

Francis I. W. Jones

Treason And Piracy In Civil War Halifax: The Second Chesapeake Affair Revisited

"A terrible retribution awaits the city of Halifax for its complicity in treason and piracy."

From the diary of Rev. N. Gunnison

Reverend Nathaniel Gunnison, American Consul at Halifax, wrote to Sir Charles Tupper, provincial secretary of Nova Scotia, 10 December 1863, stating that the *Chesapeake* "had been seized by a band of pirates and murder committed" (Doyle to Newcastle 23 Dec. 1863; Lieut. Governor's Correspondence, RG 1).¹ The *Chesapeake* was an American steamer plying between New York and Portland, Maine, which had been captured by a party of sixteen men, led by John C. Braine, who had embarked as passengers at New York. After a foray into the Bay of Fundy and along the south shore of Nova Scotia, the *Chesapeake* was boarded and captured by a United States gunboat the *Ella and Annie* in Sambro Harbor fourteen miles from Halifax. She was subsequently towed into Halifax and turned over to local authorities after much diplomatic hurly-burly (Admiralty Papers 777). The affair raised several interesting points of international maritime law, resulted in three trials before the issues raised by the steamer's seizure, recapture and disposition were resolved and was the genesis of several myths and local legends. It not only provided Halifax with "the most exciting Christmas Week in her history"

(McDonald 602), it posed the "most thorny diplomatic problem of the Civil War" (Overholtzer 34).²

The story of the capture and recapture of the *Chesapeake* has been told several times with varying degrees of accuracy. It is repeated here only to set the scene for discussion of some of the more interesting and debatable aspects of "one of the most exciting events in the History of Halifax" (McDonald 674). The version which follows is a composite of the most reliable information which can be ascertained.³

During the summer of 1863, John C. Braine, Vernon Locke, who held a letter of marque from the Confederacy, and other like minded adventurers, planned in Halifax and Saint John, New Brunswick to capture the *Chesapeake*. Their intent was to sell its cargo, rename it the C.S.S. *Retribution* and to prey on Union shipping. On 5 December, Braine with fifteen co-conspirators boarded the *Chesapeake* at New York City as passengers, their weapons concealed in a trunk. The *Chesapeake* was bound for Portland (McDonald 675-76). It was destined not to arrive.

On 10 December 1863, the *New York Herald* reported that the *Chesapeake* had been captured between one and two o'clock in the morning of Monday 7 December. In the course of the capture, the second engineer, Orin Schaffer, was shot dead and his body thrown over the side; Charles Johnson, the first mate, was badly wounded; and the captain, Issac Willets, was fired on a dozen times before being put in irons. The *Chesapeake's* crew were informed that they were prisoners of war of the Confederate States Of America.⁴

At seven o'clock in the morning of Tuesday 8 December, *Chesapeake* came to anchor in Seal Cove Harbor on the island of Grand Manan where several of the capturers went ashore. Around noon *Chesapeake* weighed anchor and steamed towards Saint John. John Parker alias John Parker Locke came on board from the pilot boat *Simonds* at four o'clock the same afternoon. Later that evening, all of the *Chesapeake's* crew was put aboard the *Simonds* at Dipper Harbor with the exception of the first and third engineers and three firemen who were brought to Partridge Island. One of these five men, the first engineer, James Johnson, was held aboard *Chesapeake*; the other four were put in a ship's boat which arrived at Saint John at four o'clock the next morning, Wednesday 9 December (*Chesapeake Papers* 244, 278). The crew of the *Chesapeake* alerted the

United States authorities on arrival at Saint John and "several ships-of-war were sent out to capture the pirates" (McDonald 676; Cox 126).

The *Chesapeake* (or *Retribution* as her captors had begun to call her), short on coal and money, hounded by Union warships, now began her one week odyssey along the south shore of Nova Scotia. This was to end in her recapture in Sambro Harbor on the morning of 17 December by the United States gunboat *Ella and Annie*.

Mr. J. M. Merrill, the United States Consular Agent at Yarmouth, reported to Rev. Gunnison on December 14, that the *Chesapeake* was "hovering along shore east of Shelburne Saturday night" and the *Chesapeake's* purser was travelling overland to Halifax (*Chesapeake Papers* 257). Mr. A. F. Farrar reported from Barrington the same day that the *Chesapeake* had been sighted "behind Blue Rocks near Jordan" (257). There was an attempt to arrest Braine in Petit Riviere [sic] but Braine: "showed a Lieutenant's commission from Jeff Davis [and a] letter of marque and instructions to capture the steamer" (257). Purportedly the local populace prevented the arrest although it is not clear how. Also on 14 December, Mr. John Harley, Collector to the Receiver-General, reported from the custom house at La Have that a ship named *Retribution* was alongside William McKenny's wharf (about five miles from La Have). The ship's captain was John Parker, her first lieutenant was John C. Braine and its second lieutenant Henry A. Parr (*Chesapeake Papers* 257-58). On 15 and 16 December, the Nova Scotia Government received telegrams from customs officers at Lunenburg and Bridgewater stating that the *Chesapeake* had represented herself as the *Retribution* with a commission from Confederate authorities (Doyle to Newcastle 23 Dec. 1863). The ship's name, the validity of the letter of marque and the question of whether or not these men held commissions in the Confederate navy were to play a vital role in determining if the conspirators in this affair were pirates or patriots.

The *Chesapeake* arrived at Sambro on the evening of 16 December and her commander came to Halifax in search of coal (Admiralty Papers 701-702). Captain John Holt and his schooner *Investigator* were engaged and Holt hired two brothers William and John Henry to assist (McDonald 677). The brothers Henry were taken prisoner along with one of the conspirators, Wade, when the *Chesapeake* was recaptured by the United States gunboat *Ella and Annie*. Susan Henry, the wife of William,

claimed that both brothers were British subjects residing in Halifax and were "steam-boat engineers" by trade (*Chesapeake Papers* 261). Their confinement in irons by the Americans caused considerable resentment from the local populace.

The *Ella and Annie*, a federal gunboat commanded by Acting Lieutenant J. F. Nickels, recaptured the *Chesapeake* at Sambro, in British territorial waters, on the morning of 17 December while the *Chesapeake* was coaling from the *Investigator*. Nickels also boarded the *Investigator*, a British vessel in British waters, and took prisoner Wade who was asleep. William and John Henry were taken prisoner from the *Chesapeake*. Nickels claimed that the *Chesapeake* had been flying a distress signal when he sighted her; he did not offer an excuse for boarding the *Investigator*. The would-be privateers had fled except the unfortunate Wade. The *Ella and Annie* later met up with the Federal sloop *Dacotah* commanded by Commander A. G. Clarey. Together they escorted the *Chesapeake* into Halifax that afternoon (*Chesapeake Papers* 260; McDonald 677).⁵

Around noon hour Sir Charles Hastings Doyle, Lieutenant-Governor of Nova Scotia, was alerted by his Director of Signals that two "apparently Federal Gunboats" were bringing in a steamer, supposedly the *Chesapeake*. At half past two o'clock the Federal warships and their charge anchored opposite the city. By five o'clock Doyle inquired of the American Commander: "The names of the ships under his command, the object of their visit and the circumstances under which the *Chesapeake* had been taken" (Doyle to Newcastle 23 Dec. 1863; *Chesapeake Papers* 260). Clarey replied that he had entered Halifax with the intent of either turning *Chesapeake* over to British authorities or taking her back to the United States: "Upon the faith, if any difficulty should arise, to make restitution to the British authorities" (*Chesapeake Papers* 260). Neither Doyle nor Sir Charles Tupper were yet aware that there were prisoners involved.⁶

It was not until the next morning, 18 December, that Doyle received information that an armed crew from the *Ella and Annie* had boarded "a schooner belonging to this port" (*Investigator*) and taken from her a prisoner "one of the pirates" George [sic] Wade and two citizens of Halifax (the Henry brothers). There was now no doubt that British sovereignty had been violated. Doyle demanded the surrender of the

Chesapeake and the prisoners; Clarey acquiesced and arrangements were made to turn over both ship and prisoners the following afternoon on the Queen's Wharf (Doyle to Newcastle 23 Dec. 1863).

The *Morning Chronicle* reported three days later that the Commander of the *Decatur* [sic]⁷ had: "wilfully and deliberately concealed the truth and made a statement false and totally inexcusable" (22 Dec. 1863). Whether the *Chronicle's* accusations were true or not there can be no doubt that hostility—official and public—was aroused by the actions of the Americans. The question remains: What would either Doyle or Tupper have done to prevent the Americans from departing with the *Chesapeake* and the prisoners if they had decided to attempt this? According to one source, Tupper told Doyle to "sink the vessel from the batteries" (Saunders I: 91). There is no question that Doyle was prepared to use force if necessary to prevent Clarey from absconding with the *Chesapeake* and the prisoners. In a letter to Admiral Sir James Hope on 29 March 1864, Doyle said that he had informed Clarey that he would not permit him to leave with the *Chesapeake* and the prisoners: "And had they attempted to do so, I was prepared . . . to use my best efforts to prevent them" (Lieut. Governor's Correspondence, RG 1)⁸. Doyle's best efforts might not have proved sufficient, especially during the hours of darkness, because he did not have a single warship available to stop them if they succeeded in slipping past the batteries of the inner harbor. This absence of a warship will be discussed later.

The turnover of the three prisoners was scheduled to take place at one o'clock in the afternoon of 19 December which set the stage for one of the most controversial aspects of this most controversial affair. A warrant was issued for the arrest of Henry C. Braine also known as John C. Braine, George Brooks, Henry A. Parr, George Sears, George Moore, Robert Cox, Gilbert Cox, James Kenny, Robert Moore, William Harris and the "pirate" taken prisoner aboard the *Investigator*. The warrant had been issued at the request of Reverend A. C. Gunnison, the Halifax consul, who claimed that all of these men were American citizens guilty of piracy and murder (*Chesapeake Papers* 265-66). They may well have been guilty of piracy and murder, but they were certainly not all American citizens, as will be revealed later.

Constable Hutt, a Halifax policeman, was dispatched to the Queen's Wharf to arrest Wade on his release from his American captors. What

happened next was the stuff of legend. Wade was hustled into a boat and rowed away while the constable was prevented from executing the arrest by three of Halifax's most prominent citizens: Dr. William J. Almon, Alexander Keith and Dr. Peleg Wiswell Smith. According to Hutt's testimony before the mayor of Halifax, Philip Carteret Hill, and the police magistrate, Alderman Roche, when he drew his pistol and ordered the boat carrying Wade to return: "Almon seized me by the arm and Mr. Keith tried to screw the pistol out of my hand. I stooped to save the pistol and when I arose I saw Dr. Smith had hold of me" (*Morning Chronicle* 12 Jan. 1864). Although it was not clear if Almon obstructed Hutt before he drew his pistol, it was certain that a struggle ensued between them after he did and certain that Almon was aware that Hutt was a policeman with a warrant to serve. Keith and Smith maintained that their participation had been limited: "to the rescuing of Dr. Almon from apparent imminent peril . . . from the pistol of the constable" (Lieut. Governor's Correspondence, RG 2, 3: 398).⁹ Whatever really happened it was a far cry from the exaggerations of contemporary newspapers and subsequent embellishments. There were villains perceived on both sides.

One writer has asserted that the United States War Department accused Alexander Keith of: "Assisting three captured Southern soldiers to escape from their Union guards during a Halifax stopover" (Amey 6). The same author quotes a contemporary Halifax newspaper: "The unprincipled and lying officer [Clarey] in charge of the American vessel [carrying the Confederate soldiers] attempts to carry these men to the federal states."¹⁰ The size and violence of the mob which purportedly overpowered the police has been greatly exaggerated (Overholtzer 36-37). The evidence afforded no grounds for the rumors that a great number of the citizens of Halifax participated in the prevention of Wade's arrest. Except for the policeman Hutt, "whose natural excitement on such an occasion may account for some exaggerations," witnesses agreed that the crowd on the wharf numbered between thirty and fifty including those there on official business and only eighteen were actually on the ship where Wade was landed (Johnston's Report 398). Whatever the degree of participation or violence it resulted in three of Halifax's most prominent citizens being charged with obstructing a police officer.

It has been claimed that the group which assisted Wade to escape was led by Dr. Almon and Ben Weir (Irwin 37). The record is unequivocal;

Almon, Keith and Smith were the sole individuals involved. Although not much is known about Smith, he has been named as a Confederate sympathizer (Thurston 214). Almon and Keith were unquestionably of a temperament and persuasion which would lead one to believe that they were quite capable of planning and carrying out such an enterprise. Almon was a courageous, reckless dynamic personality who once challenged Joe Howe to a duel. He had many influential Southern friends and was a known sympathizer with and advocate of the Southern cause for which he harbored refugees and spent money. A New York paper referred to him as

the notorious Doctor Almon of Halifax, who was so prominent in the *Chesapeake* affair . . . the friend and correspondent of Jeff Davis, and the boon companion of Southern brass and pirates who hover about the shores of Nova Scotia. (MacKenzie 33-34)

Keith was well known to be an ardent Confederate sympathizer who was "in frequent communication with rebel blockade-runners and with rebel agents in the United States" (Bates 107). According to his biographer he

on more than one occasion assisted southern raiders, captured off this port [Halifax], to escape when they were being landed with a guard at one of the docks along the waterfront. By sheer impertinence . . . he stood before the guard while the man leaped into a boat and was rowed across the harbour to escape near Dartmouth. (Harris 4)

Undoubtedly it was the *Chesapeake* affair to which Keith's biographer was referring, however inaccurate his version of that event may be. What those other occasions were have been lost to the historical record.

It has been contended that the rescue of Wade by Almon, Keith and Smith was not premeditated but "resulted from means that casually offered at an opportune moment" (Johnston's Report 398).¹¹ J. W. Johnston, the Attorney General of Nova Scotia, concluded from the evidence heard at the examination of witnesses on 11 January 1864 that there was no premeditation nor was there any concert between either Almon, Keith and Smith or between those three gentlemen and the boatmen. Doyle informed Lord Lyons, the British minister in Washington, 14 January 1864, that there was "not a shadow of evidence of concert or premeditation to obstruct arrest of Wade" (*Chesapeake Papers* 286). This

is just too difficult to believe. The warrant to arrest Wade was issued by the Mayor of Halifax, Philip Carteret Hill, who was a suspected Confederate sympathizer (Thurston 214; Johnston's Report 398). The examination of the witnesses to the affair took place before the mayor and the police magistrate who was also an alderman. The boat in which Wade was rowed to freedom, and which materialized at the precisely required moment, just happened to be manned by "two well known and famous oarsmen" (*Morning Chronicle* 22 Dec. 1863). Add to this the presence of two notoriously active Southern sympathizers and we have a serendipitous stew indeed! Who was this man Wade for whom pillars of the Halifax community were willing to risk the wrath of the law? Was he a pirate or patriot?

Wade was but one of eighteen men involved of whom seventeen actually participated in the capture of the *Chesapeake* (*Acadian Recorder* 12 Dec. 1863; *Chesapeake Papers* 331-32). One boarded and took command after the capture. The names of these men were: John Parker alias John Parker Locke alias Vernon G. Locke, John (or Henry) C. Braine, John (or George) Wade, H. C. (or George) Brookes (or Brooks), David Collins, Robert Clifford, Linus Seely (or Seeley), George Robinson (or Robertson) alias George Sayers, Gilbert and Robert Cox (brothers), Henry (or John) H. (or A.) Parr, James McKinney (or Kenny or Kinney), Issac Tredwell, George and Robert Moore (brothers), William Harris, Robert Carr, and Osburne (no first name given) (*Chesapeake Papers* 277, 330-32; Winks 246; Robinson 295; Lieut. Governor's Correspondence, RG 2:1: 384). It has been claimed that all but one of these men were British subjects (Robinson 295; Jenkins I: 354).

If the men who captured the *Chesapeake* were not Confederates but natural-born British subjects, they probably were guilty of piracy and murder or at the very least of violating the Foreign Enlistment Act. If Braine, their leader, was a Confederate officer with a commission and a valid letter of marque and acting on the express instructions of the Confederate government, then the seizure of the *Chesapeake* was an act of war (Admiralty Papers 832, 834).

When the *Chesapeake* was seized, Captain Willets's surrender was demanded in the name of the Confederate States of America and he was shown the following order, dated 2 December 1863 and signed by John

Parker who styled himself as the captain of the Confederate States Privateer *Retribution*:

To Lieut. Commanding, John Chilbur Braine. You are hereby ordered to proceed to the City of New York and State of said, with the Following: 1st Lieut. H. A. Parr; 2nd Lieut. David Collins; Sailing Master Geo. Robertson, and crew of 11 men. You will on arrival there engage passage on board the steamer, and use your own discretion as to the proper time and place of capture. Your action towards crew and passengers will be strictly in accordance with the President's instructions. You will, as circumstances will permit, bring your prize to the Island of Grand Manan for further orders—Seal Cove Harbour if accessible. (*Morning Chronicle* 15 Dec. 1863)

Parker alias Locke was a Canadian [sic] citizen residing in South Carolina. He had been arrested in the Bahamas for privateering. After he had sold his ship the *Retribution* in Nassau he "had now no longer, under Confederate law, any status as a commander of armed force. The right to carry on war was an appurtenance of the ship and not a right vested in the commander" (Winks 245). He had taken on himself the authority to make naval appointments and to issue the order to Braine (Robinson 293).

James Johnson, the chief engineer of the *Chesapeake*, testified at the trial of Collins, McKinney and Seeley, in the Police Court at Saint John, New Brunswick in January 1864, that Parker had told him that he was a native of Shelburne, Nova Scotia (*Chesapeake Papers* 297). Braine's origins were somewhat uncertain. At various times he claimed to have been born in London, England, to be a native of New Brunswick and of Kentucky (Winks 245). J. P. Holcombe, who had been sent to Halifax by the Confederate Secretary of War, Judah Benjamin, to determine if the South could achieve any advantage from the *Chesapeake* affair concluded "that neither Braine nor Locke had any lawful claim to Confederate citizenship" (Winks 265-66). Parr was "a resident of Canada West who had become a confederate" (Winks 246). Wade's father lived "near Loch Lomond, a few miles from Saint John" (*Halifax Citizen* 31 Dec. 1863). Collins and McKinney were both from the Saint John area as well (*Morning Chronicle* 31 Dec. 1863). The Cox brothers, Seeley and Robinson also were from New Brunswick (*Chesapeake Papers* 299-301). Of the ten of the eighteen men who captured the *Chesapeake* for which

it was possible to determine national origin, only one, Parr, had any even tenuous claim to Confederate citizenship. These men were not patriots. They had committed piracy and murder, contravened the Foreign Enlistment Act and precipitated a violation of British territorial waters by the United States Navy. Whether they did so out of a sense of misguided sympathy for the Southern cause, for adventure or for personal gain it is not possible to determine. All escaped punishment although three were brought to trial.

J. Q. Howard, the United States Consul at Saint John, requested the arrest of John C. Braine, H. C. Brooks, David Collins, John Parker Locke, Robert Clifford, Linus Seely, George Robinson, Gilbert and Robert Cox, H. H. Parr and James McKinney for piracy (*Chesapeake Papers* 277). Two days later, on Christmas Eve 1863, a warrant was issued by Lieutenant Governor Gordon of New Brunswick (*Chesapeake Papers* 279-80). Collins and McKinney were arrested on Sunday 27 December 1863 at Wade's father's house near Loch Lomond outside of Saint John (*Morning Chronicle* 31 Dec. 1863). Together with Seeley they stood trial for piracy and murder (*Acadian Recorder* 9 Jan. 1864).¹² They were convicted by the police magistrate in Saint John on 24 February 1864 but were discharged on 10 March by a higher court to which they had appealed their case (Winks 256-57).

The fate of the *Chesapeake* and her remaining cargo had been put into the hands of the Vice Admiralty Court. Judge Alexander Stewart handed down his decision on 15 February 1864 (*Chesapeake Papers* 323). He concluded that the seizure of the vessel had been an act of piracy. Even if the *Chesapeake* had been captured by Confederate officers, their conduct afterwards "divested the vessel of all Southern character" (*Morning Chronicle* 12 Jan. 1864). Entering British harbors and disposing of goods violated neutrality and revenue laws. The *Chesapeake* had been brought into not one, but several neutral ports in Nova Scotia, covertly under a false name to avoid recapture and to sell its cargo: "an offence so grave . . . that it . . . subjects that prize to forfeiture" (*Chesapeake Papers* 325). The *Chesapeake* and her remaining cargo were restored to her original owners and she sailed for Portland, Maine, on 18 March 1864 (Gunnison 37).

Judge Stewart in his judgment stated: "I have been much embarrassed in dealing with this case" (*Chesapeake Papers* 324). He was to be

embarrassed further because his decision was viewed as pro-Union instead of the perceptive legal interpretation which it was. The United States Government was "gratified with the just and friendly proceedings" (Seward to Jackson, 24 Feb. 1864; Townshend 93). Stewart "was upbraided and insulted by . . . a gentleman of high position in the Halifax Club" (Raddall 201-202). That gentleman remains unnamed but Stewart was undoubtedly correct in his assessment of the affair.

Britain "prohibited belligerent warships from carrying their prizes into British ports" (Courtemanche 86). If the *Chesapeake* was regarded as a lawful prize of war, she contravened the Queen's proclamation which forbade belligerents to bring a prize within British jurisdiction to avoid capture (Admiralty Papers 831). If the seizure was piracy, then the *Chesapeake* could not have been considered a prize of war. Either way Stewart was right and did not deserve any embarrassment which he might have suffered.

The captors of the *Chesapeake* were not the only ones to infringe on British neutrality. The *Ella and Annie* committed a "wilful and flagrant violation of British territory" (Admiralty Papers 832) when she recaptured *Chesapeake* in Sambro Harbor, an action which "infuriated Haligonians and rekindled American-Canadian hostility" (Irwin 37). William Seward, the American Secretary of State, in a letter to Lord Lyons, the British Minister in Washington, 9 January 1864, acknowledged that the actions of the *Ella and Annie* in boarding the *Chesapeake* and *Investigator* "directly violated the sovereignty of Her Majesty" (*Chesapeake Papers* 285). In the same letter Seward conveyed the disapproval and regret of President Lincoln who regarded the incident "as a violation of the law of nations" and directed that the naval officers involved be censured. The Law Officers of the Crown judged the apology made by the United States Government to be "ample and unreserved" (Admiralty Papers 834). Collins, McKinney and Seely, the only three of the *Chesapeake's* captors to be brought to trial had been freed on 10 March. The *Chesapeake* sailed for home on the eighteenth. Almon, Keith and Smith were acquitted for their part in the Wade escape on 17 May (*Morning Chronicle* 17 May 1864).

There remains one curious sidelight to this controversial affair. Where was that staunch defender of neutrality, Admiral Sir Alexander Milne, Commander in Chief of the North American and West Indies Station

when the neutral rights of Great Britain were being flagrantly violated by first the would-be Confederate privateers and then by the United States Navy? Where were the ships of the Royal Navy when this "grave infraction of international law" (Doyle to Newcastle 23 Dec. 1863) occurred a scant fourteen miles from Halifax, that bastion of British power in the North Atlantic and the summer headquarters of the North American and West Indies Station?

One historian, profuse in his praise of Milne's acumen in enforcing Great Britain's policy of neutrality did not mention the Second *Chesapeake* Affair (Courtemanche *passim*), which severely tested British neutrality laws (Winks 244). Perhaps this was not surprising as Milne was conveniently absent on his last tour of the West Indies at the time.¹³ What was surprising was that Halifax, the northern headquarters of the North American and West Indies Station, had been left without a single warship. It had been customary to maintain a presence until after the *Trent* crisis (Nov.-Dec. 1861) when Milne decided not to leave any ships in Halifax during the winter months because he believed that the cold limited their effectiveness (Courtemanche 45).

It was Christmas Eve 1863, five days after the *Chesapeake* had been turned over to provincial authorities, before anyone thought of informing Milne of the affair. J. M. MacGregor, Naval Storekeeper, H. M. Dockyard Halifax, wrote to the Admiralty reporting the capture of the *Chesapeake* and informing the Admiralty of his request to the British Consul at New York to relate the events to Milne "at first opportunity" (Admiralty Papers 706-707). MacGregor must have been a thorough individual for, not trusting to the Admiralty, he wrote to Milne on 6 January 1864 enclosing his letter of 24 December to the Admiralty (779). It was 22 January before the Admiralty informed Milne (793-801, 819).

Frederick Henry Hastings Glasse, Companion of the most Honorable Order of the Bath, Captain of H.M.S. *Terror* and Senior Officer of H.M. Ships at Bermuda ordered H.M.S. *Styx* to sail to Halifax "with all convenient speed" (Admiralty Papers 823)¹⁴ and informed the Admiralty on 20 January: "that in consequence of the affair of the steamer *Chesapeake*, I have ordered Her Majesty's Sloop *Styx* to Halifax N.S. to perform the duties of Senior Officer at that Port" (825). Two days later, he advised Milne of his actions (821). On 3 February, the Commanding Officer of the *Styx* notified Milne that *Styx* had departed Bermuda on 21

January and arrived in Halifax on 25 January. He also reported that there had been no further visits from United States warships since five had departed the previous December (827-30).

Sir James Hope wrote to Doyle from aboard his flagship, the *Duncan*, in Bermuda, on 15 March 1864 to apprise him that he had relieved Milne as Commander in Chief of the North American and West Indies Station (Lieut. Governor's Correspondence, RG 2:3). Shortly after, on 26 March, the Commanding Officer of the *Styx* wrote to Doyle asking if *Styx* was still required at Halifax as Hope had need for him at Bermuda. Tupper, in a letter to Doyle on 28 March, thought it "very desirable that . . . a Ship of War should remain here." On 29 March Doyle wrote to Hope to protest at the removal of the *Styx* (Lieut. Governor's Correspondence, RG 1). Both Doyle and the Executive Council were of the opinion that Halifax should not be left without a man of war. However, on the same day, Doyle wrote to the Commanding Officer of *Styx*: "As I have no specific necessity to detain the ship at present , and as . . . Sir James Hope requires her services elsewhere you will of course carry out the order of the Vice-Admiral" (Lieut. Governor's Correspondence, RG 2: 3). Thus ended the Royal Navy's participation in the Second *Chesapeake* Affair, one ship in Halifax for two months, one month after the affair had been concluded. It is ironic that Milne, the tactful diplomat, missed the "most thorny diplomatic problem of the Civil War" (Overholtzer 34) and that the Royal Navy was absent from Halifax during "the most exciting Christmas week of her history" (McDonald 682).

NOTES

1. This was not the first time a ship named *Chesapeake* figured in the history of Halifax. H.M.S. *Shannon* had defeated U.S.S. *Chesapeake* in a battle east of Boston 1 June 1813. The following Sunday morning, 6 June, both ships sailed into Halifax under the command of Provo Wallis, a native son. Strictly speaking, this was the "Third *Chesapeake* Affair." The same frigate had been forcibly stopped and searched by H.M.S. *Leopard* just outside US territorial waters 22 June 1807.
2. Although this paper is not meant to be an analysis of the diplomacy surrounding the *Chesapeake* incident, it would be remiss not to mention the prolific correspondence which it generated. William Seward, the United States Secretary of State, exchanged letters with: Lord Lyons, the British minister to Washington; Charles Francis Adams,

United States minister to the Court of St. James's; and, Melville M. Jackson and James Q. Howard the United States consuls at Halifax and Saint John respectively. Lyons wrote to Lord John Russell, Britain's Foreign Secretary, who directed the Law Officers of the Crown to render their opinion on the affair. Letters were also exchanged between the Lieutenant Governors of Nova Scotia and New Brunswick; Charles Hastings Doyle and Arthur Gordon respectively. Lyons and Doyle corresponded. Doyle conferred with Charles Tupper, the Provincial Secretary of Nova Scotia. Doyle reported to the Colonial Secretary, the Duke of Newcastle.

3. McDonald (682, note 8) maintained that the most valuable primary source available on this affair was Doyle's report on the incident to Newcastle contained in the *Lieutenant Governor's Correspondence* at the Public Archives of Nova Scotia (PANS); the most useful secondary source was the account by Robin Winks in *Canada and the United States: The Civil War Years*, 244-63, which was expanded into an article "The Second Chesapeake Affair." Both McDonald and Winks dismissed most of the secondary material (Cox, Overholtzer, Saunders and F. L. Littlefield) as unreliable or inaccurate. However, McDonald relied heavily on Winks and an account of the incident by William Dennis in the *Halifax Evening Mail* written thirty-three years after the event and published on 22 December 1896. The present writer has endeavored to shed new light on the subject and to correct some misconceptions by using primary source material not used by Winks and McDonald: the Admiralty Papers at the National Archives of Canada and the British Sessional Papers held by Dalhousie University. An excellent finding aid to these papers can be found in: Robert Huhn Jones, "The American Civil War in the British Sessional Papers: Catalogue and Commentary." The Court Of Vice Admiralty Records, although containing a myriad of detail, were somewhat disappointing in shedding greater light on the overall picture of the affair.
4. British Sessional Papers, House of Commons, *Papers Relating to the Seizure of the United States Steamer Chesapeake* (1864) LXII: 243. Hereafter referred to as Chesapeake Papers. The page number given is the page number within the given volume of the given year of the British Sessional Papers published on microcard by Readex Microprint, New York. It does *not* refer to the internal page number of the cited document.
5. McDonald's conclusion (683, note 21) that Saunders was mistaken when he claimed that the *Chesapeake* had been chased into Halifax Harbor where it had grounded at Herring Cove was correct.
6. McDonald conclusively disproved Winks's assumption that Doyle and Tupper were aware of the prisoners on the *Chesapeake's* arrival (683, note 25).
7. MacGregor claimed that "a good many errors" had been made in the Halifax papers regarding the number and names of United States warships in Halifax because of the *Chesapeake*. He identified five: the sloop *Dacotah*, the gunboat *Ella and Annie*, the gunboat *Acacia*, the frigate *Niagra* and the gunboat *Cornubia* (Admiralty Papers 706).
8. McDonald found no evidence to prove or disprove the claims of Saunders and Winks that Tupper and Doyle had consulted on allowing the *Chesapeake* to be removed

- from Halifax by Clarey (684, note 30). However, Doyle's resolve not to permit the United States Navy to depart with their prize was confirmed by the letter from Doyle to Hope.
9. Attorney General's report to Doyle on examination of Almon, Smith and Keith concerning the obstruction of the serving of a warrant (hereafter Johnston's Report).
 10. Amey claimed to be citing the *Acadian Recorder*. The present writer has been unable to confirm this as there were two issues missing from the PANS.
 11. This would appear to support McDonald's claim that Wade's rescue was not premeditated (684, note 39).
 12. McDonald (682) and Winks (256) both asserted that Locke, Parr and Seeley were arrested, and tried and convicted of piracy in Police Magistrate Court at Saint John. McDonald cited the *Halifax Evening Mail*, 22 Dec. 1896, as his source; Winks's citation is ambiguous. Actually it was Collins, McKinney and Seeley. Locke and Parr never had to answer in a court of law for their alleged crimes.
 13. The *Chesapeake* was captured by Braine and his party, 7 December 1863, recaptured by the *Ella and Annie* on 17 December and turned over to Nova Scotian authorities on 19 December. Milne left Halifax for the last time in November arriving in Bermuda on the twenty-first and leaving there for his last tour of the West Indies in early December. He did not return to Bermuda until 6 February 1864 (Courtemanche 131). According to the Admiralty Papers (Adm. 128, vol. 60), Milne wrote to the Admiralty on 2 December 1863 followed by a hiatus until he wrote again on 11 February 1864.
 14. Winks referred to *Styx* as "the flag ship of Admiral Sir Alexander Milne" (261). It was not.

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