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## Mr. Wilkes' War: Captain Charles Wilkes and the West India Squadron

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MR. WILKES' WAR:

CAPTAIN CHARLES WILKES AND THE WEST INDIA SQUADRON

by

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## ABSTRACT

### MR. WILKES' WAR: CAPTAIN CHARLES WILKES AND THE WEST INDIA SQUADRON.

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Old Dominion University, 1997  
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Although unintentional, no single individual had a larger, if not unrecognized, effect on American interpretation of international law and neutral rights in the later half of the nineteenth century than Charles Wilkes. During his command of the West India "Flying" Squadron, Wilkes used his own form of "gunboat diplomacy," contrary to the established American policy on maritime commerce and warfare, to disrupt Confederate commerce raiding, blockade running, and neutral support. These efforts created depredations on the rights of neutrals, primarily the British, that met with the tacit approval of his superiors. This was primarily due to the unwillingness of the British government to enforce their own neutrality laws. Wilkes aided the northern war effort through his enthusiastic interpretation of neutral rights and through the resultant aberration of American policy, set the precedent for numerous British violations of neutral rights

prior to the entry of the United States in World War I.

This study is based on primary source material.

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## CHAPTER I

## INTRODUCTION

Little has been written about the influence of Charles Wilkes on the interpretation of neutral rights and belligerent conduct. Additionally, there has been no major study on the West India "Flying" Squadron despite the fact that it was one of the most active and controversial squadrons in the Civil War. One must piece together various studies on the individual incidents precipitated by Wilkes and his squadron to begin even to understand the scope of his impact.

Carlton Savage's Policy of the United States Toward Maritime Commerce in War details the maritime policy of the United States from independence through the post-World War I period with documents and notable case studies. In the decades following independence from Great Britain in 1776, the United States followed a policy on maritime commerce during wartime uniquely opposite that of Great Britain. Adopting the concept of free ships make free goods was done more out of necessity than spite toward the British. The

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The journal consulted for this thesis was A Manual for Writers of Term Papers, Theses, and Dissertations by Kate L. Turabian.

United States was not yet a naval power and had little means to protect its commercial interests, unlike the British who possessed a large and capable navy. Integrating this concept into treaties and international law would protect American commerce during conflicts not involving the United States.<sup>1</sup>

Associated with the protection of commerce was the interpretation and treatment of contraband. Contraband, whether carried in a neutral or belligerent bottom was prohibited. The United States varied between accepting restricted lists of contraband or no list at all. There was no list of contraband during the War of 1812, the Mexican War, and even during the Civil War, although the Treasury Department did provide guidance on "contraband" articles during the latter war.<sup>2</sup>

Part of the efforts to stop contraband trade involved a concept known as the Doctrine of Continuous Voyage. In simplistic terms, the doctrine stated that a vessel leaving

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<sup>1</sup>Carlton Savage, Policy of the United States Toward Maritime Commerce in War, 2 vols. (Washington, D.C.: Government Printing Office, 1934), 1: 114. Hereafter Maritime Commerce.

<sup>2</sup>Ibid., 116.

Country A, who was prohibited from trading with Country B, could not stop temporarily at Country C and then continue on to Country B and complete the voyage. Enforced by the British during the Napoleonic Wars, the doctrine hampered trade between the United States, France, and the French colonies in the West Indies. Herbert Briggs examined the intricacies of transshipment of contraband in Doctrine of Continuous Voyage, detailing the evolution of the doctrine and its application during the Civil War. Even though the United States believed the doctrine was not part of the law of nations, it nonetheless applied the precepts during the Civil War with success.

In 1856, as parties gathered to codify the rules of maritime warfare with the Declaration of Paris, the United States formed the policy it would follow in the Civil War. Still maintaining that free ships equal free goods, with the exception of contraband, the United States supported the precepts of effective blockades but fought against the abolition of privateering. The United States did not sign the declaration but as the Civil War neared maintained a policy similar to that maintained since independence. Captain Charles Wilkes, through fervor and enthusiasm,



caused a temporary aberration in this policy. The actions of Wilkes, while not consistent with American policy, suited the situation and aided the war effort.

Wilkes caused numerous challenges to the interpretation of international law and neutrality, and diplomacy in general, while attempting to eradicate the Confederate commerce raiders and stop blockade running. Stuart Bernath presents a fine analysis of notable blockade running cases, three involving Wilkes, in Squall Across the Atlantic. These studies place blockade issues into a legalistic perspective unlike Lifeline of the Confederacy by Stephen Wise, which examines the mechanics of blockade running and northern efforts to thwart such activity. Wise presents valuable statistics and data on blockade running compared to the narrative accounts in James Russel Soley's Blockade and the Cruisers and Alfred Low's Blockade and Contraband.

The dialogue between American and British diplomats over issues of neutrality was considerable. Two analytical biographies, Seward at Washington as Secretary of State by Frederick W. Seward, and Lord Lyons: A Record of British Diplomacy by Lord Newton, provide a mixture of biographical narrative and primary documents on William Henry Seward and

Lord John Lyons, the individuals closest to the diplomatic issues. Mountague Bernard's landmark Historical Account of the Neutrality of Great Britain during the American Civil War was the first detailed analysis of the British position during the war. Conveniently published just prior to the start of the Alabama Claims, Bernard offers either a fine argument for British neutrality or an outstanding work of propaganda designed to sway American public opinion prior to the Alabama Claims. James Baxter has also tackled the issue of British neutrality through several articles in the American Historical Review and American Journal of International Law. Baxter provides a well balanced point of view supported by extensive primary sources. Some of the better works detailing British involvement with the Confederates include Great Britain and the American Civil War by Ephraim Adams, Great Britain and the Confederate Navy by Frank Merli, and Secret Service of the Confederate States in Europe by James Bulloch. Each details the British involvement with construction of the commerce raiders and blockade running.

A pivotal incident involving Wilkes, which nearly brought the United States and Great Britain to war, was the

capture of the steamer Trent and the removal of Confederate agents on board. A first hand account was presented by D. MacNeill Fairfax, the officer charged with seizing the Confederate agents on Trent, in Battles and Leaders of the Civil War. Although accurate when compared to other official reports of the incident, Fairfax exaggerates his claim of preventing war with Great Britain by avoiding seizure of Trent. Thomas Harris produced the first complete study of the affair in The Trent Affair using a compilation of eyewitness accounts, newspaper reports, and official documents. More comprehensive is the account by Norman Ferris in The Trent Affair: A Diplomatic Crisis. Ferris utilizes a number of resources that were not available to Harris including foreign documents.

The link between the precedent set by Wilkes and British actions at the start of World War I is considerably less established. One must hunt through the annual collections of documents in Foreign Relations of the United States and well as the European War White Books to find reference to Wilkes and his precedents. Perhaps a better source are the yearly supplements to the American Journal of International Law. Only those documents concerning

international law are contained which narrows the search for information. Nonetheless, excellent secondary sources which support the link between Wilkes and British actions in World War I do exist. Herbert Briggs in Law of Nations: Cases, Documents, and Notes looks at prize court cases throughout history and establishes their precedents and relation to international law. John William Burgess recognized the connection between Civil War precedents and the activities of the British in America's Relations to the Great War. This 1916 publication, however, appears aimed at inviting the United States to join Great Britain, rather than oppose it, in the war in Europe. Julius Pratt in his Naval Institute Proceedings article, "The British Blockade and American Precedent," alludes to many of the Wilkes precedents but never mentions Wilkes by name.

With all the alleged violations of neutrality, reinterpretations of international law, and precedents set by Wilkes, one might wonder who is Charles Wilkes. Charles Wilkes was born in New York City on April 3, 1798 to John and Mary Seton Wilkes. His lineage was part of a prominent British family who emigrated to the United States during the Revolutionary War. It was undoubtedly from his great uncle,

John Wilkes, the renowned critic of British government policy, that Wilkes inherited his tenacious and brazen character. Less evident in his personality are the traits of kindness and understanding stressed by his aunt, Elizabeth Ann Seton, who raised Wilkes as a child and was later canonized as the first American saint.<sup>3</sup>

Wilkes entered the Navy in 1818 after a short period in the merchant service. He spent considerable time at sea and took part in two of the Navy's early exploring expeditions. In 1838, as a lieutenant, Wilkes was chosen to lead the United States Exploring Expedition to the Pacific. During this four year expedition Wilkes gained a reputation for harsh discipline and stringent standards. He was court martialed for overstepping the bounds of his authority but, with most of the charges unsupported, received only a reprimand. Wilkes spent the next nineteen years studying and interpreting the data gathered during the expedition.<sup>4</sup> Wilkes climbed the ranks within the Navy and was promoted to captain in 1855. Unable to secure additional funding for

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<sup>3</sup>Charles Wilkes, Autobiography of Rear Admiral Charles Wilkes, U.S. Navy, 1798-1877 (Washington, D.C.: Government Printing Office, 1978), 1-2.

<sup>4</sup>Daniel Henderson, Hidden Coasts (New York: William Sloane Associates, 1953), 230.

his research prior to the start of the Civil War, Wilkes would soon find himself at the center of the bitter belligerent and neutral rights battles between the United States and Great Britain.

Historians have been critical of the Civil War career of Charles Wilkes. Although sixty-three years of age at the start of the war and close to finding his name on the retired list, Wilkes still had all of the spark and enthusiasm of his youth. His assignments during the war were based more on necessity than his war fighting capabilities as large numbers of officers resigned and headed south. Retrospect finds historians trying to capture the essence of Wilkes with descriptive titles such as the "Turbulent Scholar of the Old Navy," the "Stormy Petrel," or the "Firebrand of the Union."<sup>5</sup> Wilkes is often criticized for the controversy he created in executing his orders while overlooked is his innovation, aggressiveness, and long term effect after the war.<sup>6</sup>

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<sup>5</sup>Jim Dan Hill, Sea Dogs of the Sixties (Minneapolis: University of Minnesota Press, 1935), 88; Henderson, Hidden Coasts, 233.

<sup>6</sup>See also Robert Silverberg, Stormy Voyager: The Story of Charles Wilkes (Philadelphia: Lippincott, 1968), William W. Jeffries, "The Civil War Career of Charles Wilkes" (Ph.D. diss., Vanderbilt University, 1941), and John S. Long, "The

Two notable works on Charles Wilkes concentrate on his successes as an explorer with only a passing mention of his Civil War activities. They are Hidden Coasts by Daniel Henderson and Stormy Voyager: the Story of Charles Wilkes by Robert Silverberg. In addition, numerous articles and chapters of books devote varying interpretations of Wilkes. Both Jim Dan Hill in Sea Dogs of the Sixties and Geoffrey Smith in Captains of the Old Steam Navy view Wilkes as having the attributes and capabilities of a great officer, but ultimately assess him as a failure. S.W. Jackman in his American Neptune article, "Admiral Wilkes Visits Bermuda During the Civil War," gives Wilkes credit for demonstrating the diplomatic and military might of the United States, even in the wake of tense relations following the Trent affair. Conversely, two unpublished dissertations, each titled "The Civil War Career of Charles Wilkes," by William Jeffries and John Long, offer unflattering assessments of Wilkes. Jeffries views Wilkes as contributing little more than controversy to the war effort, while Long describes Wilkes as little more than a glory seeker.

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Civil War Career of Charles Wilkes" (Ph.D. diss., University of California at Los Angeles, 1952).

As the year 1861 began, several major changes were occurring in the United States. A new president was inaugurated and a new cabinet was filled. The secession movement in the south was progressing. An aging navy captain by the name of Charles Wilkes made one last attempt to secure funding for his exploration research--seemingly unaware of the impact he would have on international law and neutrality into the next century.



## CHAPTER II

## BELLIGERENCY VERSES NEUTRALITY

On April 19, 1861, President Abraham Lincoln, in response to the Confederate shelling of Fort Sumter, ordered a blockade of all southern ports.<sup>1</sup> A short time later, Great Britain declared its "determination to maintain a strict and impartial neutrality in the contest between the said contending parties."<sup>2</sup> The declaration of neutrality recognized the United States and the Confederate States as equal belligerents, bestowing upon them both belligerent rights of transit and replenishment. The Confederate States of America, however, was not formally recognized by Great Britain as legitimate. Recognizing the Confederate States would have exacerbated the rapidly deteriorating relations with the United States.

Lincoln's Secretary of State, William H. Seward, was considered dangerous by the British for his openly avowed

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<sup>1</sup>Proclamation by the President of the United States, April 19, 1861, Savage, Maritime Commerce, 1: 415-16.

<sup>2</sup>Queen's Proclamation of Neutrality, May 13, 1861, in Montague Bernard, A Historical Account of the Neutrality of Great Britain during the American Civil War (Philadelphia: Lenox Hill, 1870), 135-36. Hereafter Neutrality of Great Britain.

hostile attitude toward them. Seward reportedly lectured British Minister Richard Lyons on his belief that "England will never go to war with the United States."<sup>3</sup> Such challenges advised the British to avoid intervention, and to expect repercussions if they did intervene. The British nonetheless felt that "immense pressure" might force them to "use all the means in their power to open these ports" affected by the blockade.<sup>4</sup> This challenge was a way of testing the seriousness of a blockade and a warning to Seward not to take lightly the British interests in this matter.

The British were understandably concerned over the situation since they were the largest importer of southern cotton. Any disruption of imports from the blockade could be a serious blow to the textile industry.<sup>5</sup> As such, the

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<sup>3</sup>Lord Lyons to Lord John Russell, January 7, 1861, in Lord Newton, Lord Lyons: A Record of British Diplomacy, 2 vols. (New York: Longmans, Green, and Co., 1913), 1: 30. Hereafter Lord Lyons.

<sup>4</sup>Lyons to Russell, March 25, 1861, *ibid.*, 1: 31.

<sup>5</sup>Frank Lawrence Owsley, King Cotton Diplomacy (Chicago: Chicago University Press, 1959), 135. Owsley estimates Britain had about 1,015,780 bales of cotton on hand in June 1861. On December 31, 1861, the stock was 702,840 bales. None of the 1861 crop had yet been shipped.

British questioned the validity of the blockade by invoking the precepts of the 1856 Declaration of Paris. Under the declaration, in order for a blockade to be binding it must be effective.<sup>6</sup> Ports like Charleston often had only one ship or less on blockade duty. When that ship left station to coal, provision, or repair the local British consul construed it as a lifting of the blockade.<sup>7</sup> Seward, however, was quick to point out that the blockade "has been neither abandoned, relinquished, nor remitted."<sup>8</sup> This eventually satisfied the British blockade critics who conceded that the blockade was effective, and instances of ships passing through "will not of itself prevent the blockade from being an effective one by international law."<sup>9</sup>

Secretary of the Navy Gideon Welles was charged with maintaining and enforcing the blockade. This proved a challenge with over 3,000 miles of southern coastline and

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<sup>6</sup>Charles Francis Adams, Seward and the Declaration of Paris (Boston: Massachusetts Historical Society, 1912), 7.

<sup>7</sup>Robert Bunch to John Russell, May 28, 1861, Parliament, North America No. 8: Papers Relating to the Blockade of the Ports of the Confederate States (London: Harrison and Sons, 1862), 9-10.

<sup>8</sup>William Seward to Lyons, May 27, 1861, *ibid.*, 9.

<sup>9</sup>Russell to Lyons, February 15, 1862, *ibid.*, 19-20.

only about 80 naval vessels, some of which were located overseas and others still unserviceable.<sup>10</sup> The blockade was eventually refined and limited to just nine southern ports rather than the entire coastline. To ensure continuous blockade coverage and allow for naval expeditions, Welles ordered ships stationed overseas recalled. Wilkes was ordered to bring the steam sloop U.S.S. San Jacinto from the coast of Africa to Philadelphia.<sup>11</sup> Additionally, the West India Squadron was disbanded and its ships divided among the blockading squadrons.<sup>12</sup>

Welles was faced with a bigger problem than the blockade. The day of the shelling of Fort Sumter the Confederate government began to issue Letters of Marque

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<sup>10</sup>Report of the Secretary of the Navy, December 1, 1862, in John T. Pickett, ed., Records of the Confederate States of America, 122 vols. (Washington, D.C.: Library of Congress, 1967), vol. 120, reel 70. Hereafter Pickett Papers. As of March 4, 1861, there were only 76 naval vessels in various states of service (ready, repairing, deployed).

<sup>11</sup>William Inman to Wilkes, August 9, 1861, United States, Navy Department, Official Record of the Union and Confederate Navies in the War of the Rebellion, 28 vols. (Washington, D.C.: Government Printing Office, 1894-1927), 1: 64. Hereafter ORN. All refer to Series 1.

<sup>12</sup>Welles to G.J. Pendergrast, August 29, 1861, *ibid.*, 6: 145-46.

allowing privately armed ships to attack northern commerce.<sup>13</sup> The Confederate strategy was twofold: to strike at the "Achilles heel" of the United States--its commerce fleet, and later to draw blockading ships off the blockade thereby rendering it ineffective.<sup>14</sup> Privateering was outlawed by the countries signing the Declaration of Paris but since the Confederate States and the United States were not signatories to the agreement the option of issuing Letters of Marque was theirs. The primary reason the United States did not sign the declaration was the requirement for the parties to follow a strict observance of the agreement.<sup>15</sup> This would eliminate a method of warfare, privateering, that had proven its usefulness to the United States in the past. Great Britain feared the southern privateers, while primarily after northern ships, might eventually cause certain depredations on British commerce.

The United States debated the privateer issue as well.

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<sup>13</sup>Proclamation of Jefferson Davis, April 17, 1861, *ibid.*, Ser. II, 3: 96-97.

<sup>14</sup>Raphael Semmes, Memoirs of Service Afloat (Baton Rouge: Louisiana State University Press, 1996), 92.

<sup>15</sup>Seward to Charles Francis Adams, April 24, 1861, Savage, Maritime Commerce, 1: 147.

Seward was in favor of issuing Letters of Marque. He believed that private enterprise could take the pressure off the blockade forces that were already stretched thin.<sup>16</sup> Welles on the other hand did not see the value of privateering. Since the Confederates had few merchant vessels and no real navy, privateering would be of little value, difficult to control, and too likely to turn into piracy and thus jeopardize "peaceful relations with other powers."<sup>17</sup> Welles believed Confederate privateering would be eliminated with an effective blockade. Without a port to take prizes to for adjudication, privateering would become unprofitable.

Great Britain, remaining neutral on the issue by closing all British ports to prizes, caught the ire of both the United States and the Confederate States.<sup>18</sup> Because Britain was a party to the Declaration of Paris, it was expected it would enforce the precepts of the declaration

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<sup>16</sup>Gideon Welles, "Two Manuscripts of Gideon Welles," ed. Muriel Bernett, New England Quarterly 11 (Sept 1938): 601.

<sup>17</sup>Ibid., 597.

<sup>18</sup>Duke of Newcastle Order, June 1, 1861, in Frank Moore, ed., Rebellion Record, 10 vols. (New York: G.P. Putnam, 1861-1865), 1: 413.

within its waters and not contribute to the "universal derangement of commerce."<sup>19</sup> This meant seizing privateers and ships carrying Letters of Marque. The United States considered southern privateers pirates and vowed to treat them as such if captured.<sup>20</sup> The Confederate government complained that Great Britain, by closing its ports to prizes, deprived the Confederates of a "legitimate mode of warfare" and provided a degree of "practical protection to the commerce of the United States."<sup>21</sup> The British policy, reflected in the instructions of Royal Navy Admiral Alexander Milne, commanding the British West Indies fleet, called for a strict observance of neutrality. It was, however, later relaxed to allow the export of all goods, relying on prize court determination of what constituted contraband of war, and avoiding any act that would directly involve the United States in war with Great Britain.<sup>22</sup>

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<sup>19</sup>Seward to Adams, October 29, 1861, United States, State Department, Papers Relating to Foreign Affairs of the United States, 1861 (Washington, D.C.: Government Printing Office, 1861-1868), 167. Hereafter PRFA and year.

<sup>20</sup>Seward to Adams, May 21, 1861, *ibid.*, 89.

<sup>21</sup>William L. Yancey, Pierre A. Rost, and A. Dudley Mann to Russell, August 14, 1861, ORN, Ser. II, 3: 241.

<sup>22</sup>Supplemental Instructions of Admiral Milne, November 12, 1861, in James P. Baxter, "Papers relating to

The Confederate states, while continuing to issue Letter of Marque, began to convert merchant steamers into commerce raiders as part of the Confederate Navy. In New Orleans, Raphael Semmes, a former navy commander who resigned prior to the start of hostilities, was ordered to prepare the steamer Sumter for service in the Confederate navy. On June 30, 1861, Semmes escaped from the Mississippi River eluding the blockading U.S.S. Brooklyn.<sup>23</sup> Sumter immediately cut a swath of destruction through the Caribbean capturing or burning ten northern merchant vessels over the next month.<sup>24</sup>

Upon hearing of the piratical adventures of the Confederate raider Sumter in the West Indies, Wilkes decided to divert to this region, his orders permitting him to "stop where it may be necessary for coal or other supplies."<sup>25</sup> Poor communications at sea, and vague orders, generally allowed naval commanders latitude to pursue such

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Belligerent and Neutral Rights, 1861-1865," American Historical Review 34 (October 1928): 83.

<sup>23</sup>J. Thomas Scharf, History of the Confederate States Navy (New York: Random House, 1996), 787.

<sup>24</sup>Ibid., 817.

<sup>25</sup>William Inman to Wilkes, August 9, 1861, ORN, 1: 64.



opportunities and Wilkes' diversion was not inconsistent with the autonomous nature of command at sea. At Havana, Wilkes learned that Confederate agents James Mason and John Slidell were taking passage for Great Britain on the British mail steamer Trent. Positioning San Jacinto in the Old Bahama Channel, the known route of Trent, Wilkes hoped to intercept the vessel and capture the Confederates. On November 8, 1861, San Jacinto stopped Trent and ordered Lieutenant D.M. Fairfax, the boarding officer from San Jacinto, to "take possession of her as a prize" if the Confederate agents were found on board.<sup>26</sup> Wilkes regarded the agents as contraband of war. Until this time, contraband of war was generally understood to be articles used in waging war including guns, ammunition, powder, cannon, uniform items, and other materials such as sails, shipbuilding materials, tar, pitch, timber, and saddles.<sup>27</sup> Military personnel in the service of the enemy and official dispatches of the enemy were also contraband and open for seizure. Wilkes rationalized that Mason and Slidell were

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<sup>26</sup>Wilkes to Fairfax, November 8, 1861, *ibid.*, 1: 132.

<sup>27</sup>Salmon P. Chase to Collectors of Customs, May 23, 1862, Savage, Maritime Commerce, 1: 446.

the "embodiment of dispatches, and as they had openly declared themselves as charged with all authority from the Confederate government to form treaties and alliances" he seized them.<sup>28</sup> The Trent, however, was not seized.

This simple action, a right afforded to a belligerent, almost brought the United States and Great Britain to the brink of war. This was understandable as the removal of suspected British deserters from American ships precipitated the War of 1812. The British portrayed the issue as defending the honor of their flag, and Minister Lyons even suggested conducting an "extreme measure" in response believing that the act was "done on a hint from Mr. Seward."<sup>29</sup> The issues of search and seizure of neutral vessels passing between neutral ports, particularly government sponsored mail packets, and individuals as contraband of war could have easily been settled in a prize court had Wilkes pursued that course.

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<sup>28</sup>Wilkes to Welles, November 16, 1861, ORN, 1: 144.

<sup>29</sup>Protest of Her Britannic Majesty's Consulate, St. Thomas, November 14, 1861, ibid., 1: 172-74; Lyons to Russell, November 19, 1861, ibid., 162; Lyons to Russell, November 22, 1861, Lord Lyons, 1: 56; Lyons to Russell, November 25, 1861, ibid., 1: 57.

It is easy to blame Wilkes for failing to seize the Trent. The actions of Lieutenant D. MacNeill Fairfax, the boarding officer, were probably the most damaging in this incident. Fairfax convinced Wilkes that due to the large number of passengers on board Trent, and the unavailability of prize crew from San Jacinto, it would be better to let Trent proceed. Fairfax later detailed the reasons for his actions stating that he believed that taking Trent as a prize might bring war with Britain. During the boarding Fairfax admitted avoiding "anything unnecessary" in the arrest of Mason and Slidell that would "necessitate my taking her as a prize."<sup>30</sup> Additionally, Fairfax stated he was "impressed with England's sympathy for the South."<sup>31</sup> The Virginia-born Fairfax's avoidance of Wilkes' orders in the belief that he was averting war, his longtime friendship with a relative of Mrs. Slidell, and meetings with the captain of Trent after the incident exhibit divided loyalties.

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<sup>30</sup>D. MacNeill Fairfax, "Captain Wilkes's Seizure of Mason and Slidell," in Battles and Leaders of the Civil War, ed. Robert Johnson, 4 vols. (New York: Century Co., 1886), 2: 136.

<sup>31</sup>Ibid., 2: 140.

The public and the government were generally pleased with the seizure of the Confederate agents. Secretary of the Navy Gideon Welles called the act a "great public service."<sup>32</sup> The House of Representatives presented Wilkes with a gold medal "in testimony of the high sense entertained by Congress of his good conduct in promptly arresting the rebel ambassadors."<sup>33</sup> Seward secretly favored the action but recognized the significant diplomatic repercussions that were forthcoming. The consequences caused little concern to Seward who believed that Wilkes acted without any instructions from the government and the "subject is, therefore, free from the embarrassment which might have resulted if the act had been specifically directed by us."<sup>34</sup> While Seward tried shifting the

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<sup>32</sup>Gideon Welles to Charles Wilkes, November 30, 1861, United States, Navy Department, Letters Sent by Secretary of the Navy to Officers, 1798-1868, Record Group 45, microfilm M-149, roll 67, National Archives, Washington, D.C. Hereafter Letters to Officers.

<sup>33</sup>Resolution adopted by the House of Representatives, December 2, 1861, United States, War Department, War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies, 128 vols. (Washington, D.C.: Government Printing Office, 1880-1901), Ser. II, 2: 1113. Hereafter QR.

<sup>34</sup>Seward to Adams, no date, in Frederick W. Seward, ed., Seward at Washington as Secretary of State (New York: Derby

responsibility to Wilkes as a possible error in his judgment, Welles believed "if a too generous forbearance was exhibited by him in not capturing the vessel which had these emissaries on board it may in view of the special circumstances and its patriotic motives be excused."<sup>35</sup> The press lauded Wilkes as a national hero and chastised Britain for the suggestion of war over the incident making it appear that "cotton is the conscience of England, and that she is resolved upon a bold stroke for cotton."<sup>36</sup> The only mistake Wilkes made was not taking Trent as a prize.

It is generally agreed that Wilkes had every right as a belligerent to stop and board Trent. The greatest support to this argument comes not from any legal source but from a letter from Lord Palmerston to the London Times in which he states: "a belligerent has a right to stop and search any neutral not being a ship of war, and being found on the high seas and being suspected of carrying enemy's despatches."<sup>37</sup>

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and Miller, 1891), 21.

<sup>35</sup>Welles to Lincoln, December 2, 1861, OR, Ser. II, 2: 1113-14.

<sup>36</sup>"Our Relations with England - Peace or War," New York Herald, December 19, 1861.

<sup>37</sup>Palmerston to London Times, November 11, 1861, quoted

The seizure of Mason and Slidell still invokes much debate. Their release suggests that non-military persons can not be considered contraband of war. If not for the failure to comply with orders by Fairfax, Trent would have been seized for prize court adjudication, and a legal forum for condemnation or recourse.<sup>38</sup>

Prior to this incident, the Confederate States began to assign representatives and agents to Great Britain and the islands in the Caribbean in an attempt to bolster support for the southern cause.<sup>39</sup> The influx of Confederate presence in the British Empire further threatened to disrupt the fragile relations still maintained with the United States. The islands of Bermuda and Bahamas welcomed this activity as they stood to benefit from the additional trade associated with it. Enterprises like Fraser, Trentholm, and Company, legitimate businesses prior to the war, now

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in Hill, Sea Dogs, 102-3.

<sup>38</sup>See Ephraim D. Adams, Great Britain and the American Civil War (New York: Longmans, Green and Co., 1925); Norman B. Ferris, The Trent Affair: A Diplomatic Crisis (Knoxville: University of Tennessee Press, 1977); Thomas L. Harris, The Trent Affair (Indianapolis, IN: Bowen-Merrill Company, 1896).

<sup>39</sup>Stephen R. Wise, Lifeline of the Confederacy (Columbia: University of South Carolina Press, 1988), 46.

possessed strong pro-southern feelings and became little more than fronts for Confederate blockade running activities.<sup>40</sup>

The British continued to allow vessels carrying items that were clearly contraband of war to sail for southern ports. Manifests and sailing documents were simply manipulated to disguise the real purpose of their voyage. Such practices posed many problems for the United States. It was not a violation of any law to ship cargo, except contraband of war, on board a neutral vessel from one neutral port to another neutral port, especially if the cargo was destined for a neutral buyer.<sup>41</sup> The violations occurred when this cargo was loaded onto a vessel destined for a blockaded port with the intention of running the blockade. The Doctrine of Continuous Voyage and the Rule of 1756, which the United States did not recognize, was used to seize ships originating in a neutral port, reporting another neutral port as the destination, stopping briefly at the

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<sup>40</sup>Ibid., 49.

<sup>41</sup>Seward to Adams, April 24, 1861, Savage, Maritime Commerce, 1: 416.

port, then continuing to run a blockaded port.<sup>42</sup> Intent to run the blockade was sufficient evidence to convict in prize courts of this violation. It did not, however, end this practice since subterfuge and document falsification were easy to perform but difficult to prove.

Transshipment became the preferred method in Nassau and Bermuda when they emerged as the hubs of blockade running. Transshipped cargo was generally war-related but often included luxury items no longer available in the South. Once a blockade runner successfully entered a southern port and off loaded cargo, it generally took on as many bales of cotton, tobacco, or other valuable cargo as it could carry. The ship would then break out of port through the blockade, return to Nassau or Bermuda, off-load the cotton at tremendous profit and start the cycle over again.<sup>43</sup> New York Prize Court judge Charles B. Elliott stated, in disgust, the "entire trade was a gross manifest and palpable evasion of the recognized rules and requirements of the law

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<sup>42</sup>Herbert W. Briggs, Doctrine of Continuous Voyage (Baltimore: Johns Hopkins Press, 1926), 44.

<sup>43</sup>Charles Helm to R.M.T. Hunter, November 15, 1861, ORN, Ser. II, 3: 294; Wise, Lifeline, 64-65.



of neutrality."<sup>44</sup>

Federal warships became a common sight in the waters around Nassau and Bermuda. Despite their belligerent status, they were allowed to stop briefly at British ports to repair, refuel, or resupply. The same was true for Confederate vessels as well. In what was likely retribution for the Trent affair, the British began to institute a series of regulations designed to avoid making British waters and ports a battleground in the quest to stop the blockade runners. These regulations severely hampered the operations of federal warships in the area. One of these regulations was the rule of twenty-four hours. Under this, if a Federal warship pulled into a British port, it must leave within twenty-four hours. Additionally, if a Confederate ship or suspected blockade runner sailed during the federal warship's stay, the federal warship must wait twenty-four hours from the time of sail before departing.<sup>45</sup> This rule represented little more than the British giving a

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<sup>44</sup>Justice Charles B. Elliott quoted in Briggs, Doctrine of Continuous Voyage, 44.

<sup>45</sup>Russell to Admiralty, January 31, 1862, Bernard, Neutrality of Great Britain, 137; James D. Bulloch to Stephen R. Mallory, March 21, 1862, QRN, 1: 754.

blockade runner or commerce raider the opportunity to escape unmolested although it theoretically applied equally to the departure of Confederate ships after a federal warship sailed.

Another rule placed prohibitions on the sale of coal to federal warships. Coal was limited to the amount necessary to allow the ship to return to the nearest port in its home country.<sup>46</sup> In addition, a vessel coaling at a British port could not coal at another British port within the next ninety days. This forced federal warships out of British waters as they sought a supply of coal elsewhere. Coal stockpiled at Nassau for use by the federal navy was not allowed to be distributed. Confederate flagged vessels, on the other hand, received as much coal as they could carry as often as they wanted.<sup>47</sup>

The regulations in place at British ports purportedly applied to both belligerent parties and were allegedly in

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<sup>46</sup>Russell to Admiralty, January 31, 1862, Bernard, Neutrality of Great Britain, 139.

<sup>47</sup>Seward to Adams, September 10, 1861, PRFA 1861, 153. Seward was referring to the coaling of the C.S.S. Sumter in Trinidad. Sumter took on enough coal to make a 2,000 mile voyage to Pernambuco, Brazil.

keeping with the spirit of neutrality. As British international law expert Mountague Bernard surmised:

It is his right to make, for that purpose, any regulations he thinks fit, provided he applies them to both belligerents alike. It is not for him, as I have before observed, to handicap, as it were, by any regulations of his own, belligerents between whom there is a disparity of force; If a long cruise at the present day require repeated supplies of coal, it must be remembered that to assist either party to maintain a long cruise is not the business of the neutral.<sup>48</sup>

These rules, although followed by the United States, were nonetheless challenged. Seward remonstrated that the Confederates "visit her [British] ports and stay at their own pleasure, receiving supplies without restriction" and instructed Adams to "recall the attention of her Majesty's government to the question."<sup>49</sup> The primary source of information on British violations of their own neutrality and support to the Confederates came from the consular officers stationed at the various ports. Reports often included names of vessels, cargoes, last port of call, and sailing intentions. Consular representatives did, however, possess the authority to refuse licenses to those vessels

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<sup>48</sup>Bernard, Neutrality of Great Britain, 266-67.

<sup>49</sup>Seward to Adams, November 11, 1861, PREA 1861, 176.

which "whatever the ostensible destination, are believed by you, on satisfactory grounds, to be intended for ports or places in possession or under the control of insurgents."<sup>50</sup> Frustrated by their inability to intercede on these matters due to the level of deception and the lack of British intervention, the consuls often commented to Seward "I hope the Navy Department will consider the importance of keeping some watch about these islands."<sup>51</sup>

Welles dispatched vessels to patrol the waters around Bermuda and the Bahaman Islands where the primary blockade running bases were located. A federal vessel operating in these areas could gain valuable information on suspected blockade runners and their movements as well as demonstrating to the British authorities the resolve of the United States in stopping these violators. Soon after the Trent affair in the fall of 1861, U.S.S. Flambeau was one of the vessels assigned to this duty but more specifically to

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<sup>50</sup>Seward to Consular Representatives, May 30, 1862, Savage, Maritime Commerce, 1: 448.

<sup>51</sup>Charles M. Allen to Seward, September 10, 1862, United States, Department of State, Consulate, Dispatches from United States Consuls in Bermuda, 1818-1906, Record Group 59, microfilm T-262, reel 6, National Archives, Washington, D.C. Hereafter DUSC Bermuda.

intercept the screw-steamer Gladiator attempting to run arms into a southern port.<sup>52</sup> The arrival of Flambeau at Nassau caught the ire of the British officials who refused to allow her to coal from a federal schooner for fear it would "constitute a breach of the neutrality enjoined by the Queen's proclamation."<sup>53</sup> Lieutenant William G. Temple of Flambeau reported that the British authorities "imagining that it was my intention to cut out the Gladiator and tow her to sea, manned the battery, shotted their guns, and stood prepared to fire upon us."<sup>54</sup>

This raised concerns over coal as a contraband of war and the operations of belligerent warships in neutral ports. Coal was not previously considered a contraband of war, but the use of steam as the primary motive power on ships required a continuous supply of coal. Denying Flambeau the

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<sup>52</sup>Welles to William G. Temple, November 13, 1861, United States, Navy Department, Letters Sent by the Secretary of the Navy to Officers, 1798-1868, Record Group 45, microfilm M-149, roll 67, National Archives, Washington, D.C. Hereafter Letters to Officers. Also Welles to Temple, November 18, 1861, *ibid.* Gladiator left London with a cargo consisting of 600 cases of Enfield and Belgian rifles, cannon, field blankets, powder, and other munitions.

<sup>53</sup>Temple to Welles, December 15, 1861, ORN, 1: 244.

<sup>54</sup>Temple to Welles, December 17, 1861, *ibid.*, 1: 249.

opportunity to coal from a federal schooner dispatched for that very purpose gave a decided advantage to the blockade runners.<sup>55</sup> The British stood firm on their decision stating that coal does become "under circumstances" contraband of war, federal warships should not make Nassau a coaling depot from which to conduct belligerent operations, and that "Flambeau is within a very short distance of the ports of her own nation" and could get coal and supplies there.<sup>56</sup>

Flambeau, undergoing repairs in Nassau, kept a vigilant watch on Gladiator. As the days wore on and no resolution to the refusal for coal became apparent, Temple was forced to take Flambeau to Key West.<sup>57</sup> Gladiator ultimately transferred cargo to smaller vessels which then ran the blockade. Restrictions on coal affected other vessels as well. U.S.S. Keystone State and U.S.S. Quaker City were subsequently both denied coal in St. George's, Bermuda. By

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<sup>55</sup>Samuel Whiting to Welles, December 16, 1861, *ibid.*, 1: 246. The schooner Caleb Stetson was leaking badly upon arrival. The British government refused to allow the transfer even though Stetson was in imminent danger of sinking if the load was not lightened.

<sup>56</sup>Temple to C.R. Nesbitt, December 17, 1861, *ibid.*, 1: 253; A.J. Johnson to Temple, December 18, 1861, *ibid.*, 1: 254.

<sup>57</sup>Temple to Welles, January 1, 1862, *ibid.*, 1: 268-70.

1862 the situation in Bermuda was one of "marked unfriendly feeling exhibited in various ways toward the United States."<sup>58</sup> These included supplying rebel steamers and providing advanced warning of the presence of Federal warships in port. When U.S.S. Dacotah requested only enough coal from Nassau to take her to her nearest friendly port, it was granted--but only with a host of other stipulations. Among them, Dacotah had to provide the assurance not to cruise "within ten days after leaving the port . . . within a distance of five miles from any of the islands of the Bahama government."<sup>59</sup> Seward stated that the president did not "believe that that government has sanctioned or will sanction the proceedings of the authorities at Nassau" and asked of Lord Russell that "proper instructions be given to the authorities there."<sup>60</sup>

Since Britain considered coal a contraband of war, the

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<sup>58</sup>William LeRoy to Welles, December 26, 1861, *ibid.*, 1: 261-261.

<sup>59</sup>Nesbitt to Whiting, September 15, 1862, United States, Department of State, Consulate, Dispatches from U.S. Consuls in Nassau, New Providence, Record Group 59, microfilm T-475, roll-11, National Archives, Washington, D.C. Hereafter DUSC Nassau.

<sup>60</sup>Seward to Adams, January 31, 1862, PRFA 1862, 19.

United States instituted guidance for limiting the export of anthracite coal to ports in the Caribbean.<sup>61</sup> It was believed that coal being shipped to these ports would be used to supply blockade runners and commerce raiders. Eliminating the supply would make these activities difficult to maintain. This scheme met with some initial success. Ports like Aux Cayes reported no coal imports from the United States and others like, Bermuda, reported that only the government had a supply of coal and it was not releasing it to merchant vessels.<sup>62</sup> Some vessels began using wood instead, while Confederate agent sought options for obtaining coal elsewhere. Even the most profitable blockade runners had difficulty obtaining coal.<sup>63</sup>

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<sup>61</sup>Salmon P. Chase to Collectors of Customs, May 23, 1862, Savage, Maritime Commerce, 1: 446-47; Seward to Consular Representatives, May 30, 1862, *ibid.*, 1: 447-49.

<sup>62</sup>George Ross to Welles, August 30, 1862, United States, Department of State, Consulate, Dispatches from United States Consuls at Aux Cayes, 1798-1869, Record Group 59, microfilm T-330, roll 3, National Archives, Washington, D.C.; Allen to Seward, June 26, 1862, DUSC Bermuda, RG 59, T-262, roll 6.

<sup>63</sup>John Wilkinson, Narrative of a Blockade Runner (New York: Sheldon and Company, 1877), 162. Wilkinson reports that in July 1863 the supply of coal at Bermuda was so low that after Florida was given priority for coal there was barely enough left to take the blockade runner R.E. Lee to Wilmington.



Other incidents with blockade runners emerged that tested the limits of neutral rights. U.S.S. Quaker City captured the British steamer Adela off Abaco Lighthouse on July 7, 1862.<sup>64</sup> Several "irregularities" were charged by the British concerning this capture. In a formal protest over the detention to Flag Officer James Lardner, the captain of the Adela charged Quaker City with "forcible detention of the said vessel in British waters being within two and a half miles of Abaco Lighthouse," the "forcible abduction" of the captain, damaging the vessel with shot and shell without showing colors, and obstructing the delivery of mails.<sup>65</sup> Lardner diplomatically responded that "the court will hear both sides, and will patiently investigate any complaints."<sup>66</sup>

The area of the greatest contention appeared not in whether the seizure took place in British waters but with

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<sup>64</sup>James Frailey to Gideon Welles, July 9, 1862, ORN, 17: 273.

<sup>65</sup>Protest of Captain James Walker, July 21, 1862, Pickett Papers, vol. 8, reel 4; Walker to Lyons, July 21, 1862, ORN, 17: 282.

<sup>66</sup>James Lardner to G.W. Watson, July 22, 1862, *ibid.*, 17: 276.

the detention of British mails. Letters carried on board a seized vessel could be examined during court proceedings to determine the nature of the voyage and help establish prize status. Officers of the Royal Navy protested the seizure of Adela and demanded release of the mail, supposedly containing dispatches from Admiral Alexander Milne at Bermuda.<sup>67</sup> The presence of such dispatches might support the claim that the ship was proceeding from one neutral port to another neutral port. Examining them in court might reveal critical information about British naval activities with regards to the blockade or the war. While the attorney hearing the case conceded to releasing any items clearly identified as official navy dispatches, the British commanders insisted on the release of all the mails.<sup>68</sup> Without a firm policy on the handling of official correspondence on seized vessels, this issue arose again later. Adela was eventually condemned by the prize court

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<sup>67</sup>W.N.W. Hewett to Lardner, July 18, 1862, *ibid.*, 17: 275; G.W. Watson to Lardner, July 21, 1862, Pickett Papers, vol. 8, reel 4.

<sup>68</sup>William Marvin to Watson, July 22, 1862, ORN, 17: 281. Marvin was the prize court judge in the Adela case. Additional correspondence between Watson and Marvin and T.J. Boynton, the District Attorney, can be found in *ibid.*, 17: 281-86.

and taken into service as U.S.S. Adela.<sup>69</sup>

After the Trent affair, Wilkes spent his time in Washington, unassigned to any specific duty. In July 1862, Wilkes was assigned to command the James River Squadron in support of General McClellan and the Peninsula Campaign. This assignment was made on the suggestion of Lincoln as a reward to Wilkes for his conduct during the Trent affair.<sup>70</sup> While the Peninsula Campaign was critical in the attempted capture of Richmond, Welles found the assignment a convenient way to "dispose" of Wilkes.<sup>71</sup> The squadron saw little action in the campaign and was largely disregarded. Even after McClellan pulled out of the Peninsula, Wilkes remained awaiting orders for movement or disposition of his squadron all the time anxious to conduct offensive operations with or without the army.<sup>72</sup> He was eventually ordered to command the Potomac flotilla.

The successful "piratical" expedition of Raphael Semmes

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<sup>69</sup>Lardner to Welles, May 23, 1863, *ibid.*, 17: 279.

<sup>70</sup>Wilkes, Autobiography, 867.

<sup>71</sup>Gideon Welles, Diary of Gideon Welles, 3 vols. (Boston: Houghton Mifflin Company, 1909), 1: 73. Hereafter Diary.

<sup>72</sup>Wilkes to Welles, July 15, 1862, ORN, 7: 575.

on the C.S.S. Sumter highlighted the value of more commerce raiders. Confederate agents in Great Britain began negotiations with British shipyards to have ships built for the express purpose of destroying commerce at sea.<sup>73</sup>

Construction of warships for belligerents in British shipyards was prohibited by a national law known as the Foreign Enlistment Act. This act prohibited British citizens from entering the military service of a belligerent, supplying a belligerent with war materials, or manufacturing war goods for a belligerent.<sup>74</sup> The Confederates utilized a loophole in the Foreign Enlistment Act to enable construction. Since a warship built for a belligerent in a neutral country could not be "built and armed" in that neutral country, they would simply be built, sailed away, and then armed in international waters.<sup>75</sup> A certain degree of deception with regards to owners, purpose, and ultimate destination also helped the acquisition.

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<sup>73</sup>Stephen Mallory to James D. Bulloch, May 9, 1861, *ibid.*, Ser. II, 2: 64-65.

<sup>74</sup>Queen's Proclamation of Neutrality, May 13, 1861, Bernard, Neutrality of Great Britain, 135.

<sup>75</sup>James North to Mallory, March 16, 1862, *ibid.*, 166.

The two most notorious commerce raiders, Alabama and Florida, were procured in this manner. Their design, based on a class of British warship, and the presence of an unusual number of known Confederates involved with the construction, gave the United States reason to believe these vessels were intended as Confederate commerce raiders. Funding for construction was channeled through a variety of intermediaries to hide the original source. Reports from spies and disgruntled shipyard workers and Confederates were the only evidence initially available. It was, however, compelling. A northern spy was able to describe the proposed armament of Alabama as "three swivel guns" with "three double ports each side: viz, forward amidships and aft."<sup>76</sup> A British sailor recruited for service on the Florida stated that the vessel is to "cruise and commit hostilities against the Government and people of the United States of America."<sup>77</sup>

The United States made several attempts to block the

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<sup>76</sup>Union agent's report on activity in the Laird Shipyards, July 29, 1862, William Stanley Hoole, C.S.S. Alabama Collection, box 2250, folder 94, University of Alabama, Tuscaloosa, AL.

<sup>77</sup>Affidavit of William Passmore, July 21, 1862, *ibid.*

sail or gain seizure of both vessels. Florida sailed unimpeded but also unarmed. Alabama escaped, partly due to British procrastination at taking any action on these complaints. James D. Bulloch, the Confederate agent charged with acquiring these vessels, reported that the British "Government might not be able to resist much longer the importunities of the American minister."<sup>78</sup> Florida was seized upon arrival at Nassau for suspicion of violating the Foreign Enlistment Act, but was later released. The evidence against Florida was sufficient but pro-Confederate sympathies at that port virtually guaranteed the release.<sup>79</sup>

Alabama and Florida wreaked havoc and destruction wherever they sailed. The depredations succeeded in creating considerable disruption of northern commerce. Insurance rates rose, panics in northern ports ensued as unsubstantiated rumors of raiders lurking off the coast proliferated, and American flagged vessels changed registry to neutral flags to avoid capture. Between 1861 and 1863, 609 vessels shifted to the British flag, thus virtually

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<sup>78</sup>James D. Bulloch to Stephen R. Mallory, August 3, 1862, ORN, 1: 775.

<sup>79</sup>Seward to Adams, September 13, 1862, PRFA 1862, 191.

eliminating the only true merchant rival that Britain faced.<sup>80</sup> The shipping community demanded protection, if not eradication, from this "detestable work of plundering."<sup>81</sup> The navy, however, was struggling to provide ships for blockade duty and for offensive operations with the army, and unable to provide many ships to locate and destroy two Confederate raiders somewhere at sea.

The concept of the United States authorizing privateers to capture these piratical vessels emerged many times. Entrapment techniques were proposed whereby an armed merchant vessel would lure in the raider and commence battle.<sup>82</sup> Another proposition suggested that "500 to 1000 privateers being turned loose upon her [Great Britain]

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<sup>80</sup>George W. Dalzell, Flight from the Flag (Chapel Hill: University of North Carolina Press, 1940), 245. See also Kenneth Blume, "The Mid-Atlantic Arena: the United States, the Confederacy, and the British West Indies, 1861-1865" (Ph.D. diss., State University of New York at Binghamton, 1984).

<sup>81</sup>New York Chamber of Commerce, Proceeding of the Chamber of Commerce of the State of New York, on the Burning of the Ship Brilliant, by the Rebel Pirate Alabama, Tuesday, October 21, 1862 (New York: J.W. Amerman, 1862), 5.

<sup>82</sup>Anonymous letter to Seward, June 30, 1863, William Henry Seward Papers, folder 5404, reel 134, University of Rochester, Rochester, NY. Hereafter Seward Papers.

commerce" would "teach her a lesson, a practical lesson" for supporting the Confederates.<sup>83</sup> Even the press asked: "Is there no enterprising steamship owner ready to capture this privateer by contract?"<sup>84</sup>

Welles initially sent one or two ships in pursuit of the commerce raiders whenever word was received of their whereabouts. When the Oreto [Florida] arrived in Nassau, purportedly with the intention of arming as a commerce raider, Welles directed U.S.S. Adirondack to sea under sealed orders. Welles summarized the situation with Britain:

It is believed the flag and authority of great Britain have been abused for aggressive purposes, contrary to the spirit of her Majesty's proclamation, and that ceaseless efforts have been made by the rebels and others in complicity with them to violate the blockade from and through Nassau and its vicinity. Transshipments are known to have been made there of arms, munitions, and subsistence for the rebels, and it is understood there are at this time a large number of vessels concentrated at that point with cargoes designed for the rebels.<sup>85</sup>

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<sup>83</sup>J.H. Jordan to William Seward, June 10, 1861, *ibid.*, folder 2482, reel 64.

<sup>84</sup>New York Herald, December 28, 1862.

<sup>85</sup>Welles to Guert Gansevoort, July 11, 1862, Letters to Officers, RG 45, M-149, roll 69.



Adirondack was further ordered to Nassau to "proceed . . . in pursuit of her [Oreto]" and to "capture any vessel having on board contraband of war."<sup>86</sup> U.S.S. R. R. Cuyler was under similar orders.

Adirondack arrived at Nassau to find Oreto impounded by British authorities for suspected violation of the Foreign Enlistment Act, but the reception of the Federal warship by the British authorities was hostile at best. The British made issue of the attempted search of the blockade runner Herald five and a half miles off the harbor entrance.<sup>87</sup> Commander Guert Gansevoort of Adirondack rebutted that he "had the plain right, under international law, sanctioned and approved by the highest legal authority of your own nation, to bring to a vessel of any nation when that distance from shore."<sup>88</sup> Gansevoort later reported Herald loading cotton to a British steamer, a dozen other suspected vessels in port, and boxes of arms, cannon, and ammunition marked "C.S.A." openly moved through the streets in

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<sup>86</sup>Ibid.

<sup>87</sup>H.D. Hickley to Officer in Command of the Federal Warship, July 25, 1862, QRN, 1: 408-09. Commander Hickley was the senior naval officer at Nassau.

<sup>88</sup>Gansevoort to Hickley, July 25, 1862, ibid., 1: 409.

preparation for shipping.<sup>89</sup>

Limiting the pursuit of the commerce raiders to only one or two ships presented certain difficulties. Using a single ship, relying on information that may already be several days old, to search out a lone commerce raider over the expanses of the Atlantic Ocean and Caribbean Sea was virtually impossible. After June 1862, the number of merchant vessels falling victim to the depredations of Alabama and Florida grew. Ships, such as Dacotah and Flambeau, were only available for limited periods (usually during transit to or from the blockading squadrons). Adirondack, the sole ship patrolling these areas, was wrecked on a reef.<sup>90</sup> Welles, feeling the pressure from both the government and the shipping industry, believed "something energetic must be done in regard to the suspected privateers."<sup>91</sup>

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<sup>89</sup>Gansevoort to Welles, July 28, 1862, *ibid.*, 1: 403-05; Gansevoort to Welles, August 4, 1862, *ibid.*, 1: 413.

<sup>90</sup>Gansevoort to S.F. Du Pont, September 5, 1862, *ibid.*, 1: 422-23.

<sup>91</sup>Welles, Diary, 1: 109.

## CHAPTER III

## WILKES AND GUNBOAT DIPLOMACY

By September 1862, the United States faced an increase in depredations on commerce, continued transshipment of war materials from British ports in the Atlantic, and additional neutral support to the Confederates. The Confederate States were proving themselves a formidable enemy, particularly in light of all the external support received. The stalemate in the diplomatic arena made bold and decisive actions necessary to defeat the South.

Welles conceded to an earlier suggestion by Wilkes to "organize a flying squadron . . . and put Wilkes in command."<sup>1</sup> Wilkes, because of the Trent incident, was still very much in the public favor and possibly the one individual that could make a difference in this area. Welles perceived Wilkes as having "abilities but not good judgement . . . will be likely to rashly assume authority, and do things that may involve himself and the country in

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<sup>1</sup>Welles, Diary, 1: 109; Wilkes, Autobiography, 787. Welles would later deny any knowledge of Wilkes' suggestion of the "flying squadron" but added that he did not "question that you made the suggestion." See Welles to Wilkes, December 15, 1863, QRN, 2: 569-71.

difficulty."<sup>2</sup> Whatever reservations Welles may have had about Wilkes, his appointment to command the new West India Squadron was supported by Lincoln and Seward.<sup>3</sup> Their motivation was probably based on the stalemate on the diplomatic front.

Seward likely supported Wilkes in this position for another reason. British aid to the Confederates had to be eliminated and Wilkes was not afraid to exert himself when principle was involved. The Trent affair supported Seward's tough stance on preventing the British from recognizing the Confederacy and providing assistance. Having a tough naval commander like Wilkes in the middle of the primary Confederate blockade running bases might persuade the British to reconsider enforcing their own neutrality regulations. If Wilkes, in executing his duties as an autonomous commander in the region, would approach the British with the same energy and fervor that he approached the Trent, Seward would have a powerful "diplomatic" tool. While no documents exist that suggest that Seward gave any specific instructions to Wilkes with regard to dealing with

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<sup>2</sup>Welles, Diary, 1: 73.

<sup>3</sup>Ibid., 1: 109.

the British, it was probably a safe risk to assume that Wilkes, based on Trent, would react the way Seward desired. In essence, Wilkes would exercise his belligerent rights and should the British protest, Seward would be in a position to chastise the British for neutrality violations, thus nullifying any complaints.

Welles ordered Wilkes to command the West India Squadron on September 8, 1862. His squadron was to consist of seven ships: Wachusett, Dacotah, Cimarron, Sonoma, Tioga, Octorara, and Santiago de Cuba.<sup>4</sup> The squadron was intended to be temporary in nature, the assets to be distributed among the blockading squadrons after Confederate privateering was eliminated. Its mission was twofold: eliminate the commerce raiders and disrupt blockade running activities.

Welles directed Wilkes to "let no provocation induce you to invade the maritime jurisdiction of any neutral power, and let all your acts be within the recognized limitations of international law and regulations."<sup>5</sup>

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<sup>4</sup>Welles to Wilkes, September 8, 1862, ORN, 1: 470-71.

<sup>5</sup>Ibid. Welles further stated that these precautions were "unnecessary perhaps in your case."

Reiterating the rules in relation to the search for contraband, Wilkes stated they should be "done in a manner not offensive" and that seizure "does not necessarily involve condemnation" but ultimately the "courts will adjudge the whole question of prize or no prize."<sup>6</sup> Wilkes, however, while normally judicious in following the spirit of this guidance and realizing what an "ungracious task" it may be, often modified the instructions verbally to allow his commanders latitude in carrying out their mission.<sup>7</sup>

The British were not quick to forget the Trent affair. Newspapers in London viewed the appointment of Wilkes to command the West India Squadron negatively "unless it was made on the assumption that a burnt child would dread the fire, must be regarded singularly injudicious," and called it an offensive act.<sup>8</sup> Other publications referred to Wilkes as "insulting" and laid their empathy with the "poor Confederates . . . sadly frightened, for, knowing the

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<sup>6</sup>Wilkes to R.H. Wyman, September 21, 1862, Charles Wilkes Papers, container 17, reel 17, Library of Congress, Washington, D.C. Hereafter WP. Commander Wyman was commanding officer of U.S.S. Wachusett.

<sup>7</sup>Ibid.; Wilkes to T.H. Stevens, October 2, 1862, *ibid.*; Napoleon Collins to Welles, July 5, 1863, ORN, 1: 599.

<sup>8</sup>London Times, October 28, 1862.

character of the Admiral, they knew he would do anything, however illegal, to destroy them."<sup>9</sup> The printed attacks on Wilkes were not limited to British newspapers though. The New York Herald accused Wilkes of "increasing the indignation of British subjects" to the extent of causing an "increase in the vessels of the British West India Squadron."<sup>10</sup>

The British reaction to the assignment of Wilkes suggests that they believed Wilkes had some sort of personal vendetta against them. Wilkes had never indicated any dislike of the British but had reason to be critical of the British behavior during the war. During the United States Exploring Expedition to the Pacific, Wilkes had a minor incident with British explorer James Ross. When the two met in New Zealand in 1842, Wilkes, in the spirit of scientific progress, shared some of his findings with Ross and even gave him a chart of the newly found Antartica. Ross claimed Wilkes' discoveries as his own and even disparaged many of Wilkes' other findings.<sup>11</sup> However, the

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<sup>9</sup>Acadian Recorder, October 11, 1862 quoted in Richmond Enquirer, November 6, 1862.

<sup>10</sup>New York Herald, December 28, 1862.

<sup>11</sup>Wilkes, Autobiography, 452-53.

supposed anti-British characterization of Wilkes was likely formed from the sensationalism of the press as opposed to any fact.

The squadron first stopped at Bermuda for information on the whereabouts of No. 290 (Alabama), believed to be heading toward Bermuda or Nassau. Oreto was then located at Mobile.<sup>12</sup> Since Bermuda was already a notorious blockade running base, Wilkes took every opportunity to provide as much discomfiture by his presence as he could. Charles M. Allen, the U.S. consul at Bermuda had arranged a supply of coal for the squadron and contrary to the desires of British officials there.<sup>13</sup> Allen and Wilkes, with full knowledge of the regulation limiting the amount of coal taken, began to coal the three federal warships. In order to quell British accusations, and fuel the squadron, they created the appearance of breaking up the alleged federal coal depot. Wilkes believed he could "make a good case of it" should the question of violating the British regulation be "raised

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<sup>12</sup>Welles to Wilkes, September 20, 1862, ORN, 1: 476; Wilkes to Welles, September 29, 1862, ibid., 1: 483.

<sup>13</sup>H. St. George Ord to Duke of Newcastle, September 22, 1862, Bermuda, Governor, Record Book of Governor's Dispatches, 1862-1868, Executive no. 105, reel 539, Bermuda Archives, Hamilton, Bermuda. Hereafter GDBA.



against me."<sup>14</sup>

Anticipating the potential problems in obtaining coal from British sources prior to leaving for Bermuda, Wilkes suggested establishing a coaling depot on the coast of Florida at Turtle Harbor.<sup>15</sup> The harbor there was deep and well protected. More importantly, it was near the New Providence Channel and almost all vessels passing through the Straits of Florida had to pass this point. The remaining supply at Bermuda was shipped to Turtle Harbor.

Taking on coal in violation of British laws was only one of the actions taken by Wilkes that irritated the British. By leaving Sonoma to cruise outside the harbor, ready to pounce on any blockade runners leaving port, Wilkes created a virtual blockade of the island. This not only disrupted the sailing plans of several blockade runners but caused others attempting to enter port to divert to Nassau.<sup>16</sup> As a result, the Governor of Bermuda, Harry St.

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<sup>14</sup>Wilkes to Welles, September 29, 1862, ORN, 1: 485.

<sup>15</sup>Wilkes to Welles, September 21, 1862, ibid., 1: 477.

<sup>16</sup>Wilkes to Welles, September 29, 1862, ibid., 1: 485; Wilkes, Autobiography, 788; John T. Bourne to John Fraser & Co., December 11, 1862, in Frank E. Vandiver, ed., Confederate Blockade Running Through Bermuda, 1861-1865 (Austin: University of Texas Press, 1947), 27-28. The blockade runner Minho, upon sighting Sonoma off the harbor,

George Ord, stated that Sonoma had "been expending [coal] in cruising in these waters" and that he could not "consistently with the spirit of her Majesty's instructions permit her to take any more coal on board."<sup>17</sup> He also cited incidents of Sonoma anchoring at night in Bermudian waters and her refusal to weigh anchor when ordered by an officer of H.M.B.S. Desperate.<sup>18</sup> Additionally, when Tioga sailed, Wilkes was informed that "this vessel can not be permitted to return to these waters."<sup>19</sup>

The British officials at Bermuda promptly informed Wilkes of the alleged violations by his ships. The trend up to this point was to enforce emphatically British neutrality with regard to armed vessels operating in British waters and ports. Earlier incidents, such as with Flambeau, Adirondack, and Dacotah, however, demonstrated an obvious bias against federal warships. The commanders of these vessels were always diplomatic and courteous when dealing

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delayed entering port and considered diverting to Nassau.

<sup>17</sup>H. St. George Ord to Wilkes, October 1, 1862, ORN, 1: 495.

<sup>18</sup>Ord to Wilkes, October 1, 1862, *ibid.*, 1: 496; Stevens to Wilkes, October 1, 1862, *ibid.*, 1: 488-89.

<sup>19</sup>Ord to Wilkes, October 1, 1862, *ibid.*, 1: 495.

with the British and normally acceded to whatever demands were made. Incidents were resolved quickly, and, although reported to higher officials on both sides, additional action was rarely needed. The British did not find such cooperation with Wilkes.

Wilkes took the accusations and demands of the governor as opportunities to chastise the British for supporting the Confederates. Starting with the inappropriate treatment of an officer of his rank in not receiving the customary salute upon entering the harbor, Wilkes quickly accused the British of harboring vessels "engaged in illicit or contraband trade with the rebels," calling it "contrary to and in direct violation of her Majesty's proclamation of neutrality" and "known to every person on these islands."<sup>20</sup> He further stated that "my Government alone has the power of instructing me," indicating that orders to his vessels from British officials would not be followed. Wilkes sarcastically expressed his "thanks for the limited privileges extended to us under her Majesty's rules" and informed the governor that because of the "well-known

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<sup>20</sup>Wilkes to Ord, October 1, 1862, WP, container 17, reel 17.

character of the steamers now lying in this harbor," he would be "duty bound to inform my Government of the facts concerning them."<sup>21</sup> Wilkes also informed Secretary Welles of the violation of neutrality committed by the British gunboat Bulldog in transporting Confederate officers, en route to England and the Alabama, from Nassau to Bermuda.<sup>22</sup>

The incidents at Bermuda further tainted Wilkes' opinion of the British. He referred to them as a "pack of secessionists."<sup>23</sup> To spite further the hostile reception he received, Wilkes ordered Sonoma and Tioga to remain off the coast of Bermuda to capture any blockade runners attempting to escape.<sup>24</sup> This was interpreted as a blockade and caused immediate concern to the master of Gladiator who was ready to depart to Liverpool with a load of cotton that had been run through the blockade.<sup>25</sup> To prevent harassment by the American vessels, Gladiator was escorted out of the harbor

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<sup>21</sup>Ibid.

<sup>22</sup>Wilkes to Welles, October 11, 1862, QRN, 1: 500.

<sup>23</sup>Wilkes to Welles, October 12, 1862, ibid., 1: 504.

<sup>24</sup>Wilkes to Stevens, October 2, 1862, WP, container 17, reel 17.

<sup>25</sup>Ord to Newcastle, October 4, 1862, GDBA, confidential dispatch, reel 539.

by H.B.M.S. Desperate. Sonoma nonetheless closed Gladiator and boarded her as two other blockade runners attempted to leave the harbor. Desperate appeared to bear down on Sonoma as if to oppose the boarding but stopped short of ramming. Sonoma then pursued the other blockade runners forcing them back into the harbor. The incident, carefully planned to take full advantage of the British escort, failed, but produced "great excitement on shore, the stores all being closed, business suspended, and the hills covered with the inhabitants of the island" in anticipation of the proceedings.<sup>26</sup>

The combination of these actions and the hostile response of Wilkes toward Governor Ord caused the British to file a formal complaint against Wilkes. Ord stated that while he desired to "perform an unpleasant duty in the manner that should be the least offensive to him [Wilkes]" in maintaining British neutrality, Wilkes refused to meet Ord "in the same spirit and bring a willing obedience to those rules which Her Majesty has directed."<sup>27</sup> In

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<sup>26</sup>Stevens to Wilkes, October 19, 1862, ORN, 1: 512.

<sup>27</sup>Ord to Newcastle, October 4, 1862, GDBA, Executive no. 118, reel 539.

particular, Wilkes:

Openly and willfully transgressed Her Majesty's instructions respecting the stay of his vessels in British Ports, he committed a great breach of propriety and I presume violated national law by anchoring in British waters so as to obstruct their free navigation and repeated the offence in a defiant manner on being notified by me that it could not be permitted, and lastly he landed two sentries from his ship, and posted them without the slightest apparent necessity on the wharf whence he was taking coal.<sup>28</sup>

Additionally, the manner in which Wilkes addressed and accused Ord may not have been appropriate for such a high ranking individual. Ord called for increased Royal Navy presence in the area believing the "power to enforce compliance with our rules would have had considerable effect upon Admiral Wilkes and would have prevented some of his most objectionable proceedings."<sup>29</sup> Thus, after less than one month in command of the West India Squadron, Wilkes had once again caused tense relations with the British.

From Bermuda, Wilkes sailed to Havana to obtain information on the whereabouts of the Alabama from the consul there. After effecting repairs and dispatching

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<sup>28</sup>Ord to Newcastle, October 4, 1862, *ibid.*, confidential dispatch, reel 539.

<sup>29</sup>*Ibid.*

various components of the squadron to likely cruising grounds of both commerce raiders and privateers, Wilkes headed for Nassau.<sup>30</sup> Samuel Whiting, the consul at Nassau supplied Wilkes with information on blockade runners operating out of Nassau as well as other information on suspected Confederate activity in the area.<sup>31</sup> Wilkes intended to make a demonstration to the British authorities there. He deliberately avoided all communication with the officials knowing they would tell him he could not anchor. Through his executive officer he informed the pilot that "I should anchor when and where I saw fit, and did not intend to ask permission to do so from anybody."<sup>32</sup>

Wilkes departed without anchoring but while operating off Stirrup Cay was approached by H.B.M.S. Barracouta, the same vessel whose orders he disregarded off Nassau a few days earlier. As both vessels bore down on each other, Wilkes ordered Wachusetts to prepare for action. Laying

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<sup>30</sup>Wilkes to D.B. Ridgely, November 1, 1862, ORN, 1: 526; Wilkes to Welles, November 11, 1862, ibid., 1: 542; Wilkes to Welles, November 24, 1862, ibid., 1: 557-58.

<sup>31</sup>Whiting to Wilkes, October 11, 1862, ibid., 1: 501-02; Whiting to Wilkes, November 23, 1862, ibid., 1: 555-57; Whiting to Wilkes, November 29, 1862, ibid., 1: 562.

<sup>32</sup>Wilkes to Welles, December 4, 1862, ibid., 1: 571.

only a quarter of a mile off each other, Barracouta stood ready for battle for twenty-five minutes before steaming off. Wilkes, unclear of the intention of the Barracouta, stated: "I shall be overcautious to avoid being the first to break the peace; you may be assured of this, but if any one should take upon themselves to break it, or do insult to our flag, they must take the consequence."<sup>33</sup> This was not the first threat of force by the British to enforce their neutrality. Force was considered after Commander T.H. Stevens on Sonoma refused to stop anchoring in the fairway channel at St. George's. British Admiral Sir Alexander Milne stated: "I feel that I would have been perfectly justified after due warning in using force to prevent his vessels from taking up this anchorage, however great would have been the risk of bringing on hostilities between the two countries."<sup>34</sup> Additional measures were taken to prevent British aid to the belligerents, most notably the

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<sup>33</sup>Ibid.

<sup>34</sup>Alexander Milne to Lyons, November 11, 1862, in Regis A. Courtemanche, No Need of Glory: the British Navy in American Waters, 1860-1864 (Annapolis, MD: Naval Institute Press, 1977), 108. Newspaper accounts of the incident can be found in Nassau Guardian, November 22, 1862 and Bermuda Royal Gazette, December 9, 1862.



prohibition on British pilots aiding vessels of war.<sup>35</sup>

While Wilkes concentrated his efforts for finding the Alabama near the Bahamas, the Alabama was cutting a path of destruction just south of Cuba. On December 7, 1862, Alabama fired upon and captured the steamer Ariel bound for Aspinwall.<sup>36</sup> Ariel was one of the California gold steamers that regularly plied between Aspinwall and New York bringing gold and other treasures from California. Unfortunately for Alabama, Ariel was headed south and was empty of treasure, but it did contain about five hundred women and children. Raphael Semmes referred to it as "an elephant I had not bargained for, and I was seriously embarrassed to know what to do with it."<sup>37</sup> This incident only regenerated the criticism Welles received over the apparent ineffectiveness of Wilkes and his squadron.<sup>38</sup>

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<sup>35</sup>Proclamation of C.R. Nesbitt, November 21, 1862, ORN, 1: 572-73.

<sup>36</sup>L.C. Sartori to American Consul at Jamaica, December 9, 1862, *ibid.*, 1:579-80; Sartori to Welles, December 27, 1862, *ibid.*, 577-79.

<sup>37</sup>Semmes, Memoirs, 532.

<sup>38</sup>Welles, Diary, 1: 207. In relating this incident Welles bluntly states: "Abuse of the Navy Department will follow."

Welles believed Wilkes was spending too much time pursuing blockade runners and not enough time on the commerce raiders. In reemphasizing the purpose of the West India Squadron, Welles directed Wilkes to make the "capture and destruction" of the commerce raiders the "first great and imperative duty" as well as advising him to "avoid, as far as possible, visiting the English ports during the excited condition of the colonial authorities."<sup>39</sup>

Commander Napoleon Collins found himself in situations similar to those that Wilkes was in. Collins was assigned to the West India Squadron on U.S.S. Octorara. His first incident involved the capture of the Confederate schooner Elias Reed. While the character of the vessel was well established, flying the Confederate flag, without any papers, and with a contraband cargo, the capture was alleged to have taken place while the vessel was at anchor in Bahamian waters.<sup>40</sup> The British promptly demanded that officers be reminded of the neutrality regulations in addition to "due compensation for any private losses which

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<sup>39</sup>Welles to Wilkes, December 15, 1862, QRN, 1: 588.

<sup>40</sup>Affidavit of Edward Royley and John Williams, December 23, 1862, ibid., 1: 535.

may have been caused by the unlawful capture."<sup>41</sup> Based on affidavits of pilots, the prize court determined that Elias Reed was captured no less than four miles from the nearest British waters thus making the capture legal.<sup>42</sup>

Wilkes supported the action of Collins stating that the term "coast or shore does not properly comprehend all of the shoals which form sunken continuations of the land perpetually under water."<sup>43</sup> This interpretation of territorial waters would later get Collins in trouble for seizing another vessel within disputed British jurisdiction. The British schooner Mont Blanc was captured within one and a half miles of a British cay.<sup>44</sup> Although restored to her owner due to the illegal nature of the capture, this incident still met with considerable displeasure from the British. While Lyons pointed out the "grave offence against international law and the dignity of the British crown,"

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<sup>41</sup>Lyons to Seward, December 29, 1862, *ibid.*, 2: 13; Milne to Lyons, December 16, 1862, *ibid.*, 2: 13-14.

<sup>42</sup>Affidavit of Stephen Roberts, November 29, 1862, PRFA 1863, 548; Affidavit of John A. Johnstone, November 29, 1862, *ibid.*

<sup>43</sup>Wilkes to Welles, January 24, 1863, WP, container 18, reel 17.

<sup>44</sup>Collins to Welles, December 26, 1862, ORN, 1: 598.

Seward attributed the seizure to "mere inconsiderateness."<sup>45</sup> Meanwhile, when Welles censured Collins for incurring the "displeasure of the President," Collins remonstrated that he had the full approval of Wilkes who issued verbal instructions to disregard uninhabited cays, rocks, and patches of sand when making captures.<sup>46</sup>

Late in February 1863, the raider Florida was reported at Barbados, having escaped from Mobile. Wilkes proceeded to this island in the commandeered U.S.S. Vanderbilt, a ship in the West Indies on a special mission to hunt commerce raiders.<sup>47</sup> Florida remained only a little over a day departing shortly after taking on coal. This was in direct violation of British proclamations allowing belligerents to coal only once every ninety days as Florida had previously coaled at Nassau only a month earlier.<sup>48</sup> The governor of

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<sup>45</sup>Lyons to Seward, May 1, 1863, PRFA 1863, 522; Seward to Lyons, May 7, 1863, *ibid.*, 528.

<sup>46</sup>Welles to Collins, May 18, 1863, ORN, 1: 598-99; Collins to Welles, July 5, 1863, *ibid.*, 1: 599; Collins to Welles, July 8, 1863, *ibid.*, 1: 600.

<sup>47</sup>Welles to Baldwin, January 27, 1863, *ibid.*, 2: 60.

<sup>48</sup>Logbook of C.S.S. Florida, Mariners Museum Library, Newport News, VA. The January 26, 1863 entry reports coaling at Nassau. The February 25, 1863 entry reports coaling at Barbados.

Barbados, James Walker, was apparently aware of the coaling at Nassau but, after some reluctance, allowed Florida to coal.<sup>49</sup>

When Wilkes finally arrived at Barbados, he attacked the actions of the governor both verbally and in writing for violating British neutrality and "giving a reception to this Rebel of the most hospitable and distinguished character."<sup>50</sup> Walker refused to honor the accusations only stating he had extended to Florida the same courtesies he extended to U.S.S. San Jacinto earlier.<sup>51</sup> Walker based his permission to coal at less than ninety days under special circumstances necessitated by emergency repairs or weather. The question arises then, how can one grant enough coal to a commerce raider to proceed to the nearest home port when that home port is blockaded? A strict interpretation of this clause would prohibit granting coal to all Confederate vessels but additionally would apply to any vessel involved in cruising

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<sup>49</sup>Journal of Lieutenant John N. Maffitt, February 24, 1863 entry, ORN, 2: 670; Maffitt to Mallory, February 26, 1863, *ibid.*, 2: 642.

<sup>50</sup>Wilkes, Autobiography, 791; Wilkes to Walker, March 6, 1863, ORN, 2: 115-17.

<sup>51</sup>Walker to Wilkes, March 7, 1863, *ibid.*, 2: 117.

operations since there is no home port or other destination specified.<sup>52</sup>

Wilkes generally obeyed the orders of Welles, followed the precepts of international law, and fostered as friendly relations with neutral governments as he could. The egregious violations of both neutrality and international law committed by the British placed him on the offensive. His actions at Bermuda, Nassau, and Barbados were designed to make a statement to the British. If the British colonies in the Atlantic and West Indies refused to follow the proclamations laid down by Her Majesty, why should he? The charges levied against him up to this point were not necessarily violations of international law or even violations of British national law. His actions and attitude toward the British, no matter how insulting they may appear, were simply bad diplomacy. It was the actions taken against blockade runners and the efforts to track down the commerce raiders that generated the bulk of the violations of international law.

Commander Charles Baldwin of Vanderbilt found himself

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<sup>52</sup>Don Higginbotham, "A Raider Refuels: Diplomatic Repercussions," Civil War History 4 (June 1958): 137.

in a situation at Kingston, Jamaica similar to what Wilkes had experienced at Bermuda and Nassau. Acting on information that Alabama was located at Port Royal, Baldwin proceeded to that port to investigate. Not finding Alabama he proceeded to Kingston for coal. The consul arranged for coal but the British commander at Port Royal interceded before coaling could begin.<sup>53</sup> Citing the proclamation of neutrality and the associated regulations Baldwin was refused coal and told to leave within twenty-four hours. Vanderbilt left port the next morning and the British immediately accused him of rudeness and neglecting the customary courtesies.<sup>54</sup> Baldwin stated he was simply honoring Her Majesty's Proclamation of Neutrality and the early departure on a Sunday precluded the customary rendering.<sup>55</sup> Such an incident was particularly frustrating

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<sup>53</sup>Baldwin to Welles, February 16, 1863, ORN, 2: 86.

<sup>54</sup>Hugh Dunlop to Milne, February 24, 1863, United States, Navy Department, Letters Received by the Secretary of the Navy from the President and Executive Agencies, 1837-1886, Record Group 45, microfilm M-517, reel 20, National Archives, Washington, D.C. Hereafter Executive Letters.

<sup>55</sup>Baldwin to Welles, May 15, 1863, United States, Navy Department, Letters Received by the Secretary of the Navy from Commanders, 1804-1886, Record Group 45, microfilm M-147, reel 76, National Archives, Washington, D.C. Hereafter Commander Letters.

since Alabama had just spent a week in Kingston repairing and taking on coal. Not only did Alabama meet "with a very cordial reception" but a British navy band played "Dixie Land" in apparent disrespect to the American officers from U.S.S. Hatteras being held prisoner on board.<sup>56</sup>

The capture of the British bark Springbok in February 1863 by Sonoma, under orders from Wilkes, initially created little excitement for the United States. With a cargo suspected of being contraband, and without a proper manifest, the ship was sent to New York for prize court adjudication.<sup>57</sup> Since Springbok was on a list of vessels leaving London with known or suspected Confederate cargo, it was believed the seizure would be supported by condemnation.<sup>58</sup> The ship and cargo were condemned, the court calling its action a violation of the doctrine of

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<sup>56</sup>John Low, Logs of the C.S.S. Alabama and C.S.S. Tuscaloosa, 1862-1863, ed. W. Stanley Hoole (Birmingham, AL: Confederate Publishing Company, 1972), 34; H.C. Blake to Consul at Jamaica, January 24, 1863, United States, Navy Department, Area File of the Naval Records Collection, 1775-1910, Area 8, Record Group 45, microfilm M-625, reel 206, National Archives, Washington, D.C. Hereafter Area File.

<sup>57</sup>T.H. Stevens to Wilkes, February 9, 1863, ORN, 2: 70; Stevens to Welles, February 3, 1863, ibid., 2: 73.

<sup>58</sup>F.H. Morse to Adams, December 24, 1862, PRFA 1863, 45-46.



continuous voyage.

Protests initiated by the British government and the owners of Springbok attempted to recover damages and reverse the seizure. Since the ship was bound from one neutral port (Bermuda) to another neutral port (Nassau), carrying cargo for a neutral agent, destined to be off loaded at the neutral port, it was argued that even if the cargo contained items perceived as contraband of war, and neither the ship nor the shipping agent had any real interest in it, it could not be seized.<sup>59</sup> The notoriety of Nassau as an important transshipment point in Confederate trade no doubt played heavily in the initial condemnation. This court decision, as British international law professor Sir Travers Twiss pointed out, simply made the doctrine of continuous voyage the "doctrine of prospective intention."<sup>60</sup> Any vessel trading with Nassau, regardless of the ultimate destination of the ship or cargo, was fair game for capture since anything the ship was carrying could ultimately, at some point, end up in the South.

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<sup>59</sup>Stuart L. Bernath, Squall Across the Atlantic (Berkeley: University of California Press, 1970), 88.

<sup>60</sup>Travers Twiss quoted in Squall, 92.

The appeal to the original condemnation to the Supreme Court restored the ship, but not the cargo. Since the ship was legitimately proceeding between neutral ports with the intention of returning to a neutral port, there was no violation. The master, however, had signed bills of lading without knowing the true nature of the cargo. The cargo manifests named no consignee as well as misrepresented the actual number of items carried. The judge hearing the appeal cited the "desire of the owners [of the cargo] to hide from the scrutiny of the American cruisers the contraband character" of the cargo.<sup>61</sup> Additionally, the cargo condemned contained items that were not strictly contraband of war, but could be easily adapted to such use.<sup>62</sup> The American acceptance of "conditional contraband" was an important milestone in international law and came about from a routine seizure by a vessel of the West India Squadron under Wilkes. Another case involved the British steamer Peterhof. Peterhof, bound to Matamoros from London,

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<sup>61</sup>Opinions of the United States Supreme Court in the Case of "The Springbok" December 1866, Savage, Maritime Commerce, 464.

<sup>62</sup>Ibid., 465. The cargo contained swords, bayonets, and army and navy buttons (contraband of war) and army cloth and army blankets (goods adaptable to war).

stopped at St. Thomas to coal. Prior to entering St. Thomas, Peterhof was boarded and searched by U.S.S. Alabama.<sup>63</sup> With all of its papers apparently in order it was allowed to proceed. As Peterhof left St. Thomas a few days later, Vanderbilt appeared off the harbor. Wilkes signaled to Vanderbilt to overhaul Peterhof and seize if warranted.<sup>64</sup> Finding irregularities in the ship's papers, including passengers but no passenger manifest, the ship was seized upon order by Wilkes and taken to Key West.<sup>65</sup>

A protest was immediately initiated by the senior Royal Navy officer at St. Thomas on the grounds that the seizure took place in Danish waters and there was no clear reason for the seizure. Since Alabama had cleared the vessel a few days before and only coal was obtained at St. Thomas, Commander Baldwin initially desired to let the ship proceed. The subsequent seizure was viewed by the British as a hostile act initiated solely by Wilkes.<sup>66</sup> This was

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<sup>63</sup>Edward T. Nichols to Wilkes, March 5, 1863, QRN, 2: 112.

<sup>64</sup>Wilkes to Welles, February 28, 1863, ibid., 2: 97-98.

<sup>65</sup>Charles Baldwin to Welles, February 25, 1863, ibid., 2: 98.

<sup>66</sup>Edward Tatham to Wilkes, March 14, 1863, ibid., 2: 100; S.J. Redgate to G.A. Halsted, March 7, 1863, ibid., 2:

supported by rumors that Wilkes had publicly threatened to capture a British mail packet on the sole grounds of it carrying passengers of the Confederate States, officers or civilians.<sup>67</sup> The British wanted to prevent an episode similar to the Trent affair.

Peterhof, like Springbok, fell into the category of violator of the doctrine of continuous voyage as both ship and cargo were condemned. On appeal, the condemnation of Peterhof was reversed, the Supreme Court citing the inability to blockade a river or port used by two nations, one a neutral not subject to the blockade.<sup>68</sup> The cargo remained condemned because of its nature, the ease with which it could be transported to the Confederates, and the actions of the master of the ship and a passenger in attempting to conceal or destroy documents that might prove the true nature of the cargo.<sup>69</sup> Also dismissed was the

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101-4. The full protest can be found in the enclosures to Lyons to Seward, April 8, 1863, PRFA 1863, 490-96.

<sup>67</sup>Lyons to Seward, March 7, 1863; Seward to Lyons, March 9, 1863; F.W. Seward to Lyons, March 14, 1863; and Welles to Seward, March 12, 1863, *ibid.*, 465-66.

<sup>68</sup>Opinion of the United States Supreme Court in the Case of "The Peterhof" December 1866, Savage, Maritime Commerce, 472-73.

<sup>69</sup>*Ibid*, 475-76.

protest of the British for searching and seizing the vessel. Search of a neutral vessel on the high seas is a belligerent right as is seizure, if suspected in violation of international law. These cases are usually left to the prize courts to decide free of governmental interference.

In the case of Peterhof, though, governmental interference was evident from both the United States and Great Britain. Lyons was concerned about the treatment of British mails carried on board Peterhof. He contended they were not handled in accordance with an earlier dispatch stating public mails "shall not be searched or opened, but be put as speedily as may be convenient on the way to their designated destination."<sup>70</sup> Welles believed mails should not be opened or searched by the boarding party but should be left intact for the prize court judge to examine. Mail of a non-neutral nature may contain evidence useful in condemning a vessel. Seward, in the interest of appeasing the British asked Welles to "set aside law, usage, principle, established and always recognized rights" and release the

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<sup>70</sup>Lyons to Seward, April 9, 1863, PRFA 1863, 497-98; Welles to Seward, April 13, 1863, in Welles, Diary, 1: 271.

mail.<sup>71</sup>

These incidents fueled the British condemnation of Wilkes. His notoriety in the area was such that he was often the subject of false accusations. When the British steamer Blanche was boarded and presumably destroyed by U.S.S. Montgomery, it was naturally assumed that Wilkes, or one of his squadron, was responsible.<sup>72</sup> Blanche had refused to stop after a warning shot from Montgomery and ran aground in Cuban waters. After a party from Montgomery boarded Blanche, the vessel was found to be on fire completely.<sup>73</sup> Wilkes denied having any part of the affair and deplored the act that had been committed.<sup>74</sup>

In another incident, U.S.S. Rhode Island chased the British steam vessel Sirius into Nassau. The chase was terminated outside of the three mile limit to Nassau but was witnessed by many on shore.<sup>75</sup> Assuming it was Wilkes on

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<sup>71</sup>Ibid., 1: 273.

<sup>72</sup>Wilkes to Welles, October 13, 1862, ORN, 1: 505.

<sup>73</sup>For a complete account of the Blanche incident see ibid., 19: 267-86.

<sup>74</sup>Wilkes to Welles, October 13, 1862, ibid., 1: 505.

<sup>75</sup>Stephen D. Trenchard to Welles, May 12, 1863, ibid., 2: 182-83; S.C. Hawley to Wilkes, May 14, 1863, ibid., 2: 192-93.

Vanderbilt, Governor Bayley wrote privately to the U.S. Consul to remind him that "Admiral Wilkes cannot anchor either in the roadstead or the harbor without my permission" nor could "Vanderbilt stand off and on this port in a menacing manner."<sup>76</sup>

Wilkes was even accused of seizing vessels that had never been captured. One of these involved the steamer Neptune. Lieutenant-Governor Rothe of St. Thomas accused Wilkes (on Wachusetts) of slipping anchor as Neptune departed the harbor and capturing her a short time later.<sup>77</sup> This capture did not take place, and the Neptune later reportedly ran the blockade.<sup>78</sup> Wachusetts did, however, weigh anchor about the same time as the vessel Dolphin was leaving port. This was the vessel that Wilkes captured, but he was nonetheless accused of two separate violations.<sup>79</sup>

The circumstances concerning the seizure of Dolphin were essentially as Rothe had described them. Wilkes,

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<sup>76</sup>Bayley to Hawley, May 12, 1863, PREA 1863, 579.

<sup>77</sup>Rothe to Wilkes, April 6, 1863, ORN, 2: 149-50.

<sup>78</sup>Charles E. Fleming to Rothe, April 11, 1863, *ibid.*, 2: 150.

<sup>79</sup>Rothe to Fleming, April 13, 1863, *ibid.*, 2: 150-51; Rothe to Wilkes, April 14, 1863, *ibid.*, 2: 151.

intending to chase the Dolphin, had lost her in the darkness. Wilkes paints an interesting picture of innocence when he describes, as daylight broke, that Dolphin had actually been chasing Wachusetts.<sup>80</sup> Dolphin was seized, the ship sent to Key West and the crew returned to St. Thomas. British protests with this seizure demanded explanation on the alleged abuse of the crew of Dolphin while being transported back to St. Thomas. The chief engineer was put in double irons and the remaining crew and passengers were locked in cabins.<sup>81</sup> Additionally, the practice of Wilkes following potential blockade runners out of St. Thomas infuriated the British. The rule of twenty-four hours only applied to British ports, but Lyons nevertheless demanded a "fresh and more urgent remonstrance against the use made by its cruisers of the neutral port of St. Thomas."<sup>82</sup>

Steven Trenchard on Rhode Island, temporarily assigned

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<sup>80</sup>Wilkes to Rothe, May 13, 1863, *ibid.*, 2: 152-54; Wilkes to Welles, June 16, 1863, United States, Navy Department, Letters Received by the Secretary of the Navy from Commanding Officers of Squadrons, Record Group 45, microfilm M-89, roll 121, National Archives, Washington, D.C. Hereafter Squadron Letters.

<sup>81</sup>John V. Crawford to Lyons, April 1, 1863, PRFA 1863, 520-21.

<sup>82</sup>Lyons to Seward, June 16, 1863, *ibid.*, 581-82.



to the West India Squadron, felt similar displeasure from the British. Upon anchoring at the Mathewtown roadstead, without permission from the British authorities, Trenchard was informed of "his excellency's great regret at this marked discourtesy."<sup>83</sup> While the British maintained that Trenchard should have known the particulars of the Queen's Proclamation, the specifics on entering ports other than Nassau were unclear. The process of gaining permission from the governor, as stated in the proclamation, would be impractical especially if desiring to enter a port in one of the out islands.

This was a minor complaint against Trenchard compared to the attempted capture of the steamer Margaret and Jessie. The steamer attempted to avoid capture by outrunning Rhode Island and heading toward the shore as the warship fired numerous shells directly at the steamer. According to Trenchard, the firing continued until Margaret and Jessie was about three and a half miles from land, Rhode Island being another mile and a quarter away.<sup>84</sup> The steamer sank close to shore, apparently from shell from Rhode Island.

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<sup>83</sup>C.B. Nesbitt to S.C. Hawley, May 27, 1863, *ibid.*, 572.

<sup>84</sup>Trenchard to Welles, June 1, 1863, ORN, 2: 235-36.

The British version of the story was that Rhode Island closed to within one and a half miles of land and continued to fire at Margaret and Jessie. Besides striking the steamer numerous times, several shells reportedly struck shore near a settlement.<sup>85</sup> The court of inquiry convened to investigate the British complaint found that Trenchard had not violated territorial waters but understood that a "diversity of opinion in computing distances" would exist.<sup>86</sup>

It is, however, possible that Rhode Island was outside of the territorial limit but some of the shells did strike shore due to the improved range of the guns.

During his tenure as Commander of the West India Squadron, Wilkes accomplished much to eliminate blockade running and eradicate the commerce raiders. The commerce raiders, while none were actually captured by Wilkes, felt the constant pressure of the West India Squadron and were forced to find hunting grounds elsewhere. Welles did not

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<sup>85</sup>L. Heyliger to J.P. Benjamin, June 6, 1863, *ibid.*, 2: 236-38; Declaration of C.M. Morris, June 6, 1863, *ibid.*, 2: 243-44; Declaration of William Hanna, June 4, 1863, *ibid.*, 2: 245. The documents in the case of Margaret and Jessie are contained in PRFA 1864, 412-50.

<sup>86</sup>Opinion of Court of Inquiry, April 7, 1864, ORN, 2: 249-50.

see it this way. He thought Wilkes had "more zeal for and finds it more profitable to capture blockade-runners than to hunt for the Alabama."<sup>87</sup> Wilkes on the other hand, thought he had eliminated the Matamoras trade since no more steamers bound for that port arrived at St. Thomas after the capture of Dolphin.<sup>88</sup>

Relations between American naval officers and Royal Navy officers were often exacerbated by such apparent neutrality violations. Inquiries by the British after captures were viewed as efforts only to elicit information with which to file protests.<sup>89</sup> Hostilities displayed toward each other became so bad that Welles ordered Wilkes to "render, on all occasions of intercourse with the British navy, the courtesies due to naval officers of a friendly nations."<sup>90</sup> It was understandable why this action was taken. Stevens on Sonoma refused to obey the request of the H.B.M.S. Desperate not to anchor in the fairway channel in

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<sup>87</sup>Welles, Diary, 1: 217.

<sup>88</sup>Wilkes to Welles, May 23, 1863, ORN, 2: 210.

<sup>89</sup>Wilkes to Welles, March 15, 1863, *ibid.*, 2: 99.

<sup>90</sup>Seward to Welles, January 12, 1863, Executive Letters, RG 45, M-517, reel 20; Milne to Lyons, March 16, 1863, PRFA 1863, 475. Milne directed that his officers do the same.

Bermuda; the H.B.M.S. Cygnets was shot at off Havana by Trenchard on Rhode Island; and of course, Wilkes challenged the H.B.M.S. Barracouta off Abaco.<sup>91</sup> Despite the tense relations, Admiral Milne of the Royal Navy was understanding of the situation:

If we change positions with Admiral Wilkes, I dare say we would feel annoyed to see several steamers full of contraband of war in a harbor of a neutral power ready to break our blockade. I cannot comprehend the value of the Queen's Proclamation when the vessels openly visit and sail here with cargoes of arms and powder.<sup>92</sup>

Milne, like Wilkes and the others, were naval officers and not lawyers trained in the intricacies of neutrality and international law. Each side was just carrying out the orders of their respective governments.

Despite the many complaints lodged by the British against Wilkes, Welles was generally pleased with his overall performance. Seward, who recommended Wilkes for this assignment, asked to have him removed because of the complaints. The United States was in a better position

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<sup>91</sup>Ord to Wilkes, October 1, 1862, ORN, 1: 496; Trenchard to Welles, March 2, 1863, *ibid.*, 2: 110-11; Wilkes to Welles, December 4, 1862, *ibid.*, 1: 571.

<sup>92</sup>Milne to Frederick Grey, November 29, 1862, Courtemanche, No Need of Glory, 95.

militarily and the risk of foreign recognition of the Confederacy was nil. Seward no longer needed to maintain the tough stance with the British and any additional violations might hurt the position of the United States diplomatically. Welles saw "nothing in his [Wilkes] conduct thus far, in his present command, towards the English deserving of censure" but thought it best "under the circumstances that Wilkes should be withdrawn."<sup>93</sup> Even though other captures and incidents involving the British were committed by other squadrons and ships in the navy, Wilkes remained the one most hated and scorned by the British government and press. His removal came after most of the significant challenges to neutrality and international law had already been committed.

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<sup>93</sup>Welles, Diary, 1: 298-99.

## CHAPTER IV

## CONCLUSION: THE WILKES EFFECT

Throughout his tour in the West Indies, Wilkes defended his actions as proper and within the scope of international law, as well as necessary to carry out his duties. Outrage from the British waned after Wilkes' removal but debate over the offenses would constantly resurface over the next decade. A half-century later, at the beginning of World War I, the British applied the techniques of Wilkes against American commerce, much to the chagrin of the United States, and contrary to agreements designed to codify maritime war and prevent such offenses to neutral shipping.

On June 1, 1863, Wilkes was relieved of his duties as commander of the West India Squadron, scarcely nine months after taking command.<sup>1</sup> His relief was due primarily to the unauthorized use of U.S.S. Vanderbilt and only partially to the diplomatic repercussions brought about by his actions.<sup>2</sup> Welles believed that Wilkes was singularly responsible for the continued reign of the commerce raiders on the high seas and expressed that opinion in his annual report to Congress.

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<sup>1</sup>Welles to Wilkes, June 1, 1863, ORN, 2: 253.

<sup>2</sup>Welles, Diary, 1: 309.

Wilkes, outraged by the "imputation so undeservedly cast upon me," believed he had been successful in at least driving the commerce raiders from the West Indies.<sup>3</sup> He demanded to present his case before Congress.

Welles saw this as irregular and denied the request.<sup>4</sup> Wilkes' original protest to Welles somehow appeared in the New York Times before Welles even had a chance to respond. This put Wilkes in front of a court martial. Wilkes was charged with disobedience of lawful orders of his superior officer in detaining Vanderbilt and other ships for his use in the West India Squadron, insubordinate conduct, disrespectful language to a superior officer that appeared in the letter in the New York Times, dis-obedience of a lawful general order, and conduct unbecoming an officer.<sup>5</sup> Found guilty of all charges, the court martial ordered Wilkes suspended from naval service for three years. President Lincoln came to the defense of Wilkes by overturning the sentence and refusing to let Wilkes be the

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<sup>3</sup>Wilkes to Welles, December 11, 1863, QRN, 2: 567.

<sup>4</sup>Welles to Wilkes, December 15, 1863, ibid., 2: 569.

<sup>5</sup>United States, Congress, House of Representatives, Court Martial Proceedings: Captain Charles Wilkes, (Washington, D.C.: Government Printing Office, 1864), 2.

scapegoat for the Alabama affair.<sup>6</sup>

Admiral James Lardner succeeded Wilkes in command of the West India Squadron. The squadron under Lardner saw little action with respect to the commerce raiders--both Alabama and Florida were essentially driven away by Wilkes. Lardner initiated convoy escorts of the California gold ships to avoid captures like the Ariel by Alabama.<sup>7</sup> The aggressive activities of the squadron abated as Lardner was "discreet, prudent, perhaps over-cautious" and avoided many of the risks that Wilkes routinely took.<sup>8</sup> Welles finally disbanded the West India Squadron on September 12, 1864 as the threat in the West Indies abated.<sup>9</sup>

Shortly after Lardner hauled down the flag of the West India Squadron, Commander Napoleon Collins eliminated the last Confederate commerce raider with the opportunistic capture of C.S.S. Florida in the Bay of Bahia, Brazil. Collins, on Wachusett, found Florida in the bay, later protected by two Brazilian warships and the guns of a fort.

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<sup>6</sup>Henderson, Hidden Coasts, 269.

<sup>7</sup>Lardner to Welles, September 17, 1863, ORN, 2: 456-57.

<sup>8</sup>Welles, Diary, 1: 319.

<sup>9</sup>Welles to Lardner, September 12, 1864, ORN, 3: 212.



Collins, often conferring with Thomas Wilson, the consul at Bahia, agreed to use Wachusetts to ram and sink Florida. In a bold and daring move, Wachusetts, under full steam, rammed Florida amidships. When the rebel steamer did not sink as desired, a boarding team attached a towing hawser and Wachusetts, under fire from the Brazilian ships and forts, towed Florida out of port.<sup>10</sup>

The actions of Collins drew a fury of protest from the Confederates, the Brazilians, and the British.<sup>11</sup> The capture was indeed illegal and a clear cut violation of international law but succeeded in eliminating a significant threat to northern commerce. Despite the illegal nature of this action, protests from any party might not be without consequence. Authorities in Brazil and Britain had previously bestowed preferential treatment on Florida and other Confederate commerce raiders in violation of their own neutrality. To protest too vehemently would indicate bias against the United States since Collins had not committed

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<sup>10</sup>Collins to Welles, October 31, 1864, Commander Letters, RG 45, M-147, roll 84.

<sup>11</sup>For complete Confederate and Brazilian accounts of the capture see James D. Bulloch, Secret Service of the Confederate States in Europe, 2 vols. (New York: G.P. Putnam and Sons, 1884), 1: 199-224 and QRN, 3: 631-42.

any greater violation of the laws than the British or Brazilians did in harboring the commerce raiders. The prize court ordered the vessel restored to the Confederates due to the circumstances of the capture. While this was intended to appease the Brazilians, the Confederates would never receive their vessel as it mysteriously sank during the court proceedings.<sup>12</sup>

The New York Herald congratulated Collins for performing this "good and manly service" but seemed disappointed that the capture did not take place in British waters, indicating their disapproval of British actions during the war.<sup>13</sup> The British had a long history of effecting captures in neutral ports. Recognizing the international implications surrounding this incident, Collins was court martialed for violation of international law. Found guilty and ordered to be discharged from the service, the sentence was overturned by Welles.<sup>14</sup> Support

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<sup>12</sup>Seward to Barboza da Silva, December 20, 1864, Bulloch, Secret Service, 1: 216-18.

<sup>13</sup>"The Capture of the Florida - Neutral Ports - The Rights of Asylum," New York Herald, November 9, 1864.

<sup>14</sup>Extract of court martial of Commander Collins, ORN, 3: 268-69; Welles to Collins, September 17, 1866, ibid., 3: 269.

for Collins came not only from the highest levels of the navy, but from Charles Wilkes himself. In response to a congratulatory letter from Wilkes, Collins stated that "I felt convinced that I was only doing what you would have done with pleasure, and like winking, had such an opportunity ever presented itself."<sup>15</sup>

The capture of Florida was the last violation of international law committed by any of the personnel involved with the West India Squadron. After the war, the United States sought damages from Great Britain based on its violations of international law and established rules of neutrality at the Tribunal of Arbitration at Geneva. Great Britain was accused of "failure in the proper observance of her duties as a neutral" as well as responsible for "heavy national expenditures in pursuit of the cruisers, and in direct injury in the transfer of a large part of the American merchant marine to the British flag, in the enhanced payments of insurance, [and] in the prolongation of the war."<sup>16</sup> In short, every act committed by Great Britain

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<sup>15</sup>Collins to Wilkes, December 1, 1864, *ibid.*, 3: 264.

<sup>16</sup>United States Senate, Case of the United States to be laid before the Tribunal of Arbitration, to be convened at Geneva (Washington, D.C.: Government Printing Office, 1872),

during the course of the war that violated some aspect of neutrality was addressed with restitution demanded.

The Tribunal of Arbitration, also known as the "Alabama Claims," was composed of cases and counter cases, charges and counter charges. The United States attempted to show that Great Britain did not exercise due diligence in enforcing neutrality while Great Britain tried to justify its actions as being entirely neutral. Many of the actions and incidents involving Wilkes were used to demonstrate British bias toward the Confederate States. The British response to Wilkes at the time of the incidents, while displaying British anger at the alleged violations, in some instances actually hurt the case.

The primary purpose of the claims stemmed from the construction of the commerce raiders Alabama and Florida by British ship yards and their subsequent escape from British jurisdiction. The United States claimed this was a violation of the Foreign Enlistment Act.<sup>17</sup> This 1818 British law had never been interpreted judicially and many questions remained as to the exact duties of the neutral

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9. Hereafter Tribunal.

<sup>17</sup>Ibid., 69.

with regard to the act. The act obliged the neutral to prevent the "fitting out, arming, and equipping" of vessels for belligerent states but did not specifically prohibit the actual construction of ships that may be later converted for that purpose.<sup>18</sup> Although the British did act in seizing Florida at Nassau for suspected violation of this act, the ship was released after off loading shot, shell, and ammunition, thus having "divested herself of the character of an armed vessel."<sup>19</sup>

Even if construction, less fitting as a warship, was not in violation of the Foreign Enlistment Act, the reception Alabama and Florida received at several British ports showed a bias toward the Confederates and was not in keeping with the duties of a neutral. Both ships violated the British prohibitions on coal acquisition and often remained in port well over twenty-four hours. Preferential treatment of Alabama at Kingston and Florida at Bermuda, Nassau, and Barbados were previously mentioned as violations

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<sup>18</sup>Ibid.

<sup>19</sup>Bayley to Hickley, June 16, 1862, United States, Department of State, Foreign Relations of the United States, 1872 (Washington, D.C.: Government Printing Office, 1870-1919), 3(2): 169. Hereafter FRUS with year and volume.

of British neutrality. In each instance, the Confederate raiders had no difficulty receiving coal and supplies and were allowed extra time in port to effect repairs. Federal ships, such as Wachusetts, Vanderbilt, and Dacotah desiring the same courtesies were granted only minimum consideration, if any.<sup>20</sup> Florida, during its visit to Bermuda in June 1864, was not only allowed additional time in port for repairs, but received the assistance of Royal Navy Dockyard engineers to conduct these repairs.<sup>21</sup> Although the British argued that Florida received a proper reprimand for anchoring at Nassau without the permission of the colonial authorities, it was allowed to stay whereas Wilkes was threatened with an armed response when he likewise anchored without permission.<sup>22</sup>

In addition to damages incurred by the commerce raiders

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<sup>20</sup>Counter Case of Great Britain, FRUS 1872, 2(2): 360-61. British statistics indicate that 10 Confederate cruisers visited British ports 25 times, taking on coal 16 times for a total of 2,800 tons, and exceeding the limit of stay 16 times. They estimate 228 visits were made by U.S. warships, taking on coal 45 times for a total of 5,000 tons, and exceeding the limit of stay 44 times.

<sup>21</sup>Ord to Newcastle, July 9, 1864, GDBA, Miscellaneous no. 49, reel 539.

<sup>22</sup>Counter Case of Great Britain, FRUS 1872, 2(2): 350-51.

and privateers, the United States accused Great Britain, as a neutral, of not using due diligence to prevent these raiders from being built in the first place. It implied that without diligence there is negligence.<sup>23</sup> The British argued the government may be limited in its ability to control or monitor every aspect of society to ensure neutrality is maintained, and that according to the definition of diligence presented "no government can be held to have done its duty which has not been completed successfully."<sup>24</sup> Knowledge of the nature of Alabama was not denied, but the failure to seize the vessel was blamed on the United States consul not exercising due diligence in providing the British government with the proper evidence.<sup>25</sup> Many of the activities that took place appeared to be the work of private individuals, and not officially government sanctioned. This, however, did not absolve Great Britain of any responsibility for the illegal actions of its citizenry or the happenings in its territories.

Both the United States and the Confederate States

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<sup>23</sup>U.S. Senate, Tribunal, 64.

<sup>24</sup>Counter Case of Great Britain, FRUS 1872, 2(2): 229.

<sup>25</sup>Ibid., 372.

recognized the importance of the West Indies, particularly Nassau, as both bases of operations and coal depots early in the war. Attempts to store coal at Bermuda and Nassau for federal use were thwarted by British enforcement of neutrality. Wilkes was able to work around the coal shortage by securing supplies at non-British islands including Cuba, Haiti, and St. Thomas. The Confederates, however, were allowed to maintain coal supply vessels at British ports. The Confederate vessel Storm King routinely issued coal to Confederate blockade runners, privateers, and commerce raiders in defiance of British neutrality and with no governmental interference.<sup>26</sup> The continual complaints of Wilkes and the consuls concerning the British supplying of coal to Confederate vessels must be examined carefully. The prohibitions on coal only covered the warships of belligerent states. Merchant vessels, including those flying the Confederate flag, were usually granted supplies to allow them to continue trade.

All the offenses committed by Wilkes during his command of the West India Squadron withstood the scrutiny of prize

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<sup>26</sup>Allen to Seward, June 30, 1864, DUSC Bermuda, RG 59, T-262, roll 6.



court deliberations, international law challenges, and British protests. The strict guidance issued by Welles concerning the search and seizure of contraband and the protection of neutral rights were substantially followed, to the letter, by Wilkes. Even in the cases of Peterhof and Springbok, where the vessels were later restored to their owners after appeal, the prize courts found sufficient evidence to condemn the cargoes due to their questionable nature.

The British violations of their own neutrality, forced the reinterpretation of international law governing duties and responsibilities of a neutral. This effort was aided by the Tribunal of Arbitration after the war and during the war by the freelance neutrality "enforcement" of Captain Charles Wilkes and the West India Squadron. The frustration felt on a diplomatic level made it easier for Seward to accept the extreme actions of Wilkes as the only means of making Britain realize that their "just claims on the neutrality of Great Britain have not been sufficiently estimated."<sup>27</sup> The verdict by the international community found that "Great

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<sup>27</sup>Adams to Russell, September 30, 1862, PRFA 1862, 207.

Britain has in this case failed, by omission, to fulfill the duties" as a neutral.<sup>28</sup>

The outcome of the Tribunal of Arbitration helped define the roles and rules of both belligerent and neutral.

The Treaty of Washington, the Hague Conferences, and the Declaration of London all sought to make the rules of maritime warfare clear. Almost a half century later, at the beginning of World War I, the roles were reversed, with Great Britain as a belligerent and the United States as a neutral. Great Britain then committed many of the same alleged violations of neutral rights that the United States did. This time, however, they had the precedent set by Captain Charles Wilkes to follow and justified seizure with his cases.

On August 4, 1914, President Woodrow Wilson declared the neutrality of the United States in the war raging in Europe.<sup>29</sup> The proclamation prohibited American citizens from entering into the military service of the belligerents

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<sup>28</sup>Herbert W. Briggs, The Law of Nations: Cases, Documents, and Notes (New York: Appleton, Century, Crofts, 1952), 1029.

<sup>29</sup>Proclamation of the President of the United States, August 4, 1914, FRUS 1914, 547-51.

and fitting out and arming vessels for use by the belligerents. It also called for a display of impartiality to belligerent vessels that might frequent the neutral waters of the United States. There was little difference between the spirit and intent of this proclamation and the one issued by the British at the start of the American Civil War. The United States was now responsible for exercising due diligence in maintaining neutrality, and avoiding violations similar to those that Great Britain committed a half century earlier.

One noticeable difference between the methods of declaring neutrality was the appeal of the president to the American public requesting their assistance in maintaining neutrality. This was done in recognition of the diverse nature of the American people, many of whom still had or maintained ties to the European states at war.<sup>30</sup> It was also done to curb the attempts of opportunistic individuals who might try to profit from the war--a practice uncontrolled by Britain during the Civil War.

Assuming the position of neutrality generally involved

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<sup>30</sup>Appeal by the President of the United States, *ibid.*, 551-52.

certain inconveniences. Interruptions in trade, ship seizures, censorship, and belligerents exercising their rights were all possibilities. Inevitably, the rights of belligerents may impose upon the rights of neutrals. This happened to the United States from the beginning of World War I. In fact, many of the incidents bore a resounding similarity to those committed during the Civil War, with the name of Charles Wilkes echoing as justification.

On November 13, 1914, a steward on board the American registered steamer Windber was taken from that vessel by officers of the French cruiser Conde in the Caribbean Sea. The steward, named August Piepenbrink, was of German birth but declared his intention of becoming an American citizen in 1910. He was interned by British authorities at Kingston, Jamaica.<sup>31</sup> The United States was neutral in the war in Europe at the time, and the only British justification for detaining Piepenbrink was because he was a German. After considerable protest, Piepenbrink was

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<sup>31</sup>Telegram from William J. Bryan to William Sharp, December 7, 1914, United States, Department of State, Diplomatic Correspondence with Belligerent Governments Relating to Neutral Rights and Commerce, European War White Book, 4 vols. (Washington, D.C.: Government Printing Office, 1915-1918), 2: 133. Hereafter White Book.

released "as a friendly act, while reserving the question of principle."<sup>32</sup>

The Piepenbrink incident bore a striking resemblance to the removal of Mason and Slidell from Trent by Wilkes more than a half century earlier. In World War I, though, the Piepenbrink case was not the sole incident. Nine crew members of German or Austrian decent from five American merchant ships, proceeding from one neutral port to another, were removed from those vessels or forced to sign pledges not to take up arms in the European war.<sup>33</sup> The British and French justified their actions by considering these German or Austrian descendants as "reservists" in the service of a belligerent and therefore subject to such action.<sup>34</sup> This closely resembled the same rationalization used by Wilkes in seizing Mason and Slidell.

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<sup>32</sup>A. Law to Walter Hines Page, April 3, 1915, in American Journal of International Law, Diplomatic Correspondence between the United States and Belligerent Governments Relating to Neutral Rights and Commerce (New York: Baker, Voorhis and Company, 1915-1918), 1915 Supplement, 359. Hereafter AJIL Supplement and year.

<sup>33</sup>W.J. Bryan to Jean Jusserand, January 21, 1915, FRUS 1915, 744-45; J. Bernstorff to Bryan, August 28, 1915, *ibid.*, 751; Robert Lansing to William Sharp, December 13, 1915, *ibid.*, 752.

<sup>34</sup>Jusserand to Bryan, January 23, 1915, *ibid.*, 746-47.

Challenges to items classified as contraband became commonplace in World War I. The British identified numerous items that they intended to treat as contraband.<sup>35</sup> Also listed were items considered conditional contraband. These included fuel and clothing and fabric for clothing suitable for use in war. The British had categorized coal as a conditional contraband during the Civil War, particularly in its justification to deny supplies to Wilkes and his vessels. The United States was successful in having items suitable for use in war condemned in prize courts, notably in the Peterhof and Springbok cases. While it may appear that the British clarified the issue of contraband in World War I, they added a degree of ambiguity by classifying foodstuffs and copper as conditional contraband.<sup>36</sup> As William Jennings Bryan summarized the position of the United States: "When neutral, this Government has stood for a restricted list of absolute and conditional contraband. As a belligerent, we have contended for a liberal list, according to our conception of the necessities of the

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<sup>35</sup>Great Britain Foreign Office Proclamation No. 1250, August 4, 1914, AJIL Supplement, 1915: 9-10.

<sup>36</sup>Great Britain Foreign Office Proclamation No. 1410, September 21, 1914, *ibid.*, 1915: 11.

case."<sup>37</sup> This led to additional supposed violations of neutral rights by the British.

Despite the hostilities in Europe, the United States continued trade with the neutral countries in the war theater including Denmark and Sweden. Because of the proximity of these countries to Germany, the British believed that items shipped to these locations would be further transshipped over land to Germany.<sup>38</sup> Even though these were neutral cargoes, sent on neutral ships to neutral countries, their shipments were nonetheless viewed as a violation of the doctrine of continuous voyage, particularly in light of the dramatic increase in cargo sent to these neutral ports. As a result, the British began to detain vessels carrying cargoes on the contraband list to neutral ports under suspicion of transshipping.

One of the first violations came with the seizure of the American steamer Wilhelmina. Wilhelmina was carrying foodstuffs consigned to an agent of the municipality of Hamburg, Germany. While this was a clear violation of

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<sup>37</sup>Bryan to William Stone, January 20, 1915, FRUS 1914, ix.

<sup>38</sup>Edward Grey to Page, January 7, 1915, *ibid.*, 60-65.

contraband, it was argued that in order for the foodstuffs to be contraband it would have to be intended for the use of the government or the armed forces. Since it was consigned for a town, it did not fall under the category of conditional contraband.<sup>39</sup> The British believed that the country as a whole, including its inhabitants, were subject to the same blockade.<sup>40</sup> During the Civil War, the United States acted in seizing many vessels, British and Confederate, under the supposition that everyone in the secession states was rebellious and subject to the blockade. In the cases of the alleged blockade runners Margaret and Jessie, Dolphin, Elias Reed, and Mont Blanc, the mere presence of cotton, an item associated primarily with the Confederate States, was enough to justify seizure by the various units of the West India Squadron.

Other American vessels falling under this interpretation were also seized by the British. The Seguranca, bound for the Netherlands, Wico, en route to Sweden, and Joseph W. Fordney, heading for Norway, were all

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<sup>39</sup>Bryan to Page, February 15, 1915, White Book, 1: 81-82.

<sup>40</sup>Page to Bryan, February 19, 1915, *ibid.*, 1: 82-83.



seized for contraband violations even though headed for neutral countries.<sup>41</sup> The United States responded with "deep regret" that the British have not "changed their policy and do not treat less rigorously ships and cargoes passing between neutral ports in the peaceful pursuit of lawful commerce."<sup>42</sup> Of course, the British had American precedents set by Wilkes with Trent, Peterhof, and Springbok which were often cited in justification.<sup>43</sup>

The British policy at this point was no different than the policy maintained for more than 150 years. Prior to the Civil War, the United States was against the policy delineated by the "Rule of 1756" and the Doctrine of Continuous Voyage relying instead on the concept of "free ships, free goods." Wilkes invoked the Doctrine of Continuous Voyage with the seizure of Peterhof and Springbok, but this did not become the official policy of the United States. The British, in citing the precedents of

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<sup>41</sup>For specifics on each seizure see: Seguranca: AJIL Supplement, 1915: 343-44; Wico: ibid., 1915: 345-48; Joseph W. Fordney: ibid., 1916: 58-63.

<sup>42</sup>Bryan to Page, December 26, 1914, White Book, 1: 39-41.

<sup>43</sup>Robert Lansing to Page, October 21, 1915, AJIL Supplement, 1916: 73-88.

Wilkes, attempted to show that the United States had supported British policies in the past by executing the same policies. This would nullify any complaints against British seizures in World War I.

Associated with the seizure of American vessels was the detention of mails. In the first phase of World War I, mail of all types was opened, read, censored, and at times, destroyed. The protest lodged by the United States called for an end to this "lawless practice."<sup>44</sup> The detention of mails was a violation of the Hague Convention but had its basis in the treatment of mails on Adela and Peterhof.<sup>45</sup> Ironically, this British practice in World War I was abhorred by the British in the Civil War. Stemming from the seizure of Trent, a mail packet, by Wilkes, the Admiralty argued against allowing belligerents to examine mail carried on neutral steamers because,

If rights so wide and so far beyond all precedent are now allowed, the correspondence of this Country with the United States may be greatly jeopardised, and her correspondence and commerce with the Ports of her own Colonies and with

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<sup>44</sup>Frank L. Polk to John J. Fitzgerald, August 16, 1916, *ibid.*, 1916: 3-4.

<sup>45</sup>Lansing to Cecil Spring Rice, May 24, 1916, *ibid.*, 1916: 412-18. Mail from these vessels was eventually returned unread.

neutral Ports in every part of the World be subject to great and unnecessary risks and disorders.<sup>46</sup>

Despite opposition to such actions in the Civil War, the British cited their position in World War I as being "necessary to protect the belligerent's national safety."<sup>47</sup>

During World War I, the British also committed numerous violations of neutral waters. Since a large amount of shipping to neutral ports in Europe was originating on the east coast of the United States, British warships often closed the coast to gather information on potential targets. Reminiscent of West India Squadron tactics during the Civil War, British warships often pursued merchant ships into American territorial waters. In one case, the Danish merchant Vinland was chased by a British warship near Cape May.<sup>48</sup> The British cruisers H.M.S. Suffolk and H.M.S. Lancaster were sighted off New York while the H.M.S. Essex hovered off the coast to receive supplies from an American

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<sup>46</sup>Lords of Admiralty to Law Officers, January 16, 1862, quoted in James P. Baxter, "Some British Opinions as to Neutral Rights, 1861-1865," American Journal of International Law, 23 (July 1929): 522.

<sup>47</sup>Grey to Page, January 7, 1915, White Book, 1: 41.

<sup>48</sup>Affidavit of Charles Moller, November 19, 1915, AJIL Supplement, 1915: 373-74.

tug.<sup>49</sup>

The British claimed sufficient justification for committing such actions by citing numerous supposed violations committed by Wilkes during the Civil War. In response to protests lodged by the United States against these incursions, British Ambassador Cecil Spring Rice enunciated that,

It will be in your recollection that my predecessor, Lord Lyons, complained that Rear Admiral Wilkes had ordered the vessels under his command to anchor in such a position as to control the movements of ships desiring to enter or to depart from the port of Bermuda, and that he maintained a system of cruising in the neutral waters of Bermuda in excess of his rights as a belligerent. This officer . . . considered that his proceedings were fully justified so long as he could maintain that they had been restricted to the very practice of which the United States Government now complain.<sup>50</sup>

As Wilkes exerted his right as a belligerent to cruise off neutral ports, thus controlling or disrupting the flow of shipping at that port, Britain exerted its right as a belligerent in the same manner. In World War I, a large number of enemy merchant ships could be found in ports of

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<sup>49</sup>Lansing to Spring Rice, October 5, 1914, FRUS 1914, 657; J. Bernstorff to Lansing, October 21, 1914, *ibid.*, 658.

<sup>50</sup>Spring Rice to Lansing, March 20, 1916, AJIL Supplement, 1916: 381-83.

the United States. Rice further stated that because of these circumstances, it became "necessary for His Majesty's Government to maintain their cruisers in a position where they can have the best chance of capturing these ships if they should attempt to escape," in addition to citing nine separate violation committed by Wilkes and the West India Squadron.<sup>51</sup> This effectively blockaded neutral ports, a practice that the British chastised Wilkes for allegedly conducting off Bermuda and Nassau.

In addition to the complaints against British cruisers "blockading" ports of the United States, the actual blockade imposed in Europe was challenged as well. This was done because of the increasing number of American vessels seized or detained by the British heading to neutral ports.<sup>52</sup> President Wilson called the blockade,

Unprecedented in almost every respect, but chiefly in this, that it is a blockade of neutral as well as of belligerent coasts and harbors, which no belligerent can claim as a right. We shall expect therefore that the discretion lodged by the Order in Council in the administrative officers and courts of the crown will be exercised to correct

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<sup>51</sup>Ibid., 1916: 380.

<sup>52</sup>Statement Regarding Vessels Detained by British Authorities, September 10, 1915, *ibid.*, 1916: 90-107. Approximately 83 vessels were detained in the months of June, July, and August.

what is irregular in this situation and leave the way open to our legitimate trade.<sup>53</sup>

Wilson also called for the British to be held to a strict accountability for any violations.

While privateering was absent in World War I, commerce warfare by belligerent navies increased. As a result, merchant vessels, both belligerent and neutral, armed themselves as a means of defense. Using the port of New York, three German merchant vessels, Kronprinz Wilhelm, Vaterland, and Barbarossa, added guns and painted their superstructures gray.<sup>54</sup> The United States had a responsibility of exercising "due diligence" to prevent such conversions and, as such, prevented these vessels from sailing. Whether the arming was for strictly defensive purposes or whether it was intended to enable the ships to prey on British commerce as German naval auxiliaries posed another dilemma. The United States opted to monitor closely the activities of merchant vessels of belligerent countries and deny sailing to those that appeared to be arming for

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<sup>53</sup>Wilson to Lansing, March 24, 1915, Savage, Maritime Commerce, 2: 280.

<sup>54</sup>Colville Barclay to Bryan, August 4, 1914, FRUS 1914, 594-95.

whatever purpose.<sup>55</sup> In the case of a suspected vessel sailing without clearance, armed intervention from the nearest naval vessel was authorized.

Unlike the British during the Civil War, the United States in World War I took an active role in maintaining neutrality and enforcing neutrality regulations. Because of the uncertainty of the actual interpretation of a neutral or belligerent right, the action of one party will no doubt cause irritation or inconvenience to the other party. The status and legitimacy of belligerents in World War I was clear, and, as a result, the role of the United States as a neutral was much easier. The actions of Britain that violated the neutrality of the United States were undoubtedly carried out in the interest of its own security as opposed to retribution for the violations of British neutrality during the Civil War. At the same time, the actions of Wilkes in the Civil War can be viewed as in the interest of the security of the United States. In both cases, however, because of the vagueness of international law, it appears that ultimately the parties in violation

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<sup>55</sup>William McAdoo and William Redfield to Collectors of Customs, August 10, 1914, *ibid.*, 597.

will usually take the most extreme interpretation of the law to justify their actions.

The actions of Charles Wilkes had a lasting effect on neutrality regulations and belligerent conduct in war for many reasons. Several circumstances during the American Civil War allowed for the re-interpretation of existing international law. An international spirit of cooperation, the introduction of new technology in warfare, and antiquated neutrality regulations all promoted, or forced, changes in the law of nations. The Civil War may have exacerbated the urgency of these changes.

The United States' merchant trade, with few exceptions, had plied the seas with relative impunity since its inception. Previous conflicts had little impact on the United States, and during the War of 1812, American privateers had considerable success over British shipping. Reluctance of the United States to concede to the abolition of privateering may have caused friction in the international community contributing to the lax enforcement of regulations. Since the British textile industry stood to be decimated by the blockade, the government could ease the impact by allowing, or at least not interfering with,



activity designed to circumvent the blockade.

The introduction of Wilkes to command a squadron that would likely have considerable interaction with the British incited the British, especially after the Trent affair. It may not have been Wilkes as an individual that the British did not like, but the support given to him by the upper echelon of his own government with regard to his conduct--particularly by Seward. The British continually viewed Wilkes as the "gentleman who studies international law to justify his foregone conclusions" and compared his appointment to the West India Squadron to putting a "torch into the neighborhood of a powder magazine."<sup>56</sup> Gideon Welles, on the other hand, thought that Wilkes had not "committed the indiscretions towards neutrals which I feared he would."<sup>57</sup>

Wilkes was able to provide sound and logical justification for his actions. During his court martial, for offenses unrelated to any alleged international law and neutrality violations, Wilkes commented:

To perform my duties with due fidelity to my own Government, I was constrained to deal

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<sup>56</sup>London Times, October 4, 1862.

<sup>57</sup>Welles, Diary, 1: 309.

energetically, and sometimes rigorously, with the authorities of other governments. This exposed me to their censure, and I became the object of bitter and unstinted denunciation by all those in sympathy with treason and rebellion, whose schemes of plunder and aggrandizement were defeated by the breaking up of the contraband trade carried on from the West Indies and Bahamas.<sup>58</sup>

The government was aware that the mission Wilkes was assigned to do would not be easy and as such, provided him with the support needed to carry it out. This was obvious as neither Welles nor Seward accepted the British position on any of the complaints against Wilkes. Inquiries were made to ascertain the true status of the complaints with compromise made but usually in favor of Wilkes.

Wilkes may have creatively interpreted the official neutrality policy of the United States when dealing with the British but his actions were not in direct violation of international law. His actions were actually consistent with British policy and were likely the same actions the British would take if in a similar situation. The instances where Wilkes applied his own interpretation were upheld in prize courts and international law tribunals. Wilkes

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<sup>58</sup>Charles Wilkes, Defence of Commodore Charles Wilkes (Washington, D.C.: McGill and Witherow, 1864), 47.

avoided censure for exercising policy inconsistent with that of the United States after his actions resulted in judgments favorable to the war effort. These were likely the same results that Seward desired. Because many of his actions were based on British precedents, the likelihood of Britain entering the Civil War based on these alleged violations was greatly reduced. Conversely, in World War I, the possibility of the United States declaring war on Great Britain for similar violations was also unlikely. The precedent established by Wilkes during the Civil War, the diplomatic settlement of many of the complaints, and the severity of German neutrality violations made Britain a potential ally vice adversary.

The short term impact of Wilkes on the war includes the decrease in the amount of British support to the Confederates, the driving of the commerce raiders from the Caribbean, increased costs and difficulty in blockade running, and an almost perfect prize court conviction record. These effects were not recognized by Welles who would only view Wilkes and the West India Squadron with success if it had actually destroyed a commerce raider. Historians have accepted the Annual Report of the Secretary

of the Navy, which accused Wilkes of disrupting departmental plans for capturing Alabama and Florida, at face value and have adopted the negative assessment of Wilkes.

Largely ignored is the long term impact on belligerent and neutrality rights instigated by Wilkes. One must look beyond the Civil War and even the Alabama Arbitration to realize his impact. The 1909 Declaration of London attempted to clarify many of the ambiguous aspects of maritime war and establish uniformity in international law. Numerous provisions and articles eliminated many of the standard practices of Wilkes during the Civil War. The chapter on blockades, for example, prohibited blockading ports and coasts not belonging to the enemy, barring access to neutral ports, and prohibiting capture of vessels heading to neutral ports regardless of the ulterior destination of the cargo.<sup>59</sup> The absence of these regulations during the Civil War allowed Wilkes to establish virtual blockades of Bermuda and Nassau in addition to capturing vessels sailing between neutral ports by invoking the Doctrine of Continuous Voyage. Another chapter prohibited the transport of

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<sup>59</sup>Declaration of London, February 26, 1909, Savage, Maritime Commerce, 2: 165-67.

personnel who might assist the operations of the enemy.<sup>60</sup>

After a half century, the removal of Mason and Slidell from Trent was legitimized.

While the Declaration of London may have "vindicated" Wilkes in the Trent affair, it also "condemned" much of his conduct while in command of the West India Squadron. As World War I progressed, however, Great Britain abdicated certain provisions of the Declaration of London to allow for increased latitude in enforcing the blockade. This resulted in many of the aforementioned violations against American neutrality. The action of the British at this point affirmed the validity of Wilkes' actions during the Civil War. The British realized that the constraining regulations did not allow them to effectively enforce the blockade. The liberal interpretation of international law, and the emulation of the methods of Wilkes, did. These actions created additional dialogue between the United States and the British which aided in the resolution of these conflicts.

Charles Wilkes has been relegated to little more than a

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<sup>60</sup>Ibid., 2: 173.

footnote in history. His significance as an explorer has eventually faded and his Civil War career is rarely mentioned. Even the Trent affair, an event critical to international relations when it happened, is offered little more than a few paragraphs in general surveys of history and even in Civil War specific studies. Scholars of international law often view only the legal aspects of the seizure of Peterhof and Springbok, ignoring the aggressive execution of duties of Charles Wilkes that set these cases in motion. This study gives Charles Wilkes the credit well deserved both for his impact on the outcome of the Civil War and for the effects his actions had on the outcome of international law and neutrality interpretations more than a half century later.

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