and was published. Still, the connection had been made: Adderley’s firm would receive the first major arms shipment sent through Nassau en route to the Confederate armies, and Baldwin’s personal relationship with him was essential in making it happen.

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<sup>49</sup> See, for example, the compiled list of blockade runners in *Correspondence Respecting the Blockade of the Ports of the Confederate States*, Part 1, FO 414/20, UKNA.

<sup>50</sup> Roger S. Durham, *High Seas and Yankee Gunboats: A Blockade-Running Adventure from the Diary of James Dickson* (Columbia: University of South Carolina Press, 2005), 9–11.

<sup>51</sup> John P. Baldwin to Henry Adderley, 30 July 1861, in FRUS 1861, 1:154-155.

In Baldwin's place, two men went to Nassau in the winter of 1861-1862, one representing the Confederate government and the other a Charleston merchant firm. The former was Lewis Heyliger, an agent of the Confederate War Department, and the latter was John Baptiste Lafitte, a former agent for the Southern Steamship Company now in the employ of John Fraser and Co. These men represented the essence of the Confederate public-private partnership that characterized so much of their foreign commercial and diplomatic activity in the colonies. Strictly speaking, Heyliger was a government representative and Lafitte a private businessman, yet the two worked hand-in-hand to coordinate the movement of Confederate government stores through Nassau in ways that blurred the distinction between public and private business almost to the point of being meaningless. They co-authored letters together, and even received their mail under cover at the same place – the offices of Henry Adderley and Co., of course.<sup>52</sup> The proprietor of their hotel, who knew both men for years, thought both were Confederate officials.<sup>53</sup> Heyliger's long presence in Nassau began quite by accident. He arrived in Nassau on December 10, 1861, after a weather-beaten passage from Charleston on the same ship that had earlier brought out Mason and Slidell.<sup>54</sup> He and his ship, the *Theodora* (owned by John Fraser and Co.), were actually bound for Cardenas, Cuba, on a trip to pick up some weapons, with Heyliger serving as agent for both the Confederacy and for the state of Louisiana, but the ship was badly damaged in a gale and had to put in to Nassau for repairs.<sup>55</sup> It was a stroke of good fortune, because he encountered a vessel of great importance for the Confederate war effort

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<sup>52</sup> Lewis Heyliger to George W. Randolph, 5 April 1862, OR ser. 4, vol. 1, 1057.

<sup>53</sup> Affidavit of John S. Howell, 16 Feb. 1869, Alabama Claims, vol. 6, 317-18.

<sup>54</sup> Lewis Heyliger to Judah P. Benjamin, 10 December 1861, OR ser. 4, vol. 1, 781.

<sup>55</sup> Heyliger to Benjamin, 15 December 1861, OR ser. 4, vol. 1, 798.

sitting in port aimlessly, with its captain on the verge of turning around and going back to Britain.

The ship in question, the *Gladiator*, had been loaded by Confederate purchasing operatives in Britain with rifles, munitions, medical supplies, and other goods, and dispatched for Nassau, arriving only a day before Heyliger.<sup>56</sup> The captain's orders were to meet and receive instructions from Charles J. Helm, a former U.S. diplomat now in the service of the Confederacy as the unofficial consul to Cuba and the British West Indies. The *Gladiator*, a deep-drafted and relatively slow ship, would have had great difficulty eluding blockaders, and, despite the urgings of Heyliger to proceed immediately to a Southern port, its captain refused to depart Nassau due to Helm's absence. The captain's reluctance became firmer with the appearance of a Union warship outside the harbor that plainly seemed to be waiting for him. That warship, the USS *Flambeau*, was refused the right to establish a coaling station at Nassau, and Heyliger attributed the refusal to "the influence of our friends."<sup>57</sup> Helm, whose post was chiefly in Havana, had been unable to get to Nassau because of poor coordination and the lack of frequent steamer service between the two ports.<sup>58</sup> Frustrated in his attempts to get the *Gladiator* moving, Heyliger immediately proceeded to Cuba to confer with Helm, obtaining passage on the regular New York-Nassau-Havana steamer service established and subsidized by the Bahamian legislature. Heyliger's island adventure, originally intended to last just a couple of weeks, was extended indefinitely as Helm prevailed on him to proceed to Nassau with authority to oversee the cargo

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<sup>56</sup> D.T. Bisbie to J.P. Benjamin, 16 December 1861, OR ser. 4, vol. 1, 800-801.

<sup>57</sup> Heyliger to Benjamin, 16 December 1861, OR ser. 4, vol. 1, 799; Craton, *A History of the Bahamas*, 215.

<sup>58</sup> Charles J. Helm to Judah P. Benjamin, 21 December 1861, OR ser. 4, vol. 1, 806-807. Helm did not learn of the *Gladiator*'s imminent arrival until after the regular monthly steamer had departed.

of the *Gladiator* “with full power from me to act for the Confederate States.”<sup>59</sup> Heyliger, by virtue of being johnny-on-the-spot, earned an instant promotion to a crucial position as the Confederacy’s multipurpose representative in the Bahamas.

After a great deal of wrangling with the nerveless captain of the *Gladiator*, Heyliger ordered its cargo to be divided and transferred onto smaller, faster vessels for transportation into the Confederacy - a practice known as breaking bulk. Nassau was the obvious choice to do this because of its proximity to the Southern coast, non-interfering government, and the friendly presence of Henry Adderley’s firm, the partners in which all served in positions of influence in the Bahamas government.<sup>60</sup> The pace of business in the colony was not yet ideal for shipping out cotton in December 1861. Heyliger despaired of getting a good price for the bales that accompanied him through the blockade on board the *Theodora*, which had been intended for sale in the larger market of Cuba to fund arms purchases. Heyliger wrote of Nassau, “this is a poor place to get a buyer” for cotton, and that he was considering shipping it forward to Fraser, Trenholm and Co. in Liverpool on consignment - a preview of what became the standard practice for Confederate cotton routed through Nassau.<sup>61</sup> Lafitte entered the picture as the agent of John Fraser and Co., the Charleston-based merchant firm controlled by George A. Trenholm, who also owned controlling shares in its other branches, Trenholm Brothers, of New York, and Fraser, Trenholm, and Co., of Liverpool.<sup>62</sup> In response to a request for help from Judah P. Benjamin,

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<sup>59</sup> Helm to Benjamin, 21 December 1861.

<sup>60</sup> Charles J. Bayley to the Duke of Newcastle, 11 Nov. 1861, CO 23/167, f482, UKNA. Henry Adderley and his son, Augustus, in addition to having great wealth were members of the House of Assembly, and George D. Harris, Adderley’s son-in-law and a partner in the firm, was nominated to the Executive Council by Gov. Bayley in 1861.

<sup>61</sup> Heyliger to Benjamin, 11 December 1861, OR ser. 4, vol. 1, 784,

<sup>62</sup> Wise, *Lifeline of the Confederacy*, 46–47.



then acting Secretary of War, John Fraser and Co. dispatched several fast steamers to Nassau to take on the *Gladiator*'s cargo, and later sent Lafitte there as their agent. He arrived on February 16th, 1862, and immediately set to work with Heyliger.<sup>63</sup>

This public-private partnership between the Confederate government and John Fraser and Co. became the linchpin of the Confederate commercial-diplomatic network, which rapidly expanded to include many other firms and individuals. The case of the *Gladiator* is instructive in this regard because it set the tone for most subsequent supply operations through the blockade. Despite the critical, military nature of the supplies she carried, and the importance of getting them through a screen of enemy naval vessels safely, everyone involved on behalf of the Confederate government still seemed to regard it as a *civil, mercantile* undertaking rather than a *military* one. It was entirely in keeping with standard practices of the era to rely on contractors and commission merchants to deliver supplies to the armed forces, but asking them to do so through the blockade was rather more unusual, and more expensive. The Queen's neutrality proclamation precluded armed Confederate vessels from taking on the *Gladiator*'s cargo, but government-owned merchant vessels could come and go largely as they pleased. Still, Benjamin and Heyliger contracted John Fraser and Co.'s vessels to haul in the *Gladiator*'s freight, rather than buying or even seizing the ships for government use. Rather than setting up their own transshipment and servicing operation in Nassau, they leaned upon Henry Adderley and Co., and later a host of other, smaller contractors as well.

The birth of large-scale blockade running in Nassau required the help of British colonial subjects, who integrated into the transnational shipping network seamlessly. Bahamians provided

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<sup>63</sup> Heyliger to J.P. Benjamin, 22 Feb. 1862, RG 109, Letters Received by the Confederate Secretary of War, reel 50, H-94-1862, NARA.

the facilities, labor, and administrative cover needed to build up large scale transshipments and fend off port charges and restrictions. The process was simple enough, at first. Goods from Europe would arrive in Nassau, shipped to Heyliger under cover of his address at Adderley and Co. The goods would be landed in bond, or transshipped directly from the larger ship onto smaller, faster steamers (and the occasional schooner) to run the blockade into the Confederacy. This was, in essence, the procedure forced by circumstances onto the *Gladiator*. None of the principal Confederate officials involved at the Nassau-to-Charleston segment of this fledgling network had any experience in government purchasing before the war, but collectively they were very familiar with commission merchant activities and shipping, and they fell back on this experience for good and for ill. Before the blockade was tight, and while prices remained relatively low, it made sense for the government to rely on private shipping. It spared them the necessity of purchasing and operating vessels and pushed risk onto private individuals and firms. Other Bahamian firms soon joined with private Confederate and British merchants upon a similar basis. Traders and speculators from Britain joined in, some leveraging their contacts with influential pro-Confederates to gain access to persons of influence. William S. Lindsay, a prominent British shipper, member of Parliament, and pro-Confederate advocate, used his influence to get the Duke of Newcastle, the Colonial Secretary himself, to provide a letter of introduction to Governor Bayley for the blockade runner Thomas Taylor.<sup>64</sup> Within the space of a year Henry Adderley, whom blockade runners dubbed “King Conch,” and his firm stood at the

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<sup>64</sup> William S. Lindsay to Newcastle, 31 December 1862, with endorsements, f535-536, CO 23/170, UKNA.

center of a vast commercial network, dominated by private merchants and working for profit on behalf of the Confederacy across the Atlantic Ocean and Gulf of Mexico basins.<sup>65</sup>

Merchants in Charleston, and later Wilmington, seized upon the opportunity to restore some of the commerce lost when their regular connections to the North and Europe were severed. The link with New York broke down gradually, corresponding with the end of postal and telegraph service to the North and the haphazard early implementation of the blockade. Charleston merchant Charles O. Witte's letterbook shows frequent correspondence with New York and points abroad through May 1861, but the volume of letters slowed in June, and came almost to a complete halt by July.<sup>66</sup> The replacement connections to British colonies came slowly, at first. Witte's business, for example, came almost to a standstill in the second half of 1861, and he slowly built up a trade through Nassau in late 1862, buying up cotton and shipping it out to the Nassau firm of Saunders and Son. Witte also availed himself of the neutral status of Nassau and its colony-subsidized steamship service to resume his correspondence with New York, using the Nassau firm of Saunders and Son as a cut-out (i.e., a neutral proxy figure to hide the true sender's communications).<sup>67</sup> This tactic was mimicked widely and British mail packets became the backbone of Confederate overseas communication.

Some on the Confederate end of the Nassau trade saw blockade running as a joint opportunity to aid the Confederate cause and to make a living. Cornelius L. Burckmyer, a Charleston merchant who had been living in France at the start of the war, left his wife and

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<sup>65</sup> John Wilkinson, *Narrative of a Blockade Runner* (New York: Sheldon and Company, 1877), 140–41; Craton and Saunders, *Islanders in the Stream*, 2:19. “Conch” or “Conchy Joe” is a colloquial term for white Bahamians.

<sup>66</sup> Charles O. Witte Letterbook, 1861-1867, South Caroliniana Library, University of South Carolina.

<sup>67</sup> Witte Letterbook, f361; Witte Letterbook, f399.

daughter behind and made his way home through the blockade in order to do his part.<sup>68</sup> Upon his arrival he railed against the “speculators” making profits off the sale of army provisions, yet without irony Burckmyer quickly bought stock in individual blockade runners, the *Calypso* and the *Pet*, while seeking an army commission in the Commissary Department, which oversaw the purchase of provisions. He did quite well for himself in the trade between Nassau and Charleston, writing to Charlotte that “[m]y finances are in very good condition” after several successful voyages and a timely sale of stock.<sup>69</sup> By late September he had “made some 10- to \$12,000 by blockade running” and held shares in the Importing and Exporting Company of South Carolina that paid handsome dividends. Burckmyer, like many of those involved in the Charleston end of blockade running ventures, did not seem to connect his own profits to the high prices charged by retailers and so-called speculators. Even as his own profits grew and he waited at home while lobbying for a commission that suited him, he complained of “loud mouthed patriots who are willing to do great things and bluster a good deal until the opportunity for action offers and then take good care to keep out of the way and to shirk all participation in the work that is going on. Our loudest talkers and most blatant Secessionists are those who have done least in this war and who still continue 'not to do'.”<sup>70</sup>

Burckmyer's long and haphazard correspondence with his wife through the blockade introduces an important contribution of the Anglo-Confederate commercial-diplomatic network

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<sup>68</sup> Cornelius L. Burckmyer to Charlotte Boyce Burckmyer, 11 March 1863, (11/617/1), in C.L. Burckmyer Correspondence, 1863-1865 (1163.00), South Carolina Historical Society, Charleston, SC.

<sup>69</sup> C.L. Burckmyer to Charlotte Burckmyer, 17 April 1863, 1 May 1863, and 7 May 1863, 11/617/1, Burckmyer Correspondence, South Carolina Historical Society.

<sup>70</sup> *Ibid.*, 26 February 1864.

in the colonies: access to the machinery and protection of the British government. For Burckmyer and countless others, this meant access to the safety of the British mail system. Confederate travelers could likewise move with impunity on board British vessels, confident, especially after the *Trent* affair, that they would not be molested. Local partners, especially in the Bahamas, also exploited their own positions, and the divided sovereignty inherent in the scheme of British colonial governance, to turn the machinery of government to work on Confederate behalf. They did so by proxy, lending the cover of their British nationality to Confederate merchants in some cases, or by indirect pressure, particularly against Charles Bayley, the governor of the Bahamas.

People in and out the Confederacy by and large found it difficult to communicate reliably across the blockade. As regular mail and telegraph service with the North was interrupted, people naturally turned to the sea to move their letters. New York had been the usual point of departure for mail headed to Europe or the West Indies, but as Charles Witte's correspondence shows, that city quickly became inaccessible by normal means. The Confederate commercial-diplomatic network in the colonies quickly became one the most important conduits for mail and information from outside the United States.<sup>71</sup> This postal network was informal - no official Confederate courier or mail service existed beyond its shores. The most dangerous and interruptible portion - running mail past the blockade - was carried out by whatever blockade

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<sup>71</sup> William A. Tidwell, James O. Hall, and David Winfred Gaddy, *Come Retribution: The Confederate Secret Service and the Assassination of Lincoln* (Jackson: University Press of Mississippi, 1988), 91. Southerners, especially in Richmond, also received European news via the systematic smuggling of Northern newspapers, which had no difficulty in getting the latest from overseas. The Confederate Signal Corps operated courier network for this purpose.

runner happened to be present and willing, and it was far from reliable. In order to prevent the capture of incriminating documents or Confederate official dispatches, mailbags were often the first things tossed overboard when the threat of capture presented itself, and practically every set of correspondence run through blockade still extant, public and private, is full of complaints of lost letters. Once a letter reached the colonies - usually Nassau or Bermuda were the first stops - it went on to its destination far more reliably, because it traveled under the cover of the British flag. Confederate communications were given invaluable protection by the simple expedient of being plausibly British once they reached the colonies. From colonial soil Confederate letters could go on their destinations easily, relayed via Halifax or even Northern cities like New York or Boston.

Local partners also gave access to the British government, often by proxy, and exploited the inevitable friction between colonial interests and metropolitan policy by demanding that British diplomats uphold their honor and rights as Englishmen even as they worked on behalf of the Confederacy. Confederate interests thus gained much from the contested sovereignty inherent in the British colonial system in America. The actions of the Bahamian local government, especially the House of Assembly and minor officials, show us just how complicated British neutrality was, as colonial subjects worked actively against Imperial policy when it suited their interests and sympathies. The Confederate cause and the pocketbooks of merchants and blockade runners became the chief beneficiaries of this intransigence.

In 1861, the Bahamas House of Assembly had a long established and well-deserved reputation for stubbornness and troublemaking, stemming from the arrival of the Loyalist refugees in the wake of the American Revolution, which peaked during the 1830s wrangling

over emancipation.<sup>72</sup> Disputes over the form and funding of public education roiled the Bahamas after West Indian emancipation, often pitting formerly-slaveholding whites against the Colonial Office and the potentially egalitarian leanings of Anglican Church, which operated a large portion of schools in the Bahamas alongside other denominations and missionary societies. The Colonial Office provided a small stipend for the education of former slaves until 1846, but despite the urging of several governors, the Bahamas legislature provided scant funding beyond this, and less than half of Bahamian children attended school at midcentury. The Bay Street elites happily allowed churches to pick up their slack, but they feared religious education that might lead to notions of egalitarianism among the black population and worked to remove church representatives, often seen as meddling outsiders from Great Britain, from the education board. Stubborn resistance by the Bahamian white elite gradually moved control over the board almost entirely into their hands by 1864, to the detriment of the islands' black population.<sup>73</sup> Governor Bayley vividly illustrated the resistance of the Nassau agrocommercial elite in a long dispatch marked "separate and confidential" to the Colonial Secretary in 1863. He described the tendency of legislation in the Bahamas "to contravene, directly or indirectly, the intention of the Colonial Regulations and to defeat their practical enforcement." He pointed to restrictions on officeholders like the registrar and police magistrates to prevent them from doing their duties or filling in for absent or vacant officeholders, and other measures he perceived as intended "to place the Legislation of the Colony more and more in the hands of the Nassau storekeepers." Bayley sneered at the merchants as "destitute of anything like liberal education" and possessing

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<sup>72</sup> Wittington B. Johnson, *Race Relations in the Bahamas, 1784-1834* (Fayetteville: University of Arkansas Press, 2000), xix and 3–7; Themistocleous, "Merchant Princes of Nassau," 141–45.

<sup>73</sup> Craton and Saunders, *Islanders in the Stream*, 2:26–29.

“very sordid notions” about governance and civil service pay, but he despaired of weakening their control over civil service appointments and salaries.<sup>74</sup> The Queen’s representative struggled throughout the Civil War era to exercise any sort of control over Bahamian legal and regulatory affairs.

The Confederacy benefitted from the divisions inherent in the Bahamian colonial-metropolitan relationship in several ways. Confederate merchant firms, especially those tied to the government, leaned upon their influential local allies to appeal to the government for redress of grievances, most frequently in relation to blockade running. In several cases the governor forwarded these grievances to the Colonial Office, Foreign Office, and the Board of Trade, bringing them to the attention of the British Cabinet in a way that a traditional diplomatic approach would not have achieved. The actions, or inaction in some cases, of the Bahamian House of Assembly and courts also helped maintain the permissive legal and customs environment necessary for profitable large-scale blockade running, leading to Bayley’s above complaint. In 1862 the House of Assembly, goaded on by Adderley, repealed the tax on ship registrations retroactive to May, 1861, easing the process of gaining British registration for foreign ships.<sup>75</sup> The House also studiously ignored repeated pleas from the receiver-general and Governor Bayley to increase the resources available to customs inspectors to combat rampant smuggling and to keep tabs on the increasing numbers of bonded warehouses in Nassau.<sup>76</sup> The Bahamas courts also did their part to tilt neutrality toward their Confederate friends. A Nassau

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<sup>74</sup> Bayley to Newcastle, 10 September 1863, f140-145, CO 23/172, UKNA.

<sup>75</sup> *Votes of the House of Assembly, 1862*, p.22, Bahamas National Archives.

<sup>76</sup> E.B.A. Taylor to Bayley, 24 March 1863, in *Votes of the House of Assembly, 1863*, p.90-91 and 130-131, Bahamas National Archives.



court in 1863 tried several black harbor pilots for violating the Foreign Enlistment Act for merely serving as pilots for Federal warships, even as similar and far more frequent violations by pro-Confederates passed unnoticed.<sup>77</sup>

Colonial courts also shielded their countrymen from the imperial government in support of blockade running. In 1863 the Board of Trade and Foreign Office attempted to force Henry Adderley's sons, Edwin and Augustus, to pay restitution for costs incurred by the British consulate in New York for the subsistence of the crews of the captured blockade runners *Ella Warley* and *Nassau*. The Adderleys resisted and a colonial court ruled in their favor, leaving the British government to foot the bill for captured blockade running crews.<sup>78</sup> Bayley impotently suggested that the Crown Law Officers should review the judgment, as he proved unwilling to press the matter further against his subjects. The Bay Street elites who dominated the government attempted to protect their own financial interests, while simultaneously guarding their political power from the increased attentions of London. Their sheer intransigence was sometimes enough to dissuade the governor from actions that would provoke controversy.<sup>79</sup>

In the chaotic early months of the war, many on all sides did not understand the finer points of maritime law respecting the blockade and ship seizures, while on occasion others chose to ignore it. Vice Admiral Sir Alexander Milne, the commander of the Royal Navy's North American and West Indies station, worked to remind his captains of the rules regarding the rights and duties of neutrals, but also consistently ordered them to be solicitous of Union warships and

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<sup>77</sup> *Nassau Guardian*, 7 February 1863.

<sup>78</sup> Bayley to Newcastle, 8 March 1864, with enclosures, f353, CO 23/174, UKNA.

<sup>79</sup> For example, Gov. Bayley deferred attempting to reform jury service rules because of anticipated opposition from the Assembly. Bayley to Newcastle, 29 April 1862, CO 23/168, UKNA.

to go out of their way to avoid giving offense.<sup>80</sup> Grievances were inevitable, but Confederate merchants were not about to show up to a Union prize court to contest the proceedings, and they had no diplomatic service of their own to assist them in getting redress in the “foreign” courts of Key West or Philadelphia. Nassau, instead, provided an opportune place to press their grievance via the colonial governor, particularly when the incidents occurred in Bahamian waters or involved ships going to or from Nassau. In doing so, they relied upon the fig leaf of British nationality in order to press their colonial hosts’ bureaucracy into service on Confederate behalf. International law was still in ferment, and Confederates rode British coattails as “intra-imperial law and inter-imperial compromise” molded the form of maritime policing.<sup>81</sup>

An early example involved the seizure of the previously mentioned *Bermuda*, a Fraser, Trenholm, & Co. (the Liverpool-based branch of the Charleston firm John Fraser & Co.) steamer carrying a mixed private and government cargo. The *Bermuda*, celebrated as the first large steamer to run the blockade directly from England in 1861, was bound from Bermuda to Nassau when the USS *Mercedita* caught and seized her on April 27, 1862.<sup>82</sup> The incident came to the attention of the British government shortly thereafter, when Henry Adderley and Co. sent a letter to Governor Bayley to “express our indignation at so gross an outrage upon the rights of British subjects and so flagrant an insult to the British flag,” and asked him to “promptly take such steps as in your judgment may be necessary to protect the interests of her owners and secure proper

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<sup>80</sup> Dundas to Milne, 4 May 1861; Milne, “Memorandum on Blockades for the Officers of the Navy,” *Milne Papers* 2:275-276 and 278-282. For one of many examples of Milne’s orders to his captains requiring caution and forbearance, see Milne to Hamilton, HMS *Hydra*, 10 May 1861, *Milne Papers* 2:277.

<sup>81</sup> Lauren Benton and Lisa Ford, *Rage For Order: The British Empire and the Origins of International Law, 1800-1850* (Cambridge, MA: Harvard University Press, 2016), 26, 148–52.

<sup>82</sup> Wise, *Lifeline of the Confederacy*, 290.

indemnity for the serious loss sustained.”<sup>83</sup> Nathaniel Butterfield, head of a wealthy Bermuda family strikingly similar in position to Adderley, likewise submitted a claim for redress for cargo he shipped on the *Bermuda*.<sup>84</sup> Adderley and Co. did not, of course, mention that the ship was owned by a Confederate-controlled merchant house. Bayley forwarded the letter both to the Colonial Office and directly to Lord Lyons in Washington. In a private letter to Lyons about the matter, Bayley also mentioned that the harbor at Nassau “is full of English and quasi-English steamers,” indicating that he was under no illusions as to the real ownership of the *Bermuda* and others like her, but he seems to have accepted this quasi-Englishness as sufficient to merit his intervention.<sup>85</sup> Lyons correctly thought that the *Bermuda* would be condemned by the prize court for having contraband aboard in the form of arms and ammunition, but forwarded the issue to Vice Admiral Milne for his consideration.<sup>86</sup> The Colonial Office also forwarded Adderley’s letter to Lord Russell, thus ensuring that the complaint of a Confederate merchant reached the eyes or ears of nearly every relevant major British official in London and North America. James Mason could hardly have hoped to do the same. The use of prize court cases by Bahamian, Confederate, and English merchants offered a way to challenge the British government’s recognition of the legitimacy of the Union blockade, as well as the blockade’s legality within

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<sup>83</sup> Henry Adderley and Co. to Bayley, 7 May 1862, CO 23/168, UKNA. Letters sent under the name of the firm usually do not indicate which partner or clerk authored them, but one may assume that one of the Adderleys or George D. Harris wrote or approved of any communications with the government.

<sup>84</sup> Russell to Lyons, 26 May 1862, copied in CO 23/170, UKNA.

<sup>85</sup> Bayley to Lord Lyons, 12 May 1862, Lyons Papers, Letters Received, Box 122, Arundel Castle Archives, Arundel, UK.

<sup>86</sup> Lyons to Milne, 26 May 1862, Lyons Papers, Private Correspondence, Box 107, Arundel Castle Archives.

U.S. courts.<sup>87</sup> In this instance the inter-imperial compromise between the Union and Britain, unknowingly on Confederate behalf, favored the Union, as Britain acquiesced to the capture and, eventually, to the “continuous voyage” doctrine that did not permit stops at intermediate ports to remove liability of seizure for intent to break a blockade.<sup>88</sup>

Less than a week after writing about the *Bermuda*, Adderley and Co. again sought Bayley’s assistance, this time over the capture of the steamer *Ella Warley* and to complain of the behavior of U.S. customs officials in New York City, who were enforcing orders to restrict the shipment of goods to Nassau and other places where they might be sent into the Confederacy. The *Ella Warley* was a John Fraser and Co. ship but was nominally owned by Edwin Adderley of Nassau. The firm protested “not only a gross violation of the usages of legitimate international trade accorded by the comity of nations, but a violation of international law, and the recognised right of neutrals, as well as an insult offered to British subjects and through them to the state to which their allegiance is due,” and closed their message with an “appeal to Her Majesty’s Government for the redress and protection to which as British subjects we are entitled.”<sup>89</sup> Bayley seems to have found the letters persuasive, as he parroted some of the language in his own dispatch to the Colonial Secretary. By targeting U.S. customs and trade policy, Adderley and Co. were simultaneously attempting to advance their own interests and giving voice to those of the Confederacy, whose diplomats once again were otherwise powerless to do so. Again, the wheels

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<sup>87</sup> Stuart L. Bernath, *Squall Across the Atlantic: American Civil War Prize Cases and Diplomacy* (Berkeley and Los Angeles: University of California Press, 1970), 165–67; Mark A. Weitz, *The Confederacy on Trial: The Piracy and Sequestration Cases of 1861* (Lawrence: University Press of Kansas, 2005).

<sup>88</sup> Bernath, *Squall Across the Atlantic*, 65-66. Chapters 5 and 6 offer a good summary of “continuous voyage” cases.

<sup>89</sup> Adderley and Co. to Bayley, 12 May 1862, CO 23/168, UKNA.

of British diplomacy turned, indirectly, on Confederate behalf as Lord Lyons appealed to Seward to ease the restrictions in New York.<sup>90</sup> Governor Bayley and numerous Nassau merchants echoed Adderley's complaints, and British diplomats engaged in a heated months-long effort to loosen the restrictions, although they ultimately failed to convince the Lincoln administration to remove them.<sup>91</sup>

Bahamian influence over British policy was always incomplete, and Heyliger became frustrated with the seeming unwillingness of the British government to do something about the Union Navy's aggressiveness in Bahamian waters in the spring and summer of 1862. Bayley had again forwarded complaints to the Colonial Office from Adderley and Co., as well as individual ship captains, over harassment and even cannon fire from the USS *Mercedita* and *Quaker City* in the vicinity of the Abaco lighthouse. Bayley raged against the "insolent and offensive conduct of Federal steamers" and pleaded for Royal Navy protection and an extension of British sovereignty out to twenty miles from shore, rather than three.<sup>92</sup> Adderley and Co. complained in a letter to Bayley, forwarded to the Colonial Office, that "our port is virtually more effectively blockaded than the port of Charleston, for whereas vessels are daily running in and out of the latter port with impunity, scarcely a vessel . . . has arrived at this port for several weeks past without being stopped . . . by Federal cruisers . . . to their great annoyance and inconvenience."<sup>93</sup> Adderley urged

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<sup>90</sup> Lyons to Russell, 5 June 1862, f4, FO 414/26, Correspondence Respecting Interference with Trade Between New York and the Bahamas, UKNA.

<sup>91</sup> W. Stuart to Seward, 1 August 1862, and Seward to Stuart, with enclosures, 18 August 1862, f16-17 and passim, FO 414/26. The Union government was aware of the role of the Adderleys, John B. Lafitte, and a host of other Nassau-based figures in supplying blockade runners.

<sup>92</sup> Bayley to Newcastle, 21 and 30 May 1862, with enclosures, f546-558, CO 23/168, UKNA.

<sup>93</sup> Adderley and Co. to Bayley, 29 May 1862, f559-560, CO 23/168, UKNA.

Bayley to appeal to Admiral Milne and request naval protection from Union warships. Heyliger saw little relief in the short term from Northern pressure. "Our port is closely blockaded by Yankee gunboats, and the British Government appears to submit without a murmur," he wrote to Judah Benjamin in July.

Pro-Confederate agitation, combined with Union mistakes, soon gained the Confederacy and its friends some relief. After another steamer, the British-flagged side-wheeler *Adela*, was captured off the Hole in the Wall, a popular shipping passage, it seemed to him that "there is as much danger in running the gauntlet here as at Charleston. But this can not last."<sup>94</sup> Heyliger correctly anticipated some favorable action, both in the case of the *Adela*, and of the *Oreto*, which was then awaiting judgment from the Nassau Vice-Admiralty Court on suspicion of being outfitted as a commerce raider. Someone within the Bahamian government or the Royal Navy, possibly Royal Navy Capt. George Watson, colluded with Heyliger in obtaining intelligence on these matters that bolstered his confidence in the aid the Confederacy could expect to receive from its colonial partnership. In June, Heyliger obtained copies of three letters from Lord Lyons to Governor Bayley regarding the captures of the *Bermuda* and *Ella Warley*, which he passed on to Richmond.<sup>95</sup> The HMS *Peterel*, under the command of Watson, traveled to Key West to protest the *Adela's* capture as illegal and request her release. Heyliger received a full copy of

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<sup>94</sup> Heyliger to J.P. Benjamin, 19 July 1862, Reel 8, CSAR, LC; The *Adela* was owned by the young Earl of Eglinton and named after his grandmother. Vessel information from Wise, *Lifeline of the Confederacy*, 286. The Hole in the Wall, on Abaco Island, was a kind of sea arch often cited by sailors as a landmark and navigation aid. It has since collapsed due to erosion and no longer exists.

<sup>95</sup> L. Heyliger to J.P. Benjamin, 20 June 1862, Reel 8, CSAR, LC. It is not clear who gave these papers to Heyliger, but it was someone with access to the governor's mail.

Watson's report on his proceedings at Key West not long after it was sent on to Admiral Milne.<sup>96</sup> Heyliger quickly sent it on to the Confederate authorities in Richmond, cautioning them to keep their possession of it a secret by reminding Benjamin that "Of course it must not be made public or get into the papers."<sup>97</sup> Similarly, Heyliger repeatedly expressed confidence at the outcome of the *Oreto* case as if he were privy to the court's leaning: "It will be favorable."<sup>98</sup>

Heyliger's sources did not lead him astray. The cozy relationship between Confederates and the Bahamian elite paid dividends in the case of the *Oreto*, the future CSS *Florida*. Under pressure from Union authorities, Governor Bayley ordered the ship, a sister of the 290/CSS *Alabama*, detained for potentially violating the Foreign Enlistment Act, which forbade the provision of warships to a belligerent power. The Bahamian Attorney-General, George C. Anderson, a former slaveholder widely suspected of pro-Confederate sympathies, did not investigate the case particularly energetically, despite local merchants recruiting sailors for duty on the warship more or less openly on the streets of Nassau.<sup>99</sup> The Royal Navy officer charged with inspecting the *Oreto* was none other than George Watson. Indeed, the Confederacy often found friends among the officers of the Royal Navy, a number of whom took temporary leave of the service to command blockade runners.<sup>100</sup> The trial of the ship before the Nassau Vice-

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<sup>96</sup> Watson was widely suspected of pro-Confederate bias. Kenneth M. Startup, "'This Small Act of Courtesy': Admiral Sir George Wiles Watson, Trouble, Trials, and Turmoil in Bahama Waters," *Journal of the Bahamas Historical Society* 31 (October 2009): 57–62.

<sup>97</sup> Report of Captain George Watson, enclosed in L. Heyliger to J.P. Benjamin, 16 August 1862, Reel 8, CSAR, LC.

<sup>98</sup> *Ibid.*

<sup>99</sup> Alabama Claims, 6:310-312.

<sup>100</sup> See, for a famous example, the career of the future "Hobart Pasha." Augustus Charles Hobart-Hampden, *Sketches From My Life* (New York: D. Appleton and Co., 1887), 87–88.

Admiralty court went off as predicted, and the judge released the *Oreto* to the custody of its supposed owners, Henry Adderley and Co.

The *Oreto* immediately left Nassau for a nearby anchorage to prepare to receive its armament, crew, and commission as a Confederate warship. The Confederacy's friends assisted in this endeavor once more. Adderley and Co. quietly recruited sailors from the docks, streets, and bars of Nassau to serve as a crew and ferried them to the ship. At the firm's wharf, they also hired workers to load cannons and small arms aboard a schooner contracted to meet the *Oreto*.<sup>101</sup> Meanwhile, Capt. Watson and the HMS *Peterel* actually assisted in arming the *Oreto/Florida* by tethering it to his ship while the Confederate vessel's crew, as yet too few to drop their own anchor, adjusted the engines for sea service. Its engines in order, the *Oreto* took the sailing ship carrying its armament, which arrived with the *Peterel* still tethered to the *Oreto*, in tow and proceeded to a quiet anchorage to load and mount its guns.<sup>102</sup> The American consul also claimed that the *Peterel* screened the *Oreto* from American warships seeking to capture it. The release and escape of the *Florida* would have been impossible without the aid of the Bahamian friends of the Confederacy. It proved a major military and quasi-diplomatic success, as the warship avoided seizure and went on to terrorize Union merchant shipping for the next two years before being, ironically, cut out of a Brazilian port illegally and captured by a Union warship.

Whether by sympathy or just incompetence, colonial officials and courts also supported pro-Confederate raiding and piracy. Several Confederate privateers were accused of illegally selling captured ships and cargo in the Bahamas with the collusion of local friends, in blatant violation of British neutrality and Colonial Office policy restricting the access of privateers to

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<sup>101</sup> Affidavit of James Jenkins, 17 Feb. 1869, Alabama Claims, 6:316-17.

<sup>102</sup> Startup, "This Small Act of Courtesy," 59.



British ports.<sup>103</sup> Vernon Locke, a British colonial subject and Confederate privateer, illegally landed and sold cargo in the Bahamas from the U.S. merchant ship *Hanover*, and was arrested in Nassau in mid-1863. Attorney-General Anderson and Governor Bayley allowed Locke to be released on a pittance of bail, and Locke immediately skipped town to engage in ever more egregious attacks on Union shipping.<sup>104</sup> Newcastle was livid and demanded an explanation as to their conduct and “the remissness of the local government in this matter.”<sup>105</sup> Newcastle deemed Bayley’s explanations, as well as those of his Bahamian subordinates, “very unsatisfactory,” but Newcastle’s resignation and the already-planned end of Bayley’s term as governor saved him from being summarily fired.<sup>106</sup>

By late 1862, flush with the successful escape of the *Florida* and buoyed by Confederate battlefield successes, Lewis Heyliger felt that conditions both in Nassau and in the war were so favorable to the Confederacy that he took the unusual step of officially declaring himself to Governor Bayley as the "authorized representative in this Island" of the Confederacy. Although "mindful of the fact that the [Confederate] Government ... has not yet been recognized by H.B. Majesty's Government," Heyliger did so "in view of the recent rapid march of events in America, and the signal and decisive successes that have attended Confederate arms." Bayley, however, may have disappointed Heyliger with his strictly formal response, sent through Charles Nesbitt

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<sup>103</sup> This is discussed in greater detail in Chapter 4.

<sup>104</sup> Bayley to Newcastle, 22 August and 31 October 1863, f67 and f364, CO 23/172, UKNA.

<sup>105</sup> Newcastle to Bayley, 23 Dec. 1863, f366, CO 23/172; Frederick Rogers to Edmund Hammond, 29 December 1863, f370, CO 23/172.

<sup>106</sup> Newcastle, endorsement on Bayley to Newcastle, 1 February 1864, with enclosures, f68, CO 23/174, UKNA. The improbably named Rawson W. Rawson replaced Bayley as governor later in the year. Newcastle resigned his office in poor health in April and died later that year.

in his role as Colonial Secretary. "His Excellency's instructions do not permit him to recognise any official representative of the Confederate States of America, but His Excellency will always be happy to receive any unofficial representations which you or any other gentleman of the Southern States may wish to offer him in his private and personal capacity."<sup>107</sup> Bayley, as an outsider in the Bahamas and a Crown-appointed official, appeared unwilling, unlike many of his local subjects, to go beyond the strictures placed on him by neutrality and Imperial policy. His response was very similar to that which Palmerston and Lord Russell offered to Confederate representatives in Britain, although Bayley dispensed with the usual "so-called" in referring to the Confederate States. Bayley, perhaps more than any other colonial governor, found himself caught between the competing pressures of metropolitan policy, his own distaste for Yankee insolence, especially from the frequently drunken consul Samuel Whiting, and local intransigence against the strictures of neutrality.

The pressure on Bayley peaked in 1863, sparked by an impolitic remark in his address at the opening of that year's legislative session seemingly directed at the partial Union embargo of Nassau. In his speech Bayley castigated Northern hypocrisy on neutral rights and free trade, while reminding the Assembly that they enjoyed "the right of engaging in commercial operations with each or either of the belligerents."<sup>108</sup> Northern journals howled that this smacked of favoritism toward the Confederacy, and the Colonial Office agreed.<sup>109</sup> Internal comments by Colonial Office officials called the speech "a great indiscretion" and suggested that even the

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<sup>107</sup> C.R. Nesbitt to Heyliger, 2 October 1862, Reel 8, CSAR, LC.

<sup>108</sup> Speech of C.J. Bayley to the Bahamas House of Assembly, 2 March 1863, reprinted in *Liverpool Mercury*, 6 April 1863.

<sup>109</sup> *New York Herald*, 24 March 1863.

appearance of officially promoting or condoning blockade running as a “right” rather than a species of smuggling "is a clearly unfriendly act ... to the blockading power."<sup>110</sup> The Duke of Newcastle wrote to Bayley and rebuked him for "laying yourself open to a charge of unfriendly conduct towards a neighbouring power" and "impairing the position of the Government you serve." The remarks deeply stung Bayley, and he wrote a lengthy rebuttal, attempting to explain his comments, which Newcastle did not accept.<sup>111</sup> He was certainly in a difficult position. As Newcastle said, Bayley's speech "was very acceptable to the inhabitants of the Colony, who are naturally anxious to make the most of what are apparently the advantages of their present position relative to the Seat of War."<sup>112</sup> Unfortunately for Bayley, his speech went unrewarded by Adderley and the House of Assembly, as they refused most of his subsequent proposals to increase the size and effectiveness of the various departments tasked with enforcing customs and bonded warehouse inspections, despite an epidemic of smuggling by blockade runners to avoid paying duties.<sup>113</sup>

Their deliberate inaction made Bayley appear to Union eyes as either weak and ineffectual, or complicit in sustaining the cause of the rebellion by facilitating blockade running. The governor had little recourse, however, because of the effective informal diplomatic connections between the Confederates and the Bahamas. The deep partnership between his own colonial legislature and subjects, dominated by Bay Street merchants like Henry Adderley, and

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<sup>110</sup> Sir Frederick Rogers, comments on dispatch no. 18, 8 March 1863, CO 23/171 f116-117, UKNA.

<sup>111</sup> Newcastle to Bayley, reprinted in the *New York Times*, 23 August 1864

<sup>112</sup> Newcastle to Bayley, 11 April 1863, *Votes of the House of Assembly*, 1863, 30-31. Microfilm. Bahamas National Archives; Bayley to Newcastle, 5 May 1863, CO 23/171, f271-278, UKNA.

<sup>113</sup> E.B.A. Taylor to Bayley, n.d. March 1863; Receiver General to Bayley, 24 March 1863 (two letters), *Votes of the House of Assembly*, 1863, Bahamas National Archives.

the Confederacy managed to subvert both his neutrality and his power and influence over affairs in the Bahamas. Perhaps to ease opposition to his duties, Bayley remained attentive to the demands of the Nassau merchant community, particularly in passing along their grievances to London and to Lord Lyons in Washington, as shown above. The commercial-diplomatic network effectively tied Bayley's hands when it came to municipal affairs – as late as 1864 he still complained to the Colonial Office that “the mercantile members of the House [of Assembly] are not ignorant” of problems with customs enforcement and cargo inspections of blockade running traffic, but “I fear they are not averse to its continuance.”<sup>114</sup> Bayley pleaded for a Royal Navy officer, immune from the Assembly’s power, to be appointed harbor master, to no avail. George Harris, a partner in Adderley and Co. and Henry Adderley’s son-in-law, was conveniently also the chairman of the Board of Pilotage for the Bahamas and rejected Bayley’s request out of hand.<sup>115</sup> Like other colonial governors of the era, Bayley had been forced back from actively managing or mediating local politics and into a "quasi-monarchical" role as a supposedly neutral arbiter of the Crown's authority.<sup>116</sup>

Bayley continued to play that role by conveying his subjects’ complaints against foreign interference to the Colonial Office and Lord Lyons. He transmitted yet another complaint, signed by over fifty merchants and members of the House of Assembly, to Lord Lyons in May, 1863, once again protesting the use of bonds against goods shipped from New York, though Seward and Treasury Secretary Salmon P. Chase refused to budge on the matter, despite strong protests

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<sup>114</sup> Bayley to Newcastle, 19 May 1864, f556, CO 23/174, UKNA.

<sup>115</sup> George D. Harris to Nesbitt, 4 August 1864, f399, CO 23/175, UKNA.

<sup>116</sup> Mark Francis, *Governors and Settlers: Images of Authority in the British Colonies, 1820-60* (London: Macmillan, 1992), 258.

from Lord Russell.<sup>117</sup> Later that month the blockade runner *Margaret and Jessie*, en route from Charleston to Nassau, encountered the USS *Rhode Island*, which gave chase. After a lengthy pursuit, the *Rhode Island*'s gunners managed to put a cannonball into their quarry's boilers, and the *Margaret and Jessie*'s captain ran the ship aground at Eleuthera Island rather than see it captured. Local wreckers salvaged the vessel before Heyliger could send help from Nassau, but he saw in the incident an opportunity to strike a diplomatic blow at the Union cruisers haunting Bahamian waters.<sup>118</sup> Heyliger gathered depositions from the crew and the wreckers contending that the *Rhode Island* had fired on the "British" blockade runner within the three-mile limit of Bahamian territorial waters.<sup>119</sup> Bayley forwarded a forbidding pile of correspondence on the affair to the Colonial Office, including a letter from George A. Trenholm himself asking for redress as owner of the *Margaret and Jessie*. The inclusion of the Trenholm letter is hard to explain as anything but overconfidence or incompetence, because it blew apart the mutually agreed-upon fiction that the ship, like so many blockade runners, was British and not Confederate. The *Rhode Island*'s commander contended his vessel never breached the three-mile limit, and a naval court of inquiry agreed.<sup>120</sup>

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<sup>117</sup> Bayley to Lyons, with enclosures, 9 May 1863, f31, FO 414/26, UKNA. The U.S. consul in Nassau refused to cancel many of the bonds on the grounds that they were either fraudulent or had been violated.

<sup>118</sup> Wise, *Lifeline of the Confederacy*, 117–18. Bayley to Newcastle, 6 June 1863, with enclosures, f409, CO 23/171, UKNA; ORN ser. 1, vol. 4, 235-250.

<sup>119</sup> William Wilson to Lord Russell, 4 August 1863, with enclosures, FO 5/1234, Case of the Margaret and Jessie, maritime jurisdiction beyond the three-mile limit, FO 5: Foreign Office: Political and Other Departments: General Correspondence before 1906, United States of America, Series II, UKNA. Wilson, a blockade runner captain in the employ of Trenholm, delivered a box of depositions to the British government in person, with Bayley's cooperation.

<sup>120</sup> ORN ser. 1, vol. 4, 249-250.

Seward managed to turn Heyliger's attempt at weaponizing international law back on Britain. He rejected the evidence offered that the *Rhode Island's* fire had struck the shore of Eleuthera Island, and instead offered to open a broad reconsideration with the major maritime powers of the three mile limit of territorial waters in light of the vastly increased range of modern rifled cannons, and suggested a convention to reconsider how sovereignty over coastal waters should be dealt with in anticipation of future technology.<sup>121</sup> Neither Lord Russell nor the Admiralty had any interest in such a scheme, given its complexity and the potential to affect British naval might, and he let the matter drop with loose assurances that cannons should not, in general, be fired toward neutral shores.<sup>122</sup> Further insistence on the matter by James Mason came to naught, although Lafitte and Trenholm lobbied for compensation even after the war ended, much to the annoyance of the Foreign Office.<sup>123</sup>

Curiously, on at least one occasion the commercial-diplomatic network in Nassau welcomed the assistance of Governor Bayley and the British government against the Confederacy, in a blatant example of how loose, decentralized control could cause it to work at cross purposes with the government in Richmond. In early 1863 a Confederate court in Wilmington seized the schooner *Harkaway*, arriving from Nassau under a British flag, because the vessel had once been owned by a Confederate citizen. The Union Navy had captured the schooner earlier in the war, and after a prize court condemned it, it was sold at auction in Key

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<sup>121</sup> William Stuart to William H. Seward, 12 September 1863, in FRUS 1863, part 1, 693-94; Seward to J. Hume Burnley, 16 September 1864, FO 5/1234, UKNA.

<sup>122</sup> Lords Commissioner of the Admiralty to Russell, 15 November 1864, FO 5/1234, UKNA; Seward to Burnley, 15 September 1864, in FRUS 1864, part 2, 706-707.

<sup>123</sup> James Mason to J.P. Benjamin, 6 August 1863, with enclosures, in ORN ser. 2, vol. 3, 857-858; John B. Lafitte to Edmund Hammond, 21 July 1865, FO 5/1234, UKNA.

West and ended up in Nassau with new owners and a new name. Writing to Benjamin, Lewis Heyliger said the case "has made a very unpleasant impression here, as parties will naturally hesitate to purchase vessels condemned before a prize court, and in this proposition are the means diminished of finding suitable craft to run the blockade."<sup>124</sup> Concerned at recent losses in shipping and the backlog of cargo in Nassau, Heyliger wanted the seizure of the *Harkaway* overturned. Governor Bayley obligingly forwarded the protest of *Harkaway's* nominal owner to the Colonial Office, who sent it along to Lord Russell, requesting the intervention of the British consul in the area.<sup>125</sup> Both Heyliger's and the British consul's attempts to intervene met with harsh rejection, the victim of Confederate frustration with lack of diplomatic recognition. Benjamin told Heyliger that once the British and French governments recognized the Confederacy, they "will be listened to with respect when presenting claims of their citizens for indemnity on account of injuries suffered. Till that period, the subjects of those powers must submit to the consequences of the delay caused by the action of their own governments, and for which this Government is in no wise responsible." The Secretary of State ordered him to "decline to make yourself in future the channel of communication for foreigners with this Department."<sup>126</sup> Likewise, Maj. Gen. William H.C. Whiting, commander of the Cape Fear District, which included Wilmington and its protector, Fort Fisher, dismissed H. Pinckney Walker, the British consul. "I decline ... to discuss the subject with you or to release the vessel," and suggested that "as her Britannic Majesty's Government does not recognize the jurisdiction of the Confederate

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<sup>124</sup> Heyliger to Benjamin, 6 Feb. 1863, Reel 8, CSAR, LC.

<sup>125</sup> Bayley to Newcastle, 3 Feb. 1863, f73, CO 23/171, UKNA.

<sup>126</sup> Benjamin to Heyliger, 21 Feb. 1863, ORN ser. 2, vol. 3, 697-698.

States here, and the United States Government claims it, perhaps it would be as well to apply to the latter."<sup>127</sup>

Thus, the arms of the Confederate public-private partnership were not immune from friction, disagreement, and divergence of opinion as to the relative importance of smooth blockade running operations and diplomatic respect (or lack thereof). The French and British owners of the *Harkaway* attempted, in effect, to use the Confederate commercial-diplomatic network in reverse, to influence Confederate government behavior, and the Richmond authorities rather ironically resented the attempt at manipulation. It is not entirely clear that the *Harkaway's* seizure actually slowed the pace of ship acquisition by blockade running groups, but the correspondence reveals another advantage to the colonial Anglo-Confederate partnership: the ability for British subjects to purchase back captured blockade runners at auction, something impossible for a Confederate citizen to do openly. Nevertheless, by 1863 steamers were far more important to the trade than schooners, and the U.S. Navy generally took captured fast blockade runners for its own use.<sup>128</sup> New steamers thus had to come from Europe rather than Union prize courts. Frustrated by the failure of formal diplomacy in Europe, beset by financial ruin, and finally disillusioned with the power of King Cotton, the Confederate government finally, haltingly, attempted to exert greater control over their diplomatic and trade connections with the colonies. Benjamin's rebuke of Heyliger was a small move in that direction, but it took nearly a year before the Confederate Congress took any meaningful action to control private trade.<sup>129</sup>

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<sup>127</sup> W.H.C. Whiting to H. P. Walker, 11 May 1863, ORN ser. 1, vol. 9, 795.

<sup>128</sup> For but one example, the former blockade runner *Ella and Annie* helped chase down and recapture the hijacked steamer *Chesapeake* in December 1863.

<sup>129</sup> Wise, *Lifeline of the Confederacy*, 145–47.



By the end of 1863, the Confederate experiment in Nassau had become a beehive of intermingled private and government activity, centered on running the blockade. The active intervention of local merchants and government proved essential in creating and sustaining the trade in the face of Union naval and diplomatic pressure. The imperial government supported its Bahamian subjects ambivalently, torn between preserving British rights and prestige, and maintaining a posture toward the blockade that would preserve their naval advantage in a future war. The economic fortunes of the Bahamas had been transformed, from deep pessimism in late 1861 into perhaps the best years the colony had ever seen. Supplies consistently flowed into, and cotton out of, the Confederacy, providing critical support to the finances of the government and the combat power of the rebel armies. Yet all was not well: Nassau was overcrowded and ruinously expensive; U.S. Navy warships prowled the narrow passages of Bahamian waters, increasing the risks of blockade running; and the Confederate government, lacking control over wharfage and warehouse space, could not expand its operations when it became clear that relying chiefly on private firms would not meet the needs of the armed forces. Leaving blockade running in private hands had freed the Confederate government from managing a gigantic logistical program and resulted in vast quantities of supplies entering its ports. However, as the war dragged on and prospects of international recognition faded, the Confederate government began to look for ways to control or bypass its friends and proxies in the colonies in order to increase the military effectiveness of blockade running.

The decentralized, quasi-private network centered in Nassau shepherded blockade running through the hazards of local regulations, British policy, and zealous Union blockading captains. It was not a foregone conclusion that a colonial port like Nassau could be used for blockade running: colonial legislatures could (and some did) ban the export of arms and ammunition to

both belligerents.<sup>130</sup> The smooth and friendly environment in Nassau was no accident; it was rather the result of hard work, carefully cultivated relationships, and strong support by the white mercantile elite of the Bahamas. The importance of blockade running to Confederate military fortunes and the utility of the Bahamas as a nearby shelter for Confederate ships, agents, and communications suggest that the informal diplomacy of the Anglo-Confederate commercial-diplomatic network was far more important to Confederate military and international fortunes than was previously understood.

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<sup>130</sup> Canada, for example, did so in 1864 under Union diplomatic and economic pressure. See Robin W. Winks, *The Civil War Years: Canada and the United States*, 4th ed. (Montreal: McGill-Queen's University Press, 1998), 138–39.

## Chapter 3

“I risk with all concerned”: Bermuda and the Fight to Control Blockade Running, 1863-1864

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In March 1862, John Tory Bourne, a middling commission merchant of St. George's, Bermuda, wrote to John Fraser and Co. of Charleston to extol the virtues of Bermuda as a transshipment point and his own as a potential commercial agent for Confederate business. Bourne, who had had assisted the CSS *Nashville* during its visit to the island the previous year, pronounced his dedication to the Southern cause and offered to take no commission on government shipments until “the acknowledgement of the Confederacy by the European Powers,” and in doing so, “I risk with all concerned.”<sup>1</sup> He soon received frequent business from the Confederate government and its private blockade running associates across British America, and added his contacts in the Northern states and Nova Scotia to that burgeoning network. Bourne and the merchants of St. George's integrated themselves into the pro-Confederate colonial network, although the changing circumstances of the war in 1863 and 1864 made their experience unlike that of Henry Adderley & Co. and their associates in Nassau. The Confederate government, though still dependent on local assistance and facilities, involved itself far more directly in blockade running through Bermuda, while the British imperial government retained greater influence over affairs in the colony because of its importance as a naval stronghold.

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<sup>1</sup> John Tory Bourne to John Fraser & Co., 27 March 1862, in Frank E. Vandiver, ed., *Confederate Blockade Running Through Bermuda, 1861-1865: Letters and Cargo Manifests* (Austin: University of Texas Press, 1947), 10–12.

Bermuda in 1863 was a place of contrasts. Its splendid year-round climate was offset by the occasional appearance of horrific yellow fever epidemics. Its excellent harbors were surrounded by extensive and treacherous reefs. Its geography made it a refuge for groups operating on the maritime periphery of the Civil War, from blockade runners and adventurers, to the Royal Navy and the Confederate government. Its isolation from the North American coast made it an attractive place to exploit the gray areas of the war, in ways that ranged from the benign to the monstrous, from cultivating social relations to planning for biological warfare against Northern civilians. Officials in Richmond, looking to establish a government blockade running depot, sought to avoid the overwhelmed facilities and swarming Union warships around Nassau, and Bermuda provided a suitable alternative base of operations. The Confederate government, attracted by the relatively quiet conditions in Bermuda, soon expanded its presence until the operation, based in the town of St. George's, became the most active official Confederate government establishment in all of British America.<sup>2</sup>

The structure of imperial British power in Bermuda, particularly the large British military presence, affected the composition of the pro-Confederate network there, while social connections helped develop and maintain its support. British Army and Royal Navy officers composed an important component of the island elite, and the governor and his deputy were both army officers. Lower-level officers frequently expressed their support for the Confederate cause in word and deed, although the most powerful officer in North America, Vice-Admiral Sir Alexander Milne, was scrupulously impartial and moved quickly to suppress un-neutral behavior among his charges when he found it. Milne kept his winter headquarters in Bermuda, but due to

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<sup>2</sup> Vandiver, xx–xxi.

his command obligations he spent only a small portion of his time in the colony. Confederate citizens, including women, integrated into the social life of the island and created a welcoming atmosphere among Bermuda's military and social elite, who in turn helped the rebellion where they could with access to facilities, information, and protection from Union interference. White Bermudians aided the Confederates for a variety of reasons, including commercial self-interest, anti-Northern sentiment, especially after the *Trent* affair, and perhaps sympathy with Southern racial hierarchies. Confederate informal diplomacy proved less successful at cultivating support among the island's black working class, whom they regarded with scorn and racial animus. Confederate unwillingness to treat black pilots, stevedores, longshoremen, and other laborers with respect and fair pay resulted in a costly strike featuring arson and violence that threatened to upend shipping operations in Bermuda.

The Bermuda node of the Confederate commercial-diplomatic network, with its prominent formal government presence, illustrated the advantage that could be gained by relying on a combination of private parties and colonial officials for access to shipping infrastructure and to facilitate the movement of people and communications. Separate Confederate state blockade running operations, especially from North Carolina, also operated with local partners in Bermuda, adding a layer of complexity to the trade and to later efforts to regulate it. Colonial merchants and shippers were insulated from Confederate government efforts to fully control blockade running, and they exploited the friction between state and general government to protect their operations. The long-delayed attempt to control blockade running shows that Confederate state centralization was less "all-encompassing" than some scholars, who focus mainly on the domestic realm, have suggested, because of its transnational nature – the colonial participants in the trade were frequently integrated into government efforts and at least partly

immune from its control.<sup>3</sup> The Confederate general government relied extensively on private parties and the forbearance of British colonials to conduct its foreign trade, and Jefferson Davis's attempt to take control of blockade running ultimately remained incomplete – cut short by yellow fever, and undermined by organizational weakness and the longstanding predisposition toward informal and private control over operations in the colonies. Even at the peak of Confederate government involvement and regulation, private shippers remained indispensable to blockade running through the colonies.

The move toward greater state involvement in blockade running reflected a trend in Confederate governance with which historians have long grappled. Frank Owsley memorably chiseled “Died of State Rights” on the Confederacy's tombstone, attributing its defeat to a weak central government and the inability to cooperate with fractious state governors, particularly Zebulon Vance of North Carolina and Joseph Brown of Georgia.<sup>4</sup> Owsley's thesis fell by the wayside over the following decades, as scholars found that he perhaps overestimated the negative influence of irascible governors and underplayed the depth of centralization that occurred within both the general and state governments of the Confederacy. Emory M. Thomas argued that during the war the Confederate government “unwittingly” transformed itself from a loose confederation into a “centralized, national state” and that it was Jefferson Davis and his administration that “dragged Southerners kicking and screaming into the nineteenth century.”<sup>5</sup>

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<sup>3</sup> Richard Franklin Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859-1877* (New York: Cambridge University Press, 1990), 95, 179–81. Quote is from page 95.

<sup>4</sup> Frank Lawrence Owsley, *State Rights in the Confederacy* (Chicago: University of Chicago Press, 1925), 1.

<sup>5</sup> Emory Thomas, *The Confederacy as a Revolutionary Experience* (Englewood Cliffs, NJ: Prentice-Hall, 1971), 58–59, 64.

Thomas suggested that, in addition to centralizing steps like conscription, internal passport controls, and the suspension of habeas corpus, the general government “all but nationalized the Confederate economy.” Thomas traced the transformation of the Confederate government to the spring of 1862 and the opening of the Peninsular Campaign in Virginia, which provided the backdrop for conscription and other methods of expanded coercion in the name of security.<sup>6</sup> Military necessity likewise provided Davis and his cabinet the pretext for expanded economic intervention like the tax-in-kind, creating state sponsored or owned industries, and various other measures.<sup>7</sup> More recent scholarship differs on the extent of centralization, but the trend generally acknowledges the tendency of the government to expand the reach and scale of its interaction with its own citizens.<sup>8</sup>

Still, there is dissent on the extent and power of Confederate government control over its wartime economy, and this chapter is in sympathy with it. Michael Brem Bonner argues that the Confederate government settled into a pattern of “expedient corporatism” in managing its

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<sup>6</sup> Emory Thomas, *The Confederate Nation: 1861-1865* (New York: Harper & Row, 1979), 145–55.

<sup>7</sup> Thomas, 204–14.

<sup>8</sup> William C. Davis, *Look Away! A History of the Confederate States of America* (New York: Free Press, 2002), 287–304; Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South* (Cambridge, MA: Harvard University Press, 2010), 153–63; Paul A. C. Koistinen, *Beating Plowshares into Swords: The Political Economy of American Warfare, 1606-1865* (Lawrence: University Press of Kansas, 1996), 197–214. Davis contends that forays into “salt socialism” and other economic interventionism marked a previously “unthinkable” departure from the Confederacy’s libertarian founding ideals. McCurry finds that the war forced the Confederate government into “a striking realignment of state-citizen relations,” but from the bottom up, as economic conditions, slave (and slaveowner) resistance, and the activism of women brought these previously marginal groups fully to the state’s attention.

relationship between government power and private business, melding the public interest and private gain where possible.<sup>9</sup> This is a useful extension to the scholarly trend that finds that the political economy of warfare in the Civil War era was in a transitional stage, as Paul A.C. Koistinen has argued, between the minimal, market-based mobilization that characterized American warfare prior to 1815, and the massive state intervention characteristic of mobilization for industrialized warfare in the twentieth century.<sup>10</sup> Koistinen argues that Confederate mobilization faltered in part because of the political dominance of the planter elite, and that their centralizing efforts, although effective, were hindered by an enduring laissez-faire, profit-driven ethos bent toward preserving private property.<sup>11</sup> This is in contrast to the relative independence and power of the United States Army's Quartermaster department and the mixed-military economy it created in the North, where military bureaucrats had greater freedom from political interference than their Confederate counterparts.<sup>12</sup> These analyses point toward pragmatism as a guiding principle for many of the principal Confederate officials involved, but the complications imposed by private colonial business partners and competition with state governments made it particularly difficult to fully rationalize overseas purchasing and shipping, much less stop the

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<sup>9</sup> Michael Brem Bonner, *Confederate Political Economy: Creating and Managing a Southern Corporatist Nation* (Baton Rouge: Louisiana State University Press, 2016), 9–17.

<sup>10</sup> Koistinen, *Beating Plowshares into Swords*, 2–7. Koistinen, in a five-volume series, periodizes American (including Confederate) mobilization for warfare into preindustrial, transitional, and industrial stages.

<sup>11</sup> Koistinen, 271–72.

<sup>12</sup> Mark R. Wilson, *The Business of Civil War: Military Mobilization and the State, 1861-1865* (Baltimore: Johns Hopkins University Press, 2006), 72–107.



frivolous loss of specie, cotton, and cargo space to luxury goods for the rich.<sup>13</sup> The flexibility of the privatized system was increasingly in tension with the Confederacy's financial and military difficulties.

Whether the change in Confederate governance was a conservative “revolution,” as Thomas put it, or a more proactive “moment of possibility” for portions of the slaveholding elite bent on reform, as Michael Bernath argues, remains up for debate.<sup>14</sup> It is clear, however, that a revolution was neither necessary nor unprecedented when it came to controlling foreign policy and trade. Matthew Karp makes a persuasive case that antebellum Southern slaveholders exercised substantial control over American foreign policy in the decades leading up to the Civil War, and that they pursued an energetic, expansionist agenda that was quite comfortable with the vigorous exercise of government power.<sup>15</sup> Karp's analysis, in combination with the findings of historians like Robert Novak and Brian Balogh on state strength in the nineteenth century, suggests that the Confederate general government should have been comfortable with strong control over trade policy, particularly if it served to protect slavery and the war effort. Max Edling demonstrates the existence of an antebellum fiscal-military state that gave precedent to

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<sup>13</sup> Harold S. Wilson, *Confederate Industry: Manufacturers and Quartermasters in the Civil War* (Jackson: University Press of Mississippi, 2002), 155–79. The challenges of the Confederate Quartermaster Department's Bureau of Foreign Supplies are a good illustration of the maze of competing contracts, purchasers, and shippers in Europe and colonies.

<sup>14</sup> Michael T. Bernath, “The Confederacy as a Moment of Possibility,” *Journal of Southern History* 79, no. 2 (May 2013): 299–338.

<sup>15</sup> Matthew Karp, *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy* (Cambridge, MA: Harvard University Press, 2015), 1–9.

aggressive means of war financing and argues that politicians ideologically opposed to centralized government had perhaps the most inclination to use aggressive state power.<sup>16</sup> The fact that the Confederate government waited for years to impose serious constraints on trade suggests that it was long comfortable with minimal oversight of the transnational network that operated the bulk of the Anglo-Confederate merchant marine.

From the very first days of their government's existence, Confederate leaders argued about the legality and propriety of active intervention, and as early as March, 1861 the cabinet declined to take control of overseas cotton shipments in order to avoid interfering with private business.<sup>17</sup> The private interests of planters and cotton prevailed over military necessity far longer than practically any other segment of the Confederate economy. Despite precedent and constitutional authority, the Davis administration and the Confederate Congress both waited until relatively late in the war to intervene substantially in blockade running. The centralizing tendency in the Confederate government foundered against bureaucratic inertia, incoherent or conflicting policies within the general government and the War Department, and faith in free market solutions to a military dilemma. Confederate efforts to control blockade running, rather than being "the nearest thing to state socialism to appear in the nineteenth century," remained inextricably bound up with private enterprise even at their zenith, and private citizens, as well as

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<sup>16</sup> Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (New York: Cambridge University Press, 2009) especially chapter 5; William J. Novak, "The Myth of the 'Weak' American State," *The American Historical Review* 113, no. 3 (June 2008): 752–72; Max M. Edling, *A Hercules in the Cradle: War, Money, and the American State, 1783-1867* (Chicago: University of Chicago Press, 2014), 14–17, 87, 227–30.

<sup>17</sup> Davis, *Look Away!*, 85–86, 93.

British subjects and officials in the colonies, played an essential role in creating and sustaining support for the rebellion in Bermuda and beyond.<sup>18</sup> Merchants and the government had long wrangled over the limits of trade policy in the early Republic, and though mercantile influence waned somewhat by the Civil War era, the Confederate experience suggests that their power to contest the terms of international commerce remained significant.<sup>19</sup> While never fully returning to the “imperial” system of benign neglect and accommodation that historian Gautham Rao ascribes to post-Revolutionary era customs collection, the Confederate government largely deferred to merchants (including colonial and British partners) in the first years of the war and faced difficulties not unlike their Jeffersonian predecessors when attempting to shift from revenue collection toward more comprehensive surveillance and control over shipping entering and leaving its ports.<sup>20</sup>

Pro-Confederate activity in Bermuda started more slowly than in the Bahamas and featured a stronger government presence. Like the Bahamas, Bermuda had a long history with the South. In the early seventeenth century, ships bound for Virginia shipwrecked on the islands and provided Bermuda’s first permanent human settlers. The Virginia Company initially oversaw the settlement of Bermuda, and places like Bermuda Hundred in Virginia earned the name in part

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<sup>18</sup> Thomas, *Confederate Nation*, 265. Thomas, in making this claim, cites Louis B. Hill, *State Socialism in the Confederate States of America*, (Charlottesville: University of Virginia Press, 1936)

<sup>19</sup> Gautham Rao, *National Duties: Customs Houses and the Making of the American State* (Chicago: University of Chicago Press, 2016), 4–12, 169–76.

<sup>20</sup> Rao, 161–62.

as a promotional effort by the company.<sup>21</sup> By 1861 however Bermuda's main commercial links were with New York, and centered on the export of temperate crops like onions, potatoes, and arrowroot.<sup>22</sup> Although situated "in the eye of all trade" during the age of sail, steamships no longer had to pass by Bermuda when riding the Gulf Stream and trade winds back to Europe. The island's commercial fortunes seemed uninspiring until the Civil War intervened. As in the Bahamas, economic conditions in Bermuda made cooperation with blockade running an attractive endeavor, especially for the white mercantile elite.

Despite the inhabitants' readiness to work with the Confederacy, geography influenced the shape and pace of development for the Confederate commercial-diplomatic network in Bermuda and favored a larger government presence. Bermuda sat substantially further out from the Confederacy's main Atlantic ports of Wilmington and Charleston than did Nassau. Although well-situated between North America and Europe in comparison to the Bahamas, the financial incentive for blockade runners to minimize coal loads in favor of cargo made Bermuda less desirable for profit-motivated private blockade running firms. The larger blockade running firms made a later appearance in Bermuda, allowing local merchants in some cases to take the lead. One of them, John Tory Bourne, styled himself as the Confederate agent in Bermuda, although he had no such formal appointment. Bourne, along with the vast majority of blockade traffic in Bermuda, operated from the town of St. George's. St. George's, described by one Confederate

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<sup>21</sup> Michael Jarvis, *In the Eye of All Trade: Bermuda, Bermudians, and the Maritime Atlantic World, 1680-1783* (Chapel Hill: The University of North Carolina Press, 2010), 12–18.

<sup>22</sup> Trade data compiled from Bermuda Blue Book, 1861, CO 41/56, CO 41: Colonial Office and predecessors: Bermuda, Miscellanea, UKNA. The United States was Bermuda's chief trade partner, accounting for over 60% of the colony's imports and 50% of its exports.

observer as “a primitive little place” with quaint houses, narrow streets, and buildings painted all in white, was more easily accessible from the open sea than the capital of Hamilton and became the center of the blockade running business in Bermuda.<sup>23</sup>

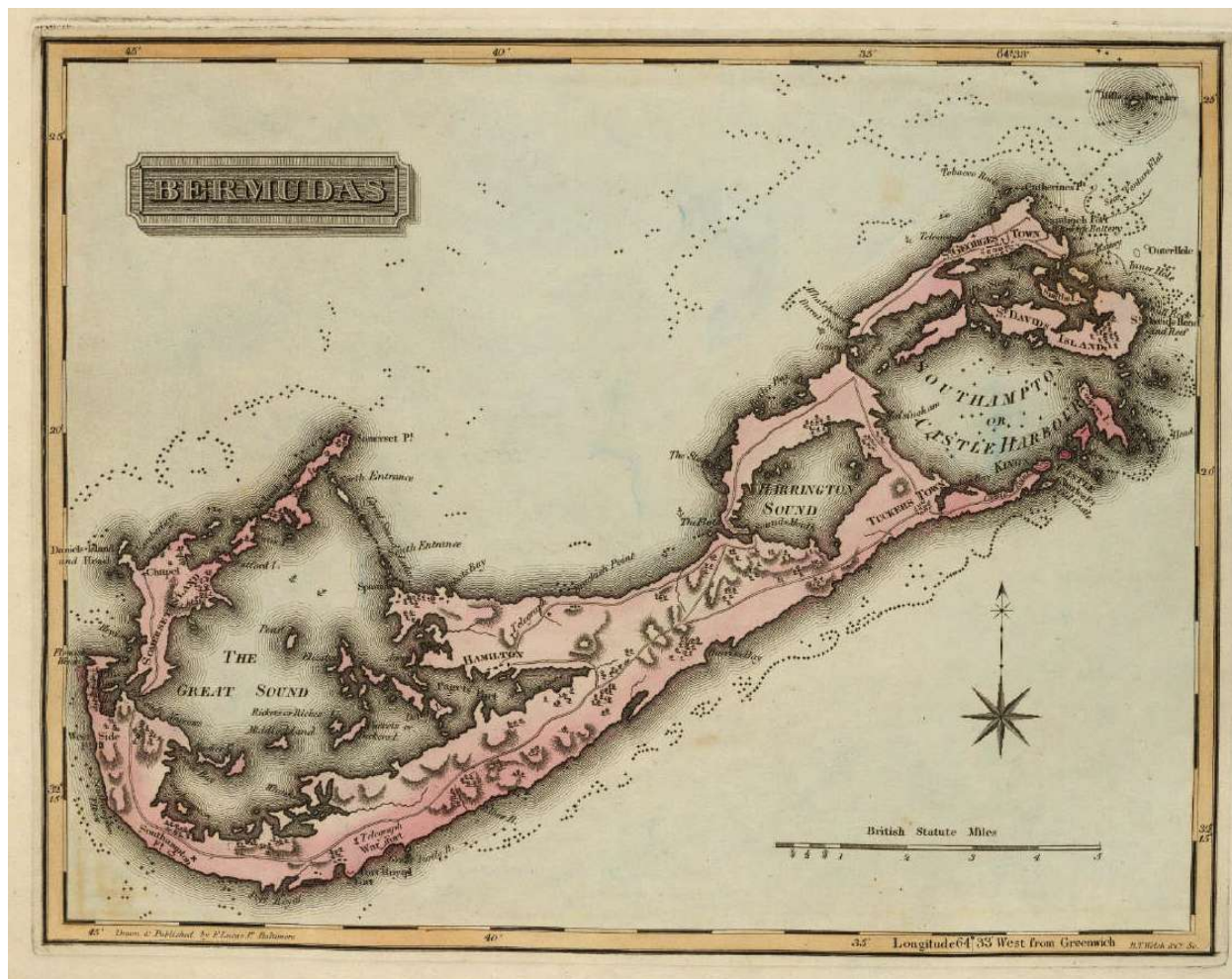


Figure 3.1. Selection from an 1823 map of Bermuda – St. George’s is at the upper right, Hamilton in the center left. *Courtesy of David Rumsey Map Collection*<sup>24</sup>

<sup>23</sup> Georgiana Gholson Walker, *The Private Journal of Georgiana Gholson Walker, 1862-1865, With Selections from the Post-War Years, 1865-1876*, ed. Dwight Franklin Henderson (Tuscaloosa: Confederate Publishing Company, 1963), 41.

This remove of blockade running from the center of colonial government, a distance of roughly ten miles, reduced the frequency of pro-Confederate interaction with the governor and legislature, whose most influential members lived in and around Hamilton. So unlike Charles Bayley in the Bahamas, Lt. Col. Harry St. George Ord, the governor of Bermuda, did not have to look out his window and see blockade running happening before his eyes. The imperial government presence on the islands also affected the choice of who filled that office. Bermuda's governor in this era was often a British Army officer, given the large military presence on the island, including a sizeable garrison, a convict establishment overseen by the military, and the large Royal Navy dockyard facility that was the North American fleet's winter home. With their commission and career not particularly tied to their relations with colonists or the Colonial Office, the military governors of Bermuda were less solicitous of their legislatures and constituents than were the civilian governors of the Bahamas. Nonetheless, the governor could not afford to dismiss the interests and demands of his colony's elite.

Ord joined a long line of Bermuda governors who ran afoul of their colonial charges over differences on the reach and prerogative of royal (and, thereby, gubernatorial) authority. Fortunately for him, it resulted only in some rancor with the legislature and Privy Council (the appointed cabinet in Bermuda), rather than being beaten in the streets of Hamilton, as was the fate of Richard Coney, the first royal governor of Bermuda.<sup>25</sup> In 1863, at the height of

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<sup>24</sup> Detail taken from Fielding Lucas, Jr., "Bermudas," in Joseph Perkins, ed., *A General Atlas Containing Distinct Maps Of all the Known Countries in the World, Constructed from the Latest Authority. Written and Engraved by Jos. Perkins, B.T. Welch & Co.* (Baltimore: F. Lucas Jr., 1823). Image courtesy of the David Rumsey Map Collection.

<sup>25</sup> Jarvis, *In the Eye of All Trade*, 69–70.

Bermuda's involvement in the Civil War, Ord was angered by the postmaster of St. George's, who petitioned the House of Assembly for an increased salary despite the governor's express orders not to do so. Ord attempted to fire the man, but his cabinet and the legislature disagreed. Ord complained of the erosion of executive authority in Bermuda, but the Colonial Office handed him a Pyrrhic victory. They permitted Ord to suspend, not fire, the offending postmaster, and he thereafter proved reluctant to enter into open conflict with the legislature.<sup>26</sup> In the midst of the turmoil created by blockade running the governor could not freely exercise his power, even over public servants in Bermuda, if the colonial legislature, dominated by merchants, resisted it. Although Bermuda's legislature carried perhaps less influence than its equivalent in the Bahamas, it could resist the imperial government if necessary. Fortunately for the Confederacy, the legislature and governor shared sympathy for their cause and embraced, within limits, a rebel presence in the colony.

Before 1863 Confederate government attention to Bermuda had been rather limited. The most visible presence was occasional visits by Confederate warships and commerce raiders. The CSS *Nashville*, a converted transport, stopped by in October 1861, seeking coal and some repairs. Its captain, Lt. Robert Pegram, tried to purchase coal from the Royal Navy dockyard, located at Ireland Island, but the commander there refused, citing the need to keep enough on hand for the North American fleet's anticipated arrival. Pegram then asked Ord to supply him from the garrison's stocks, but Ord refused, and directed Pegram to proceed to St. George's and attempt to buy some there from private stocks. The U.S. consul, Frederick B. Wells, asked to

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<sup>26</sup> Harry St. George Ord to the Duke of Newcastle, 19 Sept. 1863, with enclosures, f209-275, CO 37/187, CO 37: Colonial Office and predecessors: Bermuda, Original Correspondence, UKNA; Ord to Newcastle, 6 Nov. 1863, f276-277, CO 37/187.

Ord to prohibit the “piratical” *Nashville* from coaling at all, but Ord rejected this consideration as British law allowed foreign warships to purchase coal in neutral British ports.<sup>27</sup> The *Nashville* had asserted its right as a belligerent warship to enter Bermuda’s ports, but Ord prevented both Confederate and Union representatives from gaining any particular advantage from the episode. Local friends of the Confederacy, however, did their best to put a thumb on the scale.

Confederate informal diplomacy aided the cause in Bermuda, although it was not as immediately effective as it was in the Bahamas. Ord and his attorney general proved far more cautious, for example, in granting British registry to Confederate-owned ships. Bermudians eager to drum up business solicited ship owners, North and South, to use Bermuda to obtain a British flag. Bourne, for example, told a Boston firm that “should any of the ship owners of your City wish British Register, I will be happy to assist them here,” and detailed what paperwork was necessary.<sup>28</sup> Rather than granting these registries out of hand, as Charles Nesbitt did for Confederate ships in the Bahamas in August, 1861 Ord refused initial attempts to do so and referred the matter to Lord Lyons in Washington and to authorities in London for further guidance. Events overtook him, however. The Colonial Office directed Ord to abide by the standards established by Nesbitt, which allowed blockade runners to easily use the British flag for cover.<sup>29</sup> Ord eventually came to sympathize strongly with the Confederate cause, especially

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<sup>27</sup> Ord to Newcastle, 2 Nov. 1861, f214-221, CO 37/179.

<sup>28</sup> J.T. Bourne to Daniel Draper & Son, 12 Sept. 1861, in Vandiver, *Confederate Blockade Running Through Bermuda*, 5.

<sup>29</sup> Harry St. George Ord to the Duke of Newcastle, 15 Aug. 1861, f347-350, CO 37/178, UKNA; Board of Trade to Undersecretary of State, Colonial Office, 3 Oct. 1861, f200-201, CO 37/180, UKNA.



after prolonged social contact with Confederates in Bermuda, but he remained relatively even-handed at the outset of the war.

Despite Ord's careful initial approach to neutrality, Bermudians were less inclined to evenhandedness. The November 1861 *Trent* crisis exposed pro-Confederate sympathy in Bermuda's House of Assembly and across the islands. The chief newspaper of the islands celebrated British war preparations and taunted the publishers of the pro-Republican *New York Times*.<sup>30</sup> The imperial government asked that colonial legislatures pass measures that would, upon a declaration by the Queen, prohibit the exportation of arms and munitions. Charles Maxwell Allen, who had replaced Wells as U.S. consul, misinterpreted the act as "a very decisive stand" by Ord "against these islands being made a depot for . . . the rebellion."<sup>31</sup> The measure was actually intended to prevent weapons from reaching the United States in the event of war with Britain, but the Bermuda legislature also misunderstood its purpose. Fearing that it might interfere with the potentially lucrative blockade running trade with the Confederacy, the Assembly inserted a two-year expiration date into the act, against the wishes of the imperial government, which nonetheless approved the bill rather than fighting to get a more acceptable version passed.<sup>32</sup> White Bermudians on Front Street and in St. George's exhibited the ability to shape imperial policy to better serve their own interests, and if that benefited their Confederate friends, so much the better.

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<sup>30</sup> *Bermuda Royal Gazette*, 31 Dec. 1861.

<sup>31</sup> Charles Maxwell Allen to William H. Seward, 26 June 1862, in Glen N. Wiche, ed., *Dispatches From Bermuda: The Civil War Letters of Charles Maxwell Allen, United States Consul at Bermuda, 1861-1888* (Kent, OH: Kent State University Press, 2008), 51.

<sup>32</sup> *Bermuda Royal Gazette*, 22 July 1862; Ord to Newcastle, 7 Aug. 1862, f111-115, CO 37/183, UKNA.

Popular anger against the United States was likewise widespread, even after James Mason and John Slidell had been released into British custody. HMS *Rinaldo* carried the pair into Bermuda on January 9, 1862, after weather prevented them from reaching Halifax. Consul Allen, a New Englander who had taken up his post in October 1861, reported their arrival, and declared that “the sympathy of the people of these islands is almost entirely with [Mason & Slidell] and their cause; and they are very bitter against the government of the United States.”<sup>33</sup> They stayed in Bermuda only briefly, but the two enjoyed the hospitality of the governor, and dined with Admiral Milne before departing on a warship for St. Thomas to catch the regular mail packet for England. Allen, like his counterpart in Nassau, reported frequent harassment and threats from local rowdies. On one occasion someone raised the rebel flag on the consulate flagpole during the night, and Allen reported to his wife that Southerners and their local friends “have threatened to whip me.” As the summer drew on, his situation did not improve: he was attacked in the street and in his office, and someone cut down the consulate’s flagpole on July 3, preventing him from hoisting the Stars and Stripes on Independence Day. Allen did not identify his attackers’ nationalities, but found that “the general sentiment is, ‘It’s good enough for him; he’s a damn Yankee.’”<sup>34</sup> By mid-1862, popular opinion among white Bermudians and the growing population of transients was decidedly against the Union and favorable to the rebellion.

Pro-Confederate colonists also managed to influence local policy in the wake of the *Trent* crisis. The Union navy, annoyed by the visit of the *Nashville*, wanted to maintain a presence off of Bermuda, but the distance from the mainland limited the endurance of steamers, which

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<sup>33</sup> C.M. Allen to W. Seward, 10 Jan. 1862, in *Dispatches From Bermuda*, 27.

<sup>34</sup> C. M. Allen to Susan Allen, 24 April, 1862 and 15 July 1862, in *Wiche*, 43, 56–57.

required frequent coaling. In hopes of overcoming this problem, the Navy sent several cargoes of coal to Bermuda, consigned to the consul, Allen. Southern sympathizers leaped into action to prevent this, just as they had in the Bahamas. John Tory Bourne immediately protested the coal's arrival to the colony's Receiver General, the chief customs officer, as "highly prejudicial to the mercantile interests of this Colony." Governor Ord initially rejected the petition, saying the consul had the same right as any other person to receive cargo. However, he changed his mind after learning of the Bahamas' refusal to allow a U.S. coal depot, and in his letter to the Colonial Office explaining his decision, he copied Bourne's phrasing exactly.<sup>35</sup>

Confederate informal diplomacy had helped to essentially exclude the U.S. Navy from the waters around Bermuda. In the absence of a nearby coal depot, Union warships generally could not hold their stations around the islands for more than a few days without having to return to the mainland to refuel. Indeed, when Charles Wilkes, of *Trent* notoriety, attempted to loiter with a group of warships in and around St. George's harbor in the fall of 1862 he caused a diplomatic incident and guaranteed strict enforcement, at least against American ships, of the restrictions on belligerent warships' use of British harbors. Governor Ord described Wilkes as "very insulting" and said his conduct "openly and willfully transgressed" British neutrality laws. Bermuda merchants expressed their anxiety to Ord that the presence of Wilkes' small fleet presaged the regular harassment of shipping, akin to the "blockade" of the Bahamas that had begun pushing some trade to St. George's. That this shipping was almost certainly involved in blockade running did not enter the conversation, but Ord could hardly have been unaware of it.

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<sup>35</sup> Quote is found in J.T. Bourne to A.J.M. Gilbert, 4 Jan. 1862, f259-260, CO 23/182; Ord's report on the matter is found in his dispatch of 24 Feb. 1862, f256-266, CO 37/182, UKNA.

Nevertheless, he asked the Colonial Office for a strong naval force to “preserve ourself from insult” and protect British neutrality and the colony’s commercial interests.<sup>36</sup> The relative absence of Union cruisers also made Bermuda an attractive stop for Confederate commerce raiders like the CSS *Florida*, and they visited the colony as frequently as their situation, and the governor’s tolerance, allowed. The Bermudians thus won a substantial informal diplomatic victory for the Confederacy by shielding vital shipping from Union interference and creating a lasting refuge for Confederate raiders.

Bermuda provided an essential shelter for pro-Confederate movement and communications, both intercolonial and across the blockade. Travelers bound between Europe and the Confederacy took advantage of regular mail steamer service that connected Bermuda and Britain, usually via Halifax, although they could also take passage, as the opportunity arose, on cargo ships going directly to or from Britain carrying blockade goods, coal, or cotton. Personnel movements of a more sensitive nature also took advantage of Bermuda’s location in the central Atlantic, far from Union cruisers. Matthew Fontaine Maury, en route to Europe to procure ironclads and torpedo (underwater mine) components, passed through Bermuda. The exiled Democratic politician Clement Vallandigham, after being banished to the Confederacy, also made his way to Bermuda, where Norman Walker’s office booked him passage to Halifax on the *Harriet Pinckney*, a government-owned vessel.<sup>37</sup> He proceeded, with Confederate assistance, to Canada West to resume his subversion of the Union cause. Shadier characters likewise favored

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<sup>36</sup> Ord to Newcastle, 6 Oct. 1862, f377-388, CO 37/183, UKNA. While Bermuda was an important naval base, Milne’s fleet was stretched thin monitoring the blockade and events in the Caribbean and Mexico, so there was not always a warship present and ready for duty.

<sup>37</sup> *Bermuda Royal Gazette*, 7 July 1863; Walker, *Journal of Georgiana Walker*, 44.

Bermuda. A party of Confederate naval personnel traveled under cover through Bermuda in late 1863, returning from Canada after the first, aborted attempt to attack the Union prisoner of war camp at Johnson's Island, in Lake Erie.<sup>38</sup>

Social connections facilitated Confederate movement through Bermuda and formed an underappreciated element in the success of Confederate informal diplomacy in the colonies. Women, particularly the wives of Confederate officials and businessmen, played an important role in facilitating connections between Confederates and sympathetic British subjects in the colonies through social events. Georgiana Gholson Walker, wife of Maj. Norman S. Walker, joined him in Bermuda in 1863 and quickly established their household as the centerpiece of Confederate society on the islands. Despite being six months pregnant and in charge of three small children, she leveraged her social connections, which included her Congressman father and a close friendship with Varina Davis, to book passage on a blockade runner out of Wilmington in March 1863. The wives of civilian merchants likewise attempted to cross the blockade, although the harrowing experience of Marie DeRosset illustrates the risk involved. Her husband, Louis H. DeRosset, the son of Wilmington merchant Armand DeRosset of the firm DeRosset & Brown, had gone to St. George's to oversee the firm's operations there, which included business with a variety of private firms as well as the Confederate government. Marie, with their infant child, attempted to join him on the blockade runner *Lynx*, but the blockading squadron off Wilmington spotted them and opened fire. A cannonball nearly missed decapitating her and wounded the helmsman, and she was struck in the head by fragments of the ship's wheel. She fled to the cabin, where her fleeting sense of safety vanished in rising water – the ship had been hulled

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<sup>38</sup> Robert Minor to Adm. Franklin Buchanan, 2 February 1864, ORN ser. 1, vol. 2, 822-27.

repeatedly, and “I stayed in the cabin until I could no longer keep baby out of the water, when the Captain sent us on shore.” The *Lynx* was destroyed, but the crew and passengers managed to reach the shore near Fort Fisher. Marie DeRosset and her child survived the ordeal, “cheered by the crew for our bravery,” and reached Bermuda on the *Owl* a few days later.<sup>39</sup> She joined her husband in the business and social life of St. George’s.

Georgiana Walker, an astute observer, kept a detailed diary during the war years that provides a revealing glimpse into how Confederates fit into the relatively intimate social life of Bermuda and how readily they mingled with the most prominent members of society and government. Bermuda, disrupted by the rush of the war, was “a funny little community,” full of provincial eccentricities, “but good for all that.” Walker commented repeatedly on the quality of the social life she discovered, remarking that the people were “very English,” with parties that were “more numerous than magnificent” that nonetheless “afford[ed] a really good society.”<sup>40</sup> That “society” provided Confederates frequent opportunities to befriend important locals and develop useful relationships with officials everywhere from the governor’s mansion to the naval dockyard.

British military and naval officers, the governor, Confederate expatriates, and Bermudians mingled freely at social events. The Confederate presence at these events was not merely a formality – Charles Allen, the U.S. consul, did not receive similar invitations and he

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<sup>39</sup> Marie DeRosset to Mother [Eliza DeRosset], 27 Sept. 1864 in the DeRosset Family Papers #214, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill, Chapel Hill, NC (hereinafter, SHC); Armand DeRosset to Louis DeRosset, 26 Oct. 1864, DeRosset Family Papers, SHC.

<sup>40</sup> Walker, *Journal of Georgiana Walker*, 42.

was generally excluded from the island's polite society until after the war. The Walkers rented a house near St. George's that became a center of Confederate social life in Bermuda. A constant parade of Confederate officers, blockade runner captains, British army and navy officers, and island officials passed through the house. Norman Walker's office facilitated travel for a wide variety of Confederate personnel, and occasionally for figures like Vallandigham, while Georgiana hosted most of them for dinner and socializing as they awaited their opportunity to take passage on British mail steamers or blockade runners.<sup>41</sup> Blockade runners and merchants also enlivened island society and elicited further sympathy for their cause by sponsoring frequent parties and events. Walker recounted a well-attended party in 1863 on board the blockade runner *Cornubia* that featured numerous "redcoats that enlivened the scene" and entertainment by the band of the 39<sup>th</sup> Regiment of Foot, one of the main units of the island's garrison.<sup>42</sup> Local newspapers likewise reported glowingly on other social excursions, such as one led by the officers of the government-owned runner *Lady Davis* on the Fourth of July, 1863 that featured prominent toasting of Queen Victoria, Jefferson Davis, and the Confederate cause by both Southerners and British officers.<sup>43</sup>

British military officials in Bermuda, at least by their social calendar, appeared strongly sympathetic with the rebellion. The island's garrison and naval establishment frequently entertained, and were entertained by, Confederates. Walker noted, for example, that John Newland Maffitt, captain of the CSS *Florida*, "was very handsomely entertained at the mess of the 39<sup>th</sup>" shortly after his vessel arrived at the islands and exchanged cannon salutes with the

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<sup>41</sup> Walker, 78.

<sup>42</sup> Walker, 46.

<sup>43</sup> "The 4<sup>th</sup> of July at St. George's," *Bermuda Royal Gazette*, 7 July 1863.

garrison.<sup>44</sup> Vice-Consul William C.J. Hyland, one of the few pro-Union white Bermudians, reported the salute to Washington in a dispatch on the *Florida*'s activities.<sup>45</sup> This exchange of salutes resulted in diplomatic wrangling, as William H. Seward reported the event as evidence of pro-Confederate bias in Bermuda and as an act that implied diplomatic recognition of the Confederacy. Ord scrambled to explain himself to the Colonial Office, for he not only authorized the salute, but failed to mention it in his dispatch reporting the arrival of the *Florida*. Ord claimed that "the omission was quite accidental and the result of my forgetfulness," and that he "unhesitatingly authorized" the salute because he understood it to be a routine courtesy extended to foreign warships. Some Colonial Office officials felt Ord overstepped his bounds, but the Colonial Secretary accepted his explanation.<sup>46</sup>

Ord was probably being less than forthright in this instance. It is unclear that any other Confederate warship ever received a salute in a British port anywhere on the globe, and they certainly had not in Bermuda prior to this occasion. Ord's unthinking and "unhesitating" greeting of the *Florida* may well have been an outgrowth of his warm sentiments toward the Confederacy and his frequent and positive social interactions with the Confederate diaspora on his islands. Governor Ord and his wife, for example, paid a social call upon the Walker home, and they agreeably impressed Georgiana. Governor Ord reciprocated the warm feelings. At a dinner party at Mount Langton, the official governor's residence, in April 1864, Ord declared that Walker "had fully converted him to the Southern cause," which she dismissed as a mere pleasantry

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<sup>44</sup> Walker, *Journal of Georgiana Walker*, 49–50.

<sup>45</sup> William C.J. Hyland to State Department, 21 July 1863, in Wiche, *Dispatches From Bermuda*, 97.

<sup>46</sup> Ord to Newcastle, 27 Aug. 1863, f166-175, CO 37/187.



because, “His Excellency needed no conversion.”<sup>47</sup> Ord’s sympathy for their cause was unambiguously clear to Confederate society in Bermuda.

Conviviality and hospitality not only made for pleasant evenings – it also had material benefits for the rebellion. In his official correspondence with London, Ord took great pains to point out when he refused Confederate warships the use of the Naval Dockyard facilities for repairs. He did not extend the same caution to, as Charles Bayley called them, “quasi-English” blockade runners. On at least eight occasions Ord permitted blockade runners the use of the Royal Navy facilities on Ireland Island, across the sound from Hamilton, for repairs. The commander of the dockyard, Captain Frederick Glasse, held authority over the use of his facilities and he acquiesced to requests from Bermuda merchants operating or aiding blockade runners, including John Tory Bourne, to repair and assist the runners. Admiral Milne learned of the assistance to ships that were “more or less the property of the Govt of the Confederate States of America” from a careless remark by Ord, and he ordered it stopped immediately.<sup>48</sup> Milne, whose duties and good sense caused him to maintain a greater distance from the Confederate diaspora in the colonies, immediately realized the diplomatic dangers posed by such permissiveness. Milne urged the Admiralty and Palmerston’s government to forbid the practice because it not only gave the impression of official support for blockade running, but also ran the

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<sup>47</sup> Walker, *Journal of Georgiana Walker*, 86.

<sup>48</sup> Milne to Admiral Sir Frederick Grey (First Naval Lord), 12 December 1863, MLN/116/2, Sir Alexander Milne Papers, MM; Secretary of the Admiralty to Edmund Hammond, with enclosures, 4 January 1864, FO 5/979, in *Milne Papers*, vol. 3 (Rutland, VT: Ashgate, forthcoming). Milne described Glasse as “fragile” and “unstable.”

risk of providing official repairs to Confederate-owned vessels operating under British colors.<sup>49</sup> Fortunately for the officers involved, Union authorities did not learn of this direct assistance.

By integrating themselves into the social life of Bermuda, Confederates also helped to nurture informal connections with other colonies, particularly in British North America. As Confederate interest in British North America grew, Bermuda increasingly served as the most important gateway for Confederate access to the region. Numerous Confederates on both private and public business passed through St. George's, from the previously mentioned naval raiders, to legal advisors and so-called "commissioners," to ostensibly private businessmen like Beverly Tucker and George N. Sanders, who nonetheless involved themselves in public affairs. Some of these men received their introductions to British North American society through friends of the Confederacy that had connections with Bermuda or the South. The Catholic Archbishop of Halifax, Thomas Connolly, for example made periodic visits to Bermuda as part of his duties. An avowed friend of the South, Connolly paid a visit to the Walker residence in May 1864, causing Georgiana to exclaim "What a glorious man he is!" and declare that she "would vote for him for *Pope* tomorrow."<sup>50</sup>

Although Walker could not vote for Pope, she could provide the setting for Connolly to meet Confederate agents and become acquainted with them. Fortuitously, the archbishop's visit to Bermuda coincided with the arrival of the Confederate commissioners Clement C. Clay and

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<sup>49</sup> Alexander Milne to the Secretary of the Admiralty, 2 Dec. 1863, f396-397, North American and West Indian Station: Admiralty out letterbook, volume 'G', 18 May 1863-7 Jan 1864, MLN/104/7, Sir Alexander Milne Papers, MM.

<sup>50</sup> Walker, *Journal of Georgiana Walker*, 91.

Jacob S. Thompson, who were making their way to British North America to oversee a variety of clandestine missions for the Confederate government. Clay's wife was a good friend of Georgiana Walker, and she promptly hosted a dinner party for the archbishop to honor "the many hospitalities which he has extended to our countrymen while in Halifax."<sup>51</sup> The guest list included Clay and Thompson, along with the lieutenant governor of Bermuda (Ord was absent from the colony) and several other members of the island high society. Clay and Thompson doubtless began their relationship with Connolly in Bermuda, and he proved more than willing to aid them during their missions in the months that followed. The archbishop returned to Halifax on board HMS *Vesuvius*, and the two Confederates followed shortly thereafter in the Royal Mail Steamship *Alpha*.<sup>52</sup> Confederate informal diplomacy proved effective in creating and maintaining active support in Bermuda among the white elite. It proved less effective, however, with the large black and "colored" share of the island's population, with substantial consequences.

Georgiana Walker criticized the state of race relations in Bermudian society in her diary, in much the same vein as other Confederate observers in the Bahamas. Her warm accounts of family affairs are interrupted by outbursts of racism directed at black Bermudians. She criticized them as a people "born to be slaves & yet forced to be free" and interpreted Ord's declaration that he was in Bermuda "to govern them & not to be governed by them" to be in reference to the island's black and mixed-race population, ignoring that the governor's difficulties stemmed chiefly from the white minority. In 1864 Bermuda's permanent population was roughly 11,500,

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<sup>51</sup> Walker, 92.

<sup>52</sup> *Bermuda Royal Gazette*, 17 May 1864.

of whom around 6,500, or 56 percent, were listed as “coloured.”<sup>53</sup> Walker railed against the usual supposed failings of the “African aristocracy,” especially their demands for higher wages for work on the docks of St. George’s.<sup>54</sup>

Georgiana Walker’s racial animosity highlights an element of Confederate informal diplomacy that proved far less successful: relations with the black islanders that made up the majority of the labor force in Bermuda and the Bahamas. Black stevedores, seamen, pilots, draymen, cooks, maids, and other workers, skilled and unskilled, provided an important part of the labor force that sustained blockade running, yet they appear infrequently in both contemporary accounts and the historiography of the blockade. The fruits of blockade running did not accumulate evenly, and although laborers did enjoy higher wages than normal, their cost of living likewise increased, often in excess of their pay. By comparison white merchants, seamen, and officials often complained of their wages not meeting the inflated costs of island life, but they did not, in most cases, refuse to work. They enjoyed sympathy with the Confederate cause and had some hope of their grievances being redressed. Enslaved workers handled the vast majority of waterfront work in the antebellum South, and in places like Charleston local merchants and authorities repeatedly acted against the interests of enslaved and free black, and even free white laborers with few consequences.<sup>55</sup> It came as a shock to Confederates, therefore, that in July and August, 1863 the black workforce on the wharves of St George’s felt empowered to attempt a strike against their Confederate and pro-Confederate employers. Black fraternal

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<sup>53</sup> Bermuda Blue Book, 1864, f170, CO 41/59, UKNA.

<sup>54</sup> Walker, *Journal of Georgiana Walker*, 50.

<sup>55</sup> Michael D. Thompson, *Working on the Dock of the Bay: Labor and Enterprise in an Antebellum Southern Port* (Columbia: University of South Carolina Press, 2015), 95–124.

organizations may have played a role – the head of the St. George’s chapter of a black Freemasons group, known to the Confederates as “Inkel Bill,” worked in Norman Walker’s offices, and Georgiana Walker reserved special scorn for these Masons and the “Odd Fellows,” another fraternal society that dared to inconvenience her by having a parade and opening a temple.<sup>56</sup> Masonic and Odd-Fellows chapters spread across Bermuda in the 1850s, and served as both social clubs and the site of potent black political organizing.<sup>57</sup> Several violent encounters between black dockworkers and white blockade runner crews occurred in the midst of the strike, raising racial tensions in St. George’s nearly to the boiling point.

Norman Walker tried to break the strike by traveling across Bermuda to recruit scabs, both white and black, from the more remote areas of the island. Georgiana blamed a large cotton fire on the striking workers, which burned perhaps three thousand bales as they sat on the wharf, but she claimed after a short time that the black laborers begged to resume their jobs at their prior wages and meekly returned to work.<sup>58</sup> She vastly overstated their meekness and her husband’s success in breaking the strike: during the affair, striking workers threatened black scabs with violence, and the St. George’s police suspected a “coloured” assailant in the attempted assassination of William Tudor Tucker, one of the white negotiators involved in the wage

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<sup>56</sup> *Bermuda Royal Gazette*, 17 May 1864; Walker, *Journal of Georgiana Walker*, 95–96.

<sup>57</sup> Kenneth E. Robinson, *Heritage, Including an Account of Bermudian Builders, Pilots, and Petitioners of the Early Post-Abolition Period, 1834-1859* (London: Macmillan Education Limited, for the Berkeley Educational Society, 1979), 251.

<sup>58</sup> Walker, *Journal of Georgiana Walker*, 50–51.

dispute.<sup>59</sup> A group of merchants and citizens of St. George's offered a £200 reward for information on the assailant, but this small fortune enticed no one to come forward.<sup>60</sup> It is not clear how the cotton fire started – dry, baled cotton was very combustible – but most observers suspected arson because of a simultaneous fire among hay bales elsewhere in the town. Black onlookers reportedly watched as whites, including the crews of Confederate-owned blockade runners, attempted to extinguish the blaze and few made any attempt to help. The implication of this resistance is clear: poor labor relations, combined with racial animosity, had the potential to slow, disrupt, and even sabotage the blockade running portion of the Confederate commercial-diplomatic network. Three thousand bales of cotton represented three or four runs through the blockade by a sizable steamer and hundreds of thousands of dollars even at wholesale prices – a substantial loss to the Confederate government and the private merchants associated with them. Shortly after the fire, Bourne and Walker reached a quiet accommodation with the workers by discharging the scabs and rehiring the others with a raise of roughly twenty percent, from five to six shillings per day.<sup>61</sup> Sabotage, work slowdowns, and other forms of labor resistance by black colonials in Bermuda represented a failure of Confederate informal diplomacy in its dealings with an important, and usually overlooked, component of colonial society. Confederates and their white collaborators in Bermuda appeared never to have considered maintaining a happy labor force as a military or informal diplomatic objective, to their cost.

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<sup>59</sup> “The Disturbed State of St. George's,” *Bermuda Royal Gazette*, 11 August 1863; Henry Campbell Wilkinson, *Bermuda From Sail to Steam: The History of the Island From 1784-1901*, vol. 2 (London: Oxford University Press, 1973), 719–20.

<sup>60</sup> *Bermuda Royal Gazette*, 18 August 1863.

<sup>61</sup> *Bermuda Royal Gazette*, 11 August 1863.

Despite the troubled relationship with black Bermudian workers, relations between the Confederates and white government officials in Bermuda remained cordial. Bermuda's curious position as both a British naval base and a pro-Confederate stronghold led the imperial government to choose it as the site of sub rosa contact with the Confederacy in order to rid itself of a problem in another colony with a far less welcome Southern presence. The circumstances and diplomatic intrigue around the arrest and quasi-extradition of Confederate sailor Joseph Hester from Gibraltar to Bermuda played out almost entirely at sea or in and around British colonies, and showed how the colonies could serve as a kind of interstitial space for interactions between Britain and an unrecognized government, away from diplomatic complications and prying eyes. The British government hoped, in effect, to engage in some informal colonial diplomacy of its own.

Joseph Hester had been a warrant officer on the merchantman-turned-commerce raider CSS *Sumter*, which sailed from New Orleans in June 1861 under the command of Raphael Semmes. The ship spent several months attacking Union commerce on the high seas, but after Spanish authorities forced it out of Cadiz under Union pressure in January, 1862 (Semmes blamed the "red Republican German refugee Carl Schurz"), it entered the port of Gibraltar in need of coal and repairs.<sup>62</sup> Semmes found British authorities there "kindly" but "very particular in the preservation of their neutrality," and unwilling to allow him to use government coal or recruit crewmen despite widespread anti-Union sentiment. Semmes proved unable to obtain coal from private sources because of what he called "a combination of [local] merchants (under the

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<sup>62</sup> Raphael Semmes to James Heyward North, 2 February 1862, ORN ser. 2, vol. 2, 140; Raimondo Luraghi, *A History of the Confederate Navy*, trans. Paolo Coletta (Annapolis: Naval Institute Press, 1996), 83–87.

influence of the Yankee consul) against me.”<sup>63</sup> Eventually Semmes and most of his crew left the *Sumter* to take up positions on the ship that became the CSS *Alabama*, leaving the former vessel with just a caretaker crew on board that included Hester. The Confederates eventually sold the *Sumter* off as a merchant ship, but not before trouble raised its head.<sup>64</sup>

After months of idleness at Gibraltar, the *Sumter*'s acting commander, Lt. William Andrews, caught Hester pilfering supplies, and Hester shot him three times on October 15, 1862. Andrews died within minutes, and Hester turned himself in to British authorities. The local coroner conducted an investigation and determined that Hester should be charged with murder.<sup>65</sup> Because the killing happened on board a commissioned warship, British authorities determined they had no jurisdiction to try Hester themselves, but in the interest of justice sought to turn him over to Confederacy for trial. With only a handful of seagoing ships it was unlikely that the Confederate navy could pick him up at Gibraltar, so Secretary of State Judah Benjamin proposed that the Royal Navy deliver him to any Confederate port, or if that failed, hold him at Bermuda and a Confederate officer would pick him up.<sup>66</sup> Faced with the uncertain legality of detaining

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<sup>63</sup> Raphael Semmes to James Heyward North, 23 January 1862 and 13 February 1862, ORN ser. 2, vol. 2, 136, 145-146. Quote is from p. 145; James Mason to Judah Benjamin, 30 October 1862, OR ser. 2, vol. 4, 930-931. Hester's full name was frequently misidentified in correspondence. Depositions taken from the *Sumter*'s crew identify him as Joseph Goodwyn (or Goodwin) Hester.

<sup>64</sup> ORN ser. 2, vol. 2, 282.

<sup>65</sup> See depositions enclosed in Newcastle to Ord, 30 May 1863, Secretary of State's Despatches, CS 5/1/37, Bermuda Archives, Hamilton, Bermuda.

<sup>66</sup> James Mason to Lord Russell, 21 July 1863, in FRUS 1864, 801.



Hester, the Admiralty and the Foreign Office agreed to this proposal, and on May 5th, 1863 the prisoner was loaded onto HMS *Shannon* and shipped for Bermuda.

Bermuda served as the destination for this unusual cargo for much the same reason that it appealed to blockade runners: it was isolated, yet relatively near the Confederate coast, had a strong military and naval presence, and hosted a sympathetic population that included a number of Confederates who could facilitate a transfer. Bermuda was Confederate enough to permit ready, informal interaction with British authorities, and British enough to prevent Union interference and accusations of de facto recognition. Due to bureaucratic and communications delays, Hester arrived in Bermuda on June 1, before Governor Ord received notice from the Colonial Office that he was coming. Ord coordinated with Admiral Milne, then present at Bermuda, and they initially determined to keep Hester on board the *Shannon* to avoid having to release him if someone filed a writ of habeas corpus.<sup>67</sup> Ord appears mainly to have been concerned about being held personally liable for an illegal detention, for it is hard to imagine that the island's Confederates would have clamored for a murderer's release en route to the Confederacy for trial. Charles Maxwell Allen, the American consul, meanwhile, did not note Hester's arrival or make any mention of him to either British authorities or the State Department. Bermuda appeared well-suited to his continuing, quiet detention.

The question of detaining Hester indefinitely in Bermuda quickly came to a denouement, however. Union authorities refused to allow the *Shannon* to cross the blockade to deliver Hester, but rather than hold him until a Confederate officer arrived and risk the unlikely but

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<sup>67</sup> Ord to Newcastle, 6 June 1863, f30-33, CO 37/187; Alexander Milne to Lord Lyons, 26 June 1863, f184, MLN 105/3, Papers of Sir Alexander Milne, MM.

embarrassing scenario of a habeas corpus petition, the British government told Ord to set him free in Bermuda. On July 30, 1863 Hester stepped off the *Shannon* a free man, having literally gotten away with murder.<sup>68</sup> Unaware that Hester had been freed, the Confederate government sent a ship to Bermuda to take him into custody, which arrived a few weeks later. Lt. John Wilkinson, a Confederate naval officer who frequently commanded blockade runners, expressed surprise that Hester had been freed, and asked Governor Ord to re-arrest him, but Ord declined because he had no legal authority to do so.<sup>69</sup> He would not be the last murderer to escape into the colonies in the confusion of the war. Hester reappeared briefly on a blockade runner, but disappeared from view until Reconstruction, where he played a role in hunting down Klan fugitives from the Carolinas.<sup>70</sup>

Despite a favorable climate of local opinion and a relative lack of Union warships, Bermuda did not see heavy blockade running traffic until 1863.<sup>71</sup> Bourne, regardless of his lobbying, had initially not been able to drum up much business. James T. Welsman, a partner in John Fraser and Co., wrote that Bourne was “the very first, and for a long time was the only friend the Confederacy had in these islands,” but the overcrowded harbor and facilities at Nassau

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<sup>68</sup> Ord to Newcastle, 4 Aug. 1863, Governor’s Despatches, 1862-1868, CS 6/1/8, Bermuda Archives.

<sup>69</sup> John Wilkinson to Ord, 24 Aug. 1863, CO 37/187, UKNA.

<sup>70</sup> On Hester’s postwar activities, see Matthew Pearl, “K Troop: The Story of the Eradication of the Original Ku Klux Klan,”

([http://www.slate.com/articles/news\\_and\\_politics/history/2016/03/how\\_a\\_detachment\\_of\\_u\\_s\\_army\\_soldiers\\_smoked\\_out\\_the\\_original\\_ku\\_klux\\_klan.html](http://www.slate.com/articles/news_and_politics/history/2016/03/how_a_detachment_of_u_s_army_soldiers_smoked_out_the_original_ku_klux_klan.html), accessed 26 May 2017); Personal correspondence with the author.

<sup>71</sup> Outgoing cargo manifests indicate that no blockade runners left Bermuda in 1861, and only a handful in 1862, mostly late in the year. Vandiver, *Confederate Blockade Running Through Bermuda*, 109–10.

finally persuaded Confederate officials in the War Department of the advantages of Bermuda and by mid-1863, Bourne had no shortage of business.<sup>72</sup> Col. Josiah Gorgas, head of the Ordnance Bureau, organized a steamship line dedicated to bringing in government cargoes, and chose St. George's as its colonial depot. Gorgas ordered Maj. Norman S. Walker to proceed there from England and set up operations.<sup>73</sup> Walker's duties initially centered on receiving and transshipping Ordnance Department goods from Europe, but he quickly fell into a role akin to Lewis Heyliger's in Nassau, acting as an informal agent at large for Confederate interests, despite having no official connection with the State Department or Navy. Unlike Heyliger, however, Walker worked from his own offices and did not share his address or duties with any particular merchant house. Bourne worked with Walker's office frequently, as a consignee and agent, but they often butted heads about the extent of Bourne's duties and his "right" to send and receive Confederate cargoes. Private shippers followed in increasing numbers later in 1863, especially after the Union campaign against Morris Island effectively closed Charleston to blockade runners for several months.<sup>74</sup>

Bourne complained that Walker and his small staff, including George Black and Maj. Smith Stansbury, "not being businessmen," refused to pay the going local rates for freight and cargo, and "if it was not that I am afraid I may injure the cause" in Bermuda "I would give up

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<sup>72</sup> James T. Welsman to Charles K. Prioleau, 14 July 1864, B/FT 1/159, in *The Business Records of Fraser, Trenholm & Company of Liverpool and Charleston, South Carolina, 1860-1877* (microfilm), Merseyside Maritime Museum, Liverpool, UK.

<sup>73</sup> OR ser. 4, vol. 4, 227.

<sup>74</sup> Stephen R. Wise, *Lifeline of the Confederacy: Blockade Running During the Civil War* (Columbia: University of South Carolina Press, 1988), 124.

having anything to do with them.”<sup>75</sup> Bourne was torn between his loyalty to the rebellion (and his large potential payoff if it survived), and his personal pride and immediate financial concerns.<sup>76</sup> Despite this friction, Bourne and other Bermuda merchants like Nathaniel Butterfield (whose family name still adorns a prominent bank on the islands) worked closely with the civilian side of the informal Confederate network across the colonies, particularly with John B. Lafitte and the partners of Henry Adderley & Co. in Nassau.<sup>77</sup> Bourne also maintained pre-war commercial ties to Halifax, and may have helped connect Alexander Keith to the pro-Confederate network in that port.<sup>78</sup>

Confederate state governments also engaged in blockade running, most notably North Carolina. Acting independently of the general government, the state dispatched purchasing agents to Europe and the colonies, where they cooperated with much the same network of colonial merchants and officials as the Confederate general government. Governor Zebulon Baird Vance, a competent manager and a constant thorn in the side of Richmond authorities, ordered his agent in Europe, John White, to purchase a steamer, dubbed the *Advance*, and commence running cargoes between Bermuda and Wilmington. James H. Flanner, a Wilmington

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<sup>75</sup> J.T. Bourne to John Fraser & Co., 18 September 1863, in Vandiver, *Confederate Blockade Running Through Bermuda*, 46–47.

<sup>76</sup> Welsman to Prioleau, 14 July 1864, Fraser, Trenholm Records. Bourne had ten children, an invalid wife, and was of limited financial means. Welsman found him to be scrupulously honest, if not possessing the sharpest business acumen.

<sup>77</sup> See Bourne letters in Vandiver, *Confederate Blockade Running Through Bermuda*, 31–43.

<sup>78</sup> Petition of John T. Bourne, 30 Sept. 1861, Ship’s Documents, 1860/5, Sessional and Allied Papers, 1860-1868, Bermuda Archives.

merchant, served for much of the war as the ship's purser and agent in St. George's, where he also worked with John Tory Bourne, as well as the firm of Lemmon & Co., who frequently received and reshipped cargoes for the state of North Carolina.<sup>79</sup> South Carolina, Virginia, and Georgia also conducted blockade running on their own account, using a combination of state-owned ships and charter contracts with private shippers. North Carolina's use of a state-owned ship to save on freight costs occurred nearly contemporaneously with a similar operation by the Confederate Ordnance Department.

Ordnance chief Josiah Gorgas arranged for agents in England to purchase or build a small fleet of steamers for the direct use of his department. Bourne's complaint about Confederate shipping rates points to a major advantage of this approach: the potential savings of up to £30 a ton in gold or cotton just in freight charges, in addition to the ability to ship out cotton entirely to the government's account. This move toward government-operated blockade runners coincided with the organization of the Erlanger loan in Europe.<sup>80</sup> Confederate finances abroad were in crisis by 1863, drained by huge purchasing contracts in Europe and ruinously expensive shipping

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<sup>79</sup> The *Advance* was originally dubbed the *Ad-Vance* or *A.D. Vance*, but appears in contemporary correspondence under a wide variety of spellings. I have used *Advance* for the sake of clarity. Zebulon Vance to John White, 12 March 1863, in Frontis W. Johnston and Joe Mobley, eds., *The Papers of Zebulon Baird Vance*, 3 vols. (Raleigh, NC: State Department of Archives and History, 1963-2013) 2:84-86; White to Vance, 20 May 1863, *Papers of Zebulon Vance* 2:161; J.T. Bourne to John White, 26 Oct. 1863, and Bourne to Collie, Westhead & Co., 19 Nov. 1863, in Vandiver, *Confederate Blockade Running Through Bermuda*, 49-51; Virginia owned and operated the steamer *City of Petersburg*, while South Carolina owned the *Alice*. James A. Seddon to Vance, 12 Feb. 1864, *Papers of Zebulon Vance* 3:105.

<sup>80</sup> Jay Sexton, *Debtor Diplomacy: Finance and American Foreign Relations in the Civil War Era, 1837-1873* (New York: Oxford University Press, 2005), 162-65.

arrangements in the colonies that often did not prioritize government stores. The move toward publicly-owned and operated cargo ships was part of a broader reorganization of Confederate purchasing and shipping between the spring of 1863 and 1864.<sup>81</sup>

Gorgas's little fleet proved to be cost-effective and convenient, and the Confederate Quartermaster Department, responsible for supplying uniforms, tents, and other non-weapon items, soon sent their own representative, Maj. Richard P. Waller, to Nassau to arrange transportation for quartermaster supplies into Wilmington.<sup>82</sup> The government-owned steamers operated almost exclusively from Bermuda, and were successful enough in their operations that by late September, 1863 Secretary of War James A. Seddon called for the purchase of "all the steamers of the first class for running the blockade" that could be managed with the resources available, and encouraged all War Department agencies involved in overseas procurement to assist with and use the Ordnance-owned steamers. Seddon was so enthusiastic about their capacity for exporting cotton on government account that if he had twenty of them he claimed "I could probably render the Department independent of all foreign loans, and even aid the Treasury in rectifying the expansion of its paper currency here."<sup>83</sup> Seddon, Gorgas, and other officials believed they had found, in the harbors of Bermuda, a solution to their unceasing overseas supply headaches.

Seddon proved too optimistic about the risks and rewards involved in his department's attempt at blockade running. Bad luck and the Union Navy cost the effort several ships and

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<sup>81</sup> Sexton, 172–79.

<sup>82</sup> Abraham C. Myers to Richard P. Waller, 22 July 1863, OR ser. 4, vol. 2, 658-659.

<sup>83</sup> James Seddon to Colin J. McRae, 26 September 1863, OR ser. 4, vol. 2, 824-827.

cargoes, and competing purchasing and shipping arrangements hamstrung efforts to maintain an efficient shipping network.<sup>84</sup> Purchasing agents for state governments and even some general government agencies made competing contracts in Europe, and many earned commissions based on the total cost of the contract – a built-in incentive to choose the highest bidder. Once in the colonies, their goods competed for limited space in warehouses, wharves, and on ships – in some cases, under the care of the same agent, who had a natural incentive to prioritize the best-paying customer. Colin McRae, the Confederate Treasury agent in Europe, grew so exasperated with the swarm of private, state, and national government agents that he asked “Why does not the Government take the subject of blockade running entirely into its own hands? Not a bale of cotton should be allowed to come out of the country nor a pound of merchandise go in except on Government account.”<sup>85</sup> McRae raised a crucial question: why did the Confederate government not clamp down completely on blockade traffic, given the exigency of its financial situation? To do so seemed the logical complement to directly operating government steamers, but McRae perhaps underestimated the importance and influence of colonial shipping operations. The Confederate constitution unquestionably gave the government legal authority to do so, but powerful elements in Congress and the general government stubbornly clung to the use of private shipping and resisted government control over cotton, in part because of old suspicions of government tyranny and in some cases to preserve existing arrangements by state governments or other influential parties.<sup>86</sup> The War Department, the body most dependent on overseas

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<sup>84</sup> Wise, *Lifeline of the Confederacy*, 136–39; Sexton, *Debtor Diplomacy*, 175-176, 182-183.

<sup>85</sup> Colin J. McRae to Josiah Gorgas, 4 September 1863, OR ser. 4, vol. 2, 889-890.

<sup>86</sup> Davis to Herschel V. Johnson, 22 July 1864, OR ser. 4, vol. 3, 552-553. Davis explicitly blamed the Congressional influence of blockade running interests in preventing earlier attempts at trade controls.

supplies, advocated strongly for greater control over blockade cargoes in the summer and fall of 1863. Seddon, after finding the small War Department fleet of steamers “inadequate,” appointed officers to posts in Charleston and Wilmington to oversee shipping on government account, and worked with the local commanders – W.H.C. Whiting in Wilmington and Pierre G.T. Beauregard at Charleston – to pressure privately-owned ships to voluntarily give cargo space to the government or face potential impressment. He succeeded late in the year in gaining a concession that one third of each ship’s outbound cargo space would be reserved for government use.<sup>87</sup>

Curiously, the Confederate Navy Department did relatively little to take charge of blockade running. Despite its almost complete reliance on overseas production for essentials like boilers, engines, and machinery, the Department showed no interest in operating government cargo ships. Indeed, bureaucratic stove-piping characterized all Confederate shipping operations. Each department was funded by separate congressional appropriations and had to purchase and ship supplies on their own account. This frustrated Ordnance Department officers and frequently led to wasted space or bureaucratic wrangling over funding. To further complicate matters, the other main supply organizations for the army, the Quartermaster and Subsistence Departments, made separate contracts with private shippers to move goods on their account, adding to the multiplicity of actors working on both ends of the colonial trade network on at least partial government account.<sup>88</sup>

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<sup>87</sup> Seddon to Vance, 14 Jan. 1864, *Papers of Zebulon Vance* 3:51-52.

<sup>88</sup> For a detailed account of Confederate War Department foreign supply operations, see Wilson, *Confederate Industry*, chapter 5.



In the colonies, all these various state and general government operations worked through the same handful of local merchant houses, wharves, and agents. Many, especially the War Department and North Carolina, favored Bermuda because it was less busy than Nassau, and because Vance believed, tragically and erroneously, that Bermuda was less susceptible to yellow fever outbreaks and thus would spare his ships from being quarantined at Wilmington.<sup>89</sup> John Tory Bourne, for example, served simultaneously as an agent or consignee for the Confederate Ordnance department, the state of North Carolina, John Fraser & Co. (the Confederacy's main shipping and banking partner in Charleston), Fraser, Trenholm & Co. (the Liverpool branch of John Fraser & Co.), Henry Adderley & Co. in Nassau, and numerous private British and colonial individuals and firms, from Halifax to Belfast to London.<sup>90</sup> Bourne's vast interconnections with public and private operations across the Atlantic typified the complicated structure of blockade running as managed by the pro-Confederate commercial-diplomatic network in the colonies. This network kept supplies moving into the Confederacy and leveraged its connections within the South to resist attempts to centralize control and reduce profits.

As attempts at using government-owned vessels floundered due to losses and a scarcity of ships, the Confederate Congress finally took action when it returned to session in December, 1863, searching for a method of "controlling private enterprise, without, however, depriving it of the stimulus to exertion."<sup>91</sup> Members introduced several different bills in the House and Senate

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<sup>89</sup> Vance to Seddon, 7 Jan. 1864, *Papers of Zebulon Vance* 3:23-24.

<sup>90</sup> For a sampling of Bourne's widespread correspondence, see the Bourne Letterbooks, 1863-1869, Bermuda Archives, and Vandiver, *Confederate Blockade Running Through Bermuda*, passim.

<sup>91</sup> "Proceedings of the First Confederate Congress, Fourth Session, 7 December 1863 – 18 February 1864," in Frank Vandiver, ed., *Southern Historical Society Papers* 50 (1953), 41.

aimed at controlling blockade running.<sup>92</sup> The Senate Committee on Commerce reported three bills in mid-January to that effect, which proposed to “impose regulations upon the foreign commerce of the Confederate States,” prohibit certain imports, and establish a new Bureau of Foreign Supplies.<sup>93</sup>

The resulting bills, passed on February 6, 1864, put stringent controls on import and export freight. In a move that particularly annoyed private shippers, the Congress prohibited importation of a dizzying variety of so-called “luxuries,” including alcohol, Roman candles, clocks, lace, and toys – all items with high values in ratio to their weight.<sup>94</sup> More importantly, the second act prohibited the export of cotton, tobacco, and other southern staples such as naval stores “except under such uniform regulations as shall be made by the President of the Confederate States.”<sup>95</sup> Confederate authorities hoped, by these measures, to force private shippers to bring in government-purchased goods, while preventing the hemorrhage of cotton at rock bottom rates. Private parties who purchased cotton in Confederate ports at six pence a

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<sup>92</sup> “Proceedings of the First Confederate Congress, Fourth Session, 7 December 1863 – 18 February 1864,” 82 and 126.

<sup>93</sup> “Proceedings of the First Confederate Congress, Fourth Session, 7 December 1863 – 18 February 1864,” 226.

<sup>94</sup> “An Act to prohibit the importation of luxuries, or of articles not necessities or of common use,” in James M. Matthews, ed., *The Statues at Large of the Confederate States of America, Passed at the Fourth Session of the First Congress; 1863-4, Carefully Collated with the Originals at Richmond* (Richmond: R.M. Smith, 1864), 179–81.

<sup>95</sup> “A bill to impose regulations upon the foreign commerce of the Confederate States to provide for the public defense,” in Matthews, 181–83.

pound could usually re-sell it in the colonies or in Britain for four or five times that amount. The Confederate government finally intended to take that margin for itself.<sup>96</sup>

With these expansive powers now in hand, the Davis administration laid out new regulations for blockade running that reserved fifty percent of the cargo capacity of each ship for the use of the Confederate government, at rates set at the government's discretion. Any state contracts with privately-owned ships could only use the remaining half of the ship. The regulations offered inducements for private shippers to move more outgoing cargo on government behalf by increasing the freight payment they would receive, but insisted that freight on incoming voyages would be paid on delivery at a Confederate port.<sup>97</sup> This last portion was at odds with the prevailing custom of prepaying all or a portion of freight charges, and it did not sit well with private shippers who faced the prospect of losing a ship to the Union blockade with nothing to show for their efforts.

The private shippers and merchants in the colonies, especially at Bermuda and Nassau, did not welcome this Confederate government foray into controlling trade and its consequent reduction in their freedom of action and profits. Bourne grouched to a business correspondent in England that "the restrictions put on the Blockade trade by the Confederate Congress is likely to cramp all connected in this Trade. The present holders of Cotton Bonds are the only persons

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<sup>96</sup> Richard BenseL characterizes these laws as "an unprecedented imposition of central state controls on the flow of foreign trade," although a closer examination suggests that in practice this control was tenuous and always shared with other stakeholders. BenseL, *Yankee Leviathan*, 180.

<sup>97</sup> *Regulations to carry into effect the act to impose regulations upon the foreign commerce of the Confederate States, to provide for the public defense, approved 6th February, 1864*, (Richmond: s.n., 1864), 4-10.

likely to do any business with the Confederacy.”<sup>98</sup> Another merchant’s clerk wrote that “The blockade runners swear that they will not bring in a single cargo under the present arrangement viz one-half of the cargo. It is unjust and extortionate.”<sup>99</sup> Even the stalwarts of John Fraser and Co. chafed under the new arrangements, and at Walker’s handling of business in Bermuda in particular.<sup>100</sup> Despite this displeasure, private shippers did not leave the trade en masse. Ship departures from the colonies into the Confederacy fell in the spring of 1864 but recovered quickly.

Private shippers resisted in some cases by resorting to smuggling, but the firms and individuals most deeply tied to the government generally acquiesced to trade restrictions.<sup>101</sup> This was due in no small part because of the blizzard of existing government contracts that remained in effect for shipments under more favorable terms, but also because Confederate authorities in the colonies and on the continent did not strictly enforce restrictions on luxury goods. Many ships cleared St. George’s with openly declared contraband like bonnets, pianos, and wine long after the restrictions on their import came into effect, which suggests that private runners either evaded the rules or that Confederate authorities did not (or could not) vigorously enforce them.<sup>102</sup> Private shippers also took advantage of the inherent conflicts of Confederate federalism.

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<sup>98</sup> Bourne to Turner Bros, Hyde & Co., 16 April 1864, in Vandiver, *Confederate Blockade Running Through Bermuda*, 61.

<sup>99</sup> Quoted in Wise, *Lifeline of the Confederacy*, 146.

<sup>100</sup> Welsman to Prioleau, 14 July 1864, Fraser, Trenholm Records.

<sup>101</sup> A.G. Magrath, Confederate States vs. Smuggled Liquors, 17 Dec. 1864, 17-M-9-10, Margaret and Jessie, M909 – Vessel Papers, National Archives and Records Administration, Washington, DC.

<sup>102</sup> See cargo manifests reprinted in Vandiver, *Confederate Blockade Running Through Bermuda*, 138–45.

Despite efforts to centralize overseas purchasing, state governments, especially North Carolina, persisted in maintaining their own purchasing and shipping operations in Europe and the colonies, and private shippers turned informal diplomacy on its head by appealing to their state-level patrons for protection from the new regulations. Central authority in the Confederacy faced a combined challenge from state and non-state competitors.

The greatest resistance to Confederate general government attempts to control blockade traffic did not come directly from private parties but rather from state government operations, especially the relatively efficient blockade running service of North Carolina. Governor Zebulon Vance clashed frequently with Confederate authorities in Wilmington over control of the cargo space on state owned or chartered steamers, and the state's agents in the colonies often mirrored this conflict on their end.<sup>103</sup> Vance wrote to Jefferson Davis in March, 1864, shortly after the publication of the new rules, and took issue with the administration's new claims on cargo space, claiming that "the Regulations, if persisted in will destroy the [blockade running] trade absolutely" unless state-chartered ships received exemptions.<sup>104</sup> Davis, referring to his repeated sparring with Vance and other governors over control of cargo space, grouched to Governor Joseph Brown of Georgia that blockade runners "attempted to interpose the State authorities between themselves and the General Government, and thus evade the regulations."<sup>105</sup> After treating blockade running as a commercial affair for so long, Davis and the executive branch faced an array of opponents who jealously guarded their commercial prerogatives.

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<sup>103</sup> *Papers of Zebulon Vance*, 1:lii-lv.

<sup>104</sup> Zebulon Vance to Jefferson Davis, 17 Mar. 1864, *Papers of Zebulon Vance*, 3:151-153.

<sup>105</sup> Jefferson Davis to Herschel V. Johnson, 22 July 1864, OR ser. 4, vol. 3, 552.

Davis was not mistaken: agents for blockade running companies did appeal to governors to shield them from the new regulations, and Vance for one did his best to work on their behalf. When Confederate authorities informed Theodore Andreae, agent for the Alexander Collie line of blockade runners, that they intended to take half the space of the steamer *Hansa* as it lay in port at Wilmington, Andreae sought help from North Carolina authorities because the *Hansa*, among others, used a portion of its capacity to carry freight on state behalf. Vance wrote to Richmond threatening that he would “fire the ship before I will agree” to the new rules.<sup>106</sup> Davis contended, in reply, that to offer exemptions to any ships other than those wholly owned by a state government would permit wholesale avoidance of the new regulations and defeat their intent. If a mere partial stake in a ship allowed it to escape the rules, “all the ships engaged in running the blockade would ere long be owned in part by the states, and there would be nothing left for the Confederate Government to regulate.”<sup>107</sup> Davis, obstinate as ever, demanded compliance with the rules and he would not consider exemptions.

Vance’s irritation stemmed in no small part from the way the regulations imposed on his existing contracts. In order to spread his state’s risk across several vessels, Vance had sold a portion of the *Advance* to a merchant partnership in Richmond and Wilmington, and then entered into a contract with the London merchant house of Alexander Collie to purchase a share of several more ships. The contract gave the state one fourth of each ship’s outbound cargo space, usually filled with cotton, and devoted the entire ship to state goods on the inbound leg.<sup>108</sup> The

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<sup>106</sup> Vance to James A. Seddon, 8 Mar. 1864, *Papers of Zebulon Vance* 3:139-140.

<sup>107</sup> Davis to Vance, 26 Mar. 1864, *Papers of Zebulon Vance* 3:158-160.

<sup>108</sup> See Vance to Alexander Collie, 28 Dec. 1863, and H. Fitzhugh to Vance, 2 Dec. 1863, *Papers of Zebulon Vance* 2:335 and 353-354.

War Department's imposition on a third of each ship's cargo space starting in late 1863 had counted state-owned space toward the government's share, and only had a minimal impact on North Carolina's operations, but Davis's 1864 regulations removed this exemption, leaving the private partner only one quarter of the ship's outgoing cargo space, rather than the two-thirds they had expected.<sup>109</sup> After the new regulations came into force, other governors likewise scrambled to mitigate the effects on their operations. South Carolina had an important ally in the person of William Porcher Miles, chair of the House Military Affairs Committee, who replied to urgent telegrams from Governor Milledge L. Bonham at the close of the legislative session that month. Miles assured Bonham that Secretary of War James Seddon had "expressed every disposition to extend assistance" and would allow the state to ship cotton on the same terms as the Confederate Government, but that Davis would soon issue new regulations and that Bonham had better attempt to make arrangements with him directly.<sup>110</sup> Seddon had, in general, been conciliatory about excluding state cargoes from restrictions, but the new regulations moved control over cargo space to the Treasury Department, and Jefferson Davis rigidly opposed any modifications or concession to the states.

Vance and the other Atlantic coast governors, especially Joseph Brown of Georgia, joined together to pressure their Congressional delegations to repeal or modify the restrictions on commerce at the next session.<sup>111</sup> They obliged, and in early June Congress passed a bill to modify the previous act to specify that "the Confederate States shall not interfere with steamers

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<sup>109</sup> Seddon to Vance, 12 Feb. 1864, *Papers of Zebulon Vance* 3:105.

<sup>110</sup> William Porcher Miles to Milledge L. Bonham, 19 Feb. 1864, in the William Porcher Miles Papers #508, SHC.

<sup>111</sup> Joseph Brown to Vance, 13 Apr. 1864, *Papers of Zebulon Vance* 3:172-173.

sailing on State account, either in whole or in part.”<sup>112</sup> Davis vetoed the bill, and his statement explaining his decision focused its ire on the “foreigners” profiting at Confederate expense. He accused private ship owners of “depreciating our currency and exhausting our country” while benefiting from the use of public harbors and the protection of Confederate fortifications. He also alleged a conspiracy by private shippers, first to hold their vessels out of service to force the government to revoke the new regulations, and, when that failed, to conspire with state governors to avoid Confederate imposition on their cargo space by transferring their vessels to the states.<sup>113</sup> There is little evidence of such a conspiracy, however. Shipping contracts between state governments and British merchants predated the February 6<sup>th</sup> law, and despite the new restrictions state governments did not purchase ships beyond what they already owned. Private shippers based in the colonies retained powerful influence over Confederate trade, despite what one historian called “radical socialistic” controls and “the most radical interference in the open marketplace ever seen in America.”<sup>114</sup> The Confederate government succeeded in wresting some control over blockade running from private hands, but only after three years of war and increasingly desperate financial circumstances. The results were not a resounding success: for the year through August 12, 1864, only 1,672 bales of cotton made it to Europe directly for Confederate account. Nearly twice as much cotton, even under the new regulations, went to pay for competing contracts with the Collie and Crenshaw firms, alongside large deliveries in

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<sup>112</sup> “Proceedings of the Second Confederate Congress, First Session, 2 May – 14 June 1864,” in Frank Vandiver, ed., *Southern Historical Society Papers* 51 (1958), 181-182.

<sup>113</sup> Jefferson Davis to the House of Representatives, 10 June 1864, in James D. Richardson, ed., *The Messages and Papers of Jefferson Davis and the Confederacy, 1861-1865*, vol. 1 (New York: Chelsea House, 1983), 252–56.

<sup>114</sup> Davis, *Look Away!*, 308. Davis did not address the role or influence of foreign shippers and merchants on blockade running.



payment of cotton-backed Confederate bonds to private purchasers.<sup>115</sup> Imports through the blockade were sufficient to keep Confederate armies in the field, but exports were far short of the 6,000 bales that Maj. Thomas Bayne estimated were necessary to pay for those supplies.

Confederate operations in Bermuda came to an almost complete halt in the late summer of 1864, although the enemy this time was not the Union navy or the British government. A horrific yellow fever epidemic erupted, likely carried in by blockade running traffic, and swept through the island's population. Visitors suffered particularly heavily – out of one hundred thirty-one deaths in St. George's in the first month of the outbreak, only one person was a native Bermudian.<sup>116</sup> Those that could flee did so, and much of the blockade running traffic removed to Halifax or Nassau to escape the ravages of the disease.<sup>117</sup> The island's garrison suffered severely, and the government ordered most of the soldiers to go to Halifax to wait out the epidemic.<sup>118</sup> Georgiana Walker and her children had fortuitously departed for England in June before the outbreak began in earnest, although a sailor on the ship carrying them died of the disease midway through the voyage.<sup>119</sup> The Confederate government presence on Bermuda nearly vanished, although local stalwarts like Bourne carried on their work in spite of the danger. The death toll, especially in St. George's, was heavy – nearly ten percent of the parish population died of the disease. Across Bermuda, out of a population of around 6,400 (plus the island's garrison and transient population, which likely added several hundred more), island officials

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<sup>115</sup> Wise, *Lifeline of the Confederacy*, 151–52.

<sup>116</sup> William Hamley to Edward Cardwell, 1 Sept. 1864, f368-371, CO 37/189.

<sup>117</sup> Wise, *Lifeline of the Confederacy*, 240–41.

<sup>118</sup> Hamley to Cardwell, 9 Sept. 1864, f380-381, CO 37/189.

<sup>119</sup> Walker, *Journal of Georgiana Walker*, 102–3.

estimated that 2,732 people caught yellow fever and 529 of those patients died – a loss of around eight percent of the island’s population in just a few months.<sup>120</sup> The epidemic did not entirely end Confederate involvement in Bermuda, but it marked a transition away from primarily logistical operations and sharply curtailed blockade running until cooler weather eased the epidemic in the autumn.

Bermuda served as the site of Confederate experimentation with direct government control of blockade running, first through ownership of a small fleet of steamers, and later by import restrictions that mirrored the increased regulations on shipping in Confederate ports. The move to greater regulation and direct involvement came only after military and fiscal crises in 1863 convinced Davis and key War Department officials that private carriers would not provide enough return, in terms of price of exported commodities and type and volume of war-related imports, to sustain the rebellion. In an effort to shape a uniform and effective trade policy, the Confederate Congress and the various executive branch agencies worked to overcome the opposition of coastal state governors and a widespread fondness for private enterprise, bureaucratic parochialism, and states-rights dogmatism. The inertia of reliance on private shipping enervated attempts to create an effective export control system. Private merchants in the colonies and their agents and partners in the South played South Carolina, Georgia, and especially North Carolina against the general government in Richmond. The resistance of non-state actors like merchant firms showed that they remained powerful players in the blockade running trade even after the implementation of the trade regulations of 1864. The Confederate

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<sup>120</sup> Population statistics from Bermuda Blue Book, 1864, CO 41/59; William Hamley to Edward Cardwell, 14 Dec. 1864, Governor’s Despatches, 1862-1868, Bermuda Archives.

general government succeeded in exerting greater control over imports and, to a lesser extent, cotton exports, but private contracts, cotton bond redemptions and a lack of available government-owned cotton, and smuggling ensured that private shipping remained a lucrative venture, to the detriment of Confederate finances.<sup>121</sup>

In Bermuda, Confederate informal diplomacy successfully cultivated relationships and sympathy with both the Bermudian elite and British imperial officials, civilian and military. Local merchants like John Tory Bourne provided introductions and intercessions for blockade runners and warships alike, while Confederate officials and their wives, especially Georgiana Walker, created a semblance of Southern society in their temporary homes. These efforts built goodwill with the most influential British subjects of the colony that paid dividends in the form of small forbearances from the government and ready access to port and warehouse facilities. The Confederate government maintained a larger presence in Bermuda than any other colony and attempted its greatest direct involvement with blockade running, which endured until yellow fever nearly ended commerce in the colony in the late summer and fall of 1864. Ultimately, the example of Confederate attempts to control blockade traffic demonstrates the durability of the privatized model of blockade running, and the ability of the Anglo-Confederate networks in the colonies to resist impositions by either government.

As yellow fever ravaged Bermuda, the Confederate center of gravity in the colonies moved northward, to British North America, and turned, almost as if coordinated with the epidemic's intensity and fading Confederate battlefield fortunes, toward chaos and violence. One of the few Confederates to deliberately return to Bermuda was Dr. Luke Blackburn, a

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<sup>121</sup> Wise, *Lifeline of the Confederacy*, 150–52, 156.

Confederate physician who arrived ostensibly on a mission of mercy to aid with the epidemic. His purpose, as subsequent chapters will show, was in fact malevolent and symptomatic of the larger unraveling of Confederate operations in the colonies and the expansion of illicit violence and the erosion of the norms of state conflict. The inability of the Confederate government to direct the operations of its supporters in the colonies resulted, perhaps fittingly, in the embrace rather than rejection, of partisan, filibuster-style warfare at sea and in British territory. As the Confederate government considered extreme remedies, up to and including emancipation, to their lack of soldiers and diplomatic recognition, its agents abroad mirrored that desperation and discarded the norms of state-like behavior.<sup>122</sup>

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<sup>122</sup> Bruce Levine, *Confederate Emancipation: Southern Plans to Free and Arm Slaves during the Civil War* (New York: Oxford University Press, 2006), 110–29; Sexton, *Debtor Diplomacy*, 184–86.

## Chapter 4

“The like was not practised in the previous conflicts of Civilized Nations”: Divided Sovereignty and Paramilitary Violence in the Colonies and at Sea, 1863-1865

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In the early hours of December 7, 1863, Orin Schaffer lay dying on the deck of the U.S.-flagged merchant steamship *Chesapeake*, en route from New York to Portland, Maine. His fatal wound came from a pistol shot, but the finger on the trigger belonged to a British subject, not a Confederate. Schaffer died before dawn, and the same British hands threw his body overboard. His death, and the subsequent escape from justice by everyone involved with it, demonstrated that some British North Americans were not merely observers of the American Civil War but active participants on the Confederate side.<sup>1</sup> Their actions in the *Chesapeake* attack and its aftermath reflected the increasing independence of the settler colonies of British North America and the colonists' ability to circumvent British neutrality and law in support of the rebellion. The attack on the *Chesapeake*, like several others in the same period, was privately organized and executed across international boundaries without state sanction, which placed the attackers firmly in the filibustering tradition of the mid-nineteenth century. The Confederate government seized upon the hijacking and resulting trials as an opportunity to leverage its informal diplomatic network into something more activist and sinister, by turning British neutrality and the contested sovereignty of the settler colonies into a weapon against the Union.

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<sup>1</sup> British North American participation in the war on the Union side has been the subject of great contention, and although true numbers are probably impossible to determine, it is certain that large numbers, perhaps in the low thousands, served in the Union army. See Robin W. Winks, *The Civil War Years: Canada and the United States*, 4th ed. (Montreal: McGill-Queen's University Press, 1998), 177–85.

This chapter is centered on the hijacking of the *Chesapeake* by British subjects, mostly colonials from New Brunswick and Nova Scotia, and the spate of copycat attacks that followed it in 1864 and 1865. Historian Aaron Sheehan-Dean recently wrote that “the nature of nationalism in mid-nineteenth century America required believers to pledge adherence to standards of conduct” that tended to limit violence, and that international norms, morality, and diplomatic pressure “compelled the Confederacy to participate in the war as a state rather than a guerilla republic.”<sup>2</sup> The cases of the *Chesapeake*, the *Roanoke*, and others provide a compelling twist to this framing. When the combatants, in whole or in part, on these expeditions were not citizens or even residents of the belligerent polities, those standards of conduct were not so rigid. When the Confederacy lent its assistance to these ventures, it discarded state norms and behaved as a “guerilla republic.” The transnational nature of the irregular conflict on the maritime periphery of North America, unlike much of the domestic guerilla war, brought even minor incidents to the direct attention of the highest Confederate authorities, particularly Jefferson Davis, Judah Benjamin, and Stephen Mallory.<sup>3</sup> They also attracted the notice of senior British colonial and imperial authorities, as well as those of the Union. A mere handful of murders, because of their location and perpetrators, brought forth complicated questions over international law, intra-imperial sovereignty, and the use and abuse of neutrality. Disputes arose over the obligation of colonial courts to uphold imperial primacy over foreign affairs, and over how traditional understandings of the rights and duties of neutrals should shift in response to attacks that

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<sup>2</sup> Aaron Sheehan-Dean, *The Calculus of Violence: How Americans Fought the Civil War* (Cambridge: Harvard University Press, 2018), 357.

<sup>3</sup> Daniel E. Sutherland, *A Savage Conflict: The Decisive Role of Guerillas in the American Civil War* (Chapel Hill: University of North Carolina Press, 2009), 270; Sheehan-Dean, *Calculus of Violence*, 72–76.

attempted to fuse privateering and filibustering into a new species of international maritime violence.

As the Confederate government struggled to assert control over blockade running and yellow fever ravaged Bermuda, much pro-Confederate activity shifted northward to Nova Scotia and the Maritime colonies of British North America. The Southern cause had widespread support in the Maritimes, particularly in Halifax, which one observer described as “a hot Southern town.”<sup>4</sup> Local enthusiasm for the rebellion made itself manifest in the winter of 1863 with the *Chesapeake* hijacking, which had been planned in and launched from colonial territory, without the knowledge of the Confederate government. In its aftermath the British government struggled to control the violence emanating from its territory, while colonial governments and courts often openly permitted Confederate operatives and sympathetic ruffians to exploit the growing chaos on the war’s periphery.

The Confederacy’s operatives abroad – private and official, military and otherwise – took advantage of the divided sovereignty inherent in the British colonies, seeking opportunities to exploit British neutrality in the war against the Union. These Confederates showed a savvy ability to identify sympathetic locals, including within colonial governments, and solicit their aid. Local support, combined with an ambiguous division of governmental authority between local and imperial officials, gave substantial freedom of action to supporters of the Southern cause. As in Bermuda and the Bahamas, local merchants in places like Halifax worked with Confederates openly, despite taking liberties with British neutrality law. What distinguished

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<sup>4</sup> *Halifax Sun*, 16 Dec. 1863, quoted in Francis I. W. Jones, “A Hot Southern Town: Confederate Sympathizers in Halifax During the American Civil War,” *Journal of the Royal Nova Scotia Historical Society* 2 (1999): 58.

British North America from the more southerly colonies was the degree of independence and the fierceness with which local authorities guarded their judicial prerogatives from imperial interference, even when the cases involved matters that fell ostensibly under London's authority, such as neutrality violations. Local courts repeatedly freed the perpetrators of raids and acts of piracy launched from British North American soil, often against the wishes of Crown officials, and residents sheltered and protected other fugitives from capture. The Confederate government seized upon this opening to launch further informal military and covert operations from the soil and waters of British North America, and sought in many cases to extend the protection of belligerent status to attackers who did not qualify for it under the Confederate laws such as the Partisan Ranger Act or as privateers under the law of nations.

Confederate ambivalence toward direct control over informal diplomatic relations and trade created an environment, particularly in Nova Scotia and New Brunswick, that promoted and legitimized freelance action by both Confederate citizens and British subjects, often with unpredictable consequences. What began as commercial and logistical support moved, by late 1863, toward paramilitary operations that bore a significant resemblance to earlier patterns of filibustering – private, international military adventures not done at the behest of a state and launched with the tacit support of the local populace. The possibility of filibustering greatly concerned British officials from the earliest days of the war, particularly in the aftermath of William Walker's last attempt on Central America in 1860. Admiral Milne personally visited Greytown (now San Juan de Nicaragua), the port town on Nicaragua's Caribbean coast and scene of Walker's late 1857 invasion, to oversee the situation at that time and repeatedly reinforced his squadron in the Gulf of Mexico as a result. Fears of filibustering reappeared during and after the *Trent* crisis, although it was *northern* filibustering that initially worried



British observers.<sup>5</sup> Despite Milne's hopes that Walker's execution in September, 1860 meant a "death blow" to filibustering, quasi-private warfare sprang up and threatened open conflict along the northern U.S. border in 1863 and 1864.<sup>6</sup> Imperial officials in London and North America discovered, to their alarm and frustration, that local courts prevented effective action to stop further raids and failed to bring to justice those responsible for violations of British neutrality and international law. The relative political maturity of Nova Scotia in some respects enabled rather than dissuaded violations of British neutrality.

Confederate engagement with the British Empire occurred almost entirely within what historians have variously termed the "Anglo world," "Greater Britain," or the British World. That is to say, the most consequential interactions – mercantile, military, and interpersonal – between Confederates and British colonial subjects took place within Anglophone territories from Gibraltar to Australia, and the Cape Colony to Vancouver Island, populated largely by white, English-speaking settlers. Even the island colonies of the Bahamas and Bermuda, which in 1860 held substantial populations of former slaves and their descendants, had been majority-white settlement colonies for much of their history. These locations made sense as sites of

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<sup>5</sup> Sir Alexander Milne to the Secretary of the Admiralty, 2 May 1860, 26 July 1860, 13 Aug. 1860, and 7 Sept. 1860, Admiralty Letters Book, MLN 104/1, Milne Papers, MM; Lord Lyons to Lord John Russell, 31 Dec. 1861, box 107, Private Correspondence, Lyons Papers, Arundel Castle Archive.

<sup>6</sup> Milne to Secretary of the Admiralty, 2 Oct. 1860, MLN 104/1, Milne Papers. Milne repeatedly sent ships to Central America in response to rumored filibustering attacks even after the Civil War began.

Anglo-Confederate interaction because of language and geography, but their relatively privileged place within the Empire lent them other advantages as well.<sup>7</sup>

The “Settler Revolution” of the nineteenth century Anglo world – the phenomenal growth and development of British settler colonies, and in the case of the United States, former colonies, in comparison to the rest of the world – shaped the power relations between colony and metropole in the course of creating “a politically divided but culturally and economically united intercontinental system.”<sup>8</sup> The demographic and economic growth of places like British North America, brought on by the Settler Revolution, gave weight to colonists’ demands for greater self-government. Scholars differ over the precise reasons behind the grant of responsible government – that is, the extent to which the governors and their appointed councils were answerable to the elected lower house of the colonial legislatures – to the northern provinces, but their relative size, prosperity, and racial composition clearly mattered to London. Canada, for example, received self-governing status relatively quickly after the rebellions of 1837-1838, while imperial officials spent decades considering whether to reduce Jamaica to direct control in response to both intransigence by the white minority government and unrest by its majority black population.<sup>9</sup> Whether settler colonies received responsible government as a benign nod to their

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<sup>7</sup> James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783-1939* (New York: Oxford University Press, 2009), 1–14; Phillip A. Buckner and R. Douglas Francis, *Rediscovering the British World* (Calgary: University of Calgary Press, 2005), 1–19; Charles Wentworth Dilke, *Greater Britain: A Record of Travel in English-Speaking Countries* (London: Macmillan, 1888).

<sup>8</sup> Belich, *Replenishing the Earth*, 9.

<sup>9</sup> John Manning Ward, *Colonial Self-Government: The British Experience, 1759-1856* (London: Macmillan, 1976), 111–23.

right to British institutions or as a piece of *realpolitik* to keep them within the Empire without violence is immaterial, although it seems clear that race informed British assumptions about colonial self-government.<sup>10</sup> The result in either case was that colonies like Nova Scotia, New Brunswick, and Canada exercised political independence within the British Empire to a degree unseen since the American Revolution. The Confederate rebellion found opportunity in that independence.

Majority-white settler colonies like those of British North America tended to demand, and receive, more autonomy from the metropolitan government than was granted other portions of the Empire, although the Colonial Office reserved to the Queen the right to approve colonial laws before they could go into effect, and it appointed governors with little or no input from colonial subjects.<sup>11</sup> In British North America colony-metropole conflicts remained, the brief rebellions of 1837-1838 aside, generally peaceful and centered around issues of taxation and the structure of local government. Between 1841 and the opening of the Civil War the imperial government conceded sovereignty in British North America over most issues of internal legislation, the courts, and revenue to colonial legislatures and judges. One scholar suggests that “...from the 1850s self-government [in British settler colonies] became so well-established that governors were titular figures whose administrative power was severely circumscribed,” and that

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<sup>10</sup> Many scholars of British imperialism, focused on Britain’s Asian and African colonies, often assumed political control as the chief motive for devolving political power, particularly to “collaborating elites.” Ronald Robinson, “Non-European Foundations of European Imperialism: Sketch for a Theory of Collaboration,” in *Studies in the Theory of Imperialism*, ed. Roger Owen and Bob Sutcliffe (London: Longman, 1972), 120–26.

<sup>11</sup> See, for example Zoe Laidlaw, *Colonial Connections, 1815-1845: Patronage, the Information Revolution, and Colonial Government* (Manchester: Manchester University Press, 2005), especially chapter 4.

in order to shield themselves from local critics they chose to "portray themselves as merely the symbolic representatives of the British monarch, or even as defenders of the abstract notion of sovereignty."<sup>12</sup> During the American Civil War colonial governors employed this self-portrayal to deflect critiques from domestic opponents and from outsiders like the Union and Confederacy as well, as the acting governor of the Bahamas did in the face of Union protests over the reflagging of Confederate vessels at Nassau.<sup>13</sup> Effectively, colonial subjects at odds with their governors retained more freedom of action in areas where the letter of the law (or the power of the Colonial Office) was vague or the governor's power was not absolute. In British North America this covered a lot of ground and reflected the colonies' independence from London. Confederates and locals both took opportunistic advantage of this space, particularly in areas like the enforcement of neutrality laws and extradition, to launch raids against the Union and shelter themselves from the consequences. British municipal laws dealing with areas not expressly delegated to colonial governments, such as the 1819 Foreign Enlistment Act, could, depending on their wording, apply to all British subjects and territory, the colonies included.<sup>14</sup> Yet they relied on colonial courts and police forces for enforcement, which provided frequent opportunity for lax or non-existent observance of the law.<sup>15</sup>

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<sup>12</sup> Mark Francis, *Governors and Settlers: Images of Authority in the British Colonies, 1820-60* (London: Macmillan, 1992), 1,8.

<sup>13</sup> Charles R. Nesbitt to the Duke of Newcastle, 11 July 1861, f480-482, CO 23/165, UKNA.

<sup>14</sup> In the context of international law, "municipal" refers to a country's domestic laws that are operative within its own borders, not to local or city government.

<sup>15</sup> Tyler Wentzell, "Mercenaries and Adventurers: Canada and the Foreign Enlistment Act in the Nineteenth Century," *Canadian Military History* 23, no. 2 (2014): 1-21.

The northern colonies provided other attractions for the Confederacy. British North America was too far north to be a major entrepot for blockade running, although some ships managed to run into Confederate ports from the Maritime colonies, mainly Nova Scotia and New Brunswick, and the two colonies were frequently listed as the false destination of blockade runners as they attempted to enter the Confederacy.<sup>16</sup> Despite its geographical disadvantages, Nova Scotia, and Halifax in particular, assumed an important role for the Confederacy as a communications and transit hub that the Royal Navy sheltered, albeit unintentionally. Because the North American squadron's main base and summer headquarters were at Halifax, a substantial garrison and naval presence discouraged the U.S. Navy from aggressively interfering with trade in the way that it did outside of Nassau or Bermuda. Furthermore, Confederate messages to and from Europe often went via Halifax, under cover, in the mailbags of Cunard Line mail packets and even Royal Navy warships. Local political conditions in Nova Scotia also proved favorable for the Confederacy, not least because "[Nova Scotian] politics remained essentially a struggle between members of the mercantile and professional elites."<sup>17</sup> The Confederacy found important friends among both groups, and economic hardship made some influential Halifax merchants particularly receptive to aiding the Confederacy.

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<sup>16</sup> Stephen R. Wise, *Lifeline of the Confederacy: Blockade Running During the Civil War* (Columbia: University of South Carolina Press, 1988), 191–92; Greg Marquis, *In Armageddon's Shadow: The Civil War and Canada's Maritime Provinces* (Montreal: McGill-Queen's University Press, 1998), 244–55. Manifests for outbound blockade runners frequently listed St. John or Halifax as their false destination. See, for example, the shipping notices in the *Nassau Guardian* for almost any period between 1862-1865.

<sup>17</sup> Phillip A. Buckner, "The 1860s: An End and a Beginning," in *The Atlantic Region to Confederation: A History*, ed. Phillip A. Buckner and John G. Reid (Toronto: University of Toronto Press, 1994), 371.

The Halifax merchant community had been bypassed, somewhat, by the nineteenth-century expansion in global trade. In general, "Nova Scotia was an ungenerous place," with scarce arable land that provided little more than a subsistence living for most of its people.<sup>18</sup> The real wealth of the colony lay mostly in maritime commerce and staple-product exports, but in this period Britain shifted from being an importer of colonial goods to an exporter of manufactures, with a consequent change in the products in demand from the colonies. Sugar and lumber became less important than foodstuffs, cotton, iron, and other necessities of mid-1800s British industry, and Nova Scotia was in a poor position to adjust to this shift.<sup>19</sup> The 1854 Reciprocity Treaty, which allowed for duty-free trade between British North America and the United States in certain bulk commodities like timber and remained in effect throughout the Civil War, brought limited but undramatic relief.<sup>20</sup> The economic situation of Nova Scotia was so poor in 1861 that one newspaper reported, "It is doubtful if ever within the memory of any living person there was a season of such great commercial depression in this province, and especially in Halifax..."<sup>21</sup> The Civil War brought to Halifax the same three-year burst of prosperity that it did to so much of British America, fueled by the demands of the combatants to the south and the blockade that, after 1861, drove Confederate commerce to their doorsteps. The doldrums-stricken merchants of the Halifax waterfront were ready and willing to accept this new business,

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<sup>18</sup> Julian Gwyn, *Excessive Expectations: Maritime Commerce and the Economic Development of Nova Scotia, 1740-1870* (Toronto: McGill-Queen's University Press, 1998), 3.

<sup>19</sup> Gwyn, 9.

<sup>20</sup> Marilyn Gerriets and Julian Gwyn, "Tariffs, Trade, and Reciprocity: Nova Scotia, 1830-1866," *Acadiensis* 25, no. 2 (Spring 1996): 62-82.

<sup>21</sup> *Acadian Recorder*, 10 August 1861, as quoted in Gwyn, *Excessive Expectations*, 95.

aided by a renewed dislike of Yankee arrogance and a romanticized view of the “poetic justice” of the Southern cause, spurred on by newspaper accounts and popular literature.<sup>22</sup>

Merchants made some of the earliest connections between the Confederacy and Halifax, as they did elsewhere in the colonies. Pre-war ties and shipping routes provided one avenue for such arrangements. Shortly after Lincoln declared the blockade in 1861, a Savannah firm led by Andrew Low, a merchant and banker of English birth, proposed running provisions purchased in Halifax through the blockade under cover of their British nationality, acting on the erroneous assumption that this would shield them from capture.<sup>23</sup> The Confederate government also attempted to arrange the purchase of arms and equipment within British North America, although the meager returns discouraged much further effort in that department after 1861.<sup>24</sup> Likewise, Tom Hernandez, the Savannah harbor pilot mentioned in chapter 2, and a friend, John Dickson, made their way from New York to Halifax after the prize court released Hernandez in December, 1861. Using Dickson's family connections in Nova Scotia they sought, and found, opportunity on the *Standard*, another blockade runner there.<sup>25</sup> The quest for economic gain, along with a romantic view of the Confederacy's efforts seem to have attracted the owners of the *Standard*

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<sup>22</sup> Marquis, *In Armageddon's Shadow*, 34–35, 53–58. Quote is from page 34.

<sup>23</sup> Andrew Low and Co. to Leroy P. Walker, 24 April 1861, OR ser. 4, vol. 1, 237.

<sup>24</sup> Report of the Secretary of War, n.d. (February 1861), OR ser. 4, vol. 1, 958.

<sup>25</sup> Roger S. Durham, *High Seas and Yankee Gunboats: A Blockade-Running Adventure from the Diary of James Dickson* (Columbia: University of South Carolina Press, 2005), 31–40.

and others to their cause, notably Alexander Keith, Jr., nephew of his namesake brewer and merchant, and a future terrorist.<sup>26</sup>

Support for the Confederacy among the Haligonian elite was not restricted to merchants. Prominent physician Dr. William J. Almon supported the Confederacy in word and deed, sending a son to fight in the rebel army, and physically aiding the escape of a prisoner in the *Chesapeake* affair of the winter of 1863-1864.<sup>27</sup> The provincial Attorney General, William Alexander Henry, and the Provincial Secretary, Charles Tupper – both powerful members of the Nova Scotia Executive Council – also openly professed Southern sympathies.<sup>28</sup> Likewise, Thomas Connolly, the Catholic archbishop of Halifax, materially aided Confederate efforts in the colony, hosting Southern agents and officers and providing them with introductions and pleas for support from Catholics across British North America. The Vatican was sympathetic to the Confederacy, though Connolly may also have been opposed to the lack of opportunity accorded Irish Catholics in the United States, something he publicly wrote about in the months after the

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<sup>26</sup> Ann Larrabee, *The Dynamite Fiend* (Halifax, NS: Nimbus, 2005), chapters 2 and 3; Marquis, *In Armageddon's Shadow*, 88–96. Marquis found substantial (though far from unanimous) support across the Maritimes for the Confederacy, with frequent comparisons made between them and others attempting to throw off the “yoke” of foreign domination, such as Italy or the Poles.

<sup>27</sup> Allan E. Marble, “Almon, William Johnston,” in *Dictionary of Canadian Biography* (University of Toronto/Universite Laval, 2003), [http://www.biographi.ca/en/bio/almon\\_william\\_johnston\\_13E.html](http://www.biographi.ca/en/bio/almon_william_johnston_13E.html). Almon also had an indirect connection to slavery. His father and some other family members received compensation for slaves on a Jamaica estate after West Indian emancipation. “William Bruce Almon”, Legacies of British Slave-ownership database, <http://www.depts-live.ucl.ac.uk/lbs/person/view/46486> [accessed 14th August 2019].

<sup>28</sup> Jones, “A Hot Southern Town,” 56.



Civil War ended.<sup>29</sup> These men formed a key portion of an informal pro-Confederate network that lent their effort and influence toward promoting the fortunes of the rebellion, even in defiance of the imperial government. Their actions, especially in the aftermath of the “*Chesapeake* affair,” as the months-long drama over the recapture and trials of that ship’s assailants became known, showed the limits of imperial influence over British North Americans and the advantages of what might be termed Confederate soft power in the colonies.

The importance of this “soft” power came in large part because of the ad hoc nature of the Confederate state, especially in the early months of the Civil War. The recruitment of friendly and influential colonial subjects, who acted independently of the Confederate government but generally in its interest, helped counterbalance some of the institutional weakness of the young State Department. The Confederate tendency toward dispersed, informal diplomacy was on full display in British North America, as white Southerners crisscrossed the provinces, representing themselves as agents of Confederate governments at all levels, often regardless of their authority to do so. Some were relatively prominent men, like Raphael Semmes and Dr. Luke Blackburn, and destined for fame (or infamy), but others were hustlers, self-promoters, and nefarious types like Vernon Locke and John C. Braine. The chaotic first months after secession reflected the South’s sudden loss of the bureaucracy, procedures, and relative discipline of the U.S. State Department, and its inadequate replacement by first a multiplicity of relatively independent states, followed shortly thereafter by the Confederate State Department. The new State Department suffered from a revolving door of secretaries until Judah P. Benjamin

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<sup>29</sup> Thomas L. Connolly, “The Archbishop of Halifax on the Irish in British and Republican America,” in *The Irish Position in British and Republican North America: A Letter to the Editors of the Irish Press Irrespective of Party*, by Thomas D’Arcy McGee, 2nd ed. (Montreal: M. Longmoore and Co., 1866), Appendix B.

took charge, and throughout its existence the Department struggled to gain and maintain a monopoly over Confederate foreign policy.<sup>30</sup>

This tenuous control, and the freelance agents whom it encouraged, influenced the development of the pro-Confederate network in Nova Scotia. George N. Sanders, formerly a Kentucky Democratic politician and U.S. consul in London, was the most prominent example of such unofficial agents. He quickly engaged in a continuing series of informal negotiations, contracts, and other endeavors on Confederate behalf, to the intense frustration of officials in Richmond, because he held no official position with the government. Sanders' early efforts bore some fruit, particularly by gaining the interest of Benjamin Wier, a Halifax merchant and politician with a checkered past, whom eventually served as one of the first members of the new Senate of Canada.<sup>31</sup> How, precisely, Wier became engaged with the Confederacy is unclear, but the evidence suggests that private connections and profit-seeking first brought him into the Confederate orbit. Sanders arranged a contract with Wier's firm for a courier and transport service between the Confederacy and Halifax, under the cover of schooner service with Baltimore. Sanders seems to have done so of his own volition, and not as a paid agent of the Confederacy, as evidenced by the government's later refusal to compensate him or his son Lewis for their efforts. Sanders succeeded in getting the Confederate government to adopt his scheme, but the transport line fell apart after Union authorities discovered it. The impracticality of sailing

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<sup>30</sup> William C. Davis, *Look Away! A History of the Confederate States of America* (New York: Free Press, 2002), 85–88.

<sup>31</sup> David A. Sutherland, "Wier, Benjamin," in *Dictionary of Canadian Biography*, [http://www.biographi.ca/en/bio/wier\\_benjamin\\_9E.html](http://www.biographi.ca/en/bio/wier_benjamin_9E.html) (accessed June 19, 2019).

schooners against the flow of the Gulf Stream foiled alternate plans to land along the North Carolina shore.<sup>32</sup>

Wier and Company provided a variety of services for the Confederacy, including forwarding and receiving cargo and letters, ship repair (vital, since Bermuda and the Bahamas lacked most facilities for major repairs to steamships), and later served as the terminus of the Canadian portion of the Confederacy's network to send escaped prisoners of war back to the South. Wier's activities were well-known to Union and British authorities, but the latter did little to restrain them, as his activities stayed largely within the letter of imperial law (the Foreign Enlistment Act and neutrality did not preclude repair and communications services for a belligerent power), whereas local authorities had neither the reason nor the inclination to do so either. Wier and his fellow Maritime supporters of the Confederacy severely tested that forbearance in the winter of 1863-1864, as they placed themselves squarely in the middle of a military, diplomatic, and legal battle over the fate of the steamer *Chesapeake*.

Perhaps no event better illustrates the Confederate exploitation of private initiative, divided sovereignty, and local sympathies than the so-called "second *Chesapeake* affair" of late 1863 and early 1864 – the “first *Chesapeake* affair,” in Nova Scotian memory, was the capture of the USS *Chesapeake* by the HMS *Shannon* during the War of 1812.<sup>33</sup> This was not a random attack. Rather, it can be traced to Confederate promotion of privateering and adventurism in the

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<sup>32</sup> Judah P. Benjamin to George N. Sanders, 28 October 1862, Reel 12, CSAR. Benjamin to Jefferson Davis, 30 March 1864, Reel 13, CSAR.

<sup>33</sup> Troy Bickham, *The Weight of Vengeance: The United States, the British Empire, and the War of 1812* (New York: Oxford University Press, 2012), 126–28.

earliest days of the war and to Confederate Secretary of the Navy Stephen Russell Mallory's ongoing quest "to create a branch of naval warfare which shall enable us to unite and employ private enterprise and capital against the enemy."<sup>34</sup> Private military action had a long history in British colonies and in North America generally, and the Civil War provided opportunity to those inclined to resume that tradition of unauthorized violence, often characterized by a loose interpretation of maritime law and open defiance of the government in London.<sup>35</sup> The attack on the *Chesapeake* represented a foreseeable, although unauthorized, extension of the logic of informal diplomacy and privatized warfare in the colonies.

The man chiefly responsible for the attack on the *Chesapeake* was Vernon Guyon Locke, originally of Sandy Point, Nova Scotia. Locke, born in 1827, was a sailor and captain who worked on vessels based in ports up and down the North American coast from Nova Scotia to North Carolina. When the Civil War began his sympathies lay with the South, as did his nose for personal gain, and he obtained access to a letter of marque from the owner of the privateer schooner *Retribution*, which he crewed with a group his victims described as "beach-combers, principally British subjects or escaped convicts." Locke, who often sailed using the alias John Parker, from his first moments as a privateer was either ignorant or contemptuous of British neutrality and international law.<sup>36</sup> Like most Confederate privateers he captured few prizes, and faced the nearly insurmountable difficulty of trying to sail a captured vessel through the blockade

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<sup>34</sup> Stephen Mallory to Jefferson Davis, 6 Jan. 1862, ORN, ser. 2, vol. 2, 124.

<sup>35</sup> Mark G. Hanna, *Pirate Nests and the Rise of the British Empire, 1570-1740* (Chapel Hill: University of North Carolina Press, 2015), 183–221.

<sup>36</sup> The real John Parker, the original captain of the *Retribution*, died of yellow fever in 1861 and Locke assumed his name in order to take over the privateer commission. Thomas B. Power to N. Irwin, 22 Feb. 1864, reel 9, CSAR.

and into a Confederate port to be sold as a prize. The Queen's neutrality proclamation of 1861 forbade ships of either side from bringing ships or cargo captured as prizes into British ports, and the other major powers followed suit, effectively leaving Confederate commerce raiders the option of burning their captures or trying to bring them through the blockade.<sup>37</sup> One of Locke's first captures, the *J.P. Ellicott*, in fact escaped when the ship's crew rose up against the prize crew and reclaimed their vessel.<sup>38</sup>

Locke responded to this difficulty by running his next prize, the American schooner *Hanover*, ashore in one of the outlying islands of the Bahamas and bringing its cargo separately to Nassau for sale. He then loaded the *Hanover* with a cargo of salt for an attempt to run the blockade.<sup>39</sup> These actions were patently illegal by both British and Confederate law, but questions of legality did not slow down Locke, then or later. He subsequently seized the brig *Emily Fisher* and repeated his effort to land the cargo, allegedly in the presence of a local official on Long Cay who refused to intervene.<sup>40</sup> By ignorance or complicity, local Bahamian officials aided Locke in violating British neutrality.

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<sup>37</sup> Marquis, *In Armageddon's Shadow*, 135–36.

<sup>38</sup> "The Rebel Pirate Retribution," *New York Times*, 13 March 1863.

<sup>39</sup> William H. Seward to Lord Lyons, 4 April 1863, FRUS 1863, 1:547. John Burnside to Charles Nesbitt, 20 April 1863, FRUS 1863, 1:641-643. This incident is briefly discussed in Chapter 2 as well.

<sup>40</sup> Affidavit of Isaac R. Staples, Alabama Claims, 6:736; United States, *The Case of the United States, Laid Before the Tribunal of Arbitration, Convened at Geneva under the provisions of the treaty between the United States of America and Her Majesty the Queen of Great Britain, concluded at Washington, May 8, 1871*, (Leipzig: F.A. Brockhaus, 1872), 261.

Local sympathy, enhanced by Confederate informal diplomacy, aided Locke repeatedly during his colorful career. He escaped justice for his role in the *Hanover* affair by working with local friends in the Bahamas to first conceal his identity and the character of his prize. Pressure from British and Union authorities eventually forced Bahamian officials to arrest Locke as he loitered in Nassau in May 1863. The local criminal court was not scheduled to resume until October, so the locals granted Locke the “surprisingly small and insignificant” bail of £200. William Seward protested, correctly, that Locke would gladly lose such a sum and skip town.<sup>41</sup> Even the Colonial Office remarked that the bail situation seemed to open Bahamian authorities to suspicion of collusion, and, like clockwork, when the court resumed its session Locke failed to appear. The Colonial Office was furious with Bahamas governor Charles Bayley, and the Duke of Newcastle personally demanded an explanation.<sup>42</sup> Given the openly pro-Confederate proclivities of the Bahamian authorities, including Bayley and the Attorney General, in earlier cases such as the trial and escape of the *Oreto/Florida*, it is unsurprising that officials made no meaningful effort to keep Locke from fleeing the colony, and ultimately neither suffered for their laxity.<sup>43</sup>

Locke’s escape from the Bahamas made it clear to him and his associates that they could rely on a widespread network of friends and local officials to carry out legally dubious raiding and shelter them from the consequences, seemingly heedless of the lack of approval from the Confederate government. He even managed to sell the *Retribution* to a blockade running firm

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<sup>41</sup> Seward to Lyons, 10 Nov. 1863, FRUS 1863, Supplement, cxxviii. Other sources place the bail as low as £100.

<sup>42</sup> Bayley to Newcastle, 31 Oct. 1863, f364-365, CO 23/172, UKNA.

<sup>43</sup> Bayley to Newcastle, 22 Aug. 1863, f67-69, CO 23/172, UKNA.

before taking his leave of Nassau, which likely helped fund his next adventure.<sup>44</sup> If local authorities in the Bahamas had shielded him from British law and Union capture, Locke could certainly expect the same or greater assistance in his native province. He was not disappointed.

In early November 1863 Locke found his way to St. John, New Brunswick, from Nassau, and fell in with John Clibbon Braine, another British subject with ties to privateering and raiding.<sup>45</sup> Locke and Braine gathered a group of young men from Nova Scotia and New Brunswick and hatched a plan to seize an American steamship on the high seas and convert it into a privateer by using the commission and letter of marque from the *Retribution*, which Locke retained when he sold the ship. Locke offered his recruits shares of any spoils or prizes as an inducement to join the expedition.<sup>46</sup> They planned to maintain the legality of their attack by renaming their target the *Retribution II* once they gained possession of it, or perhaps just confuse anyone who might examine the ship's papers. Locke and Braine seemed either ignorant or heedless of the rule that letters of marque applied to specific ships regardless of the name and were not transferable.<sup>47</sup> The group determined that the *Chesapeake*, a fast steamer that plied

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<sup>44</sup> *Case of the United States*, 261.

<sup>45</sup> Marquis, *In Armageddon's Shadow*, 139–41. Some publications write Braine's name as "Brain," but as the vast majority of sources spell it in former fashion, I have adhered to the more common spelling.

<sup>46</sup> New Brunswick Vice-Admiralty Court and Alfred A. Stockton, *Reports of Cases Decided in the Vice-Admiralty Court of New Brunswick from 1879-1891: With an Introduction on Admiralty Jurisdiction* (St. John: J. & A. McMillan, 1894), 236–38.

<sup>47</sup> James M. Matthews, ed., *The Statutes at Large of the Provisional Government of the Confederate States of America, from the Institution of the Government, February 8, 1861, to Its Termination, February 18, 1862, Inclusive. Arranged in Chronological Order. Together with the Constitution for the Provisional Government, and*

regularly up the New England coast, fit their needs. In an era that often openly celebrated filibustering, yet another party prepared itself to cross a foreign frontier for military action.<sup>48</sup>

The attack was a dramatic tale in its own right. Locke remained in New Brunswick while Braine led a group to New York and took passage, with weapons concealed in their baggage, on the *Chesapeake*, which was bound for Portland, Maine with an assorted cargo. The ship left port on December 5, with Braine and a party of about twelve companions on board. Just after midnight on the 7<sup>th</sup>, while the ship was off Cape Cod, the group attacked. The hijackers shot Orin Schaffer, the ship's second engineer, three times as he tried to escape from the engine room. The attackers wounded two other crewmen and narrowly missed the captain, and within the span of a few minutes they had control of the *Chesapeake* "in the name of the Southern Confederacy."<sup>49</sup> The hijackers steamed into the Bay of Fundy, between New Brunswick and Nova Scotia, and there rendezvoused with Locke, who took command.<sup>50</sup>

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*the Permanent Constitution of the Confederate States, and the Treaties Concluded by the Confederate States with Indian Tribes* (Richmond: R.M. Smith, 1864), 100–104.

<sup>48</sup> See for example, Laurence Oliphant, *Patriots and Filibusters, or: incidents of exploratory travel*, (London and Edinburgh: W. Blackwood and Sons, 1860) 132-242. *Blackwood's Magazine* published the book serially in its issues.

<sup>49</sup> ORN ser. 1, vol. 2, 1096, 536-38. In some correspondence Schaffer's first name is spelled "Owen." Some pro-Confederate accounts claimed Schaffer fired shots at his attackers, wounding one, but none of the crew's statements suggest that they were armed or expecting any sort of attack. Any wounded pirates likely came by their own negligence.

<sup>50</sup> The narrative of the capture of the *Chesapeake* is compiled from ORN, ser. 1, vol. 2, 512-660. For two good but slightly differing summaries, see Winks, *The Civil War Years*, chapter 12, and Marquis, *In Armageddon's Shadow*, chapters 6 & 7.



The seizure, which started smoothly, soon began to unravel in the face of logistical difficulties and poor decisions. The boat that carried Locke out also ferried most of the *Chesapeake*'s remaining crew ashore at St. John's on the morning of December 9th, where they immediately reported the attack to the Union consul. His telegraph communication quickly reached U.S. authorities and several warships, including the USS *Ella and Annie*, a speedy former blockade runner, began hunting for the missing ship. The *Chesapeake* moreover did not have enough coal remaining to reach a friendly port like St. George's or Wilmington. Locke (who again posed under the alias John Parker) sailed up the coast, making several stops in desperate search of coal and selling portions of the cargo as they went.<sup>51</sup> During one of these stops, at Shelburne, Nova Scotia, Braine left the ship and attempted to escape. The American vice-consul in Liverpool, Nova Scotia attempted to capture him, but local citizens interfered, and Braine got away.<sup>52</sup> Maritime colonists helped an obviously guilty man escape outside authority, and they would do so again before the *Chesapeake* affair ended.

The *Chesapeake* reached Mud Cove, near Sambro, Nova Scotia, on December 16, where it anchored, nearly out of fuel. Locke left the ship and traveled overland to Halifax, about fourteen miles distant, to secure a load of coal, which he did with the assistance of Benjamin Wier, who paid the expense out of Confederate accounts. Wier sent the coal to Sambro in a chartered schooner, and it arrived late that night, but it came too late to save Locke's expedition.

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<sup>51</sup> Marquis, *In Armageddon's Shadow*, 152–54.

<sup>52</sup> Nathaniel Gunnison to W.H. Seward, 14 Dec. 1863, ORN ser. 1, vol. 2, 523. Joseph Davis to Gunnison, 14 Dec. 1863, in House of Commons, *North America No. 9 (1864): Papers Relating to the Seizure of the United States' Steamer 'Chesapeake'*, (London: Harrison and Sons, 1864), 15.

On the morning of December 17<sup>th</sup>, the *Ella and Annie* discovered the *Chesapeake* lying inshore near the Sambro harbor entrance, the coaling schooner still alongside. The pirates, including Locke, knew they stood no chance and fled on shore, leaving one of their number to be captured in his sleep on board the schooner anchored nearby, still loaded with coal. Union sailors also seized two Halifax men on board the *Chesapeake* who had sailed on the coaling schooner. After a ten-day search in foul winter weather, the Union again possessed the *Chesapeake*.

The *Ella and Annie*'s captain, however, had in his enthusiasm to capture the pirates actually violated British neutrality by seizing the ship within British territorial waters, which at the time extended one marine league, roughly three miles, from shore. The Union naval commander on the scene, Commander A.G. Clary of the USS *Dacotah*, quickly realized the seriousness of the situation and ordered the *Ella and Annie* to proceed to Halifax with the *Chesapeake* so that the seizure could be adjudicated. The small flotilla arrived in Halifax a few hours later and encountered a tense scene. Word spread quickly among local authorities, the British garrison, and the populace that the *Chesapeake* had been seized in British waters and that, furthermore, the U.S. Navy held several local men as prisoners on board their ship. The very real possibility of a diplomatic rupture or even armed conflict hung over Halifax harbor.

The official response to the arrival of the *Chesapeake* fell mainly to the garrison commander and acting governor, Maj. Gen. Charles Hastings Doyle. Local politicians also involved themselves, particularly Dr. Charles Tupper, in his role as the Provincial Secretary. To complicate matters, a new commander had been appointed to the Royal Navy's North American station to succeed the steady and competent Sir Alexander Milne. Milne's replacement, Sir James Hope, had far less experience with the North American situation and a deserved reputation

as a man of questionable diplomatic ability. Hope commanded the Royal Navy squadron in China during the disastrous 1859 Taku Forts incident, where a U.S. Navy force under Josiah Tatnall (who in 1863 was a Confederate officer) joined in to aid British ships that had been mauled in an attack on the Chinese forts.<sup>53</sup> Doyle, on the other hand, had extensive experience in North America and had been in his position since 1861. Because Hope had not yet arrived at Halifax the burden of managing the *Chesapeake* affair fell mainly on Doyle.

Doyle, like the other colonial administrators of British North America, had severely circumscribed powers. He could issue arrest warrants, for example, but their execution relied upon local police forces and magistrates, and any warrant remained subject to habeas corpus proceedings and the decisions of the independent colonial judicial system. Colonists across the Western Hemisphere agitated for greater control over their own affairs throughout the first half of the nineteenth century, but the imperial government curtailed its own authority only haltingly and unevenly, especially in the turmoil following emancipation in 1834.<sup>54</sup> Upper and Lower Canada each experienced small rebellions led by populist reformers in 1837 and 1838, augmented by American filibusters.<sup>55</sup> The government quickly put down both, but in their

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<sup>53</sup> For context on Hope's judgment and the Taku Forts incident, see Stephen Platt, *Autumn in the Heavenly Kingdom: China, the West, and the Epic Story of the Taiping Civil War* (New York: Alfred A. Knopf, 2012), 164–89; J. K. Laughton and Andrew Lambert, "Hope, Sir James (1808–1881), Naval Officer," in *Oxford Dictionary of National Biography* (London: Oxford University Press, 2004), <https://www.oxforddnb.com/view/10.1093>.(accessed 13 August 2019).

<sup>54</sup> Ward, *Colonial Self-Government*, 34–37, 111–23.

<sup>55</sup> Recent scholarship ties the Canadian rebellions to the broader Atlantic revolutionary movements of the nineteenth century, as well as the democratic Chartist movement in Britain. Michael Ducharme, "Closing the Last Chapter of

aftermath reformers in London and British North America argued that granting increased self-government under the British flag was preferable to forced independence and likely annexation by the United States.<sup>56</sup> After a great deal of agitation in the 1840s and 1850s, the imperial government granted British North America the principle of responsible government. The imperial government retained authority over external matters, the form of government, and public lands and resources. By necessity, the “problem of sovereignty was solved without precision, but with faith in the good sense and goodwill of all concerned” and the assumption that “there would be no great clashes over the demarcation of imperial and colonial questions.”<sup>57</sup> Historian Phillip Buckner argues that responsible government in fact increased the power of the colonial executive (though not necessarily the governor) by imposing some form of party discipline on the elected assembly, and that it doubled as “a means of securing collaboration of the colonial elites in the perpetuation of Imperial rule.”<sup>58</sup> Nova Scotia, the first colony granted responsible government, tested this faith in good sense and goodwill during the Civil War. Imperial authorities quickly discovered that their local collaborators did not hesitate to defy them if it suited their desire for justice (or personal gain). Imperial sovereignty over foreign policy in

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the Atlantic Revolution: The 1837-1838 Rebellions in Upper and Lower Canada,” *Proceedings of the American Antiquarian Society* 116, no. 2 (October 2007): 413–30.

<sup>56</sup> Ward, *Colonial Self-Government*, 60–65, 172–75. Ward suggests that the “Durham Report,” published in the aftermath of the rebellions, was less important in the eventual grant of responsible government than broader changes in British society and attitudes toward settler colonies.

<sup>57</sup> Ward, 174.

<sup>58</sup> Phillip A. Buckner, *The Transition to Responsible Government: British Policy in British North America, 1815-1850* (Westport, CT: Greenwood Press, 1985), 6, 355. Quote is from p. 6.

the colonies proved far less supreme and unchallenged than the architects of responsible government expected.

The *Chesapeake* affair immediately confronted Doyle with navigating this division in sovereignty. The breach of British territorial waters by a United States warship clearly fell under crown responsibility as a matter of foreign policy, as did, at least on its face, the extradition, under the 1842 Webster-Ashburton treaty, of the men accused of piracy and murder. Colonial courts, however, bore the responsibility for adjudicating both the fate of the *Chesapeake* and its captors, and to date no one had been extradited under the terms of the treaty – its practical application remained untested in 1863. To further complicate matters, colonial courts had jurisdiction over local violations of imperial laws, such as the Foreign Enlistment Act, that inevitably had international repercussions. If colonial judges and juries differed with the Crown on how to handle the fallout of the hijacking, then a conflict loomed over the hazy boundaries of authority in British North America. The Confederate government and its local supporters acted quickly to bring such a conflict to life.

After the furor over the extradition trial of George Anderson in 1860, imperial officials acted cautiously when interacting with colonial courts. British North Americans overwhelmingly resented London's attempted interference in that earlier case, despite the public's deep sympathy for the escaped slave Anderson and strong opposition to his potential return to bondage.<sup>59</sup> Any imperial attempt to force a particular outcome onto the Maritime colonies' courts and public in the case of the *Chesapeake*'s captors could expect a similar, or even stronger, response. Doyle and the Colonial Office could press for arrests and prosecutions, but they could not directly

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<sup>59</sup> Patrick Brode, *The Odyssey of John Anderson* (Toronto: University of Toronto Press, 1989), 67–82.

interfere in the proceedings. As the U.S. warships entered Halifax harbor with the recaptured *Chesapeake*, the potential for conflict between Britain and the United States, and between London and the colonies, approached its peak.

Doyle demanded that the U.S. Navy hand over to local authorities the *Chesapeake* and the men captured along with it so that each could face the appropriate legal proceedings. Rumors abounded that the *Ella and Annie* and *Dacotah* might try to escape Halifax with their prisoners, and that the garrison had been ordered to fire on them if they attempted to do so. Both rumors were false, but they reflect the real tension of the moment and the distinct possibility that intemperate behavior on either side might escalate a minor breach of neutrality into a potentially deadly incident. The tension only increased as several more American warships that had taken part in the hunt for the *Chesapeake* arrived at Halifax.

The American prize crew duly handed the *Chesapeake* to British custody without problems, although Doyle had the ship docked at the Queen's Wharf under armed guard in order to prevent any further mischief. Commander Clary agreed to Doyle's demand to hand over the prisoners and ordered a boat to transfer them ashore at 1pm the next day. The prisoner transfer seemed poised to go off smoothly when local sentiment and the Confederate network in Halifax intervened. Unwilling to accept as legitimate the Americans' capture of George Wade, the pirate found asleep on the coaling schooner, Doyle asked them to drop Wade off on the wharf along with the two Halifax men from the schooner's crew, where a constable was to be waiting to arrest Wade for suspicion of piracy and murder. A crowd, angry that the Yankees had seized local men from British waters, waited as the American boat approached, and as Wade stepped onto the wharf, Confederate supporter William J. Almon told him to jump into a waiting

rowboat. Wade needed no further encouragement. He leaped into the boat, and two oarsmen quickly pulled away from the wharf. Almon, Alexander Keith Jr., and Dr. Peleg Smith blocked the constable's attempt to aim his pistol at the escaping pirate, and the constable could only watch in frustration as the boat rowed away across the harbor and disappeared.<sup>60</sup>

The interference of three wealthy, prominent Haligonians in a prisoner transfer was hardly accidental, and it infuriated both Doyle and the Americans. All three publicly supported the Confederacy, and now they openly defied British authority to aid the escape of a colonial subject who had engaged in violence on behalf of the rebellion. Their actions, however, stemmed not just from pro-Confederate sentiment, but from their peculiar sense of local patriotism. A wide swath of the Maritime population did not support the prosecution (and potential extradition) of a local man whom the Americans had seized while in violation of Nova Scotian, and by extension British, territory and neutrality. They did not care that international law and British treaty obligations required otherwise. The stage was set for a conflict between colonial public opinion and imperial sovereignty.

The first point of contention between imperial and local authority was fate of three of the pirates captured in New Brunswick. Although the ringleaders of the attack, Locke, Braine, and H.A. Parr, remained at large, the New Brunswick authorities seized three local men who had not had the diligence or foresight to stay hidden. New Brunswick Lieutenant-Governor Arthur Gordon, in issuing the warrants for their arrest, plainly believed his power was circumscribed,

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<sup>60</sup> Marquis, *In Armageddon's Shadow*, 172. Charles Hastings Doyle to the Duke of Newcastle, 23 December 1863, in *Papers Relating to the Seizure of the United States' Steamer 'Chesapeake'*, 10-13

and that once he issued the warrant the matter lay entirely in the hands of local magistrates.<sup>61</sup> The pirates' initial appearance before a St. John police magistrate in January 1864 raised a series of difficulties for imperial authorities over jurisdictional and legal technicalities that repeated themselves in subsequent cases across British North America. Confederate sympathizers in Halifax and New Brunswick arranged for two prominent attorneys, including John Hamilton Gray, a former premier of New Brunswick, to defend the accused. They contested the standing of a lowly police magistrate to hear an extradition case, as well as the propriety and wording of the arrest warrant. The police magistrate seemed poised to grant extradition, while the pro-Confederate network had friends on the bench of the New Brunswick higher courts, so it was in their interest to get the case moved. They also argued that the men should be given the chance to prove they acted as legitimate combatants and that even if they had been guilty of piracy they should be tried in British courts. A variety of witnesses appeared on the defendants' behalf, including Dr. Luke Blackburn, posing as a disinterested party, present merely to testify to the veracity of Jefferson Davis's and Judah P. Benjamin's signatures on "Parker's" commission.<sup>62</sup>

The magistrate rejected all these claims and ordered the men held in jail, pending an appeal. Their attorneys promptly appealed to the New Brunswick Supreme Court, where justice William Johnston Ritchie agreed to hear the case. Ritchie, a future chief justice of the Supreme Court of Canada, was closely connected to the pro-Confederate elite in the Maritimes.<sup>63</sup> His

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<sup>61</sup> Arthur Gordon to the Duke of Newcastle, 1 Jan. 1864, in *Papers Relating to the Seizure of the United States' Steamer 'Chesapeake'*, 34-35.

<sup>62</sup> Marquis, *In Armageddon's Shadow*, 186-87.

<sup>63</sup> Gordon Bale, *Chief Justice William Johnston Ritchie: Responsible Government and Judicial Review* (Ottawa: Carleton University Press, 1991), 85-89.



brother, John W. Ritchie, had already consulted with Benjamin Wier about the case and represented the Confederate government before the Halifax Vice Admiralty court when the *Chesapeake* came up for trial. Justice Ritchie was also the brother-in-law of W.J. Almon. After two weeks of hearings, Ritchie indicated that his ruling would favor the defense. He ruled that not only were the arrest warrants improperly filed, but that the application for extradition itself was invalid because the American consul had made it rather than the United States government. This was specious: the consul represented the United States government and held an exequatur from the Queen to that effect, and furthermore he was in telegraphic communication with the State Department in Washington. Ritchie concluded by rejecting the men's arrest for piracy because the police magistrate improperly worded his own arrest warrant. He admonished the pirates for violating the Foreign Enlistment Act but did nothing else about their obvious crime, and ordered the men released on a writ of habeas corpus.<sup>64</sup> Ritchie thus managed to undermine both British municipal law restricting unsanctioned military activity as well as the treaty designed to ease cross-border tensions in North America, all in the service of protecting local men who more or less admitted to being guilty of a crime.

The Colonial Office anticipated that local courts might not cooperate and directed lieutenant-governor Gordon to prepare new warrants in the event of the pirates' release.<sup>65</sup> Gordon instructed provincial attorney-general John Mercer to do so three days before the trial ended, but Mercer ignored the directive. The new warrants did not arrive, and despite a mountain of evidence that the three had been complicit in violations of both municipal and international law,

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<sup>64</sup> Marquis, *In Armageddon's Shadow*, 192–93.

<sup>65</sup> Winks, *The Civil War Years*, 259–62.

the hijackers walked out of the St. John jail on March 10, 1864 as free men and promptly disappeared. It seems clear that the provincial courts and authorities, particularly Mercer and Ritchie, could have held the *Chesapeake* raiders on the evidence available by simply issuing a new warrant and ordering their immediate re-arrest. Through deliberate inaction they turned a botched and inept act of piracy into a marginal success for the Confederacy because they demonstrated that attacks planned, recruited, and launched from British soil could expect some level of protection from local authorities against imperial law or extradition to the United States. The interpersonal connections of the Confederate informal commercial-diplomatic network, extending through Ritchie, ensured the escape of the attackers.

The Confederate network in Halifax, meanwhile, worked in the Vice-Admiralty court to gain legal cover for the seizure of the *Chesapeake* by having it declared an act of war or legitimate privateering rather than simply piracy. John W. Ritchie and Benjamin Wier alerted Confederate authorities of the raid and pending trials as quickly as they could, via their connection with Norman S. Walker in Bermuda. Walker forwarded the news to Judah P. Benjamin and Jefferson Davis through the blockade. Wier told them he had secured the legal advice of "Mr [J.W.] Ritchie ... one of our very best lawyers, and also a friend to Southern independence," for the captured men and hoped to secure some sort of evidence from Richmond that they acted as legitimate combatants in order to prevent their extradition to the United States.<sup>66</sup> Ritchie suggested that the capture might be found legitimate by the local Admiralty court and the ship could be awarded to the Confederacy as a result.<sup>67</sup>

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<sup>66</sup> B. Wier to Maj. Norman S. Walker, 5 January 1864, reel 9, CSAR.

<sup>67</sup> J.W. Ritchie to B. Wier, 5 January 1864, reel 9, CSAR.

The trial of the *Chesapeake* opened to intense interest. The provincial attorney general, James William Johnston, represented the Crown, while Ritchie appeared on behalf of the Confederacy despite not having any formal appointment as their agent. Johnston, himself a Confederate sympathizer and uncle by marriage to William J. Almon, felt that the case should not have come to the court at all and he remained relatively passive during the proceedings. Ritchie, appearing as an *amicus curia* rather than a formal Confederate representative, argued that the *Chesapeake* should be considered a lawful prize because it had been captured by Confederate citizens – a dubious claim at best since only one of the attackers, Canadian-born Henry A. Parr, had lived for any length of time in the South.<sup>68</sup> The presiding judge, Alexander Stewart, rejected this claim out of hand as irrelevant, and exclaimed that “this Court has no prize jurisdiction” over Union or Confederate captures, and he could not entertain mere “[v]ague assertions and rumours” that the seizure was a legitimate act of war, since the attackers did not see fit to appear and make their claim before the court.<sup>69</sup> Stewart therefore had no choice but to dismiss any latent claim to the vessel.

Stewart made this decision not least because Confederate encounters in other colonial possessions had set a precedent for neutrality violations involving captured ships and cargoes that the imperial government was eager to avoid repeating. Locke’s earlier escapades in the Bahamas had been augmented by further incidents across the globe. The CSS *Alabama* had carried a prize into Cape Town in violation of the Queen’s neutrality proclamation and attempted the sale through subterfuge of the cargo of others in Mauritius. Officials in the Cape Colony and

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<sup>68</sup> Marquis, *In Armageddon’s Shadow*, 145.

<sup>69</sup> Report of Proceedings in the Vice Admiralty Court of Nova Scotia, regarding the ‘Chesapeake,’ 15 Feb. 1864, in *Papers Relating to the Seizure of the United States’ Steamer ‘Chesapeake’*, 83-85.

Mauritius initially abetted these attempts to avoid British neutrality regulations, but the Colonial Office sent clear guidance to colonial ports around the world, including Halifax, that further such incidents would not be tolerated. Doyle made sure that Stewart saw the relevant documents from the Colonial Office before the *Chesapeake* came to trial.<sup>70</sup> Any prizes brought into a colonial port that had not been condemned already by a Confederate admiralty court were to be seized and returned to their owner without trial.<sup>71</sup> In fact, just before the *Chesapeake* hearing began, the Royal Navy seized the CSS *Tuscaloosa*, formerly the American bark *Conrad*, in Cape Town on the same order. The *Conrad* had been captured months earlier at sea by the CSS *Alabama* and converted into a cruiser without appearing before a prize court.<sup>72</sup> Stewart made no decision as to the legal status of the captors themselves, but emphasized that “the *Chesapeake*, if a prize at all, is an *uncondemned prize*” and the act of bringing such a vessel into a neutral port was an offense so grave that it “*ipso facto* subjects that prize to forfeiture.”<sup>73</sup> Stewart released the ship and its cargo to their owners, prompting Doyle to write privately (and prematurely) to Lord Lyons in Washington that “the closing scene of the Chesapeake has at last taken place.”<sup>74</sup> The *Chesapeake* appeared before the court primarily because of the American violation of British territorial

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<sup>70</sup> Doyle to Newcastle, 18 Feb. 1864, in *Papers Relating to the Seizure of the United States' Steamer 'Chesapeake'*, 81.

<sup>71</sup> Marquis, *In Armageddon's Shadow*, 198–99. See the correspondence surrounding the cargo of the *Sea Bride* in Mauritius, W.R.G. Mellen to Edward Rushworth, 4 Feb. 1864, FRUS 1864, 564-565.

<sup>72</sup> Rear Admiral Sir Baldwin Walker to Lt. John Low, 27 Dec. 1863, in C.S.S. *Tuscaloosa* Logs, W.S. Hoole Special Collections Library, University of Alabama.

<sup>73</sup> Decision of Judge Alexander Stewart, enclosed in William H. Seward to Charles Francis Adams, 24 Feb. 1864, FRUS 1864, 198-199.

<sup>74</sup> Charles Hastings Doyle to Lord Lyons, 17 Feb. 1864, Box 123, Letters Received, Lyons Papers.

waters during its recapture, however, and Judge Stewart left the legality of the seizure itself in question. His ruling did not proscribe future ship hijackings, but instead clung narrowly to the confines of imperial policy regarding prize ships. The window for further attacks remained open.

Nova Scotian authorities, having disposed of the case of the *Chesapeake* before the Vice-Admiralty court, still had to deal with the fallout of George Wade's escape from custody. Although the trial of William J. Almon, Alexander Keith, Jr., and P.W. Smith before a Halifax municipal court was purely domestic, the outcome had potential consequences for British neutrality and foreign policy. If another local court failed to punish the abettors (at least in American eyes) of a murderous attack on a civilian ship, it might encourage further hijackings and sour still-fragile Anglo-American relations. The hearings attracted intense public interest on both sides of the border, and it illustrated the inherent conflict between popular opinion in the colonies and official British policy.

The nature of Halifax's lower criminal court practically guaranteed that the case's outcome would be controversial. Elected city officials heard cases in Halifax and decided what, if any, charges the defendants would face, rather than a professional judge or a grand jury. In this instance the mayor, Phillip Carteret Hill, also served as chief magistrate. Hill came from the same "Tory-Anglican-merchant establishment" of Halifax that had produced Almon, Ritchie, and many other Confederate sympathizers, and his impartiality in the case was questionable at best.<sup>75</sup> After some delay, the trial opened on 11 January 1864. As an indication of the imperial government's acute interest in the case, Doyle took the unusual step of ordering the provincial

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<sup>75</sup> Marquis, *In Armageddon's Shadow*, 206–7.

attorney-general to be present at the proceedings and answer questions about the events on the Queen's Wharf on the day of Wade's escape.

The defendants, the constables, and numerous other witnesses testified before the court and presented a somewhat confused account of the day's events. The combined testimony suggests that Almon knew the details of the impending prisoner transfer and arranged for Wade's escape. It defies credulity that a manned, otherwise idle rowboat just happened to be waiting at the right slip, at the right moment by sheer coincidence, and that it carried the prisoner beyond the Halifax city limits immediately, ignoring shouted orders to return.

Class prejudices appear to have influenced the court's decision as well. Witnesses and newspapers described Constable Lewis Hutt, the officer charged with taking Wade into custody, as not having the appearance of a police officer, and used his manner of dress to justify the interference of Almon, Keith, and Smith. Almon initiated the tussle with Hutt, and Keith and Smith only joined in once it began. They claimed that Hutt, who was not wearing a uniform, looked like a ruffian, and that when he drew his pistol, they feared he planned to shoot Almon. Hutt's testimony of course contradicted their account of his actions, but local observers dismissed his account as fanciful where it contradicted that of his wealthy and prominent opponents. When testimony closed, Smith reluctantly ruled that the three should appear before the Halifax county Supreme Court in the spring session, but only on the lesser charge of

interfering with a police officer rather than the far more serious count of aiding the escape of a prisoner. The defendants walked free after giving a small bond.<sup>76</sup>

During the Supreme Court's next session, a grand jury reviewed the case referred from Halifax, and it dismissed the charges due to a supposed lack of evidence. This confirmed the suspicions of many observers that no jury in staunchly pro-Confederate Halifax would convict local men for aiding the rebellion. Doyle remarked privately to Lord Lyons that "I strongly believe that Dr. Almon is so popular a person, and that there are so many sympathetic with the Southern Cause here, it will be very difficult to find a Jury who will agree in their finding. Nous verrons!"<sup>77</sup> By the end of spring, 1864, everyone involved with the capture of the *Chesapeake* and the escape of the hijackers had either eluded pursuit or been acquitted altogether. The almost complete lack of personal consequences assured future attacks from neutral soil, and the near absence of diplomatic trouble for the Confederacy encouraged further sponsorship of unconventional warfare from British territory.

When Davis and the cabinet in Richmond learned of the *Chesapeake* affair, they were unaware that most of the legal proceedings in the Maritimes that would determine the ship's fate were already underway. Nevertheless, Davis and Stephen Mallory immediately recognized the potential windfall that a favorable decision in the Halifax admiralty court could provide. If the capture received legal sanction on British soil it opened the way for an expanded campaign of

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<sup>76</sup> Lewis Hutt to City Marshal of Halifax, 21 Dec. 1863, FRUS 1864, 484-485. Marquis, *In Armageddon's Shadow*, 209. J.W. Johnston to Doyle, 13 Jan. 1864, in *Papers Relating to the Seizure of the United States' Steamer 'Chesapeake'* 60-62.

<sup>77</sup> Doyle to Lyons, 17 Feb. 1864, Box 123, Letters Received, Lyons Papers. "Nous verrons" translates roughly as "we shall see."

hijacking against Union shipping that would be protected by law as legitimate privateering. This could reignite Confederate privateering and perhaps meet Davis's heretofore unfulfilled expectations for it. The "piratical" attacks on ships like the *Chesapeake*, *Roanoke*, and *Salvador*, to give three examples of varying legality, were not spontaneous crimes, invented out of thin air by their perpetrators. The Confederate government accepted the importance and legitimacy of privatized warfare such as privateering from the very beginning, and this preference for engaging private capital for the war at sea lasted throughout the war, although its form changed dramatically with the military and financial situation. Jefferson Davis, like most leading public figures in the Confederacy, expected privateers to form the bulwark of the South's naval forces. This widespread assumption did not survive British neutrality laws and the Foreign Enlistment Act, which crippled privateering by respectively closing off access to British ports and admiralty courts and preventing easy purchase of armed steamships. The former certainly caused the greatest hardship for would-be privateers, who could not carry their captured prizes into British ports. Confederate privateers also lacked easily accessible prize courts, without which they could not legally sell the vessels and cargoes they captured. Prize vessels thus had to run the Union blockade, which proved exceedingly difficult. Privateering proved unappealing to crews and owners who could not easily be paid, and the few ships and crews who attempted it generally had brief and unspectacular careers after the summer of 1861.<sup>78</sup>

In response to the lackluster results of its privateers, the Confederate government tried several approaches to make up for its naval weakness. An overseas purchasing program to buy from European shipyards met with mixed success. Commerce raiders like the *Alabama* and

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<sup>78</sup> William Morrison Robinson, *The Confederate Privateers* (Columbia: University of South Carolina Press, 1928).



*Florida* hurt Union merchant shipping, but their success and the corresponding diplomatic uproar drove the Palmerston government to enforce the Foreign Enlistment Act stringently against further Confederate ships being built covertly in British yards.<sup>79</sup> Very few of the European-built warships intended for the Confederate navy ever reached their hands. As a corollary to this program, some Confederate officials and private citizens advocated an unconventional approach to naval warfare as a way to avoid the restrictions of formal privateering while still attracting private capital to fund and operate ships.

Southerners began proposing unconventional attacks at sea almost as soon as the war started. Many would-be privateers could not meet the conditions of Confederate law, which required a vessel to be on hand in a Confederate port and a substantial bond as a guarantee against misconduct before the government could issue a letter of marque. To avoid this, a Charleston resident named David Riker wrote the Confederate government in July 1861 and proposed to go to Havana and hijack a steamship bound from there to New York. Robert Toombs, then Secretary of State, did not definitively shoot down the idea, but urged Riker and his men to obtain commissions in the state militia in order to protect themselves from piracy charges.<sup>80</sup> Their plan never materialized, but the attack on the *Roanoke* three years later was almost identical, except that the hijackers were led by a British subject. By 1864, the Confederate government turned haltingly to encouraging hijackings and providing them with enough official cover to prevent the participants from being hanged as pirates or spies (not always

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<sup>79</sup> Frank J. Merli, *Great Britain and the Confederate Navy, 1861-1865* (Bloomington: Indiana University Press, 1970), 257. Merli argues that enforcement against Confederate ships was ad hoc and driven by diplomatic and political necessity rather than a stringent interpretation of law.

<sup>80</sup> David Riker to Robert Toombs, 18 July 1861, in reel 12, CSAR.

successfully).<sup>81</sup> The problem with this method, of course, was that it was usually illegal. Either the attacking parties were guilty of launching attacks, as bona fide servicemen, from neutral territory, or they were guilty, as civilians without a letter of marque, of piracy. The parties of men who engaged in seizing merchant ships at gunpoint, unsurprisingly, did not place a high priority on observing diplomatic and legal niceties, and even the attacks conducted by bona fide Confederate servicemen usually broke the neutrality laws of their points of origin.<sup>82</sup> The participants relied upon the inability or unwillingness of their neutral hosts to prevent the attacks and prosecute them afterward.

The news of the *Chesapeake* attack came to Richmond at a time when the Davis administration was experimenting with unconventional naval warfare and actively seeking new opportunities to seize ships by subterfuge. Confederate raiding parties had already used the technique with success against Union shipping in places like the Chesapeake estuary, and extending the practice beyond internal waterways seemed only logical. In early 1862, in the very midst of passing responsibility for government blockade running to merchant firms in Charleston and Nassau, Secretary of the Navy Stephen Mallory strongly and repeatedly advocated the use of

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<sup>81</sup> John Yates Beall, a Southerner, was hanged for his role in ship hijackings and other clandestine attacks. A Union military tribunal did not accept a commission from Jefferson Davis as sufficient to excuse his actions. On the other hand, John C. Braine repeatedly escaped justice in colonial courts by claiming he was in the Confederate service. See John Y. Beall, *Memoir of John Yates Beall : his life; trial; correspondence; diary; and private manuscript found among his papers, including his own account of the raid on Lake Erie*, (Montreal: John Lovell, 1865). W.G. Hamley to Edward Cardwell, 28 October 1864, ORN ser. 1, vol. 3, 243-247.

<sup>82</sup> Winks, *The Civil War Years*, 287–91. Men who could credibly claim to be Confederates led the September 1864 attack on the *Philo Parsons*.

a privatized “provisional navy” specifically organized to raid in this fashion.<sup>83</sup> Mallory lobbied Congress successfully, and it passed a law creating the new organization, dubbed the “Volunteer Navy,” on 18 April, 1863 which Davis signed a few days later.<sup>84</sup>

The new organization suffered, however, under some of the same restrictions that had choked off privateering, particularly the requirement to commission ships in a Confederate port, which made it exceedingly difficult to obtain suitable vessels. In the winter of 1863-1864 Mallory, now less tied to longstanding antebellum norms for privateering, convinced Congress to modify the bill to permit ships to be commissioned abroad, during the same session in which they dramatically tightened controls over blockade running.<sup>85</sup> While the actual participation in the Volunteer Navy program was slim, Mallory’s advocacy for it, and Congress’s acquiescence demonstrated an increased willingness to cede oversight of violence to private parties at a time when government control over all aspects of the war tended to increase. Mallory in particular provided encouragement for this quasi-private raiding even when it fell outside the purview of the Navy. He encouraged groups interested in operating as “independent river guerilla parties” in

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<sup>83</sup> Mallory to Davis, 6 Jan. 1862, ORN ser. 2, vol. 2, 124-125. Mallory to Davis, 27 Feb. 1862, ORN ser. 2, vol. 2, 153.

<sup>84</sup> W. W. Lester, *A Digest of the Military and Naval Laws of the Confederate States ... Analytically Arranged* (Richmond: Evans and Cogswell, 1864), 211–14. Congress also created a provisional navy, but this structure served as a way to promote junior officers by merit rather than seniority. They dubbed the quasi-privateering body the “Volunteer Navy” in order to differentiate the two.

<sup>85</sup> Confederate States of America, *Journal of the Congress of the Confederate States of America, 1861-1865*, vol. 3 (Washington: Government Printing Office, 1904), 681. It is unclear how international law would have treated such a vessel, although assuming it was purchased rather than captured, the commission and letter of marque might have been legal – the CSS *Alabama* obtained a legal commission without entering a Confederate port.

the West who sought to use government sanction to “secure to them the rights of prisoners of war, if captured,” and offered to facilitate their applications to President Davis.<sup>86</sup> The *Chesapeake* affair and the events that followed demonstrated that Mallory and Davis had overcome any earlier hesitation about extending this style of warfare beyond Confederate shores. The legal and political environment in Richmond increasingly favored covert raiding, private initiative, and the use (and potential abuse) of neutral territory.

Davis, in earlier instances, refused permission for such operations. Mallory and others presented him with plans to attack the prisoner of war camp at Johnson’s Island on several occasions in 1862 and early 1863. The proposals required the use of Canadian territory, and Davis, who still clung to hopes of recognition and intervention, did not wish to antagonize the British government. By the late summer of 1863 he abandoned his opposition in response to events abroad. British authorities acted, in Davis’ mind, as pro-Union partisans in a number of cases, particularly the seizure of the so-called Laird rams – ironclad warships meant for the Confederacy that were under construction at the Laird shipyard near Liverpool.<sup>87</sup> The seizure of the Laird rams and the increasingly obvious unwillingness of the British government to recognize the Confederacy removed much of Davis’ reluctance to violate British territory and sensibilities.<sup>88</sup> This was augmented by increasing Confederate hopes that France would emerge

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<sup>86</sup> Mallory to Col. E.C. Cabell, 10 Sept. 1863, OR ser. 1, vol. 22, part 2, 1001-1002.

<sup>87</sup> Merli, *Great Britain and the Confederate Navy, 1861-1865*, 195–210.

<sup>88</sup> Jefferson Davis, message to Congress, 2 May 1864, in James D. Richardson, ed., *The Messages and Papers of Jefferson Davis and the Confederacy, 1861-1865*, vol. 1 (New York: Chelsea House, 1983), 230–31.

as their best chance for recognition, intervention, and the construction of warships.<sup>89</sup> Respect for neutrality, which had animated Confederate discourse on diplomacy and relations with Britain, suddenly became far less of a stumbling block for those who wished to take more direct action against Union targets on the periphery of North America.

Attacks like that on the *Chesapeake* dovetailed with this increased appetite for unconventional warfare. Private military expeditions against countries nominally at peace with the organizing nation – filibustering – commonly aided efforts at empire building, and the Civil War was no exception.<sup>90</sup> Historians have struggled on occasion to define filibustering from other forms of interstate violence, not least because filibustering expeditions often received tacit encouragement and support from governments. Robert May defines the term filibuster rather tightly, emphasizing the private nature of the expedition as the most important characteristic, and exempting from the term any attack that received “implicit or explicit permission” from their government “failed the test of privacy.”<sup>91</sup> Yet numerous antebellum filibustering attacks received just such support from governments, from American attacks against Spanish Florida to Narciso Lopez’s failed expedition to Cuba. In the case of the expedition against Florida, it is likely that

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<sup>89</sup> Warren F. Spencer, *The Confederate Navy in Europe* (Tuscaloosa: University of Alabama Press, 1983), 170–73; Howard Jones, *Blue and Gray Diplomacy: A History of Union and Confederate Foreign Relations* (Chapel Hill: University of North Carolina Press, 2010), 307–14.

<sup>90</sup> Dominic Alessio, “Filibustering from Africa to the Americas: Non-State Actors and Empire,” *Small Wars and Insurgencies* 27, no. 6 (October 2016): 1044–66.

<sup>91</sup> Robert E. May, *Manifest Destiny’s Underworld: Filibustering in Antebellum America* (Chapel Hill: University of North Carolina Press, 2002), xv. May also defines filibustering as an American phenomenon, but it seems obvious that the practice is not limited to any particular nation.

President James Madison himself approved of the operation.<sup>92</sup> So many of these private expeditions received some sort of quiet government approval that it seems more practical, therefore, to classify filibustering inclusively according to the relative *extent* and openness of government knowledge and approval, rather than their complete absence. Pro-Confederate filibustering fits neatly into this modified category. The government in Richmond often did not know of these attacks in advance, but nevertheless accepted the casual invocation of legitimacy by their organizers, and cabinet officials in Richmond, especially Mallory, as shown below, promoted them on numerous occasions. Vernon Locke waved around a Confederate letter of marque to persuade British colonists to join him in attacking a country with whom their own government was formally at peace. This was just as much a filibustering endeavor as the parties of Americans who joined with the Patriotes and Hunter's Lodges in 1838, crossing the border in the opposite direction to aid a rebellion in an ostensibly friendly territory.<sup>93</sup> John C. Braine and Thomas Hogg later took similar actions by using volunteer commissions in the Confederate Navy, signed by Mallory, to attract crews for hijacking missions in neutral territory. The Civil War era expeditions in British North America joined an often overlooked history of private, international violence along the northern frontier.

The *Chesapeake* was not the only example of maritime filibustering for the rebellion. Just weeks earlier Thomas Hogg, a Confederate citizen, and a party that included several British subjects hijacked the American merchant ship *Joseph R. Gerrity* out of Matamoros, Mexico and

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<sup>92</sup> James G. Cusick, *The Other War of 1812: The Patriot War and the American Invasion of Spanish East Florida* (Athens: University of Georgia Press, 2007), 33–37.

<sup>93</sup> Amy S. Greenberg, *Manifest Manhood and the Antebellum American Empire* (New York: Cambridge University Press, 2010), 30.

sailed it into British Honduras (modern-day Belize). Hogg illegally sold the ship and cargo, then made his escape when British officials learned the truth and attempted to arrest him.<sup>94</sup> A similar attack from Canada in the fall of 1863 using Confederate naval officers was aborted at the last moment after being betrayed by an informant. They planned to seize a steamer on Lake Erie and liberate the prisoner of war camp at Johnson's Island, Ohio.<sup>95</sup> When British authorities arrested several seamen involved in the capture of the *Gerrity* in Liverpool, James Mason, inspired by Confederate support for the *Chesapeake's* captors, funded their legal defense, thereby demonstrating a willingness to legitimize filibustering and piracy *ex post facto*.<sup>96</sup> These incidents received remarkably broad support from Confederates who commented upon them. Norman Walker, passing word from Bermuda, expressed disapproval of the *Chesapeake* attack's methods but recommended that the government support the captors nonetheless. Georgiana, commenting privately, disapproved of the hijacking but stopped short of condemning it.<sup>97</sup> Clearly, Benjamin, Mason, and Davis agreed, and virtually no one in a position of power recommended that the Confederate government openly disavow the attacks, although some officials did attempt to prevent attacks that were plainly illegal, as in the case of the *Roanoke* (see below). By early

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<sup>94</sup> Thomas E. Hogg to J.P. Benjamin, 3 May 1864, ORN ser. 2, vol. 3, 1111-1112.

<sup>95</sup> Winks, *The Civil War Years*, 146–52. The first plot was far more advanced than many contemporary observers and subsequent historians realized, and its leaders cancelled it only at the last moment. George W. Gift to Ellen Shackelford, 16 Nov. 1863, in the George W. Gift papers #1152, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

<sup>96</sup> James Mason to J.P. Benjamin, 12 April 1864, ORN ser. 2, vol. 3, 1082-1084.

<sup>97</sup> Norman Walker to J.P. Benjamin, 15 Jan. 1864, reel 9, CSAR; Georgiana Gholson Walker, *The Private Journal of Georgiana Gholson Walker, 1862-1865, With Selections from the Post-War Years, 1865-1876*, ed. Dwight Franklin Henderson (Tuscaloosa: Confederate Publishing Company, 1963), 61.

1864, the Confederate cabinet demonstrated an increasing appetite for unconventional naval warfare and a tolerance for filibustering on its behalf, and the events in the Maritime provinces seemed ripe for exploitation in the service of building a slaveholding empire.

To that end, Davis dispatched University of Virginia law professor James P. Holcombe to Halifax, seeking some advantage in the pending trials over the ship and her captors, and to arrange a network to transport home escaped Confederate prisoners of war. Before Holcombe arrived, however, the Halifax Vice-Admiralty court released the *Chesapeake* back to its owners, thwarting Davis's hopes. Nonetheless, Holcombe expressed great concern that the hijackers, now fugitives, receive Confederate support, because they "imperiled life and liberty in an enterprise of great hazard, which they honestly believed was invested with the sanction of law." In part because of the hijackers "generous sympathy with our cause," Holcombe urged that the government give, *ex post facto*, official sanction for the raid.<sup>98</sup> The filibustering tail wagged the dog of Confederate foreign policy, as Davis and Benjamin agreed to provide such evidence.<sup>99</sup> The Confederate government supported these raiders out of a sense of moral obligation to those who took up arms on their behalf, but also because they offered a cheap and disruptive weapon against Union commerce and naval power that could use non-Confederate manpower and ships. The utter failure of British courts to successfully prosecute the attackers in the *Gerrity* and *Chesapeake* attacks for either piracy or violating the Foreign Enlistment Act provided no disincentive for acknowledging or sponsoring further raids. More followed in short order.

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<sup>98</sup> J.P. Holcombe to J.P. Benjamin, 1 April 1864, ORN ser. 2, vol. 3, 1072-1073,

<sup>99</sup> See, for example, Benjamin to P.H. Aylett, 2 March 1864, ORN ser. 2, vol. 3, 1044.



In October 1864, the residents of St. George's, Bermuda watched as the United States-flagged mail steamship *Roanoke* burned to the waterline and sank a short distance outside of the harbor. This catastrophe was no accident. A group of hijackers – pirates, according to American authorities – set the ship ablaze deliberately after Bermudian officials denied them entry to the port at St. Georges. Awakened by the *Chesapeake* case and a further hijacking on the Great Lakes that September, the Colonial Office scrambled for a way to characterize these attacks. They were “a new feature which has sprung up in the present American war,” and “the like was not practised in the previous conflicts of Civilized Nations.”<sup>100</sup> The bulk of the party, led by John C. Braine of the *Chesapeake* attack, that seized the *Roanoke* in the name of the Confederacy, despite their claims to the contrary, had no official sanction or commission in the Confederate armed forces, and acted as private citizens.<sup>101</sup> Many of them were British subjects as well. The *Roanoke* was one of at least seven attacks scattered around the North American maritime periphery, from the Pacific coast of Panama up to the Great Lakes, with a similar modus operandi but vastly different levels of official sanction. The attackers in this hybrid of filibustering and privateering, with the example of the *Chesapeake* before them, counted on neutral sites in the colonies to shelter them before and after their attacks.

In the case of the *Roanoke*, the locals rewarded this faith. Braine, fresh from his *Chesapeake* adventure and a visit to Richmond, presented himself to Charles Helm, the Confederate consul in Havana. He asked Helm for assistance in carrying out his plan to seize the *Roanoke*, which he claimed had the approval of the government. Braine misled Helm – he had an

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<sup>100</sup> Note of Thomas F. Elliot, Under-Secretary of State, 11 Jan. 1865, f47, CO 37/193, UKNA.

<sup>101</sup> Braine had obtained an acting master's commission from Mallory under false pretenses, but most of the party was recruited in Havana and was not in the Confederate service. See below.

acting master's commission in the Confederate Navy, provided by Mallory as a shield against hanging, but Mallory had approved seizing a ship from a northern port, not from Cuba.<sup>102</sup> Helm thought Braine's plan to launch an attack from Havana was both illegal and ill-advised, but he could not prevent the expedition's departure. Braine and his men seized the *Roanoke* on September 28<sup>th</sup>, shortly after it departed Havana en route to New York. Helm wrote to Benjamin, greatly concerned that Davis or Mallory might actually have approved this plan, and pointed directly to the portions of the law of nations that this kind of action violated.<sup>103</sup> He cited Vattel, Kent's *Commentaries*, and Wheaton as all forbidding any attempt to set on foot an armed expedition, on land or sea, from neutral territory, even if the violence actually occurred beyond the limits of neutral land or waters, and he urged any future hijacking attacks to originate from a Union port. Helm also reported, erroneously, that he had dissuaded Thomas Hogg (captor of the *Gerrity*) from undertaking a similar venture. Hogg's mission had the full support of Mallory, as it turned out. In a stark demonstration of the impossibility of restraining these attacks, Hogg actually gave Braine and his men weapons, money, and exit passes from the Spanish authorities that enabled them to carry out the attack.<sup>104</sup>

Braine took the *Roanoke* to Bermuda, where he received reinforcements and assistance from locals and the Confederate office in St. George's. Bermuda authorities refused to allow the ship into the harbor, their pro-Southern proclivities dampened by pressure from London to crack down on violations of neutrality rules, although they did not seize the ship as an illegal prize as

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<sup>102</sup> J.P. Benjamin to Charles J. Helm, 13 September 1864, ORN ser. 1, vol. 3, 239-240.

<sup>103</sup> Helm to Benjamin, 17 August 1864, ORN ser. 1, vol. 3, 234-37.

<sup>104</sup> Francis X. Holbrook, "A Mosby or a Quantrill? The Civil War Career of John Clibbon Braine," *American Neptune* 33, no. 3 (July 1973): 205-6.

policy required. Out of fuel, Braine chose to burn the ship and merrily went ashore with the passengers and crew. Braine claimed that he and his men held commissions in the Confederate service, which was true only for Braine himself, the men having been recruited in Havana, and applicable only for a legitimate mission to New York, and he did not disclose that his mission was not only unauthorized but actively resisted by the Confederate consul in Havana.<sup>105</sup> On the other hand, the Confederate office in St. George's, which certainly knew of Braine's misdeeds in the *Chesapeake* case, hired a ship in a futile attempt to refuel the *Roanoke* at sea and recruited crewmembers to go aboard and join Braine.<sup>106</sup> Bermudan authorities decided they would not arrest or prosecute the hijackers, who lingered for some time, boasting of their exploits. Crown lawyers initially decided the seizure, while reprehensible, was not piracy, assuming Braine's commission was real, although Cardwell scolded Lieutenant-Governor William Hamley for failing to properly enforce the Foreign Enlistment Act and the rules against prize vessels entering British ports.<sup>107</sup> Before he could be arrested for these related crimes Braine disappeared, off in search of another victim, while authorities in London and Washington raged at his easy escape from justice.

Braine struck again in Chesapeake Bay late in the war. In April 1865 he led a party that captured the schooner *St. Mary* by feigning distress in a small yawl, and then seized the ship after being helped aboard by its crew. Braine evaded capture and made it to the Bahamas, where he sold part of the ship's cargo illegally. The improbably named Rawson W. Rawson, recently arrived to replace Charles Bayley as governor of the Bahamas, proved just as willing as his

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<sup>105</sup> Charles J. Helm to Don Domingo Dulce, 21 November 1863, ORN ser. 1, vol. 3, 242-43.

<sup>106</sup> S. Brownlow Gray to William G. Hamley, 24 October 1864, ORN ser. 1, vol. 3, 244-247.

<sup>107</sup> Cardwell to Hamley, 16 Jan. 1865, ORN ser. 1, vol. 3, 247-248.

predecessor and his counterpart in Bermuda to accept Braine at his word, and to ignore the *Chesapeake* attack (inexcusable, especially since Vernon Locke was on trial in Nassau at the time for that very event). Rawson refused requests from the U.S. consul to arrest Braine because he considered the *St. Mary* a legitimate prize, and that its entry into British waters, normally prohibited, was allowable because the ship was supposedly in distress. Not surprisingly, the Nassau court acquitted Locke, and he and Braine went their separate ways, to the disgust of Union and British imperial officials.<sup>108</sup>

In contrast to Braine's self-directed raiding, the attack on the Pacific Mail Steamship *Salvador* quite certainly had the approval and support of the Confederate government. The *Salvador* ran regularly between Panama and California, often carrying gold, and Hogg persuaded Stephen Mallory to support an attack. The party was to board the ship in Panama and, like the others, seize the ship once it reached international waters and either convert it into a cruiser to attack further vessels or destroy it and make their escape. An informant tipped off the Union navy, and a substantial group of warships awaited the *Salvador* off the Pacific coast of Panama. On 10 November 1864, Union sailors boarded the ship and arrested Hogg and his men before they could even make their attempt. The hijacking attempt with the greatest official legitimacy, ironically, failed most ignominiously. The *Salvador* was not the last such attack, but the war ended before the Confederate navy could organize any more on such official terms. The *Salvador*'s hijackers, unlike Braine and Locke, had to face trial in an American court in San

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<sup>108</sup> Holbrook, "A Mosby or a Quantrill?," 209–11.

Francisco.<sup>109</sup> Lacking a friendly colonial judge, they were convicted and had death sentences commuted to substantial stays in prison.

This fusion of filibustering and privateering was evidence of a North American cultural tradition of transnational private violence. This was a continuity, from the Hunters Lodges of the 1837-1838 Canadian rebellion, to William Walker, to post-bellum Fenian raiders, of what one might call “grassroots foreign policy activists,” engaging in violence in support of (if not at the behest of) an aspiring secession movement. This species of raiding also points to an enduring link between adventurism and private capital. Though driven by different circumstances, Southern support for Walker’s Central American filibusters before the war was mirrored in 1863 and 1864 by Stephen Mallory, who, more than any other Confederate leader, promoted the fusion of private capital and violent means. After the war the phenomenon reappeared in places like Baja California, where filibusters once again made themselves a nuisance with the support of English land speculators.<sup>110</sup> The cataclysmic war and concurrent state expansion of 1861-1865 obscured this habit of private violence, but it certainly did not kill it.

The actions of private adventurers and filibusters shaped the Confederate government’s behavior in the colonies and at sea, in large part because of the government’s continued reliance on private parties to manage affairs in the region. James Mason took his cues from the trials in the Maritime colonies and funded the defense of the men on trial in England for seizing the *Gerrity*. Stephen Mallory promoted further hijacking operations because they offered the

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<sup>109</sup> Alexander S. Cano, “The Salvador Affair: Anatomy of a Confederate Naval Expedition to Central America” (master’s thesis, Angelo State University, 2006), 77–97.

<sup>110</sup> May, *Manifest Destiny’s Underworld*, 287.

opportunity for minimal risk offensive actions with a good chance of success, and these attacks suited his desire to further engage private enterprise in the war at sea. In the months that followed the *Chesapeake* affair, hijackers claimed several more ships as victims, from Panama, across the British West Indies, and even on the Great Lakes. The attackers claimed Confederate authorization as cover for their deeds, truthfully in some cases, falsely in others. The Confederate government proved more willing, as their military situation worsened and the Union's "hard hand of war" struck home, to authorize or legitimize increasingly wild attempts at freelance diplomacy and violence on the British periphery of North America. The resulting chaos and public outcry demonstrated the depth and inordinate effect of the pro-Confederate networks across British America, as a relative handful of people caused problems, for both Britain and the Union, all out of proportion to their numbers.

## Chapter 5

British North America and the Perils of Informal Diplomacy and Raiding, 1864-1865

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As the Confederate military situation became more precarious in early 1864, the frequency and importance of informal military and diplomatic actions in the colonies increased. The province of Canada was the scene of the most dangerous events, but the maritime periphery of North America also saw continued action. The Confederate “commissioners” to Canada, Jacob S. Thompson and Clement C. Clay, Jr., arrived shortly after the resolution of the *Chesapeake* affair and joined James P. Holcombe. Their presence galvanized the pro-Confederate faction in Canada into action and led, directly or indirectly, to everything from peace negotiations with the Union government, to attempts to influence the 1864 elections, and a wide variety of attacks, including direct raids, sabotage, arson, and assassination. Further hijacking-style attacks against Union shipping around North America augmented the chaos emanating from British North America.

The Confederate government, despairing of international recognition and intervention, began to abandon the norms of state behavior, particularly regarding neutrality, and indulged further in sponsoring and encouraging private parties to undertake international violence on its behalf. This was a gradual transition, slowed by persistent efforts by Confederate diplomats to gain recognition and linked to specific frustrations over supposedly pro-Union behavior by the British government. British detention of the Laird rams, powerful ironclad warships under construction for the Confederacy near Liverpool, in September 1863 led to the expulsion of the few remaining British consuls in the Confederacy, and to Davis’s approval of that fall’s aborted

raid on Johnson's Island through Canadian territory.<sup>1</sup> In June 1864, Secretary of State Judah P. Benjamin, angered by the "naked outrage" of the December 1863 seizure of the CSS *Tuscaloosa* by British colonial and naval authorities, called the Palmerston administration "a pretended neutral but really hostile Government" that engaged in such "insolent aggression" only because it did not fear a Confederate declaration of war.<sup>2</sup> Around that same time, the Confederate Congress approved a manifesto intended to be distributed to European governments declaring the South's indomitable spirit, blamelessness for the war, and desire for peace on the basis of independence. The manifesto did not mention recognition directly, nor did it give any particular call for action.<sup>3</sup> Three months later, Benjamin had "long ceased to expect from England any other action than such as may be dictated by our enemies to suit their own policy," and he conclusively abandoned hope of European intervention. Still, Benjamin held to the conviction that, somehow, European recognition was both forthcoming – perhaps from France – and would be enough to give the South victory.<sup>4</sup> By the fall of 1864 the Confederacy's formal diplomacy showed real desperation

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<sup>1</sup> Eugene H. Berwanger, *The British Foreign Service and the American Civil War* (Lexington: University Press of Kentucky, 1994), 108–24; Brian Jenkins, *Britain and the War for the Union*, vol. 1 (Montreal: McGill-Queen's University Press, 1974), 300–314.

<sup>2</sup> J.P. Benjamin to James M. Mason, 22 June 1864, ORN ser. 2, vol. 3, 1153; Jenkins, *Britain and the War for the Union*, 1:330–33; Raimondo Luraghi, *A History of the Confederate Navy*, trans. Paolo Coletta (Annapolis: Naval Institute Press, 1996), 230. British officials eventually decided their seizure of the *Tuscaloosa* was incorrect on the grounds that it had previously been admitted to a British port, but the ship by then had been abandoned in the Cape Colony and never returned to Confederate hands.

<sup>3</sup> "Manifesto by the Rebel Congress," *New York Times*, 26 June 1864. The Manifesto was printed in the *Richmond Whig* on June 13<sup>th</sup>, although official copies did not reach the hands of European diplomats until well into the fall of 1864.

<sup>4</sup> Benjamin to Mason, 20 September 1864, ORN ser. 2, vol. 3, 1216.



in Duncan Kenner's secret mission to offer to abolish slavery in return for British recognition and support.<sup>5</sup>

Events in the colonies reflected the other side of that coin. The grim calculus of war led Davis, Benjamin, and Stephen Mallory to gamble that, if their final efforts at gaining international recognition or a negotiated peace failed, the Confederacy had more to gain by provocation and subversion from British territory than it did from observing the niceties of interstate diplomacy. This calculation had long been nascent in Confederate strategy – privateering and the naval purchasing program overseas practically relied on avoiding or exploiting British and international law, and in the immediate antebellum period Confederate leaders had shown a tendency to interpret domestic and international law as narrowly as possible when it came to neutrality violations by filibusters. By 1864 this longstanding reliance on informal agents and preference for privatizing the war abroad set the conditions for a campaign against the Union that sheltered in British territory and brazenly violated international law as understood by the British and Union governments. Confederate officials in Richmond sponsored many of these attacks and gave ex post facto approval to others, which encouraged other outrages, including some that even the Confederacy's staunchest supporters considered beyond the pale.

The Confederate government embraced informal diplomacy and unconventional, extraterritorial violence not simply because its hopes of formal statehood had faltered, but because these were the traditional tools of grassroots empire building in North America – that is, the use of armed force by people like pioneers, settlers, and filibusters who were not agents of

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<sup>5</sup> Howard Jones, *Blue and Gray Diplomacy: A History of Union and Confederate Foreign Relations* (Chapel Hill: University of North Carolina Press, 2010), 318–19.

the state in order to extend or secure territory. This approach was flexible and cheap, and the ambiguity over who bore responsibility for these actions shielded Richmond officials from blame when they went wrong. It seems unlikely, however, that this nebulous chain of command was entirely deliberate. Even with overland couriers and blockade runners, the Confederate leaders in Canada found communication with Richmond extremely difficult and they were left almost entirely to their own devices when choosing their course of action. That the effort ended in atrocity rather than victory is only fitting, given its filibustering and privateering ancestors.

Historians generally have not been kind in their assessments of the Confederacy's activities in Canada. James McPherson dismissed them as "bizarre plots" beset by contradictory goals, while Robin Winks found that Confederate raiding had little immediate benefit for the rebellion, but it turned public opinion in Canada against the South and handed Seward and the Union a diplomatic victory.<sup>6</sup> Brian Jenkins, the preeminent Canadian historian of Civil War diplomacy, argued that Confederate meddling in Canada further harmed their standing with the Palmerston government and it served mainly to imperil the Reciprocity Treaty and to raise anxieties in both Canada and in London about the security of the provinces from a revanchist Union government.<sup>7</sup> Nevertheless, from a purely military standpoint the operations were an efficient use of Confederate resources. A relative handful of men and a small budget managed to create hysteria among the Union populace near the border and tie down several thousand troops and a great deal of diplomatic and surveillance attention. The Confederate leadership in Canada

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<sup>6</sup> Robin W. Winks, *The Civil War Years: Canada and the United States*, 4th ed. (Montreal: McGill-Queen's University Press, 1998), 334–36; James McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 762–65.

<sup>7</sup> Jenkins, *Britain and the War for the Union*, 1:362–63, 379–80.

themselves thought their efforts at subversion were worth continuing, even after Lincoln's reelection.<sup>8</sup> Viewed in this way, the Confederate effort to combine the efforts of private enterprise and government leadership with North American traditions of privatized violence paid off. The international ramifications were largely negative, but the Confederacy did not live long enough to regret the spread of violence, disorder, and repression that followed.

Prior to 1864, Confederate operations in Canada were disorganized and largely the work of freelance troublemakers. Individual states in some cases sent agents there during the secession crisis and early months of the war in search of supplies and arms, but few weapons were available for purchase and Southerners had to compete with each other and with agents from many Northern states as well. Most of the small arms in Canada belonged to the militia or the British government, and the Governor-General quickly forbade their sale or export.<sup>9</sup> These semi-official agents soon drifted elsewhere with a few exceptions, leaving Canada to those wishing to help the Confederacy on their own terms. Some, such as the Rev. A. Crawford Walshe, an Anglican clergyman living in Hamilton, Canada West, pestered the Governor-General, the Foreign Office, and the Colonial Office with allegations of pro-Union breaches of neutrality.<sup>10</sup> Walshe, despite being a relative nobody, tied down the attention of the imperial government and forced them to spend time investigating Union purchasing and "crimping," a term for illegal and occasionally coercive recruiting, in Canada. The Foreign Office took Walshe's allegations

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<sup>8</sup> Jacob Thompson to Judah P. Benjamin, 3 December 1864, ORN ser. 1, vol. 3, 719; James P. Holcombe to J.P. Benjamin, 16 November 1864, ORN, ser. 2, vol. 3, 1239-1240.

<sup>9</sup> Sir Edmund Head to the Duke of Newcastle, with enclosures, 25 April 1861, CO 42/626, CO 42: Canada: Original Correspondence, Secretary of State, reel B-447, Library and Archives Canada. Microfilmed copy, HDL.

<sup>10</sup> Rev. A.C. Walshe to Lord John Russell, 28 Oct. 1863, in f145-148, CO 42/639, reel B-456, HDL.

seriously, referring them to the Crown's legal advisors and causing Canadian authorities to investigate the claims, much to the annoyance of the Colonial Office. While the investigation dismissed many of Walshe's claims, it did result in increased pressure on Union crimps and recruiting within Canada, including a number of arrests.<sup>11</sup> Another group of conspirators caused more serious trouble by entrapping Joshua Giddings, then serving as U.S. Consul-General in Canada, in a scheme that resulted in his arrest by Canadian authorities.<sup>12</sup> Only one incident, the aborted late-1863 plan to attack the prisoner of war camp at Johnson's Island in Lake Erie, had the involvement and foreknowledge of the Confederate government. Nevertheless, the annoyance they caused for Union (and British) authorities hinted at the possibilities along the largely unsecured northern border.

Over the course of spring, 1864 the Confederate cabinet moved to embrace the potential of British North America as a military and diplomatic pressure point against the Union. Encouraged by early reports on the *Chesapeake* raid and urged on by proponents such as Georgia Senator Herschel V. Johnson, Jefferson Davis determined to send a pair of so-called commissioners to Canada to organize and coordinate the disparate pro-Confederate elements there. These included Confederate citizens such as escaped prisoners of war, exiles, transient businessmen, and a small group of aspiring but largely incompetent agents like George N. Sanders and Nathaniel Beverley Tucker. British subjects formed a small but important component of the Confederate supporters in Canada, including some lower-level provincial officials, clergy, businessmen, and various others attracted by anti-Northern animus, a romantic view of the Southern cause, or a desire for adventure or personal profit. James P. Holcombe,

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<sup>11</sup> Lord Monck to Newcastle, with enclosures, 27 Jan. 1864, f34-75, in CO 42/640, reel B-457, HDL

<sup>12</sup> Winks, *The Civil War Years*, 268–72.

whom Davis had already sent to British North America to examine the *Chesapeake* case and to set up a network to aid escaped Confederate prisoners in returning home, remained in place and awaited the arrival of reinforcements.

Davis initially viewed the role of the mission to Canada as largely one of subversion. Herschel Johnson, writing to Davis in early January of 1864, cited the returns of the 1863 elections in the North as evidence of the existence in the United States of “a powerful conservative element,” particularly in the Old Northwest, that might be inclined to secede from the Union with the support of a “discreet and prudent agent” that could encourage such sentiment quietly.<sup>13</sup> Johnson, who had been Stephen Douglas’s vice-presidential nominee in the 1860 election and one of the few southern Democrats who did not walk out of the Charleston convention, still retained hope that his old party in the North might come to the South’s rescue, and he hoped to persuade Davis, whom he felt was “susceptible of flattery,” that concrete action should be taken to this effect.<sup>14</sup> Johnson suggested that Congress could appropriate a substantial sum of money to underwrite a campaign to influence Northern politics and the upcoming elections. Davis, although skeptical of the prospects for success, agreed to try, and the Confederate Congress voted to appropriate nearly \$5 million for “secret service” in February.<sup>15</sup> Roughly \$1 million of this sum was dedicated to Canadian operations and its use left to the discretion of the as yet unchosen commissioners who would lead the venture.

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<sup>13</sup> Herschel Johnson to Jefferson Davis, 4 Jan. 1864, PJD 10:152–53.

<sup>14</sup> “From the Autobiography of Herschel V. Johnson, 1856-1867,” *The American Historical Review* 30, no. 2 (1925): 333.

<sup>15</sup> PJD, 10:153-55. Secret service was a catch-all term in this era for a wide variety of clandestine and diplomatic activities that the President or cabinet paid for from a budget appropriation left almost entirely to the executive’s discretion.

At the outset, the mission to Canada was not intended to engage in traditional diplomacy. Davis, Johnson, and most prominent government officials opposed negotiations with the Union government, and Crown officials in British North America remained prohibited from recognizing Confederate envoys in any official capacity. The commissioners' objectives would necessarily have to be obtained by indirect and informal means. The position required discretion, organizational ability, and political acumen – particularly with Northern Democratic politics. Davis needed to choose his operatives carefully for the endeavor, already a long shot, to have any chance of success. Instead, he seems to have initially attempted to select political rivals for the job, in an echo of his disastrous choice of William Lowndes Yancey as a member of the first Confederate diplomatic mission to Europe in 1861. Yancey, a “fire-eater” and notorious proslavery advocate, was widely disliked in Britain, but also a fierce critic of Davis and the government. Davis, who was often prickly and irritable, sent Yancey abroad at least in part to get him out of the way. In this vein, Davis considered his vice president, Alexander Stephens, and South Carolina senator James L. Orr for the Canadian mission. Both men were vociferous critics of his administration with connections to the northern Democrats, but Stephens' health was too poor, and Orr declined. Davis eventually turned to Jacob S. Thompson and Clement C. Clay, Jr. to join James P. Holcombe in British North America.<sup>16</sup>

Thompson, though not a devoted supporter of the Davis administration, was at the very least not among its vociferous critics. Born in North Carolina in 1810, he studied law at the University of North Carolina before moving to Mississippi, where he quickly became involved in Democratic politics. He served six terms as a U.S. congressman from Mississippi, and he was an occasional antebellum political rival of Jefferson Davis, to whom he lost the nomination for a

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<sup>16</sup> PJD, 10:153-55.

Senate seat in 1855.<sup>17</sup> Thompson's close political connections with James Buchanan gained him the position of Secretary of the Interior in that administration, where he served as an influential Cabinet member until his resignation during the secession crisis in 1860.<sup>18</sup> During the war Thompson served in a minor role on the staff of General John C. Pemberton before taking up a position in the Mississippi state legislature in 1863. Davis summoned him from Mississippi to Richmond and offered him the Canadian mission, which he reluctantly accepted. Perhaps as an indication of his lack of optimism about the mission's prospects, Thompson transferred his vast property holdings to his son before departing.<sup>19</sup> Thompson was a capable choice for the position, with a demonstrated talent for organization and long experience in Democratic politics, although he had practically no experience in diplomacy or travel beyond the United States, and his military career had been short and undistinguished.

Clement C. Clay, Jr., the second commissioner, was a former U.S. and Confederate Senator from Alabama, but, unlike Thompson, he and his wife were close friends of the Davis family. Clay had long experience with Democratic politics, although his connections to Northern Democrats had not been particularly strong even before secession. Beyond friendships with doughfaces like George Wallace Jones of Iowa, Clay's antebellum Senate career did not make him many Northern friends, even among Democrats. His accomplishments consisted mainly of

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<sup>17</sup> John F. Bivins, "Life and Character of Jacob Thompson," *Publications of the Historical Society of Trinity College*, 2, 1898, 83–88.

<sup>18</sup> William L. Barney, "Thompson, Jacob (1810-1885), Congressman, Secretary of the Interior, and Confederate Agent," in *American National Biography* (Oxford University Press, 2000), <https://doi.org/10.1093/anb/9780198606697.article.0400986>.

<sup>19</sup> P.L. Rainwater, "Letters To and From Jacob Thompson," *Journal of Southern History* 6, no. 1 (February 1940): 97.

insulting Charles Sumner and railing against supposed abolitionist schemes.<sup>20</sup> His unflinching sectionalism in the 1850s, his early support for the right, if not the act, of secession, and his steadfast support for the administration as a Confederate senator made him a politically reliable choice for Davis, although these same factors also limited his influence as a political agent aimed at the Old Northwest.<sup>21</sup> Clay had neither military nor diplomatic experience and had never traveled beyond the United States.<sup>22</sup> To make matters worse, he was a frail man, frequently beset by respiratory illness that left him unable to work for weeks or months at a time.<sup>23</sup> Clay himself doubted the wisdom of the appointment, deeming it one “for which I am not suited by my talents tastes or habits,” and hoped for a partner in the mission who would “do the bargaining and bartering.”<sup>24</sup> Clay and Thompson received verbal orders from Jefferson Davis at the end of April and began their roundabout journey north.

Thompson and Clay, along with their secretary William W. Cleary, ran the blockade out of Wilmington in early May 1864, traveling along the now well-established Confederate network in the colonies. They arrived in Bermuda, where they met with many of the rebellion’s colonial supporters and received several useful introductions. Although neither man was Catholic, they

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<sup>20</sup> Ruth Ketring Nuernberger, *The Clays of Alabama: A Planter-Lawyer-Politician Family* (Lexington: University of Kentucky Press, 1958), 122–39.

<sup>21</sup> Throughout this chapter, “Northwest” or “Old Northwest” refers to the contemporary use of the term to denote the region east of the Appalachians and north of the Ohio River, especially Ohio, Indiana, and Illinois, along with the nearby states that are considered part of the modern day Midwest.

<sup>22</sup> Clay received a colonel’s commission as a judge just before going to Canada, but he never served in the army in any meaningful sense.

<sup>23</sup> Nuernberger, *Clays of Alabama*, 111–12, 178.

<sup>24</sup> Clement C. Clay to Louis T. Wigfall, 29 April 1864, quoted in Nuernberger, *Clays of Alabama*, 232.



found a particularly sympathetic friend in the archbishop of Halifax, Thomas Connolly, an Irishman by birth, who happened to be visiting his Bermuda parishes at the time of the commissioners' arrival. Georgiana Walker entertained them together at a gathering, along with a group of island notables, again highlighting the advantages of the social cachet that Confederates enjoyed in much of colonial high society.<sup>25</sup>

Thompson and Clay took passage on the British mail steamer from St. George's to Halifax and arrived in Nova Scotia after a short passage. They received a warm welcome from the city's pro-Confederate luminaries, including Connolly and Benjamin Wier. The time spent socializing bore promising fruit, as Connolly wrote them a letter of introduction and an appeal to the Catholics of British North America to aid their mission. Connolly praised the Confederate cause as "command[ing] the respect and sympathy of the world" and called for the "the attention and kindly services of every Catholic Bishop and Priest and layman with whom he may come in contact."<sup>26</sup> Clay, hampered by illness, lingered in Halifax for two weeks, while Thompson moved on to Canada, opening bank accounts in Montreal and Toronto to hold the mission's funds and taking up residence initially at the Queen's Hotel in Toronto, a popular destination for

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<sup>25</sup> Georgiana Gholson Walker, *The Private Journal of Georgiana Gholson Walker, 1862-1865, With Selections from the Post-War Years, 1865-1876*, ed. Dwight Franklin Henderson (Tuscaloosa: Confederate Publishing Company, 1963), 92.

<sup>26</sup> Memorial of Thomas L. Connolly, May 20, 1864, in Reel 21, *Clement Claiborne Clay papers, 1811-1865, Huntsville (Madison County), Alabama* (Frederick, MD: University Publications of America, 1986). Microfilm. Originals held at Duke University Library.

Confederates in the province.<sup>27</sup> Clay and Holcombe met privately with Archbishop Connolly during their delay in Halifax, then moved on and settled initially in Montreal.<sup>28</sup>

George N. Sanders joined Thompson and Clay seemingly without invitation and promptly dragged the Canadian mission into the most famous case of informal diplomacy of the Civil War, the so-called Niagara Falls Conference. Sanders was a fascinating character, whose activities in the mid-nineteenth century have prompted recent historians to describe him as everything from a “confidence man” to a “romantic realist.”<sup>29</sup> Contemporaries were sometimes less kind: Sanders was “a constant menace” to Confederate plans.<sup>30</sup> Sanders was born in Kentucky in 1812 and spent much of his life moving between Democratic politics and various business schemes.<sup>31</sup> As a leader of the Young America movement he actively supported European revolutionaries in 1848, where he was rumored to have fought on the streets of Paris, and he oversaw a plan to export surplus arms from the Mexican-American War to support the uprisings on the continent. During a brief stint as U.S. consul in London in 1854 he urged the assassination of European monarchs, particularly Napoleon III, and the creation of a steam-

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<sup>27</sup> Winks, *The Civil War Years*, 273.

<sup>28</sup> Thomas Connolly to James P. Holcombe, 27 May 1864, Reel 21, Clement C. Clay Papers.

<sup>29</sup> Yonatan Eyal, “A Romantic Realist: George Nicholas Sanders and the Dilemmas of Southern International Engagement,” *Journal of Southern History* 78, no. 1 (February 2012): 107–30; Melinda J. Senter, “George N. Sanders: A Political Confidence Man” (PhD diss., University of Kentucky, 2006).

<sup>30</sup> John B. Castleman, *Active Service* (Louisville: Courier-Journal Job Printing, 1917), 135.

<sup>31</sup> Junius P. Rodriguez, “Sanders, George Nicholas (1812-1873),” in *American National Biography* (Oxford University Press, 1999), <https://www.anb.org/view10.1093/anb/9780198606697/article.0400878>. Accessed 19 September 2019.

powered guillotine. His excesses prompted the Senate not to confirm his nomination, thus removing him from office.<sup>32</sup>

During the Civil War, Sanders spent most of his time abroad hatching various schemes to procure weaponry for the Confederacy and money for himself. He also maintained his political activism, penning missives in which he defended a pro-slavery vision of states' rights at home as zealously as he had republicanism in Europe, with similarly poor results.<sup>33</sup> When he encountered Clay in Canada, Sanders drew him into a scheme to offer peace negotiations with the Union. Clay learned of the scheme from afar, and at first dismissed it as "silly" and fervently wished that Sanders were in "Europe, Asia, or Africa" instead.<sup>34</sup> Thompson, deeply engaged with his plans for influencing Democratic politics in the West, declined to join, but Clay, homesick, credulous, and happy to finally have someone to "do the bargaining and bartering" for him, agreed, sweeping aside concerns that Sanders officially represented nobody but himself. Sanders ignored the fact that Clay, even though he was styled a "commissioner," had no authority of any kind to enter into negotiations, and dragged him, along with Holcombe, into proposing peace discussions to the Lincoln administration via Horace Greeley, the influential publisher of the *New York Tribune*.

Sanders drew Greeley into the affair by blatantly misleading him as to the position and authority that he, Clay, and Holcombe possessed. In early July, 1864, William "Colorado" Jewett, a Sanders associate as well as a swindler and political promoter, sent Greeley a letter

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<sup>32</sup> Eyal, "A Romantic Realist," 111–12.

<sup>33</sup> William A. Tidwell, *April '65: Confederate Covert Action in the American Civil War* (Kent, OH: Kent State University Press, 1995), 124.

<sup>34</sup> Clement C. Clay to Judah P. Benjamin, 17 June 1864, reel 6, CSAR, LC.

claiming that the Confederate “ambassadors” in Canada held “full and complete powers for a peace.”<sup>35</sup> Whether Jewett invented these powers himself or took his information from Sanders is not clear, but falsehood in service of the self was familiar territory for Jewett, whom a Colorado editor once described as having “diarrhoea of words and constipation of ideas.”<sup>36</sup> Jewett, though born in Maine, sympathized with the South and spent a great deal of time in the early years of the war proposing peace and mediation plans to anyone in the North who would listen and many more who would not. He traveled to Europe in 1862 on a freelance diplomatic quest to gain intervention or mediation in the Civil War by the continent’s monarchs. Jewett failed of course, and he returned to the United States late in the year to continue promoting his peace plans through a blizzard of self-published pamphlets. He gained the attention of Horace Greeley in this way, who appeared to have a much more positive impression of Jewett than most others who encountered the man. Jewett spent the next two years floundering back and forth across the Atlantic and in British North America while appealing to unlistening and increasingly annoyed officials to adopt his latest schemes for mediation, one of which, a proposal from Louis Napoleon for French mediation in early 1863, had seized Greeley’s imagination but went nowhere.<sup>37</sup> The opportunity from Sanders to, at long last, set up a peace mission must have seemed heaven-sent to Jewett, who by 1864 had become a firm Copperhead and correspondent of Clement Vallandigham.<sup>38</sup>

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<sup>35</sup> Clark C. Spence and Robin W. Winks, “William ‘Colorado’ Jewett of the Niagara Falls Conference,” *The Historian* 23, no. 1 (November 1960): 23.

<sup>36</sup> Golden City, CO, *Western Mountaineer*, July 5, 1860. Quoted in Spence and Winks, “William ‘Colorado’ Jewett,” 26.

<sup>37</sup> Jones, *Blue and Gray Diplomacy*, 288–89.

<sup>38</sup> Spence and Winks, “William ‘Colorado’ Jewett,” 32–43.

Thus did one self-appointed diplomat, Sanders, use another, in Jewett, to foist a negotiation onto the President of the United States. Jewett's career of peace promotion, however incompetent, led him to Greeley, and it was the editor and Republican power broker who persuaded Lincoln to at least send an emissary to learn what the Confederates proposed.<sup>39</sup> Greeley traveled with John Hay, Lincoln's private secretary, to Niagara to hear what Sanders, Clay, and Holcombe had to say, arriving on July 17th. Hay carried a missive from Lincoln addressed "To Whom It May Concern" that gave the conditions under which he would consider peace.<sup>40</sup> The negotiations, if they even deserve the title, went nowhere, just as they would months later near Hampton Roads, Virginia. They foundered on the implacable insistence by Lincoln that any peace must occur on the basis of reunification and recognize the abolition of slavery. After four days and only one brief face-to-face meeting between Hay and Holcombe, the "negotiations" ended amid accusations of bad faith.<sup>41</sup> Sanders and Clay supplied, through Jewett, selected correspondence to the Associated Press that made it appear as though Lincoln, in his "To Whom It May Concern" letter, had changed the terms of negotiation misleadingly, and painted him as a warmonger wholly opposed to peace, no matter the cost. They included a letter, obviously intended for public consumption, which hoped the Northern public would be inspired "to recall the abused authority and vindicate the outraged civilization of their country."<sup>42</sup>

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<sup>39</sup> "The Niagara Peace Negotiation: Explanation by Mr. Greeley of His Share in the Matter," *New York Times*, 17 Aug. 1865, 2. Greeley downplayed his role in the affair after the fact, attributing his visit to the Falls with Lincoln's secretary John Hay as the result of a misunderstanding.

<sup>40</sup> Larry E. Nelson, *Bullets, Ballots, and Rhetoric: Confederate Policy for the United States Presidential Contest of 1864* (Tuscaloosa: University of Alabama Press, 1980), 70–71.

<sup>41</sup> Edward Kirkland, *The Peacemakers of 1864* (New York: Macmillan, 1927), 74–85.

<sup>42</sup> J.P. Holcombe to John Hay, printed in the *New York Tribune*, 22 July 1864.

Greeley, in an attempt to allay accusations that he had interfered in Union diplomacy without authority, published additional materials related to the events at Niagara, including Lincoln's letter. In an indication of his rift with Lincoln over the affair, he printed the letters from Sanders in the *Tribune* without addressing their misleading context.

Historians have been largely united in labeling the Niagara Falls conference a fiasco for the Union, and most argue that the fallout was a diplomatic and political success, to varying extents, for the Confederacy.<sup>43</sup> In terms of public opinion, Robin Winks argued that the failure of the Lincoln administration to respond to Confederate charges of insincerity tended to hurt its standing with Canadians, and the extended press coverage of the affair brought the Confederate presence in Canada to widespread attention in the North.<sup>44</sup> The Confederate aim, however, was to influence the Northern public and the Democratic Party away from Lincoln and toward peace. For Northern war skeptics, especially Peace Democrats, the Niagara negotiations provided potent ammunition for their campaign against Lincoln and the Republicans. A Copperhead newspaper feared that "Tens of thousands of white men must yet bite the dust to allay the negro mania of the President," while Hay and John Nicolay, Lincoln's other private secretary, years later admitted that the Confederate letter proved "a not ineffective document in a heated political campaign."<sup>45</sup> Lincoln, drawn by Sanders and Clay into an explicit embrace of abolition as a

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<sup>43</sup> McPherson, *Battle Cry of Freedom: The Civil War Era*, 766–67; Jenkins, *Britain and the War for the Union*, 1:354–55; Jones, *Blue and Gray Diplomacy*, 316–17. Jones called the outcome a "propaganda victory" for the Confederates.

<sup>44</sup> Winks, *The Civil War Years*, 278.

<sup>45</sup> Quoted in Nelson, *Bullets, Ballots, and Rhetoric*, 74–75.

peace condition, risked alienating people, including some Republicans, who were as yet unwilling to fight explicitly for the enslaved.

The Niagara Falls conference highlighted at once the potential and the peril of the Confederacy's expansion of informal diplomacy. Sanders, Clay, and the others could propose peace negotiations with the Union precisely because they were away from Richmond and the control of Davis and Congress, whether the talks happened in good faith or as part of a plan to embarrass Lincoln and the Republicans. Davis, to the frustration of prominent critics like Vice-President Alexander Stephens, Georgia Governor Joseph Brown, and others, had steadfastly refused to make peace overtures on any terms.<sup>46</sup> The commission's very distance from Richmond made the Niagara Conference possible. By exaggerating the commissioners' authority, Jewett and Sanders torpedoed any chance at real negotiations before they began, but Sanders, Clay, and Holcombe managed to turn the affair into a public embarrassment for the Lincoln administration, giving the Confederacy a propaganda victory and handing Peace Democrats an easy way to accuse Lincoln of bloodthirsty duplicity. In this respect it must be considered a success. For a negligible cost the Confederate formal and informal representatives in Canada brought widespread attention to the notion that Lincoln, not the South, was the opponent of peace, and that he would carry on his war for abolition to the last extremity. The only recourse for Northern men who sought peace was the ballot or the bullet. With the main Union armies locked in bloody stalemates before Atlanta and Petersburg, this proved to be a persuasive argument, and Lincoln himself despaired of reelection until battlefield success buoyed his chances later in August.

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<sup>46</sup> Nelson, 36–46.

Despite the short-term success, the Canadian mission's lack of coordination with any kind of coherent national policy objectives undermined Confederate efforts at formal diplomacy. The Niagara negotiations took the government in Richmond by surprise, and reactions across the Confederacy were mixed. Davis himself reduced the potency of the Niagara conference's portrayal of Lincoln as an unyielding tyrant by issuing similarly stringent terms to unofficial peace feelers offered by two Union representatives in mid-July. Davis took the bait, telling the men, in a statement aimed at both Union and Confederate audiences, that peace without Confederate independence and withdrawal of Union forces was impossible, and that the Confederacy would fight on, even "if we have to see every Southern plantation sacked, and every Southern city in flames."<sup>47</sup> Stephen Mallory hoped that Lincoln's peace preconditions might yield internal benefits against peace agitators like "our weak brothers in N.C. and Geo." whom, he hoped, "cannot fail to see that at present peace with Lincoln means degradation."<sup>48</sup> Looking abroad, Judah P. Benjamin still believed that international recognition, even without intervention, could hand the Confederacy victory. Perhaps the Niagara Conference fit with the mission of influencing Democratic politics in the Old Northwest and convincing European observers that the Confederacy would accept a reasonable peace, but enabling loose cannons like Sanders ensured that even Confederate officials on the scene had only limited control over the informal operations on the Union's periphery. This became increasingly clear in the coming months amid a parade of uncoordinated and largely illegal attacks from British territory.

While Sanders dragged Clay, Greeley and Lincoln into the morass at Niagara Falls, Jacob Thompson and a network of Confederates and Copperheads worked to undermine Northern

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<sup>47</sup> J.P. Benjamin to James M. Mason, 25 August 1864, ORN ser. 2, vol. 3, 1190-94; Nelson, 75-77.

<sup>48</sup> Mallory to Virginia Clay, 1 August 1864, quoted in Nelson, 70.



politics in anticipation of the upcoming Democratic Party convention in Chicago. Thompson's plan consisted of three potentially conflicting lines of operation. He planned to fund or even purchase sympathetic newspapers in order to influence public opinion. Simultaneously, Confederate operatives working for Thompson were to provide funds, arms, and advice to subversive groups associated with the Democratic Party, particularly secret societies like the Order of American Knights and its successor, the Sons of Liberty. Finally, Thompson hoped to coordinate direct action against prisoner-of-war camps in the Old Northwest like Camp Douglas in Chicago to free a large body of Confederate soldiers that could either fight its way to freedom or support a Copperhead uprising.<sup>49</sup>

This "Northwest Conspiracy," as it was later dubbed, was in a sense a large-scale, more ambitious attempt at the sort of informal, sub-state diplomacy that served the Confederacy so well in the Bahamas, Bermuda, and Nova Scotia. Thompson and his lieutenants, particularly Capt. Thomas Henry Hines, a Kentucky cavalry officer from John Hunt Morgan's former command dispatched to assist the Canadian mission, sought to leverage local self-interest and discontent into diplomatic and military advantage for the Confederacy. In this case however, both the objective and the opposition were vastly more formidable. Henry Adderley was not at risk of being hanged for aiding the Confederacy in Nassau, and direct Crown authority was rather sparse there in any event. The Northwest, by contrast, fairly swarmed with Union authority, particularly through the Provost Marshal system that had been established to support and enforce conscription across the North. Provost Marshal officials – and their hired detectives – also engaged in widespread surveillance in order to suppress sabotage, dissent, and similar

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<sup>49</sup> Jacob Thompson to Judah P. Benjamin, 3 December 1864, ORN ser. 1, vol. 3, 714-19; Thomas Henry Hines, "The Northwestern Conspiracy," *Southern Bivouac*, New Series, 2, no. 8 (January 1887): 500–501.

behavior.<sup>50</sup> The Confederacy's supporters risked arrest, exile, or possibly execution if caught. The Confederate mission faced enormous challenges, and for it to succeed it would have to cultivate dedicated support among at least a portion of the Northwest's populace.

Thompson's main avenue of influence with peace and separatist groups in the Northwest was through Democratic politicians like Clement Vallandigham. Vallandigham had been living in Windsor, Canada West, just across from Detroit, for nearly a year following his exile from Union territory and his brief, unhappy sojourn in the Confederacy. He retained substantial sway in Democratic politics and remained the leader and most prominent member of the Peace Democrats – the faction of the party opposed to continuing the war for any reason. In June, Thompson traveled to Windsor and met with Vallandigham to discuss his objectives and coordinate their efforts for the coming elections.<sup>51</sup> Although pilloried in the Republican press as little better than a traitor, Vallandigham refused to go along with Thompson's preferred objective – an independent Northwestern Confederacy. However, he accepted Thompson's offer of funds and even arms for groups affiliated with the Democratic Party, as an augmentation for his own plans to return to Ohio. Vallandigham expected to be arrested upon his return, perhaps becoming a martyr and catalyst for a movement toward peace, or, if the Federal response were too heavy-handed, an uprising.<sup>52</sup> This was less of a commitment than Thompson and Hines had hoped for, but they moved ahead with their plans.

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<sup>50</sup> Stephen E. Towne, *Surveillance and Spies in the Civil War: Exposing Confederate Conspiracies in America's Heartland* (Athens: Ohio University Press, 2015), 89–96.

<sup>51</sup> Nelson, *Bullets, Ballots, and Rhetoric*, 86.

<sup>52</sup> Hines, "The Northwestern Conspiracy," January 1887, 506–7; Nelson, *Bullets, Ballots, and Rhetoric*, 87–88.

There is only limited evidence as to the extent of the Confederate effort to influence Northwestern public opinion via newspapers, so it is difficult to assess the effectiveness of this approach. Clay, Thompson, Holcombe, and to a lesser extent Sanders and Beverley Tucker met in Canada with prominent Peace Democrats, including politicians and at least one newspaper editor, Washington McLean of the Cincinnati *Enquirer*. Holcombe also reported that they met with Ohio Congressman George Pendleton, former governor Washington Hunt of New York, New York Democrats Benjamin Wood and Leigh Richmond, former Buchanan administration Attorney General and Secretary of State Judge Jeremiah S. Black, Pennsylvania U.S. senator Charles Buckalew, former California governor and U.S. senator John Weller, Judge Joshua Bullitt of Kentucky, and Indiana Copperhead Col. John C. Walker, along with a “crowd of less distinguished persons.”<sup>53</sup> Some of these politicians also presumably had influence over sympathetic newspapers. The extent of the purchasing or bribery campaign toward newspapers is unknown, owing to the destruction or loss of the relevant records and the clandestine nature of such a project.<sup>54</sup> In the post-war judgment of Hines the scheme failed, though he blamed greedy war profiteers and Republicans rather than any particular failings on the part of Copperhead editors.<sup>55</sup>

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<sup>53</sup> J.P. Holcombe to J.P. Benjamin, 16 November 1864, ORN ser. 2, vol. 3, 1239-1240; Castleman, *Active Service*, 145. Bullitt was arrested and briefly exiled for pro-Confederate activity in July 1864.

<sup>54</sup> Both Clay and Holcombe were shipwrecked on their return journeys to the Confederacy and lost much of their baggage, including records. Others were deliberately destroyed – Clay’s journal, for example, has had any entries for the summer and early fall of 1864 entirely removed and many of his letters are mutilated to remove names. Clay journal, reel 21, Clement C. Clay Papers

<sup>55</sup> Hines, “The Northwestern Conspiracy,” January 1887, 501–2. The Lost Cause rhetoric in Hines’s account is unmistakable.

Alongside the campaign to influence or purchase newspapers, the Confederate mission in Canada also coordinated a widespread campaign to fund, arm, and radicalize dissident organizations in the Old Northwest. Secret societies operating alongside or within the Democratic Party had long been active in the region. The most famous group in the immediate antebellum era was the Knights of the Golden Circle (KGC), a largely Democratic society with strong pro-slavery and expansionist aims. However, the KGC fractured badly during the early years of the Civil War and by 1863 it was largely defunct. Another group rose in its stead: the Order of American Knights (OAK), founded in Missouri in 1863. The group was not a direct descendant of the KGC, although there was some overlap of membership between them. Union authorities, for their part, worked to tie the groups together in the public mind in order to make them appear more dangerous and treasonable.<sup>56</sup> The OAK claimed an enormous membership approaching half a million, and their leaders led Thompson and Hines to believe that they were ready to consider armed insurrection if their political efforts failed.

The Confederates in Canada should have been a little less credulous of these claims. OAK members happily accepted Confederate funds in return for little more than vague assurances that they would cooperate against the Lincoln government. Copperhead groups drew the OAK into close association with the Democratic Party in early 1864, renaming it the “Sons of Liberty” (SOL) and installing Clement Vallandigham as its head. Political leaders associated with the SOL met regularly with Thompson in Windsor and Toronto, and with Holcombe, Clay,

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<sup>56</sup> David C. Keehn, *Knights of the Golden Circle: Secret Empire, Southern Secession, Civil War* (Baton Rouge: Louisiana State University Press, 2013), 171–73.

Sanders, and Tucker in St. Catharines, Niagara, and Montreal.<sup>57</sup> Politically, the goal of both the Confederates and their Democratic interlocutors was to prevent the nomination of George B. McClellan for President and put forth Vallandigham or another Peace Democrat in his stead.

Thompson tried to link his efforts in the Northwest with European diplomacy, penning a letter to Mason and Slidell advising them of the political situation there and requesting that they once again urge the British and French to intervene. Thompson, going beyond his mandate, made a naked appeal to geopolitical interest by assuring the two powers of the safety of Canada and imperial Mexico if they aided the Confederacy, while hinting that a weakened Confederacy might be forced into common cause with the Union and join with them in vigorously enforcing the Monroe Doctrine.<sup>58</sup> Clay drafted his own missive along the same lines, though he considered the Confederacy “without friends among the nations of the Earth” and the governments of England and France “are practically our enemies.” His letter also included the disturbing suggestion that wholesale mass murder of slaves might become necessary if European powers allowed the war to continue. The Confederacy might have to, “ere long, commence *ridding ourselves* of the male slaves above fifteen, to save our innocent women and children from destruction. It is a horrible thought, at which my heart revolts, but less horrible than the fate of the victims of their brutal passions, incited by our white foes of more cunning heads and more devilish hearts. Besides, their extermination is inevitable if the war continue a few years more.”<sup>59</sup>

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<sup>57</sup> J.P. Holcombe to Judah Benjamin, 16 November 1864, ORN ser. 2, vol. 3, 1239; Keehn, 173–75. Keehn misstates the date of Thompson’s meetings with Vallandigham and SOL members as occurring in April, 1864. Thompson did not reach Canada until late May.

<sup>58</sup> Jacob Thompson to Mason and Slidell, 28 Aug. 1864, in Hines, “The Northwestern Conspiracy,” January 1887, 508–10.

<sup>59</sup> Clement C. Clay to Mason and Slidell, 24 August 1864, typescript copy, reel 21, Clement C. Clay Papers.

While clumsily drafted, the letters indicate that Thompson and Clay were aware that their mission was by necessity both diplomatic and political, and Clay's genocidal rhetoric hints at the unraveling of norms. They still held out hope for intervention and seem to have had little inkling that their presence and action on British territory had the potential to undermine the already slim prospects for it. Nevertheless, as long as they refrained from violence, the Confederate commission attracted little attention from Crown authorities.

The Confederates enjoyed some success in soliciting political cooperation with Copperheads. Vallandigham returned from exile in order to rally Peace Democrats before the start of the convention. To his surprise Federal authorities left him alone, spoiling his opportunity for further martyrdom. The Confederates, however, overestimated the strength of both the peace movement within the party and the stomach of the affiliated secret societies for actual violence.<sup>60</sup> The Peace Democrats, though somewhat successful in influencing the party platform at the convention, failed to prevent the nomination of McClellan for President. Clay helped draft planks for the party platform that likewise went down to defeat, thus failing to bind McClellan to seek a negotiated end to the war. The long-planned paramilitary operation, coordinated by Hines and his colleagues, likewise failed to materialize. The relative handful of Confederate soldiers involved, sent by Thompson, could not hope to overwhelm the garrison at Camp Douglas from the outside and free the prisoners of war held there without the legions of Copperhead supporters that had been promised to them. When the Copperheads never arrived, Hines called off the

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<sup>60</sup> Nelson, *Bullets, Ballots, and Rhetoric*, 86–87; Hines, "The Northwestern Conspiracy," January 1887, 503–4.

attack, and the group dispersed into other endeavors, including a successful campaign of steamboat arson.<sup>61</sup>

It was not a coincidence that the Confederate commissioners chose to use groups like the KGC, with its deep links to antebellum filibustering, expansionism, and illicit violence, and its heirs in their plots to subvert the Union in 1864. It was another piece in the mosaic of unconventional, private, and illegal elements to the Confederate way of warfare and diplomacy in the colonies. Thompson, Clay, and the Confederates leaned upon the OAK and the Sons of Liberty out of expedience and their own relative weakness, but there remained the lingering preference for privatized action that characterized the fringes of the war. This was, in intention if not execution, a filibustering expedition, meant to create a new nation – either in the form of a diminished United States or a new Northwestern confederation.

Following the failure of the combined political and paramilitary plot in Chicago and the news of Union military success in Atlanta and beyond, Clay and Thompson turned away sharply from their original mission. Having failed to achieve substantial results by political influence, the Confederate government representatives in Canada embraced direct action and violence. The two commissioners, still operating from separate locations, entertained proposals for a wide variety of plans to attack the Union, but they leaned, at least initially in the fall of 1864, toward operations that could somewhat defensibly claim to be legitimate acts of warfare. Thompson's attention turned to reviving the longstanding plan to liberate Confederate prisoners of war at Johnson's Island, Ohio, while Clay contemplated raids across the land frontier, ultimately settling on the town of St. Albans, Vermont. Thompson also sponsored efforts of "incendiaries"

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<sup>61</sup> Thomas Henry Hines, "The Northwestern Conspiracy," *Southern Bivouac*, New Series, 2, no. 9 (February 1887): 572–75.

to burn steamboats along the Mississippi River, which met with some success. A spontaneous, wider arson campaign sprang up in the following weeks that struck across the north, from Brooklyn to St. Louis and as far south as New Orleans, and various arsonists presented themselves to Thompson seeking reward, though he declined to pay most for lack of proof.<sup>62</sup> The resulting attacks showed how effective such hybrid raiding could be, but they also demonstrated how badly the Confederates misjudged their political and diplomatic position within British North America.

The Johnson's Island raid is notable because it represented the Confederate government's embrace of the fusion privateering tactics pioneered by the attacks on the *Chesapeake* and the *Joseph L. Gerrity*, as discussed in Chapter 4. In this case the attackers were mostly Confederate citizens, rather than British civilians, although Bennet G. Burley, a Briton and future pioneering war correspondent, joined in the attack.<sup>63</sup> Thompson chose John Yates Beall to lead the attempt.<sup>64</sup> Beall had experience in this kind of raiding, having led a partisan band in attacking Union shipping along the Potomac River in 1863, and he had connections among the

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<sup>62</sup> Jacob Thompson to J.P. Benjamin, 3 December 1864, ORN ser. 1, vol. 3, 717-18.

<sup>63</sup> Great Britain, House of Commons, *North America No. 3 (1876): Correspondence Respecting the Extradition of Bennet G. Burley*, (London: Harrison and Sons, 1876), passim; Roger T. Stearn, "Burleigh, Bennet Gordon (c. 1840–1914), Journalist and Soldier," in *Oxford Dictionary of National Biography* (Oxford University Press, 2006), <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-38628>. Burley changed the spelling of his last name after the Civil War and his subsequent extradition from Canada to the United States.

<sup>64</sup> John Y. Beall and Daniel B. Lucas, *Memoir of John Yates Beall: His Life; Trial; Correspondence; Diary; and Private Manuscript Found among His Papers, Including His Own Account of the Raid on Lake Erie* (Montreal: John Lovell, 1865), 296.



Confederate exile community in Canada. Beall fled to Canada in 1862 while recuperating from wounds received as a Confederate infantryman in Virginia. He lived in Dundas, Canada West for several months and made the acquaintance of Confederate exiles and escapees in the area.<sup>65</sup> The choice of Beall shows that the Confederate leadership preferred someone comfortable with irregular raiding – the first, aborted raid on the island featured a party made up entirely of regularly-commissioned officers and sailors, but the next attempt used irregulars despite the availability of numerous young naval officers sitting idly in the South and abroad. Although styling himself a “captain,” Beall held only an acting master’s commission in the Confederate navy, which he obtained by appealing to Mallory after being invalidated out of the Confederate army, and Beall had no experience of any kind in regular naval operations. He was an officer in the mold of Mallory’s “volunteer navy” – self-motivated, unpaid, and steeped in irregular warfare.

The plan for the raid was very similar to those previously proposed – a group of Confederates would seize a steamer on Lake Erie and, in conjunction with co-conspirators on the ground in Sandusky, attack the USS *Michigan*, moored at Johnson’s Island, capture the warship, and liberate the prisoners on the island. The freed prisoners would then either fight their way to freedom, escape to Canada, or join with the raiders in a campaign to wreak havoc along the American coast of the Great Lakes. Like most of the irregular attacks launched from the colonies, this plan displayed a variety of amateurish shortcomings. Most glaringly, the entire plot hinged on the ability of “captain” Charles H. Cole, the man in Sandusky, to singlehandedly distract or disable the officers of the *Michigan*. Cole lied to Thompson about his past – he may have been a Confederate soldier at some point but was not an officer – and he spent Thompson’s

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<sup>65</sup> Beall and Lucas, 264–65.

money liberally on himself and a female companion posing as his wife while scouting Sandusky and Johnson's Island. His plan to distract the officers with a party, and perhaps to drug their food or drink, had virtually no chance of success, and in any event Cole appeared unlikely to endanger himself if he could help it.<sup>66</sup> Additionally, Beall made no plans for fueling or provisioning a captured steamer, and there seems to have been little consideration of what to do in the event Cole failed to incapacitate the *Michigan's* officers. Nevertheless, the operation had the potential for success if the attackers acted boldly and achieved surprise.

Despite these hopes, surprise was beyond their reach. As in the previous attempt to attack Johnson's Island, an informant betrayed the mission. On July 18, the provost marshal in Detroit learned of the attack just hours before it launched and alerted the garrison at the prison in Sandusky by telegraph. On the 19<sup>th</sup>, Beall and his men boarded the steamer *Philo Parsons* at Windsor and two other towns on the Canadian shore, with their arms hidden in a trunk. They seized the vessel while underway on Lake Erie and raised the Confederate flag over the Great Lakes for the first and last time. After a comedy of errors, including a return to Middle Bass Island for fuel and the seizure and scuttling of a second steamer that came alongside them unsuspectingly, Beall and his party of roughly twenty men arrived off Sandusky after dark, awaiting the signal from Cole that the *Michigan's* crew had been taken care of. After several hours of waiting, Beall's men mutinied and forced him to abandon the project. This may have saved their lives: the *Michigan's* officers arrested Cole earlier that evening, and the vessel cleared for action, waiting to ambush Beall. The Confederates steamed back to Windsor,

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<sup>66</sup> Frederick J. Shepard, "The Johnson's Island Plot: An Historical Narrative of the Conspiracy of the Confederates, in 1864, to Capture the U.S. Steamship Michigan on Lake Erie, and Release the Prisoners of War in Sandusky Bay," *Proceedings of the Buffalo Historical Society* 9 (1906): 21–24.

plundered some cargo and money from the ship and crew, and scuttled the ship under the watchful eye of a Canadian customs officer. All the Confederates escaped, except for the bumbling Cole.<sup>67</sup>

The Confederate government, not for the last time, found itself vouching for the actions of its self-styled agents after the fact. The Union commander at Johnson's Island ordered Cole held as a spy rather than a normal prisoner of war – an understandable course of action given Cole's behavior. This prompted Thompson and Clay to address a joint letter to the camp commandant vouching for Cole's status as a regular soldier – they did not seem aware that Cole had lied to them about being an officer. The commissioners also sent a dispatch to Richmond, begging Davis to intercede on Cole's behalf. He ordered Seddon to “let all practicable efforts be made in behalf of Mr. Cole” through the prisoner exchange cartel.<sup>68</sup> Ultimately Cole escaped trial or execution, the latest grifter and thief spared by government intervention, but he languished in custody until well after the war ended. Beall, Burley and the others escaped capture, at least for the moment.

The raid had been doomed before it began by Cole and the informant, but it caused an uproar along the lake frontier and ratcheted up diplomatic tension between Britain and the Union. Cities from Buffalo to Chicago prepared frantically to repulse a Confederate attack, arming makeshift vessels with field artillery in violation of the Rush-Bagot limits. Lord Monck

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<sup>67</sup> The Johnson's Island raid has been recounted in detail in many publications, with varying degrees of accuracy. For good examples, see Shepard, “The Johnson's Island Plot”; Winks, *The Civil War Years*, 287–91; Adam Mayers, *Dixie and the Dominion: Canada, the Confederacy, and the War for the Union* (Toronto: Dundurn Press, 2003), 79–90.

<sup>68</sup> Clement Clay and Jacob Thompson to Col. C. W. Hill, 22 September 1864, OR, ser. 2, vol. 7, 864–65.

reported the attacks to London with barely concealed frustration. In March, amid other rumors of raiding on the Lakes, Monck had repeatedly asked for a patrol vessel of some sort for policing the lake frontier in anticipation of just such an event and had been rebuffed by the Colonial Secretary, Edward Cardwell. Other staff in the Colonial Office proposed a variety of prescient measures to combat the threat, to include proposing a law allowing the expulsion of foreigners who threatened neutrality, but Cardwell declined to permit any further action.<sup>69</sup> Now Monck faced the prospect of an active force of Confederates, abetted in some instances by his own colonists, abusing Canadian neutrality to attack the United States, and he had few tools available to suppress their actions. Monck openly worried about maintaining peace between Britain and the United States in the presence of “a large number of refugees from the Southern States of America – hostile in spirit to the Government of the United States and prepared to give expression to that hostility in overt acts – coupled with the entire absence of any power on the part of the British Authorities to maintain an effective police on the British portion of the Lakes.”<sup>70</sup> British concern with preventing conflict over the Rush-Bagot treaty tied Monck’s hands, and that restraint now threatened a breach of the peace because Canadian authorities lacked the tools to deal with an unruly Confederate “refugee” community bent on taking action. By the letter of the law, the Canadians could only prosecute violations of neutrality after the fact – they had little power to interfere with or expel troublemakers before they acted.

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<sup>69</sup> Monck to Cardwell, 19 Mar. 1864, with enclosures and endorsements, f281-299, CO 42/640, reel B-457, HDL.

<sup>70</sup> Monck to Caldwell, 26 September 1864, f290-293, CO 42/642, reel B-458, HDL. Much of the correspondence around this matter was printed and can be found as CO 440, Correspondence with Canada upon the use of Armed Vessels on the American Lakes, but the printed versions omit the comments from department officials that are particularly illuminating.

A month later, Monck's fears were realized. On October 21<sup>st</sup> a party of about twenty men dressed in civilian clothes gathered in St. Albans, Vermont. Their leader, the young Kentuckian Bennett H. Young, announced that the town was under the power of the Confederate States, and his men robbed several banks and set fire to structures across the town. The townspeople raised the alarm, and the Confederates exchanged gunfire with some citizens, killing one, before fleeing north with around \$200,000 in stolen currency. A posse of soldiers, police, and civilians pursued the raiders up to and across the border with Canada East. The Americans captured one raider within Canada, but a British officer persuaded them to turn the captive over to him before the posse could beat their captive to death. British soldiers and Canadian police responded quickly and rounded up fourteen of the raiders, who appear to have thought themselves safe from capture within Canada and made little effort to hide themselves. The Canadian government sent the captured men, along with \$90,000 in recovered money, to Montreal to face trial.<sup>71</sup> The remaining raiders escaped with the balance of the stolen money.

The raid was the work of Clay and Sanders, who embraced the suggestion of Young that Union border cities were vulnerable to attack. Young, who first met Clay and Holcombe upon their arrival in Halifax in the spring, had been persuasive enough that Clay sent him to Richmond to procure a commission from Secretary of War James Seddon. Young returned with a commission and joined in scouting for potential attacks along the border region. In arranging the St. Albans attack, Seddon, Clay, and Sanders displayed the same interpretation of neutrality that underlay the Johnson's Island raid and mirrored antebellum defenses of filibustering. Because the raiders were all Confederate citizens, Clay, Sanders, and Young claimed that the attack was a

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<sup>71</sup> Winks, *The Civil War Years*, 298–301. Most accounts of the raid agree on the main details, although the precise number of raiders remains undetermined – it was somewhere between twenty and twenty-three.

legitimate act of war, ordered by belligerent authorities, and that there was nothing illegal about launching it from British territory and retreating thereto with their plunder. Once again, they alleged the operation had the express approval of Davis and Seddon, and Clay and Sanders both wrote to Richmond, begging for documents, presumably post-dated, that would bear out their story and prevent extradition for robbery and murder. The Confederate authorities in Richmond once again complied, lending their increasingly tenuous legitimacy to the attack.<sup>72</sup> A clerk in the Confederate War Department, clearly inured to his department forging such documents, remarked that “I doubt if such written orders are in existence – but no matter!”<sup>73</sup> The embrace of cross-border raiding showed the depth of Confederate misunderstanding of neutrality, as well as their miscalculation as to British and Canadian tolerance for violating the peace on the frontier.

This assertion of legitimacy by the Confederates in Canada was without merit, although the repeated lenience shown to pro-Confederate attackers across the hemisphere may have encouraged them in their legal approach. Certainly, both Clay and Thompson knew that their activities at the very least bordered on illegal, as their sometimes mutilated and destroyed correspondence indicates.<sup>74</sup> Lord Russell asked the Law Officers of the Crown to assess the St. Albans raid and the Canadian response, and their judgment was unequivocal. Operating with scant details, they ruled that the raid was legal only if the mission had not been planned or supported on British territory, and if the attackers had not set foot on British (or Canadian) soil

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<sup>72</sup> Winks, 312–13.

<sup>73</sup> John B. Jones, *A Rebel War Clerk's Diary at the Confederate Capital*, vol. 2 (Philadelphia: J.B. Lippincott, 1866), 355.

<sup>74</sup> Winks, *The Civil War Years*, 277–78.

before the attack.<sup>75</sup> None of the raids and attacks sponsored or inspired by Clay and Thompson from Canadian soil met these requirements. Only the unwillingness or inability (through lack of evidence) of colonial courts to enforce the Queen's Neutrality Proclamation had saved the likes of Braine, Locke, and Thomas Hogg from prison. Confederate abuse of this gap in enforcement threatened the peace along the Union's northern and maritime frontiers, and eventually drove the British and Canadian governments to a far more robust suppression of pro-Confederate activities than in any other colony.

The Confederates and their friends still enjoyed some success with the colonial courts. While the Court of the Queen's Bench in Toronto delivered Bennet Burley, of the Johnson's Island raid, for extradition to face trial in Ohio for robbery, the St. Albans raiders lived a life of near celebrity in Montreal. In the days following the attack, Canadian police and magistrates rounded up most of the raiders, including Young, and transferred them to Montreal to face an extradition hearing. Their lawyers requested time to obtain evidence of their positions as Confederate soldiers, and Judge Charles J. Coursol set a hearing for mid-December to allow a courier the opportunity to travel back and forth to Richmond. When the court resumed on December 13, in a decision one observer called an "unaccountable and unprecedented failure of justice," Coursol declared that colonial courts had no jurisdiction in extradition cases, and he set

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<sup>75</sup> Crown Law Officers to Lord Russell, 31 January 1865, enclosure in T. Frederick Elliott to Edmund Hammond, 12 January 1865, f102-108, CO 42/652, reel B-474, HDL. The mismatched dating is due to the report being returned to the Foreign Office alongside the earlier-dated correspondence. The Law Officers provided legal advice to the British government and at this time usually consisted of the Attorney General, the Solicitor General, and the Queen's Advocate.

the prisoners free that very afternoon.<sup>76</sup> Coursol was wrong, but the Confederate raiders skipped town long before his decision could be overturned.

Montreal Chief of Police Guillaume Lamothe stood ready to aid the newly freed men. No sooner had the judgment been announced than he handed the \$90,000 in stolen money over to their representative, John Porterfield.<sup>77</sup> Porterfield was a Southern banker living in Montreal widely known to be involved with the Confederate diaspora there, and he had directly taken part in a scheme funded by Thompson to use gold purchases to collapse Northern finances.<sup>78</sup> Porterfield, for his part, had been introduced to Lamothe just the day prior by the ubiquitous George N. Sanders, who was in Montreal coordinating the prisoners' defense. Incredibly, Lamothe gave up not only the money captured with the raiders, but also several thousand dollars of stolen St. Albans money that other parties had handed over to the court for safekeeping. The raiders thus left Montreal with more money than they had at time of their capture. Another judge immediately issued a warrant for the prisoners' re-arrest, but Lamothe deliberately dawdled, giving Young and his compatriots a chance to flee or hide. With mixed success Canadian authorities, under pressure from Lord Monck, worked to recapture the men and money.

The Confederate collaborators paid a price for their help this time. Lamothe faced an immediate and hostile investigation by the city council into his behavior. He made a variety of excuses for his inaction, but in the face of revelations about his obvious cooperation with the

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<sup>76</sup> City Council of Montreal, *The St. Albans Raid; Investigation by the Police Committee of the City Council of Montreal into the Charges Preferred by Councillor B. Devlin against Guillaume Lamothe, Esq., Chief of Police, and the Proceedings of the Council in Reference Thereto* (Montreal: Owlser and Stevenson, 1864), 5.

<sup>77</sup> City Council of Montreal, 13.

<sup>78</sup> Jacob Thompson to Judah Benjamin, 3 December 1864, ORN ser. 1, vol. 3, 717-19.



Confederates and his apparent personal liability for the missing money, Lamothe resigned his office on December 17. The city council, after somewhat acrimonious debate, accepted his resignation on January 3, 1865 in a vote divided sharply on ethnic lines – the Anglophone councilors voting unanimously to accept, whereas the Francophones voted to reject.<sup>79</sup> This split may have reflected Anglo-French tensions in Montreal more than either group's latent support for the Confederacy or Union, as the Montreal *Evening Telegraph*, one of the chief English-language newspapers of the city, was a frequent advocate for the Confederate cause. Lamothe immediately went back to the aid of the escapees, helping to shepherd several out of Montreal and into a hiding place in the forests outside Quebec City, where they remained until Lamothe arranged a ship to carry them to Newfoundland.<sup>80</sup> Judge Coursol also faced consequences for his indefensible ruling. George-Etienne Cartier, Attorney-General for Canada East, ordered an inquiry into Coursol's conduct and removed him from the bench until it concluded. The investigation lasted through most of 1865, but it ultimately found insufficient evidence to further punish Coursol.

The diplomatic consequences in the following months were severe. In dire straits as Sherman tore his way across Georgia and Grant extended his grip around Petersburg and Richmond, the Confederacy launched a last, desperate bid for recognition. Davis sent Duncan Kenner to Europe with authority to offer the abolition of slavery in return for recognition. Kenner received his orders on December 27, 1864, and the Confederate courier network between

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<sup>79</sup> City Council of Montreal, *St. Albans Raid Investigation*, 75.

<sup>80</sup> Guillaume Lamothe to Henri Lamothe, 1 March 1895, in Dennis K. Wilson, *Justice Under Pressure: The St. Albans Raid and Its Aftermath* (New York: University Press of America, 1992), 151–78.

Maryland and Canada helped move him covertly to New York to take passage for Europe.<sup>81</sup> In the meantime, Lord Russell took the unusual step of summoning Confederate envoy James Mason and demanding a halt to violations of Her Majesty's neutrality. The St. Albans raid and the bungled trial in Montreal poisoned any remaining hopes of success for the Kenner mission.

Confederate standing with Britain did not improve when James Mason met with Palmerston in March 1865 to present the Kenner proposal.<sup>82</sup> By then word had reached Europe of the passage of the 13<sup>th</sup> Amendment abolishing slavery, which weakened any appeal that the Confederate offer of gradual emancipation might have had, and Palmerston firmly denied that slavery was what prevented British recognition.<sup>83</sup> Lord Russell meanwhile ordered a legal review of the Confederate presence in North America, and the finding was uniformly harsh, particularly toward Thompson and Clay, whose presence as an "agent resident in Canada, for such [warlike] purposes, is a willful offence by that govt against the neutrality of this country, for which no excuse or palliation can be suggested."<sup>84</sup> Imperial authorities on both sides of Atlantic had run out of patience with the specious Confederate interpretation of the limits of neutrality.

In Canada the government at last took substantial measures to prevent a repetition of the raid. Lord Monck called out the militia to patrol the border regions, and he recalled the legislature ahead of schedule in January 1865 in order to respond to the crisis. The provincial

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<sup>81</sup> Amanda Foreman, *A World on Fire: Britain's Crucial Role in the American Civil War* (New York: Random House, 2010), 729.

<sup>82</sup> Bruce Levine, *Confederate Emancipation: Southern Plans to Free and Arm Slaves during the Civil War* (New York: Oxford University Press, 2006), 111.

<sup>83</sup> Jenkins, *Britain and the War for the Union*, 1:339.

<sup>84</sup> E. Hammond to F. Rogers, 1 April 1865, with enclosures, f239, CO 42/652, reel B-474, HDL.

legislature finally passed a bill along the lines of that proposed in March 1864 by the Colonial Office, and Monck raced to Quebec to promulgate it into effect on February 6. Known as the Alien Act or in some publications as the “frontier outrages act,” the law gave the Canadian government temporary and wide authority to round up and expel foreigners who threatened to disrupt the peace.<sup>85</sup> At last, Monck, Macdonald, and Cartier had the power to get rid of troublemakers before they struck rather than after the fact. Monck refused to meet with Clay and Thompson, who showed up at his door in an attempt to explain their actions, and he doggedly pursued rumors of further Confederate operations.<sup>86</sup>

This diligent pursuit disrupted another attempt by Thompson and Beall to seize or sink the USS *Michigan* using a locally purchased steamer, the *Georgian*, and in November 1864, Canadian detectives arrested Beall’s associate Bennet Burley in Guelph, Canada West, as he prepared munitions for the raid. Jacob Thompson attempted to submit affidavits from Jefferson Davis and Stephen Mallory as evidence of Burley’s status as a Confederate serviceman in order to save him, but this time the Canadians were unconvinced.<sup>87</sup> A Toronto court declared that the September hijacking of the *Philo Parsons* for the attempted raid on Johnson’s Island was not a legitimate act of war, in spite of Jacob Thompson’s pleas, and thus Burley was eligible for extradition. Monck and Macdonald handed Burley over to the United States under the Ashburton Treaty in February 1865.<sup>88</sup> Canadian authorities later prosecuted Col. George T. Denison, a Toronto dandy and Confederate sympathizer, under the Foreign Enlistment Act for his role in

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<sup>85</sup> Winks, *The Civil War Years*, 328–29.

<sup>86</sup> Winks, 307.

<sup>87</sup> Foreman, *A World on Fire*, 717.

<sup>88</sup> Mayers, *Dixie and the Dominion*, 135–36.

purchasing the vessel and hiding its true purpose.<sup>89</sup> The relative immunity that pro-Confederates had heretofore enjoyed in British North America had been swept away by early 1865.

Surveillance by Canadian and Union authorities made life miserable for the Confederate commissioners. Clay gave up on plans for further cross-border attacks after the St. Albans raid and prepared to return the Confederacy, essentially handing over the operation in and around Montreal to the increasingly reckless George Sanders. John A. Macdonald, in his capacity as Attorney General for Canada West, created a secret detective force to keep tabs on the security of the frontier, although his choice to lead the force, Gilbert McMicken, was a Confederate agent, and Macdonald was just as interested in the activities of the Fenian Brotherhood as he was the Confederates.<sup>90</sup> Nevertheless in the aftermath of the St. Albans raid, Canadian and American surveillance of Confederate agents became almost suffocating. Thompson complained that the “bane and curse of carrying out anything in this country is surveillance under which we act. Detectives, or those ready to give information, stand at every street corner. Two or three cannot interchange ideas without a reporter.” By December Thompson had given up hope of achieving much by cooperation with Copperhead groups or direct attacks, but he saw promise in a campaign of destruction, arson, and incitement of Northern draft resisters.<sup>91</sup>

While other colonial governments, especially in Bermuda and the Bahamas, remained reluctant to interdict Confederate operations and filibustering, the Canadian government moved, belatedly but firmly, to curb operations from its soil. This clampdown came from two

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<sup>89</sup> Winks, *The Civil War Years*, 308–10.

<sup>90</sup> Winks, 322–23. J.P. Holcombe to Benjamin, 16 Nov. 1864, ORN ser. 2, vol. 3, 1239. McMicken was the agent in Windsor for forwarding escaped prisoners of war who wished to return to the Confederacy.

<sup>91</sup> Thompson to Benjamin, 3 December 1864, in ORN ser. 1, vol. 3, 718-19.

complementary movements: the push for the confederation of British North America, led by the coalition MacDonal government that entered office in 1864, and the military pressure from both the imperial government and, implicitly, a victorious Union Army. The Canadians were under enormous pressure from War Office and Colonial Office in London to pull their weight in their own defense, especially after the debacle of failed militia reforms earlier in the 1860s.<sup>92</sup> The crackdown on the Confederates was both a boon to, and a consequence of, the movement toward confederation. Unlike the Bahamas, the political leadership of Canada had more at stake than fleeting blockade-running profits, and they had the ability and willingness to employ thousands of militia and dozens of detectives to suppress the expatriate rebels, and the imperial government insisted that the Canadians take on a greater share of the financial and military responsibility for their own defense. There was much greater popular support for the Union in Canada than in the island colonies far to the south, and trade with the Union, bolstered by the Reciprocity Treaty, massively outweighed Canadian interests in blockade running. The Colonial Office, under pressure from Parliament to reduce expenditures related to the colonies, warmly supported the efforts to create a confederation of the British North American provinces as a way to reduce imperial obligations. The Charlottetown and Quebec conferences of September and October 1864, with delegates from each of the provinces in attendance, led to an agreement in principal on a federal union of the provinces. The specter of Union retaliation for the Confederate raiding happening concurrently with those meetings gave special impetus to confederation as a means of self-defense, while the militia reforms of 1863 and aggressive, if belated, legislation like the Alien Act gave the Canadians greater practical capabilities to repress bad-faith actions from

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<sup>92</sup> Kenneth Bourne, *Britain and the Balance of Power in North America, 1815-1908* (Berkeley and Los Angeles: University of California Press, 1967), 257–70.

individuals within or armies beyond their borders. While Bennett Young, George Denison, Guillaume Lamothe, and most Confederate collaborators ultimately escaped prison sentences, their repeated prosecutions contrasted starkly with the impunity enjoyed by pro-Confederate raiders elsewhere in the colonial periphery. As a Union victory became increasingly obvious, the prospect of a colossal, underemployed, and battle-tested army heading northward seemed more and more plausible to Canadian and British observers. The political leadership of Canada was not willing to let distaste for the Americans torpedo their burgeoning national ambitions.

The failure at Johnson's Island and the uproar following the St. Albans raid did not end Confederate efforts to attack the Union from British territory, but they were a watershed in the conduct of the war on the frontier. From that point on, pro-Confederate operations more or less abandoned any pretense at legitimate military action and moved toward retaliation, sabotage, and destruction.<sup>93</sup> Confederate authorities in Richmond and in Canada made little effort to coordinate or control the remaining segments of the rapidly disintegrating apparatus built in the colonies, and these men, acting alone or in small groups, carried on their freelance war, which continued in parallel with the more conventional operations sponsored by Clay and Thompson. Having received tacit encouragement to ignore and exploit neutrality and to violate the norms of nineteenth century warfare, these parties attempted to carry out some of the greatest crimes and atrocities of the war, including the arson of New York City, biological warfare attacks using yellow fever, and the decapitation of the United States government. That these attempts largely failed should not obscure the horror that the perpetrators envisioned. The Confederate logic of decentralized, privatized foreign policy enabled and inspired attempts at terrorism that would not

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<sup>93</sup> Winks, *The Civil War Years*, 311. Bennett Young wrote to a Montreal newspaper after his capture to justify the St. Albans raid as retribution for Sheridan's depredations in the Shenandoah Valley.

be out of place in the twenty-first century, and the events of the winter of 1864-65 strongly suggest that the Confederate government had lost control of its allies and agents in the colonies.<sup>94</sup>

These attacks also reflect the continuing erosion of the norms of nineteenth-century interstate warfare on the North American periphery. By late 1864 the Confederacy and its supporters in the colonies behaved more like a transnational insurgency than a conventional nation state. The rebellion, which had largely though not exclusively remained within the borders of the United States and observed the forms of nation-state conflict, now featured a diaspora that conducted attacks across international frontiers from neutral territory and used borders as a shield against reprisal.<sup>95</sup> The attack on New York, like a subsequent attempt to kidnap Abraham Lincoln, was planned, funded, and coordinated largely from Canada and carried out by men in civilian clothing who carried out their actions clandestinely and sought shelter across international frontiers. Pro-Confederate operatives continued to exploit the border as a safeguard from arrest and interference by Union forces, but they abandoned the pretense of respecting neutrality. The weakness of the Confederate government allowed its citizens to navigate international boundaries and attempt to redefine the acceptable bounds of warfare, in a way that

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<sup>94</sup> Idean Salehyan, *Rebels Without Borders: Transnational Insurgencies in World Politics* (Ithaca, NY: Cornell University Press, 2009), 1–9.

<sup>95</sup> Salehyan, 4–9.

was consistent with the American experience of privatized warfare in the western hemisphere throughout the century.<sup>96</sup>

The so-called “Yellow Fever Plot” exemplifies the autonomy and disregard for the norms of warfare that Confederates embraced late in the war. The mastermind of the plot was Luke Pryor Blackburn, an ardent Confederate and prominent physician. Blackburn spent the first years of the war as the chief medical agent for Mississippi, charged with overseeing the health of the state’s men in Confederate ranks. After Blackburn was denied a position in the Confederate army in 1863 the governor sent him to British North America to purchase supplies.<sup>97</sup> While in the colonies Blackburn maintained close association with other rebels he found there and involved himself in supporting the cause where he could, including testifying in support of the *Chesapeake* pirates during their extradition hearings in New Brunswick. Blackburn had earned renown before the war for his work combating yellow fever outbreaks. When the disease struck Bermuda in the summer of 1864, he traveled there to aid the local authorities. He worked with alacrity and disregard for his own safety during the outbreak, which proved particularly severe and lasted most of the summer. On top of praise from local officials for his “valuable assistance”

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<sup>96</sup> Tyson Reeder, “‘Sovereign Lords’ and ‘Dependent Administrators’: Artisan Privateers, Atlantic Borderwaters, and State Building in the Early Nineteenth Century,” *Journal of American History* 103, no. 2 (September 2016): 323–46.

<sup>97</sup> Andrew McIlwane Bell, *Mosquito Soldiers: Malaria, Yellow Fever, and the Course of the American Civil War* (Baton Rouge: Louisiana State University Press, 2010), 104. Luke P. Blackburn compiled service record, reel 24, M331, Compiled Service Records of Confederate Generals and Staff Officers, and Nonregimental Enlisted Men, RG 109: War Department Collection of Confederate Records, 1825-1927, NARA.



and “humane conduct,” the British Admiralty ordered that an engraved gold watch be sent to Blackburn, and a gold bracelet to his wife, in thanks for his aid.<sup>98</sup>

It took some months to arrange the gift, and at last the Lords Commissioner of Admiralty sent it on to the Colonial Office, to be forwarded to Blackburn, then known to reside at St. Lawrence Hall in Montreal. Almost immediately another dispatch followed, requesting in anxious terms that the watch be found and detained before it could be sent to Canada or word of its existence could reach the press or American authorities.<sup>99</sup> In the midst of the frantic investigation surrounding the assassination of Abraham Lincoln, American officials discovered a second conspiracy involving Blackburn. Confederates planned to spread yellow fever to Northern cities and coastal concentrations of troops such as at New Bern, North Carolina by sending trunks packed with the infected clothing and bedding of victims from the Bermuda outbreak. An informant in Canada alerted the Union consul in Toronto of the existence of the scheme on April 12, 1865, two days before the assassination. Separately and nearly simultaneously, a Confederate working in Norman S. Walker’s office in St. George’s approached the U.S. consul and offered information on the still-active plot. The informant, uncomfortable with the horrors planned, gave a very detailed description of several trunks of contaminated clothing, their location in a local boarding house, and their intended destination.<sup>100</sup> A quick

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<sup>98</sup> W.G. Romaine to F. Rogers, 24 Feb. 1864, f5-6, CO 37/193, CO 37, Colonial Office and predecessors: Bermuda, Original Correspondence, UKNA.

<sup>99</sup> T. Frederick Elliot to W.G. Romaine, 16 June 1865, f7-8, CO 37/193, UKNA.

<sup>100</sup> C.M. Allen to W.H. Seward, 14 April 1865, in Glen N. Wiche, ed., *Dispatches From Bermuda: The Civil War Letters of Charles Maxwell Allen, United States Consul at Bermuda, 1861-1888* (Kent, OH: Kent State University Press, 2008), 180–82. The identity of the informant is not disclosed in Allen’s dispatches, but it may have been George Black or one of the clerks in the Confederacy’s Bermuda office.

investigation revealed that the trunks in question had been packed, stored, and ordered shipped at the behest of Blackburn.<sup>101</sup> The hero of Bermuda was revealed as a monster and a possible co-conspirator in the death of Lincoln.

The attempt to spread yellow fever to Boston, New York, Washington, and elsewhere failed, of course. Yellow fever requires *aedes aegypti* mosquitoes for transmission from person to person, and soiled clothing and bedding cannot by itself be a vector for the disease. Nevertheless, Blackburn planned his attack using the best understanding of the disease available at the time. Physicians widely believed that yellow fever spread by “fomites,” or through “miasma,” fungi, or the presence of other diseases such as malaria.<sup>102</sup> Blackburn would have been better served by directing blockade runners to those ports – they were the culprits in spreading the devastating outbreak to Bermuda, the Caribbean, and portions of the Atlantic and Gulf coasts of the Confederacy that fall. Blackburn expected that his plan could work, and he engaged several witting and unwitting co-conspirators to accomplish the task, including Southerners hiding in Canada and several residents of Bermuda.

Blackburn enlisted Godfrey Hyams, a Southerner of English birth hiding in Canada, to help execute the scheme. Hyams was willing to help, but he proved unreliable as a co-conspirator in part because he was relatively poor, and Blackburn failed to pay him as he promised. The precise details of the plot remain somewhat uncertain, in part because Hyams may have lied in portions of his testimony and in part because those involved in the plot wished to

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<sup>101</sup> “The Yellow Fever Plot,” *New York Times*, 16 May 1865, 1. Several depositions related to the case are reprinted there.

<sup>102</sup> W.S. Benjamin, *The Great Epidemic in New Berne and Vicinity, September and October, 1864, by One Who Passed through It* (New Berne, NC: Geo. Mills Joy, 1864), 3–4; Bell, *Mosquito Soldiers*, 5–6, 103–4.

hide their complicity as much as possible. It is certain, however, that Blackburn prepared at least three, and possibly as many as eleven, trunks of “infected” clothing to be distributed in Northern cities and areas of troop concentrations like Norfolk or New Bern, in at least two separate visits to Bermuda. In the early summer of 1864 Hyams delivered a few of the trunks from Halifax as far as Baltimore or Washington and arranged for more to be sent to New Bern, and claimed later that Blackburn gave him a “valise” of infected clothing intended for Abraham Lincoln, though Hyams may have fabricated that portion of the tale.<sup>103</sup> New Bern suffered a horrific yellow fever outbreak that summer, which may have caused Blackburn to think his efforts had worked. Hyams also testified that Jacob Thompson paid him \$100 for expenses related to transporting the supposedly-infectious trunks on behalf of Blackburn, linking Confederate government funds to the plot.<sup>104</sup> From the testimony of various witnesses, Hyams was regarded by the Southern community in Toronto as a contemptible figure, and Blackburn seemed to view him as an expendable agent, a “cock-eyed Jew from Toronto” who would be mourned by few if the fever claimed him during his mission.<sup>105</sup>

Curiously, Blackburn may have engaged the help of Joseph Hayne Rainey, a free man of color, to transport that first load of “infected” clothing from Bermuda to Halifax. Rainey was born a slave in Georgetown, South Carolina, but his father, a barber, saved enough money to buy

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<sup>103</sup> *Toronto Globe*, 24 April 1865; *New York Times*, 26 May 1865. Both papers printed transcripts of testimony from the trial of Blackburn in Toronto.

<sup>104</sup> Edward Steers, *Blood on the Moon: The Assassination of Abraham Lincoln* (Lexington: University of Kentucky Press, 2001), 47–50. Steers finds Hyams to be a credible and convincing witness, and says that charges of perjury against him were mostly a result of how his testimony in the assassination trials lined up next to other, less trustworthy figures.

<sup>105</sup> Deposition of William W. Cleary, in Monck to Cardwell, 2 June 1865, f271, CO 42/649, reel B-463, HDL.

his family's freedom while Joseph was young. Rainey lived and worked mainly in South Carolina, but after a stint as a forced laborer on Confederate fortifications in 1861, he took up a position as a steward on a blockade runner before settling in Bermuda with his wife. Rainey is best known for his career after the war, when he served as the first black member of the House of Representatives, but he spent the war years operating a prosperous barber shop that catered to the blockade running set in St. George's. Rainey, apparently well-known and liked around St. George's and Hamilton, made the acquaintance of Blackburn during the yellow fever outbreak in 1864. It appears that Rainey traveled with Blackburn to Halifax when the doctor made his departure from the islands, and he returned home to Bermuda several weeks later. When the Yellow Fever plot was exposed, two white Bermudians alleged that Rainey distributed trunks of fever clothing in New York and received a sizable payment from Blackburn for his services, which paid for his barber shop in Hamilton. The authorities in Bermuda did not find sufficient evidence to charge Rainey with any crime, as his accusers were themselves attempting to deflect blame in the matter, but his travels with Blackburn and his whereabouts after arriving in Halifax remained unexplained.

Rainey's involvement reminds us that, although on the balance they strongly supported the Union, the free black populace in the colonies was not always a monolithic obstacle to the Confederate cause, especially in places where the powerful sympathized with the rebellion. In Canada, where many had direct ties to family in the United States, a huge proportion of black population joined the Union Army.<sup>106</sup> Their opposition to the Confederacy was unambiguously demonstrated by their willingness to risk their lives to defeat it. In Bermuda and the Bahamas, by

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<sup>106</sup> Richard M. Reid, *African Canadians in Union Blue: Volunteering for the Cause in the Civil War* (Kent, OH: Kent State University Press, 2015), 2–5, 37–55.

contrast, it was relatively difficult to reach Union territory to enlist, while large numbers of black colonists benefitted from the easy money, high wages, and patronage relations brought on by blockade running. Pro-Confederate local authorities also made it difficult to aid the Union directly, as when Bahamas authorities prosecuted several black harbor pilots on questionable grounds for violating the Foreign Enlistment Act after guiding Union warships.<sup>107</sup>

In this milieu it is not impossible that Rainey assisted Blackburn, probably unwittingly given Rainey's treatment at Confederate hands in South Carolina in 1861, in carrying out his task. Like Godfrey Hyams, who was Jewish, Rainey was a member of a disfavored minority and probably struck Blackburn as particularly expendable. Blackburn returned to Bermuda in the fall of 1864 and gathered more clothing, but he decided to wait until the following year's warm season made an outbreak similar to that at New Bern more likely. He left several trunks in the care of Edward Swan, a St. George's innkeeper, with instructions to hold them until he sent word with a destination. He told George Black, a clerk in Walker's office, to pay Swan \$250, provided by Blackburn, upon delivery of the trunks.<sup>108</sup>

Blackburn's behavior, once it became known, met with some opposition from the Confederate community in British North America. At least one prominent Southerner in Canada, upon learning of Blackburn's plans, urged against it on moral grounds. The Rev. Kensey Johns Stewart, a former chaplain in the Confederate army whom Davis had sent to Canada to help organize a mission to rescue prisoners from the camp at Elmira, New York, apparently learned of Blackburn's plot.<sup>109</sup> Davis had second thoughts about Stewart's suitability for secret service and

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<sup>107</sup> *Nassau Guardian*, 7 February 1863.

<sup>108</sup> *Bermuda Advocate*, 26 April 1865, reprinted in the *New York Times*, 16 May 1865, 1.

<sup>109</sup> PJD 11:119–20.

declined to have him pursue the prison matter further, although Stewart remained in Canada as yet another freelance operative. In December 1864, after Blackburn again returned to British North America from Bermuda, Stewart wrote to Jefferson Davis expressing his horror and concern at the nature of what he learned of the plan. Stewart decried the “impious” nature of many of the Confederate agents in Canada and hoped that Davis was not “capable of desiring the blessing of God upon, or being associated with, the instruments and plans” of Blackburn. Stewart knew that Hyams intended to deliver trunks of what Stewart called “smallpox clothing” to Washington, and the minister felt sure that such an operation would bring the wrath of God upon the Confederacy. Stewart called Blackburn, whom he did not directly name, “well-meaning,” but urged Davis to discourage further operations. Stewart also alluded to other campaigns of destruction against civilian targets then in progress and attributed their failure to divine disfavor.<sup>110</sup> Based on Stewart’s letter, it seems likely that Davis was aware of Blackburn’s plot, though there is no indication he knew or approved of it in advance.

Stewart was not the only one opposed to Blackburn’s endeavor. Stuart Robinson, a Kentucky Presbyterian minister who fled for Canada in 1862, claimed that the senior Confederates in Canada likewise did not support the Yellow Fever Plot. Robinson had gained some local notoriety by operating an informal church in Toronto frequented by Southerners (and a surprising number of Canadians) who came to hear his pro-slavery and pro-Confederate sermons.<sup>111</sup> According to Robinson, James P. Holcombe said “if there was any sense in what

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<sup>110</sup> Rev. Kensey Johns Stewart to Jefferson Davis, 12 Dec. 1864, Prison Pens, Canada Raids, Secret Operations; Record Books of Executive, Legislative, and Judicial Offices of the Confederate Government, RG 109, NARA.

<sup>111</sup> Kevin Kee, “Stuart Robinson: A Pro-Slavery Presbyterian in Canada West,” *Historical Papers: Canadian Society of Church History*, 1996.

[Hyams] was about, Davis would be the first man to hang him,” and that Hyams had swindled his passage money to Halifax from Holcombe by pretending to be an escaped prisoner of war who wished to return to the Confederacy.<sup>112</sup> Jacob Thompson also supposedly rebuffed Blackburn as he prepared his second attempt in the spring of 1865 using the trunks of clothing stored in Bermuda. Thompson “was a man of family and had a reputation to sustain,” and could not be associated with such a scheme. He warned Blackburn that “if he persisted in this undertaking it would make him infamous and that he would not furnish a dollar for any such purpose.”<sup>113</sup> Blackburn, denied funds, remained in Montreal until his arrest in May.

Canadian authorities arrested Blackburn and charged him with neutrality violations under the Alien Act. Notably, the Confederate establishment in Canada gave evidence against Blackburn in an attempt to disavow his actions. William Cleary submitted an affidavit to the court that testified to Blackburn’s role in the plot, while claiming the Confederate government’s innocence in the matter. With the end of the war however the prosecution lost urgency, and Blackburn, like the remaining St. Albans raiders, was acquitted for lack of evidence. In Blackburn’s case, the obstacle to his conviction was that the yellow fever trunks had not actually been on Canadian soil, only Nova Scotian.<sup>114</sup> The Colonial Office hurriedly located Blackburn’s gift from the Admiralty before it could become a source of embarrassment, and he never received it. The Admiralty considered his acquittal a matter of procedure rather than an

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<sup>112</sup> Deposition of Stuart Robinson, in Monck to Cardwell, 2 June 1865, f267, CO 42/649, reel B-463, HDL.

<sup>113</sup> Deposition of William Cleary, f272, CO 42/649, reel B-463, HDL.

<sup>114</sup> Steers, *Blood on the Moon*, 51. Canadian courts could not try someone for a crime committed in Nova Scotia, which was still a distinct colony.

affirmation of innocence and did not wish to be further associated with him.<sup>115</sup> Neither, once the plot came to widespread attention, did the other Confederates in Canada.

While Blackburn acted with only ambivalent Confederate government sanction, Jacob Thompson also redirected his organization to more nefarious ends. Never comfortable in his role and increasingly homesick, Clay arranged to return home after the St. Albans raid, leaving Thompson in charge of the Confederate mission in Canada. Stymied by federal suppression of attempts to orchestrate prison breakouts at Rock Island and Camp Douglas, Illinois, Thompson turned his thoughts to retaliation rather than military or political victory. He approved a scheme to commit widespread arson in Northern cities, including Boston, Cincinnati, and New York, to coincide with yet another planned Copperhead uprising on election day, November 8, 1864.<sup>116</sup>

The attack on New York coincided with increasing calls by Confederates for retaliatory actions in response to supposed Union atrocities, especially Union general Phillip Sheridan's campaign in the Shenandoah Valley of Virginia. In October the editor of the *Richmond Whig* called for some enterprising Confederate, perhaps in Canada, to burn Northern cities in revenge, declaring "It would not be immoral and barbarous" to do so.<sup>117</sup> Tipped off that uprisings were planned for election day, Union authorities reinforced New York with thousands of troops under Maj. Gen. Benjamin Butler. The Copperheads backed out once again, leaving the group of eight pro-Confederates led by Col. Robert Martin, who had made their way from Canada to New York, in want of a task. After learning from the newspapers that their compatriots in a parallel

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<sup>115</sup> Romaine to Rogers, 16 Nov. 1865, f20-22, CO 37/193, UKNA.

<sup>116</sup> John W. Headley, *Confederate Operations in Canada and New York* (New York: Neale Publishing Company, 1906), 264–65.

<sup>117</sup> *Richmond Whig*, 15 October 1864, quoted in Foreman, *A World on Fire*, 697.



scheme in Chicago had been rounded up, the group decided to act on their own accord. John W. Headley, one of the participants, later wrote that their purpose was to “let the Government at Washington understand that burning homes in the South might find a counterpart in the North.”<sup>118</sup> Robert Cobb Kennedy, who had escaped from the Johnson’s Island prison in 1863 and joined the Confederate enclave in Toronto, likewise professed that “that thus far the South had borne all the trials, endured all the privations, and that it was the purpose of turning the tables that these raids were undertaken. The ladies of the South . . . have given up their luxuries and walk bare-footed over their own land, and it is about time for the women of the North to share their sufferings.” Kennedy also claimed that Confederate authorities in Canada, though he does not say who, told him “that the object of the expedition was to retaliate upon the North for the atrocities of Sheridan in the Shenandoah Valley.”<sup>119</sup> The little group of Confederates determined that fire was the appropriate purifier for Northern sins.

After obtaining “Greek fire,” a liquid chemical that combusted when exposed to air, from a sympathetic Copperhead, the group launched their arson spree on the evening of November 25<sup>th</sup>. Their targets, despite later efforts at self-justification that their raid was within the laws of warfare, were almost entirely civilian, and calculated to cause panic and death among the populace of Manhattan. They set fires in nineteen hotels across the city, along with Barnum’s Museum and a river barge filled with hay. Panicked shouts and ringing bells followed the men across the city, but by the next day Martin and his associates discovered that their fires failed to spread much beyond the rooms they started in, and that the police were searching for the

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<sup>118</sup> Headley, *Confederate Operations in Canada and New York*, 271.

<sup>119</sup> *New York Times*, 26 March 1865; O. Edward Cunningham, “‘In Violation of the Laws of War’: The Execution of Robert Cobb Kennedy,” *Louisiana History* 18, no. 2 (1977): 189–201.

arsonists with the aid of descriptions from the hotels. The group traveled by rail to Niagara Falls and crossed back into Canada, where they rejoined Thompson in Toronto.<sup>120</sup>

Union authorities quickly laid the blame for the fires on Confederate operatives, although their failure to cause significant damage dampened the urgency of the Northern response and muted diplomatic conflict. Nevertheless, Northern officials, particularly Maj. Gen. John A. Dix, commanding the department that included New York, viewed the arson and Thompson's sponsored raids to free prisoners of war as criminal acts outside the legitimate bounds of warfare. When Union forces captured Robert Cobb Kennedy as he attempted to cross from Canada back to the South, they did not accord him the status of a prisoner of war.<sup>121</sup> Neither did they extend that status to John Yates Beall, who was captured by detectives in December after a particularly bumbling effort, led by Col. Martin, to free some Confederate officers being transferred by rail in western New York. Both Beall and Kennedy were held and tried as spies and saboteurs before a military commission. Despite attempts at intercession by Thompson and others to argue that they were legitimate soldiers, not "guerilleros" or spies, the judges did not agree. Lincoln declined to interfere and both men were hanged at Governor's Island, Beall on February 24, 1865, and Kennedy the following month.<sup>122</sup>

The alarm surrounding the New York arson encouraged Jacob Thompson, who wrote to Benjamin that "The attempt on New York has produced a great panic, which will not subside at

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<sup>120</sup> Headley, *Confederate Operations in Canada and New York*, 274–80; For a fuller account, see Nat Brandt, *The Man Who Tried to Burn New York* (Lincoln, NE: iUniverse, 1986).

<sup>121</sup> Cunningham, "In Violation of the Laws of War," 196–98.

<sup>122</sup> Beall and Lucas, *Memoir of John Yates Beall*, 209–18; Headley, *Confederate Operations in Canada and New York*, 325–31.

[Union authorities'] bidding." He planned continued efforts to destroy property and infrastructure across the North, and "to burn whenever it is practicable, and thus make the men of property feel their insecurity and tire them out with the war."<sup>123</sup> Holcombe and Thompson, independently of one another, both urged continued support of dissidents within the North to force a fracture among the people of the North and perhaps strengthen Confederate armies. Neither placed any faith in Copperhead secret societies – their repeated failure to carry out their promises to aid Confederate operations the preceding summer and fall had convinced Thompson and Holcombe of their uselessness – but both men remained optimistic that enough dissatisfaction remained among the Northern populace that some kind of help could be forthcoming.<sup>124</sup> The Confederate government remained committed to funding irregular operations out of Canadian territory, in spite of their increasing inability to direct their course.

Perhaps the ultimate symbol of that disruption between encouragement and control of irregular operations was, on the very night of the New York arson, standing on stage at the Winter Garden theater. John Wilkes Booth and his brothers headlined a performance of "Julius Caesar" in celebration of the tercentenary of Shakespeare's birth, although ironically John Wilkes played the role of Marc Antony, while his brothers took the parts of the famous assassins Brutus and Cassius. Amid the second act, there literally arose the cry of "fire!" in a crowded theater. Confederate agent John Ashbrook had just set fire to the neighboring Lafarge House hotel, and the smoke and activity of the fire department threatened to spread panic inside the Winter Garden. Theater staff and police urged the fearful crowd to return to their seats. The performance resumed, and the audience had no idea that one of the triumvirate standing before

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<sup>123</sup> Thompson to Benjamin, 3 December 1864, ORN ser. 1, vol.3, 719.

<sup>124</sup> Holcombe to Benjamin, 16 November 1864, ORN ser. 2, vol. 3, 1234.

them was intimately connected with the organization behind the evening's terror. The next morning, Booth, already enmeshed in a reprisal plan of his own, sparked an argument with his brothers after defending the evening's arson as justified retaliation for Northern depredations in the Shenandoah Valley.<sup>125</sup> Booth had already accepted Confederate justifications for the attack, and he was surely aware through his own association with the network in Canada that government officials had supported it. He was justified in expecting similar aid.

The Yellow Fever plot and the attempted arson of New York may have failed, but the dislocation of private warfare from Confederate control had one last, catastrophic bullet in the chamber: Booth. Lincoln's assassination represents the logic of informal warfare and diplomacy taken to its extreme. This is not to argue that the Confederate government ordered or directly contributed to the assassination – other historians have examined the topic exhaustively and found no conclusive evidence.<sup>126</sup> What is clear, however, is that Booth and his associates carried out their attack in a milieu of Confederate desperation and a longstanding willingness by the government to countenance freelance action on behalf of the rebellion. After receiving both official funding and support for a plot to kidnap Lincoln inspired in part by revenge for the February 1864 Dahlgren raid on Richmond that supposedly meant to kill Jefferson Davis, it was not a great leap for Booth to adapt the plot into assassination.<sup>127</sup> The line connecting privateers,

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<sup>125</sup> Terry Alford, *Fortune's Fool: The Life of John Wilkes Booth* (New York: Oxford University Press, 2015), 195–98.

<sup>126</sup> Steers, *Blood on the Moon*, 1–7. Steers offers a useful summary of professional historiography of the assassination, and even the boldest claims, owing to scanty evidence, do not directly implicate Davis or his cabinet.

<sup>127</sup> Steers, 86–89.

freelance pirates, “destructionists,” and Booth is quite distinct.<sup>128</sup> When attempts to harness private enterprise for warfare in traditional forms failed to meet expectations, the Confederacy proved its willingness, over and over, to accept and give legitimacy to private, illegal operations if they offered the prospect of success.

The last ripple of Confederate-inspired operations in Canada also proved to be the most shocking and consequential. On the evening of April 14, 1865, John Wilkes Booth assassinated Abraham Lincoln at Ford’s Theater in Washington. The northern populace instantly suspected Confederate involvement, and Booth’s movements and associations received intense and immediate scrutiny, even as the manhunt for the assassins, who had also badly wounded William H. Seward and targeted Vice President Andrew Johnson, swept across the District of Columbia, Maryland, and Virginia. Booth’s movements in Canada created suspicion that the Confederate mission there had been involved in the assassination, and the United States issued warrants for the arrest of Clay, Thompson, George Sanders, Beverly Tucker, and William Cleary. Tucker had little to do with the covert operations in Canada, but his relative notoriety and association with Sanders and Clay were enough to tar him with the same brush.<sup>129</sup>

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<sup>128</sup> Tidwell, *April '65*, 77–106. The logic of compensating civilian “destructionists” for damaging Union property and ships dates from early in the war and was linked to privateering and later efforts to create a privately-funded “Volunteer Navy.” Stephen Mallory found the practice particularly attractive, and James Seddon sought to expand it to land warfare as well, beginning in 1863.

<sup>129</sup> For a comprehensive history of the assassination, see Steers, *Blood on the Moon*, 71–118.

Speculation about the extent of Confederate involvement in the assassination was rampant at the time, and it has hardly died down since.<sup>130</sup> Confederate officials, particularly Clay, Thompson, and Judah Benjamin, destroyed much of the official correspondence regarding secret service activities in Canada, so it is impossible to rule out some nefarious connection between the government in Richmond and Booth. However, it seems far more likely that Booth and his fellow conspirators acted in the same spirit as the other quasi-filibusters, arsonists, and raiders of the late years of the war. They certainly had contact with the Confederate network in British North America and received some funding and logistical support from it.<sup>131</sup> The assassination plot emerged from an aborted plan to kidnap and ransom Lincoln which had substantial Confederate government involvement both in Canada and in the contested borderlands around Washington, northern Virginia, and southeastern Maryland.<sup>132</sup> Many of those involved in the assassination had been involved in the kidnapping plot, and Booth clearly leaned on the contacts and resources of that loose network in orchestrating the killing.

Booth famously visited Montreal for ten days beginning on 18 October 1864, ostensibly to arrange to have his theatrical wardrobe shipped to the South via blockade runner. While in Montreal he stayed at St. Lawrence Hall, a hotel and hub for Confederate exiles and sympathizers in the city. He met widely with the Confederate community in the city, including Patrick C. Martin, a Maryland liquor dealer and occasional blockade runner who spent much of

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<sup>130</sup> Tidwell, *April '65*, 160–96. Tidwell argues that Jefferson Davis and Judah Benjamin likely knew of and approved of plan to assassinate Lincoln, and that they arranged for direct support for the operation. The evidence for this is circumstantial at best.

<sup>131</sup> Steers, *Blood on the Moon*, 71–74, 88–89.

<sup>132</sup> William A. Tidwell, James O. Hall, and David Winfred Gaddy, *Come Retribution: The Confederate Secret Service and the Assassination of Lincoln* (Jackson: University Press of Mississippi, 1988), 328–42.

the war in Montreal. Martin had cooperated with the aborted 1863 attempt to attack Johnson's Island, and was a business partner of Alexander Keith Jr., of the Halifax branch of the Confederate network.<sup>133</sup> Neither Clay nor Thompson were in Montreal at the time of Booth's visit, but he met with George Sanders, who was still deeply involved in the Confederate operation there.<sup>134</sup> The St. Albans raid occurred just after Booth's arrival, creating a frenetic atmosphere, and Sanders left the city for St. Johns (St. Jean-sur-Richelieu) in order to attempt to help some of the captured raiders, but he returned before Booth left and took a room at the same hotel. This interaction with Sanders received particular scrutiny because of Sanders' earlier, very public advocacy of assassination, and his distress over the recent death of his son Lewis in a Northern prison. Booth conducted his business, including opening an account at the Bank of Ontario, favored by Confederate exiles, and taking out a sterling bill of exchange. Booth left Montreal and returned to the United States on October 28. Martin sailed for Halifax on one of his own blockade-running schooners with Booth's wardrobe among the cargo, but his ship was lost at sea with all hands. Some have speculated that Alexander Keith sank the ship with a time bomb as part of a marine insurance fraud scheme – something plausible though perhaps unlikely, given Keith's later infamy for a string of mysterious ship disappearances and the bombing of the passenger liner *Moselle* in Hamburg in 1875.<sup>135</sup>

One of Booth's co-conspirators maintained even stronger links to the pro-Confederate network in Canada. John Harrison Surratt did not participate in the actual assassination, but as a

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<sup>133</sup> Lt. Robert Minor to Adm. Franklin Buchanan, 2 Feb. 1864, in ORN ser. 1, vol. 2, 822-824.

<sup>134</sup> Tidwell, Hall, and Gaddy, *Come Retribution*, 333-34.

<sup>135</sup> J.W.A. Wright, "Mysterious Fate of Blockade Runners," *Overland Monthly* 7, no. 39 (March 1886): 298-302; Ann Larrabee, *The Dynamite Fiend* (Halifax, NS: Nimbus, 2005).

courier and frequent associate of Confederates in Canada and Maryland he provided introductions and other support for Booth. At the time of the attack he was in Elmira, New York, scouting the prisoner of war camp there at the behest of Edwin Gray Lee, a Confederate army officer (and distant cousin of Robert E. Lee) who had gone to Canada to replace the departed Clement Clay and James P. Holcombe. Upon learning of the assassination, Surratt fled to Montreal, where John Porterfield guided him to the same network of French-Canadian priests that had sheltered the St. Albans raiders. The priests hid Surratt for weeks, until he could quietly book passage on a steamer for Britain. Surratt's case illustrates that the Confederate network maintained at least a loose connection with Booth and its members were more than willing to aid the escape of a suspected assassin.<sup>136</sup>

Spooked by Booth's obvious ties to their network, prominent Confederates in Canada rushed to distance themselves from the assassination.<sup>137</sup> Beverley Tucker wrote a flurry of public letters declaring his own innocence and charging that anyone who claimed he was involved in the assassination "hath blackened his soul with diabolical perjury."<sup>138</sup> Tucker claimed never to have even heard of Booth before learning of the assassination, and protested the innocence of his colleagues in Canada. Tucker and Sanders simultaneously published a joint response to the declaration from Andrew Johnson that they, along with Davis, Clay, Thompson, and William Cleary, were wanted in connection with the assassination conspiracy. They called the accusation "a living, burning lie," and accused Johnson of conspiring to murder "*our* Christian President," a

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<sup>136</sup> Andrew C. A. Jampoler, *The Last Lincoln Conspirator* (Annapolis: Naval Institute Press, 2008), 46–47.

<sup>137</sup> See for example Stuart Robinson, *The infamous perjuries of the "Bureau of Military Justice" exposed: letter of Rev. Stuart Robinson to Hon. Mr. Emmons, with postscript and appendix*, (Toronto: n.p., 1865).

<sup>138</sup> "The Booth Conspiracy. Letter From Beverley Tucker to the People of Canada," Toronto *Globe*, 8 May 1865, 1.



reference to Davis and the supposed objective of the Dahlgren raid on Richmond the previous year. Their letter likewise claimed that neither of the men had ever met Booth, which was plainly a lie in the case of Sanders. Tucker went so far as to accuse Andrew Johnson of orchestrating the assassination himself in order to seize the Presidency.<sup>139</sup> Cleary, Thompson's secretary and assistant, published a pamphlet protesting his innocence as well.<sup>140</sup> Clay, who had returned to the Confederacy just before the fall of Fort Fisher put an end to blockade running, turned himself in to Union forces in Georgia and they imprisoned him alongside Jefferson Davis at Fortress Monroe. The other prominent Confederates in Canada, despite public boasts of their willingness to face Union authorities, decided to remain in exile for the time being.

The loud, angry denials of complicity by the Confederates in Canada illustrated the enduring problem of their mission: even a cursory investigation could plausibly tie them to violent acts by their associates, regardless of the actual extent of their involvement. By embracing private violence and ceding sovereignty over its use in a war for Southern independence, they encouraged, implicitly, illegal attacks, neutrality violations, and even assassination. By the same measure they also opened the Confederate government to accusations of involvement in any of those schemes, however tenuous. Thompson (who departed for Europe before the assassination), Sanders, and Cleary had every reason to fear that they might be arrested in Canada and either tried for neutrality violations under the recently-passed Alien Act,

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<sup>139</sup> Nathaniel Beverley Tucker, *Address to the People of the United States*, ed. by James Harvey Young, (Atlanta: Emory University, 1948), 17-21.

<sup>140</sup> W.W. Cleary, *The Protest of W.W. Cleary against the Proclamation of President Johnson, of May 2nd* (Toronto: Lovell and Gibson, 1865).

or extradited to the United States.<sup>141</sup> Their panicked denunciations showed that they recognized their project had descended into illegitimacy and that they feared being held to account for an operation that they could neither control nor deny association therewith.

The long fuse, lit by privateering, Committees of Safety, and “destructionists” in 1861, had at last reached the magazine. Lincoln’s assassination and the Yellow Fever Plot were the logical endpoints of the persistent willingness of Confederate authorities to cede their authority over life and death, trade and commerce, and war and peace, to private parties. The Canadian adventure, with far more direct Confederate control, participation, and funding than earlier colonial enterprises, nevertheless spun out of control in the hands of freelance evangelists for chaos like George Sanders. In the space of a few months Jacob Thompson, Clement Clay, and their associates transformed their mission from one of informal diplomacy and subversion into one of direct action, revenge, and atrocity. When even quasi-legitimate operatives like Bennett H. Young, of the St. Albans raid, openly proclaimed revenge and reciprocity as their mission, how could the cloud of hangers-on, sympathizers, and grifters in the Confederate orbit in British North America and beyond fail to notice?<sup>142</sup> Luke Blackburn and John Wilkes Booth had every reason to expect that their crimes would be tolerated, though perhaps not approved of, by British colonials, and perhaps even embraced after the fact by the Confederacy. That was the lesson of the *Florida*, the *Chesapeake*, the *Roanoke*, St. Albans, and the many other cases where violations of the norms of warfare and international law received shelter in the colonies and sanction from the Confederate government.

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<sup>141</sup> Winks, *The Civil War Years*, 332. Monck to Cardwell, 31 Dec. 1864, with enclosures, f580, CO 42/644, reel B-460; Monck to Cardwell, 7 Jan. 1865, with enclosures, f71, CO 42/647, reel B-461, HDL.

<sup>142</sup> Winks, 306.

That the Confederate mission to Canada failed to achieve a war-winning success should not obscure its troubling possibilities, and the persistent, bloody problem of transnational rebellions that it presaged. The Northern border certainly suffered years of turmoil as an indirect result of Confederate meddling in Canada. Northern detectives, rightly skeptical that Canadian courts would cooperate in extradition proceedings, attempted to kidnap former Confederates hiding in Canada on several occasions – Sanders himself narrowly avoided abduction in August, 1865.<sup>143</sup> The Fenian Brotherhood, flush with recruits from the disbanding Union armies, made plans to hold Canada hostage in pursuit of freedom for Ireland, and American authorities did not hinder them until blood was shed on the Canadian side of the frontier.<sup>144</sup> Further west, the United States repaid British refusals to allow the U.S. Army to pursue and “exterminate” Native Americans sheltering across the border from Minnesota during the Dakota War by encouraging kidnappings of the Sioux leaders in Hudson’s Bay territory, and later by allowing Louis Riel to take refuge across the border.<sup>145</sup> The willingness of private citizens to disregard state authority along the border was, in 1864-65, a longstanding tradition, but the money, arms, and support of the Confederate government catalyzed it into action. Absent the organizational support of the Confederate apparatus in Canada for private, self-organized violence, it is an open question whether Booth would have attempted to assassinate Lincoln. The Confederates and their collaborators ensured that transnational violence far outlived their own ambitions.

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<sup>143</sup> “From Canada.; Another Attempt to Kidnap Geo. N. Sanders,” *New York Times*, 9 Aug. 1865, 1.

<sup>144</sup> W.S. Neidhardt, *Fenianism in North America* (University Park: Pennsylvania State University Press, 1975), 13–15, 30–31, 38–39, 44–49. The U.S. government proved reluctant to disturb Fenians even when they gathered near the border under arms.

<sup>145</sup> Lord John Russell to Sir Frederick Rogers, 9 Feb. 1864, with enclosures, f69-87, CO 42/645, reel B-460, HDL; Winks, *The Civil War Years*, 174.

## Epilogue

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It was a fitting irony that so many Confederates sought refuge in British colonies in the years after the Civil War. The places that Southerners railed against for harboring the "mutineers" of the *Creole* and countless fugitive slaves like John Anderson became the sanctuary, in turn, for fugitive slavers. Some were very prominent men: Jefferson Davis, John C. Breckinridge, James Mason, John Bell Hood, Jubal Early, Luke Blackburn, Jacob Thompson, George Sanders, and many others spent months or years after the war in the colonies, mainly in Canada, while awaiting pardons or other opportunities to return home.<sup>1</sup> Davis came to Canada almost immediately after his release from Fortress Monroe in May, 1867 to join Varina and his children, and he remained in the colony-turned-Dominion off and on for nearly two years. Despite a sizeable pro-Union faction that included thousands of Union Army veterans both black and white, there was little serious Canadian resistance to their presence, although an anonymous man shoved a paper with the word "Andersonville" scrawled on it into Davis's hand in Montreal that summer.<sup>2</sup> The victorious U.S. government did not, in general, pursue them or seek extradition, and most Confederates returned home eventually, pardon or no. A few stayed and started new lives, notably Confederate naval officer (and nephew of Jefferson Davis) John Taylor Wood, who settled in Halifax, the scene of his celebrated 1864 escape in the CSS *Tallahassee* – with the aid of a local pilot – from U.S. Navy pursuit. British North America, soon

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<sup>1</sup> Adam Mayers, *Dixie and the Dominion: Canada, the Confederacy, and the War for the Union* (Toronto: Dundurn Press, 2003), 212–19.

<sup>2</sup> Mayers, 212–16.

transformed into the Dominion of Canada, continued to offer a warm welcome to ex-Confederates.<sup>3</sup>

British territory occasionally sheltered Southern fugitives well into Reconstruction. In the closing days of the war, both Vernon Locke and John C. Braine – still wanted fugitives after their piracy in the *Chesapeake* and *Roanoke* hijackings – appeared in the island colonies once again, and once again they escaped. Braine showed up in Jamaica in early July 1865 with the American schooner *St. Mary*, which he and his band had hijacked in Chesapeake Bay in March. Bereft of supplies and shorn of “all pretense of an insurgent authority” as cover for further misdeeds, he abandoned the ship and fled to Liverpool on the mail steamer, while the U.S. consul fumed at the governor’s failure to arrest him. Braine returned to New York some time later and was arrested, but the government lost interest in his case and decided not to prosecute him further.<sup>4</sup> A few years later Canada again served as a refuge, this time for Ku Klux Klan members fleeing prosecution, but their pursuers were not above resuming the prewar practice of irregular renditions of fugitives. Joseph Hester – the very same murderer whose return from British custody into Confederate hands in Bermuda had been so troublesome in 1863 – walked free and served in later years as a U.S. Marshal, operating against the Ku Klux Klan in North Carolina. In 1872 he tracked Dr. Rufus Bratton, a murderer and fugitive Klan leader, to London,

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<sup>3</sup> Royce Gordon Shingleton, *John Taylor Wood: Sea Ghost of the Confederacy* (Athens: University of Georgia Press, 1979), 199–206; Robin W. Winks, *The Civil War Years: Canada and the United States*, 4th ed. (Montreal: McGill-Queen’s University Press, 1998), 372–73.

<sup>4</sup> Francis X. Holbrook, “A Mosby or a Quantrill? The Civil War Career of John Clibbon Braine,” *American Neptune* 33, no. 3 (July 1973): 199–211. William Seward to Charles F. Adams, 20 July 1865, and Adams to Lord Russell, 10 August 1865, in *Alabama Claims*, 4:350–51. Quote is from Adams’ letter to Russell. H.A. Parr, one of the *Chesapeake* hijackers, was reportedly along with Braine for portions of this escapade.

Ontario, in the new Dominion of Canada. With the aid of an Ontario man named Isaac Cornwall, Hester seized Bratton on the street in broad daylight, chloroformed him, and dragged him across the border to face justice.<sup>5</sup> Bratton walked free on bail back in North Carolina and promptly returned to Canada. Cornwall was later convicted and imprisoned in Canada for kidnapping, but Hester, like so many previous cross-border vigilantes, escaped any consequences for his act. Bratton's forcible return to the United States mirrored the process by which so many others – fugitive slaves and petty criminals alike – had been snatched back into bondage or custody in the nineteenth century, and his bail-jumping return to Canada fittingly matched the safe haven received by Confederates in the preceding decade.

The British portion of the Confederate commercial-diplomatic network generally had better fortune than their Southern counterparts in the aftermath of the war. The United States government vigorously pursued firms and assets that could be definitively tied to Confederates, such as the Liverpool-based Fraser, Trenholm & Company, but colonial firms and subjects with their fingers in the blockade-running pie were mostly safe. In the Bahamas Henry Adderley took his wealth and family and retired permanently to London, while his son and son-in-law remained prominent in the much-diminished affairs of Nassau, but also received knighthoods for their work in the London political and business community.<sup>6</sup> Nathaniel Butterfield, who quietly supported blockade running with insurance, remained in Bermuda, where the bank that bears his

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<sup>5</sup> Matthew Pearl, "K Troop: The Story of the Eradication of the Original Ku Klux Klan,"

([http://www.slate.com/articles/news\\_and\\_politics/history/2016/03/how\\_a\\_detachment\\_of\\_u\\_s\\_army\\_soldiers\\_smoked\\_out\\_the\\_original\\_ku\\_klux\\_klan.html](http://www.slate.com/articles/news_and_politics/history/2016/03/how_a_detachment_of_u_s_army_soldiers_smoked_out_the_original_ku_klux_klan.html), accessed 26 May 2017). Bratton served as an inspiration for Thomas Dixon's novel *The Clansman* and the corresponding film *Birth of a Nation*.

<sup>6</sup> John Gorman, "The Adderley Family in the New World," *Journal of the Bahamas Historical Society* 22 (October 2000): 38–39.

family name is still the most prominent on the islands.<sup>7</sup> John Tory Bourne fared less well. His gamble to delay taking commission on his work until after a Confederate victory failed, and he returned to a slow and obscure mercantile life trying to unload heaps of now-useless military supplies to the Royal Navy while managing a small import-export business.<sup>8</sup> Local historian William Zuill encountered Bourne's grandson in St. George's, Bermuda in the 1920s, and found he had little to show for his ancestor's efforts beyond a few letterbooks – valuable only to a historian.<sup>9</sup> The easy money of the heyday of blockade running did not last, but most of the Confederacy's mercantile friends in the island colonies survived the collapse of the trade in good order. The island colonies themselves likewise faded in importance, although Bermuda's military facilities ensured a greater share of Imperial largesse than the Bahamas.

Some of the Confederacy's friends in British North America, for their part, played prominent roles in creating their own Confederation. Benjamin Wier supported the effort to unify the northern colonies and served as one of Nova Scotia's first senators. J.W. Ritchie, who leaped to the defense of Confederate interests (and local pirates) in the *Chesapeake* case gained an appointment to the Legislative Council of Nova Scotia as soon as that matter was resolved, and

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<sup>7</sup> John T. Bourne to Nathaniel A. Butterfield, 20 Sept. 1865, Bourne Letterbook (press) July 1865-October 1869, John Tory Bourne Letterbooks 1863-1869, Bermuda National Archives, Hamilton, Bermuda.

<sup>8</sup> See correspondence, *passim*, in Bourne Letterbook (press), July 1865-October 1869, John Tory Bourne Letterbooks 1863-1869, Bermuda National Archives. Bourne advertised widely to sell gunpowder and other stores and wrote directly to the army and navy officials in charge of supplies in Bermuda.

<sup>9</sup> Frank E. Vandiver, ed., *Confederate Blockade Running Through Bermuda, 1861-1865: Letters and Cargo Manifests* (Austin: University of Texas Press, 1947), ix-x; Stephen R. Wise, *Lifeline of the Confederacy: Blockade Running During the Civil War* (Columbia: University of South Carolina Press, 1988), 221-26.

went on to be an influential voice in support of a British North American union.<sup>10</sup> His brother William Johnstone Ritchie, who liberated the *Chesapeake* raiders in New Brunswick, was soon raised to Chief Justice of the New Brunswick Supreme Court and later became a founding justice of the Supreme Court of Canada.<sup>11</sup> Thomas Connolly, the archbishop of Halifax, threw in his support as well, and called upon the Catholic faithful to do the same.<sup>12</sup> George Taylor Denison, a wartime friend to and frequent visitor of Confederate exiles, went on to prominence as an advocate for British imperialism and a role for Canada as an active participant in building and maintaining the Empire.<sup>13</sup>

British America had sheltered and sustained the rebellion's life and death. After Appomattox, it sheltered its rebirth and immortality, as the myth of the Lost Cause arose to win in memory what the South had failed to achieve on the battlefield. Jubal Early wrote the first of his histories of the war while in Canada, laying the groundwork for a prolific post-war career as a

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<sup>10</sup> Neil J. MacKinnon, "Ritchie, John William," in *Dictionary of Canadian Biography*, accessed June 19, 2019, [http://www.biographi.ca/en/bio/ritchie\\_john\\_william\\_11E.html](http://www.biographi.ca/en/bio/ritchie_john_william_11E.html); David A. Sutherland, "Wier, Benjamin," in *Dictionary of Canadian Biography*, accessed June 19, 2019, [http://www.biographi.ca/en/bio/wier\\_benjamin\\_9E.html](http://www.biographi.ca/en/bio/wier_benjamin_9E.html).

<sup>11</sup> Gordon Bale, *Chief Justice William Johnston Ritchie: Responsible Government and Judicial Review* (Ottawa: Carleton University Press, 1991), 85–91.

<sup>12</sup> Thomas L. Connolly, "The archbishop of Halifax on the Irish in British and in republican America," in Thomas D'Arcy McGee, *The Irish position in British and in republican North America: a letter to the editors of the Irish press irrespective of party, 2nd ed.* (Montreal: M. Longmoore & Co., 1866), appendix B.

<sup>13</sup> George T. Denison, *Soldiering in Canada: Recollections and Experiences*, 2nd ed. (Toronto: George N. Morang and Company, 1901), 58–81; Mayers, *Dixie and the Dominion*; Carl Berger, *The Sense of Power: Studies in the Ideas of Canadian Imperialism, 1867-1914* (Toronto: University of Toronto Press, 1970); George T. Denison, *The Struggle for Imperial Unity: Recollections and Experiences* (Toronto: Macmillan, 1909).



premier Lost Cause writer.<sup>14</sup> Davis was not yet prepared to begin his own monumental (in size, not literary achievement) history of the Confederacy while living in Canada, but his wife Varina, presaging the preeminent role of women in preserving and shaping the war's memory and legacy, smuggled the bulk of his personal papers out of the South and preserved them in a bank vault in Montreal while Davis languished in Fortress Monroe.<sup>15</sup> She ran the blockade, so to speak, with ammunition for the coming battle over the war's causes and legacy and found safe harbor, like so many arms-laden steamships, in the colonies.

While ex-Confederates began the struggle over the war's memory and legacy in the United States, the frontier between the provinces and the Republic hardly returned to tranquility. The Fenian Brotherhood engaged in a series of filibustering attacks into Canada from the United States, hoping to spark an uprising and conquest, with the ultimate goal of trading the territory for the liberation of Ireland. The United States, still angered by Confederate exploitation of the colonies, indicated to the British government that if the Fenians succeeded they would "acknowledge accomplished facts" and recognize an independent Ireland.<sup>16</sup> To the west, Native Americans used the border as a shield from the pursuit of U.S. troops, while Métis leader Louis Riel crossed in the other direction and sheltered from Canadian and British pursuit after his failed uprising in the Red River colony, and Fenians threatened yet another expedition amidst the

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<sup>14</sup> Caroline E. Janney, *Remembering the Civil War: Reunion and the Limits of Reconciliation* (Chapel Hill: University of North Carolina Press, 2013), 141.

<sup>15</sup> Janney, 140, 234–45; Mayers, *Dixie and the Dominion*, 213–14; Varina Davis, *Jefferson Davis, Ex-President of the Confederate States of America: A Memoir*, vol. 2 (New York: Belford & Co., 1890), 796–800.

<sup>16</sup> Amanda Foreman, *A World on Fire: Britain's Crucial Role in the American Civil War* (New York: Random House, 2010), 796.

turmoil in Manitoba.<sup>17</sup> Across North America and the Caribbean, private military action – filibustering, transnational rebellions, banditry, and other species of violence – resumed its place in public attention, from Canada to Cuba, Jamaica, Mexico, and beyond. When U.S. authorities finally caught John C. Braine in 1866, he was trying to organize a filibustering expedition into the Caribbean, possibly against Haiti.<sup>18</sup> They serve as a reminder that the quest for order and the remaking of sovereignty across the land and waters of the hemisphere were never quite complete, and often failed to tame the traditions of grassroots international violence. In the nineteenth century, state control of the international use of force was never quite complete.

Private initiative and non-government actors deserve greater attention in our assessment of the Civil War's transnational conduct and legacy. The truly important diplomatic battles, once one looks beyond the objective of European recognition and intervention, were won and lost closer to home for the Confederacy. The ideological straitjacket of King Cotton diplomacy affected high-level Confederate assumptions and foreign policy goals in 1861-62, but within the Confederacy's borders merchants, associations, Committees of Safety, and other private and semi-official bodies created and sustained an unofficial export embargo. This was the most concrete early expression of Confederate foreign and trade policy, and the general government had little to do with it, beyond some behind-the-scenes encouragement by Judah Benjamin and a few others. When the embargo loosened, it fell once more to private parties to work out where

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<sup>17</sup> Jennifer Reid, *Louis Riel and the Creation of Modern Canada* (Albuquerque: University of New Mexico Press, 2008); G. Read and T. Webb, "'The Catholic Mahdi of the North West': Louis Riel and the Métis Resistance in Transatlantic and Imperial Context," *Canadian Historical Review* 93, no. 2 (2012): 171–195; Hereward Senior, *The Last Invasion of Canada: The Fenian Raids, 1866-1870* (Toronto: Dundurn Press, 1991), 173–87.

<sup>18</sup> Holbrook, "A Mosby or a Quantrill?," 210.

and how to move cargo out of ports and through the tightening blockade. British colonial help proved indispensable in this endeavor.

The Queen may have declared neutrality, but colonial subjects, and Confederate merchants, ship captains, and minor officials did much to determine its form and stringency, and they worked to turn it to their advantage. The decisions colonial officials, lawmakers, and judges made concerning the war frequently presented London with a *fait accompli*, and usually the Colonial and Foreign Offices upheld their choices – not least because of their long experience in the nineteenth century with difficult, fractious, and uncooperative populations in the American colonies. Conciliation and persuasion, rather than coercion, were the Colonial Office's tools of choice in dealing with them, and this gave colonists (and their Confederate partners) considerable freedom to push for favorable policies and resist or ignore those they disliked. By close association with colonial elites and social life Confederates also made sympathetic friends among imperial officials and military officers. By these means, Confederates gained access to favorable import and export policies and low fees in the Bahamas and occasional, quiet access to Royal Navy repair facilities in Bermuda, though these were often accompanied by intrainperial tensions as metropolitan forces pushed back against colonial intransigence.

This nearly seamless connection between Confederates and the colonial mercantile elite also gave the rebellion access to the machinery and protection of British power. Some of this was apparent from what the Union chose *not* to do. No U.S. Navy cutting-out expeditions entered Nassau or Halifax to capture or destroy Confederate warships and blockade runners when they sheltered under colonial guard, yet a Union captain felt no compunction about ordering the same done in the Brazilian port of Bahia to seize the CSS *Florida*, whose career had begun two years earlier with the obliging help of locals in the Bahamas. Confederate passengers and

communications likewise traveled with impunity aboard British ships – Union cruisers dared not seize people or mail from Cunard mail packets after the *Trent* affair.<sup>19</sup> Confederate mail also traveled on occasion in the holds of British warships, especially because the practice of using colonial cover addresses and recipients made letters and packages nominally British. British diplomats and colonial officials likewise protected the “quasi-English” steamers of the blockade running business and protested American depredations against them.<sup>20</sup> Colonial connivance and interpolity partnerships made it difficult or impossible for British officials to differentiate between genuinely British ships snapped up in the blockade and those owned in whole or in part by Confederate citizens. This occasionally descended into farce, as when future Confederate Treasury Secretary George A. Trenholm appealed to the Foreign Office to obtain redress for a Union attack on a “British” steamer he owned, but more often the result was constant pressure from Lord Lyons on the United States to adhere to accepted rules on the capture of prizes and to refrain from egregious abuse of supposedly-neutral shipping.<sup>21</sup> This cooption of British power

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<sup>19</sup> The Union seizure of Mason and Slidell from the *Trent* was not itself the cause of the uproar, but rather taking them without proper resort to a prize court. Likewise, enemy dispatches (which would include Confederate international mail) were generally agreed to be contraband of war and liable to seizure even from a neutral vessel.

<sup>20</sup> Charles J. Bayley to Lord Lyons, 12 May 1862, Lyons Papers, Letters Received, Box 122, Arundel Castle Archives, Arundel, UK.

<sup>21</sup> For the Trenholm letter see William Wilson to Lord Russell, 4 August 1863, with enclosures, FO 5/1234, Case of the Margaret and Jessie, maritime jurisdiction beyond the three-mile limit, FO 5: Foreign Office: Political and Other Departments: General Correspondence before 1906, United States of America, Series II, UKNA; Stuart L. Bernath, *Squall Across the Atlantic: American Civil War Prize Cases and Diplomacy* (Berkeley and Los Angeles: University of California Press, 1970), 7–17; Wise, *Lifeline of the Confederacy*, 184–85; Samuel Negus, “A Notorious Nest of Offence: Neutrals, Belligerents, and Union Jails in Civil War Blockade Running,” *Civil War History* 56, no. 4 (December 2010): 350–85.

was possible only with the aid of colonial friends and represents an underappreciated success of Confederate informal diplomacy and the privatized, transnational blockade running campaign.

Privatized warfare on the margins of the Civil War held enduring appeal for Confederate officials seeking an answer to the Union's naval and diplomatic stranglehold, especially Stephen Mallory and Judah Benjamin. Mallory, an old friend of antebellum filibustering, looked for ways to turn private enterprise into military effectiveness at sea. Mallory's Volunteer Navy program, which he developed in part at the urging of "private warfare" advocate Bernard Janin Sage, sought to mutate older privateering practices into quasi-state operations in order to evade municipal and international law.<sup>22</sup> The logic behind that program also motivated the government to offer sanction for pro-Confederate raiders on the margins of the continent and at sea, even when their attacks violated British neutrality or international law. Rather than explicitly disavowing men like Locke, Braine, or Thomas Hogg, the Confederate senior leadership offered them approval, protection in the form of volunteer commissions, and encouragement to continue their depredations. Colonial ports in turn offered them shelter, recruits, and credulous or sympathetic officials who, time after time, let them walk free despite their crimes. Their impunity is a reminder that despite the massive growth and rationalization of international law in the nineteenth century, it still lacked reliable tools for enforcement and no mechanisms of its own for enforcing justice and adjudicating legal questions.

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<sup>22</sup> Bernard Janin Sage, *Organization of Private Warfare: Bureau of Destructive Means and Measures*, (Richmond: self-published, 1863), reproduced in William A. Tidwell, *April '65: Confederate Covert Action in the American Civil War* (Kent, OH: Kent State University Press, 1995), Appendix B. The original pamphlet is held in Record Group 45, NARA, Washington, DC.

Informal diplomacy and warfare received a close embrace from the Confederate government in the 1864-1865 missions to Canada, but that mission unraveled in parallel with Confederate political and military fortunes. Jacob Thompson and Clement Clay, Jr. at first seemed optimistic at their prospects of success in influencing the 1864 elections and bringing about the nomination of Copperhead or Peace Democrat and the defeat of Abraham Lincoln. Union military success in August and September gutted their electoral hopes, while Copperhead fecklessness blunted Confederate ambitions to create dissention and revolution in the North. Their initial charge having failed, Thompson and Clay, the latter having absorbed the free radical of George N. Sanders, moved toward raiding, sabotage, and revenge. In addition to sanctioned, if illegal, raids like St. Albans, Confederate officials supported projects of increasingly doubtful legitimacy like arson attacks on Northern cities, and they looked the other way or provided incidental help to schemes like the yellow fever plot and Booth's plan to kidnap Abraham Lincoln.

Canadian officials, absorbed in the project of a colonial union, had more to lose and thus proved far less accommodating to Confederate malfeasance than their maritime counterparts, especially when it came to violence. Bermuda may have been mostly immune from Union military pressure, but Toronto had been burned to the ground by American forces within living memory. Canadian and British officials regarded with deadly seriousness the prospect of a gigantic Union army on their doorstep. Despite strong support for the Confederacy among some Canadian colonials, especially elements of the French-Canadian Catholic establishment, the Canadian government acted in concert with Imperial authorities to crack down on Confederate raiding through legislation and enforcement, especially after the humiliating release of the St. Albans raiders in December 1864. The Canadian legislature passed the Alien Act, while Lord

Monck, John A. Macdonald, and George Etienne Cartier called out thousands of militia and organized a network of detectives and informants to suppress pro-Confederate raiders (not to mention monitor Fenian threats from across the border). This display of force came amidst substantial progress toward Confederation and the consolidation of power in British North America that culminated with the British North America Act of 1867 that created the Dominion of Canada. Confederate informal diplomacy and Canadian anti-Northern sentiment could not overcome the combined pressure of Union diplomatic coercion, imperial desire for reduced costs and the consolidation of international violence in state hands, and the broader desire for political and organizational reform in British North America.

Ultimately, the Confederacy's failures of traditional diplomacy in Europe and its military defeat should not obscure the absolute necessity and surprising success of its informal military and diplomatic efforts in North America. Relatively obscure figures like Lewis Heyliger, Henry and Augustus Adderley, Benjamin Wier, John B. Lafitte, Norman S. Walker, and many others did the thankless, though occasionally lucrative, work of creating an informal Confederate network across British America. They created the logistical and regulatory framework for blockade running in the colonies that transported in a huge proportion of the South's arms, equipment, and medicine, without which the Confederacy would have died with a whimper and in far shorter time. This network gave Confederates access to the tools of British power and the protection of the British flag over their merchant vessels and communications and protected pro-Confederate raiders and pirates from the worst consequences of their actions. Although private military action in the colonies and at sea never realized the full ambitions of Davis, Mallory, and Benjamin to create a decisive break in Union naval strength or force an Anglo-American war, it nevertheless created an environment of chaos and fear along the northern frontier and at sea, and

had lasting diplomatic and political effects.<sup>23</sup> The Confederate war from Canada was not, for example, the sole contributor to the abrogation of the Reciprocity Treaty, but it certainly helped seal its fate. The same could be said for both Canadian Confederation and the assassination of Abraham Lincoln, with enduring consequences for North America.

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<sup>23</sup> For but one example beyond the Alabama Claims and reciprocity, the lingering dispute over British and colonial culpability for Confederate attacks hindered responses to a post-war financial crisis. Jay Sexton, "The Funded Loan and the Alabama Claims," *Diplomatic History* 27, no. 4 (September 2003): 449–78.



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