

ESSENTIAL CIVIL WAR CURRICULUM

The Alabama Affair

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The Lancaster family, on holiday in France from their home in Lancashire England, deliberated on Saturday, June 18, 1864 over the desirability of scuttling Sunday's itinerary in favor of taking out their yacht, *Deerhound*, to watch the announced naval duel between the CSS *Alabama* and the USS *Kearsarge*. "As the juveniles were really all one way," John Lancaster later reported, "the question was decided in the affirmative rather against the wishes of both myself and my wife."¹ Little could the Lancasters know that they were about to become a small part of the history of not only an epic naval battle but a long and fractious dispute between the United States and Great Britain that threatened to do irreparable harm to Anglo-American relations. Captain John Ancrum Winslow of the *Kearsarge* won the battle and watched the wounded Confederate cruiser vanish beneath the dark waters of the English Channel;² events, however, denied him his ultimate prize, the *Alabama*'s captain, Raphael Semmes. After abandoning the sinking vessel, Semmes and several of his officers signaled for sea rescue and were soon plucked from the water by Lancaster's yacht. Winslow, after having directed the *Deerhound* to assist the foundering sailors, called for Lancaster to deliver them up; but under maritime rules, Lancaster was only obligated to take the rescued sailors to the nearest port. This he did, taking Semmes and company to Cowes on the Isle of Wight and shortly across to Southampton where they proceeded to slip away under cover of English

¹ John Lancaster to Lord Russell, July 16, 1864, Great Britain, Foreign Office, America, United States, (hereafter cited as FO) British National Archives (BNA), Kew, UK, 5/1323. For readers unfamiliar with the British archival system, documents are sorted by government office (Foreign Office (FO), Admiralty (ADM), etc.) and by collection number/document.

² The weary Confederate cruiser had put in at Cherbourg for repairs and requested permission from French authorities to enter dry dock to, among other things, replace the copper sheathing on the hull. A challenge from Winslow, however, caused Semmes to delay repairs and to engage the *Kearsarge*. Despite the chain armor of the Union ship (concealed by planking), the *Alabama* landed at least two rounds that might have changed the outcome. The most critical of these lodged a shell in the *Kearsarge*'s sternpost. The shell, however, failed to detonate. Like another well-placed dud that struck the engine room, the shells did no more damage than that of large stones. While the captain and crew of the Union ship deserve due credit for the victory, the *Alabama*'s fate was, in part, sealed by stale gunpowder. For details on Semmes's decision to take a weakened vessel into battle with bad powder see Norman C. Delaney, "Fight or Flee: Raphael Semmes' Decision to Engage the *Kearsarge*, June, 1864." *Journal of Confederate History* 4 (Special Commemorative Naval Issue, 1989):17-28.

neutrality—perhaps a fitting epilogue to the relationship between a captain and ship whose origin and life on the sea was so often characterized by stealth and intrigue.³ The controversy surrounding the *Deerhound* incident and the far greater controversy surrounding the doomed Confederate raider itself did not, however, slip away. The ship had been at the center of a brewing storm in Anglo-American relations since its design was contracted in Birkenhead in the summer of 1861 and would continue to be contentious until negotiators rendered judgment in the Treaty of Washington, 1871.⁴

Much ink has been spent on the *Alabama* and its colorful and, for the Union, devastating exploits. Likewise, the diplomatic wrangle that surrounded the Confederacy's most famous ship has received considerable attention. The problems in Anglo-American relations provoked by the Confederate cruiser pivoted on the question of British neutrality, the British law that enforced that neutrality, and whether the Lord Palmerston government had been complicit in the ship's escape and, by extension, her subsequent success as a Confederate raider. Did the British failure to detain the vessel make Her Majesty's Government liable for subsequent damages to American shipping and, perhaps, prolongation of the war? Was the construction of the ship by a British firm at a British shipyard merely a mistake arising from the lack of clarity in the law governing British neutrality? Or, did the successful construction and deployment of the ship, as historian Frank Merli has argued, result from the machinations of a clever Confederate agent, James Dunwoody Bulloch, who simply outfoxed his Union adversaries? Of course, many students of the *Alabama* would be quick to raise the specter of an alleged British mole at the Foreign Office who, perhaps, contributed to Bulloch's genius by monitoring the government's activity concerning the ship and alerting him to stage her escape from the Mersey River in the proverbial nick of time. In fact, the allure of conspiracy has caused more than one generation of scholars to mine the archives in search of this mysterious informant—Bulloch's "private but most reliable source."⁵

³ Report of the *Deerhound* in Thomas Renard to Lord Russell, June 20, 1864 includes a clipping from the *Morning Star* Newspaper, *ibid.*; See also, United States Navy Department, *Official Records of the Union and Confederate Navies in the War of the Rebellion*, 31 vols. (Washington, D.C.: Government Printing Office, 1894-1927), Series I, volume 3, p 665-9 (hereafter cited as *O.R.N.*, I, 3, 665-9).

⁴ The terms of the award were deferred to a tribunal that settled on the amount the following year. For details on the claims dispute see Adrian Cook, *The Alabama Claims: American Politics and Anglo-American Relations, 1865-1872* (Ithaca, NY: Cornell University Press, 1975); See also, United States Department of State, *Papers relating to the foreign relations of the United States, transmitted to congress with the annual message of the president, December 2, 1872 and Correspondence Respecting the Geneva Arbitration and Proposed Supplemental Article to the Treaty*; See also 32nd Protocol of the Geneva Arbitration, 14 September 1872, in Great Britain, *British and Foreign State Papers* (London: William Ridgway, 1877), 62:233-8.

⁵ James D. Bulloch, *The Secret Service of the Confederate States in Europe or How the Confederate Cruisers Were Equipped*, 2 vols., Thomas Yoseloff New York 1959 ed. (London: Richard Bentley, 1883), 1:229; Frank J. Merli, *The Alabama, British Neutrality, and the American Civil War* (Bloomington: University of Indiana Press, 2004), 96. Although the southern agent notes that he was alerted on July 26, 1861 he does not name the source and, in fact, rejects the notion that any British official made available any confidential information. Merli goes into convincing detail to show how students of the escape have erred

The object of the pages that follow is three-fold: first, to concisely chronicle the efforts of James Bulloch to pursue his directive from Confederate Naval Secretary Stephen Russell Mallory to build a navy to harass northern commerce by contracting and commissioning the CSS *Alabama*; second, to trace the impact of his efforts on Anglo-American relations during and in the subsequent dispute following the war; and third, to draw upon recent scholarship and my own examination of the sources, hopefully, to temper the notion of British complicity.⁶

Thirty-eight year old James Dunwoody Bulloch of Georgia—Uncle Jim to future president Theodore Roosevelt and veteran of both the US Navy and commercial shipping—was summoned by Confederate Naval Secretary Stephen Mallory in early May of 1861 for what has been described as a very brief meeting. Mallory abruptly followed a routine “glad to see you” with “I want you to go to Europe. When can you start?” Bulloch’s response matched Mallory’s brevity: “I can start as soon as you explain what I am to do.”⁷ Bulloch’s assignment was clear: He was to serve in Liverpool, the hub of naval development, as special agent for the Confederacy to build ships for a Confederate fleet. In Mallory’s words, “The United States have a constructed Navy; we have a Navy to construct.” Mallory envisioned a fleet of small but fast commerce raiders powered by both sail and steam that could prey on northern shipping and draw the Union’s limited resources away from the blockade of the southern coast.⁸

Bulloch arrived in the bustling port of Liverpool on June 4 to a reception that could hardly have been warmer had it been in Savannah or Charleston. Liverpool was known for its pro-Confederate sentiments that were, in fact, visibly displayed by Confederate flags, a fairly common sight throughout the city. Owners of the local shipyards as well as the financial offices of Fraser-Trenholm and Company welcomed Bulloch and extended to him every courtesy expected of a buying agent representing a legitimate concern. The Liverpool financial firm was a collaboration of John Fraser’s offices in Charleston and Trenholm Brother’s New York City enterprise. The company would not only supply critical funding for Bulloch’s projects, but would provide him office space and the services of Charles Prioleau, the chief financial officer in Liverpool. Prioleau would become very important to Bulloch’s success and soon operated as a virtual partner in Bulloch’s mission.⁹

by relying on the flawed E.D. Adams account. Ibid., 89-119; While it is true that the detention order literally came in on the wake of the *Alabama*’s exit from British waters, no evidence has been discovered of collusion between anyone in the British government and Bulloch. George Dalzell volunteered the name Victor Buckley, a clerk at the Foreign Office, but offered no corroborating documentation. George Dalzell, *The Flight from the Flag: The Continuing Effect of the Civil War upon the American Carrying Trade* (Chapel Hill: University of North Carolina Press, 1940), 131.

⁶ The most comprehensive examination of the diplomatic issues surrounding the *Alabama* and British neutrality is provided by Merli, *Alabama*. .

⁷ Warren F. Spencer, *The Confederate Navy in Europe* (Tuscaloosa: University of Alabama Press, 1983), 16-17; Bulloch, *Secret Service* 1:31-33.

⁸ Spencer, *Confederate Navy*, 3.

⁹ Ibid., 17-18; Frank J. Merli, *Great Britain and the Confederate Navy, 1861-1865* 2004 ed. (Bloomington, Indiana University Press, 1970), 53-55; Coy F. Cross II, *Lincoln’s Man in Liverpool: Consul*

Despite the generally receptive environment, Bulloch's task would not be easy. While the Confederate agent made the crossing to Liverpool, Queen Victoria had formally pronounced the kingdom neutral in the American conflict with the Proclamation of Neutrality issued May 13, 1861. Now Bulloch was technically an agent of a belligerent seeking to build a fleet of warships in the port of a declared neutral. Bulloch's first move then would be to determine what legal constraints now threatened his mission. To this end he hired Frederick S. Hull, a Liverpool solicitor. Hull knew that guidance for British neutrality was codified in the Foreign Enlistment Act (FEA) of 1819, an act that had yet to be tested in circumstances such as those soon to be posed by Bulloch. In fact, British Foreign Secretary Lord Russell readily admitted that no one in Lord Palmerston's cabinet knew the law with any precision or practical understanding. Bulloch's question to Hull was simple. Is there a way around, over, or through the FEA? In other words, Hull was to study the law and find a technical loophole large enough to steam warships through.¹⁰

Since Bulloch's planned shipbuilding was a unique challenge to the FEA, Hull constructed an anonymous test case to put before legal minds. Hull's test yielded the consensus that the FEA, rigidly read, would not be violated by mere ship building. The FEA would be triggered only by the equipping of ships for malicious intent against a government friendly to the Crown. In the coming months, Bulloch would rely on this narrow interpretation of the FEA to guide his efforts to accomplish his mission without crossing British neutrality. The solution was now fairly clear—build ships of war without war-making equipment. To further camouflage the project, Bulloch's associates would allege that the ships were destined not for the Confederacy but for some other customer, perhaps Italian or Spanish.¹¹

Committing to this approach, Bulloch met with officers of William C. Miller and Sons to build his first ship. This one (later commissioned as CSS *Florida*) would be based on an existing British design, built of wood, and, true to Mallory's directive, propelled by both sail and steam. Miller could do the shipbuilding, but Bulloch contracted Fawcett, Preston and Company to provide the engines. The Confederate agent had wasted little time in advancing his part of the Confederate cause. He was not, however, satisfied to simply replicate British designs. While finalizing his negotiations with Miller, Bulloch crossed the Mersey River to Birkenhead to initiate plans for a sister ship based on his own design. For this effort, he would secure the services of Laird and Sons and would, on August 1, contract for the 290th hull from their Birkenhead shipyard,

Dudley and the Legal Battle to Stop Confederate Warships (DeKalb: Northern Illinois University Press, 2007), 22.

¹⁰ Merli, *Great Britain*, 59-61; Bulloch, *Secret Service*, 1:66-67; TS25/1337, BNA and Great Britain, Foreign Enlistment Act, 1819, 33 & 34, Vict.

¹¹ Merli, *Great Britain*, 59-60; Howard Jones, *Blue and Gray Diplomacy: A History of Union and Confederate Foreign Relations* (Chapel Hill: University of North Carolina Press, 2010), 193. For a discussion of the legal issues concerning Bulloch's project see Rupert C. Jarvis, "The *Alabama* and the Law," *Transactions of the Historical Society of Lancashire and Cheshire* 111 (1959):181-98.

the hull destined to become the most feared of the Confederate cruisers, the CSS *Alabama*.¹²

It was obvious to anyone who cared to offer an opinion that Bulloch was attempting to build a Confederate navy at the shipyards of a neutral. It was not, however, obvious that he was violating British law in so doing. Proving that Bulloch was in violation of the FEA fell to the new U.S. consul to Liverpool, Thomas Haines Dudley. Over the frustrating months from the time Dudley took his post in late November of 1861 until the *Alabama* was loosed on Union shipping the following July, the American consul hired a small army of detectives, investigators, his own solicitors (chief among them A. T. Squarey) and routinely communicated his findings to U.S. Minister Charles Francis Adams in London.¹³ Adams, in turn, forwarded these missives to British Foreign Secretary Lord Russell, who, when warranted, passed them along to the Law Officers of the Crown. This cycle of communication, once started, would continue to go round and round until Bulloch's boat escaped British jurisdiction in July, 1862. As weeks turned into months, the level of anxiety in Dudley's communications to Adams increased, as did the frequency with which the subject arose between Adams and Russell and the consequential level of correspondence between the U.S. Embassy and the Foreign Office.¹⁴

Finally, on June 21 1862, Dudley indicated to Adams that he and his team stood ready to present a comprehensive case against No. 290 (the future *Alabama*'s designation while under construction) that clearly established, in his estimation, a violation of the FEA. The American consul then proposed that the Liverpool authorities be approached about the possibility of seizing the ship.¹⁵ Adams rejected the proposal, preferring to go directly to Lord Russell and the Foreign Office. Two days later, Adams sent a formal protest to the Foreign Office that included Dudley's allegations and opened, in the words of historian Frank Merli, "a decade-long duel in Anglo-American diplomatic relations."¹⁶ Adams asserted, as though evident, that Confederate operatives were violating British neutrality by staging in Liverpool expeditions to harm the United States. Although he clearly intimated a concern for the damage this would do to Anglo-American relations and the peace the two nations enjoyed, he did not add a forceful demonstration by alerting Russell to his decision to have the American warship

¹² Laird Brothers' Contract Book, Metropolitan Borough of Wirral Archives Service, Birkenhead, UK.

¹³ Cross, *Lincoln's Man*, 48-64. The correspondence circulating amongst the various parties can be found in a number of locations such as *Correspondence Respecting The "Alabama," North America, No. 3*. (London: Harrison and Sons, 1863), hereafter cited as *Correspondence*; U.S. Department of State, *Papers Relating to Foreign Affairs, Accompanying the Annual Message of the President to the Third Session of Thirty-Seventh Congress* (Washington: Government Printing Office, 1862), hereafter cited as *FRUS*.

¹⁴ Examples of the circulating communication can be seen in FO 5/1318, *Correspondence*, and *FRUS*.

¹⁵ Merli, *Alabama*, 49; Douglas Maynard, "Union Efforts to Prevent the Escape of the 'Alabama'," *Mississippi Valley Historical Review* 41, no. 1 (June, 1954):41-60.

¹⁶ Merli, *Alabama*, 49.

Tuscarora redeploy from Gibraltar to Southampton, England to stand ready to intercept Bulloch's vessel if necessary.¹⁷

After receiving Adams's complaint, Russell sent inquiries to all appropriate offices and, most importantly, sought the advice of the Queen's law officers. Soon, conflicting opinions came to the desk of the foreign secretary. The law officers indicated on 30 June, that, if Dudley's allegations were correct, the ship was definitely in violation of the FEA; procedures should, therefore, be pursued by Liverpool officials to ascertain the veracity of Dudley's accusations. In other words, the government should take the lead in investigating Bulloch's activities.¹⁸ Other opinions, such as those offered on July 1 by Customs and Treasury, contended that there was insufficient evidence to authorize detention; this they determined in spite of interviews with workers, yard owners, and the physical appearance of No. 290 that left no doubt that she was meant for war. Their excessive caution was encouraged by the solicitor for the Customs Board in London, Felix J. Hamel, who warned of "very serious consequences" for an unwarranted seizure. Treasury and Customs thus proposed the more passive approach of having the Americans rather than Her Majesty's Government gather the evidence to substantiate the case against No. 290.¹⁹ Russell thus faced two options: instruct his own people to investigate No. 290 as the Crown's lawyers proposed or, as Customs and Treasury argued, place the onus on Dudley to ferret out additional, and more importantly, admissible evidence. The foreign secretary chose the latter and adopted this as his response to Adams in a note dated July 4.²⁰

Meanwhile, Dudley continued to monitor Bulloch and, in the second week of July, offered additional testimony to Liverpool Collector of Customs Samuel Price Edwards, all of which continued to fall short, tainted by either implicit or explicit "were heard to state." As Adams and Russell passed notes in London, Dudley, reticent to name his informants, continued to have his evidence dismissed by Edwards and Custom's solicitor James O'Dowd as little more than hearsay.²¹ Finally, on July 21, Dudley and Squarey produced named affidavits—including the very convincing sworn testimony of William Passmore who had been recruited for service on No. 290 and who had been told by the interim captain of the ship, British Cunard line master Matthew J. Butcher,²² that the vessel was built to sail under the Confederate ensign—and passed them to British authorities in Liverpool who, again, declined to act; they did, however, forward Dudley's more comprehensive evidence to London for advice. The dossier was supplemented by

¹⁷ Ibid., 50; Adams to Russell, June 23, 1862, in *Correspondence*.

¹⁸ Atherton and Palmer to Russell, June 30, 1862, in *Correspondence*. FO83/2214.

¹⁹ Jones, *Blue and Gray*, 195.

²⁰ No one has yet explained why Russell's action was so tepid. See Merli, *Alabama*,

²¹ Dudley to Collector, July 9, Reply of Collector, July 10 and Response of Custom's Solicitor, July 11, in "Summary of Contents of Customs papers connected with 'Alabama' Case," Cust 33/344, BNA. The quoted phrase appears on *ibid.*, 3.

²² Frank Merli with Renata Eley Long have recovered an excellent memoir by Captain Butcher that details his role in the escape of the *Alabama*. Merli, *Alabama*, 120-40. Long promises to shed light on Bulloch's "reliable source," foreign office clerk Victor Buckley, in her forthcoming book, *In the Shadow of the Alabama: The British Foreign Office and the American Civil War* (Annapolis: Naval Institute Press, 2015).

the weighty opinion of Robert Collier, the Queen's Counsel, who had been approached by Adams to consider (unofficially) the evidence against Bulloch's project. On July 22, Adams passed Dudley's evidence to Russell, including Collier's conclusion that the vessel was destined for war and should be detained. In his accompanying note, the American minister stressed his concern that a ship more powerful than the *Florida* could soon be launched and admonished the Palmerston government to "carry into full effect the determination which I doubt not it ever entertains to prevent by all lawful means the filling out of hostile expeditions against the Government of a country with which it is at peace."²³ The Foreign Office had the American portfolio delivered on the following day to Queen's Advocate Sir John Harding for review. As it happened, Sir John was in the midst of a mental breakdown brought on by a stroke, and the dossier, consequently, sat unaddressed on his desk until Attorney General William Atherton retrieved it on July 28. Although he and the solicitor general, Roundell Palmer, worked tirelessly through the evening to examine the documents, their recommendation to detain the ship did not reach Russell until the afternoon of July 29.²⁴

Meanwhile, Dudley and Squarey implored O'Dowd in Liverpool to seize the ship. From July 22 forward, Dudley and Squarey hounded the local customs office, heaping on additional depositions and stepping up their warning that No. 290 would break out before the end of the month. Their anxiety was more than justified. Laird had launched the ship as *Enrica* over two months before and she had already cleared the customary trials.²⁵ On July 28, O'Dowd responded to the American consul that his office still awaited instructions from London, instructions that, as Bulloch's good fortune would have it, could only come from evidence to which Atherton and Palmer had just that day gained access. By the time their advice had run up the topmast, been vetted by the Foreign Office, and a telegram sent to Liverpool to detain No. 290, Bulloch's cruiser (now sailing under the name *Enrica*) had been out of reach of Liverpool authorities for over fifty hours.²⁶ Squarey's telegram announcing the ship's departure arrived at Liverpool Customs on the 29th with the jaded message that "the vessel No. 290 came out of dock last night, and left the port this morning."²⁷ In London the following day, A. H. Layard at the Foreign Office sent to Treasury a copy of Palmer and Atherton's opinion: Treasury's detention order finally appeared at Liverpool Customs late in the evening on July 31.²⁸

While sifting through the chronology of the back and forth between the various concerned parties in both Liverpool and London may seem tedious, it is essential to understanding how Bulloch managed to dispatch a vessel from a British yard with such obviously malicious intent to prey on the commerce of a nation friendly to Britain. First, Bulloch monitored Dudley's activities, knew that his determination to sink No. 290 in

²³ Adams to Russell, July 22, 1862, FO5/1318.

²⁴ Atherton and Palmer to Russell, July 29, 1862, FO83/2214.

²⁵ Spencer, *Confederate Navy*, 51; See Cust 33/344, BNA for the back and forth between the American and British officials in Liverpool.

²⁶ Bulloch adopted the name *Enrica* as a Spanish "equivalent for the Christian name of the lady who served the office." Bulloch, *Secret Service*, 1: 229.

²⁷ Cust 33/344, BNA.

²⁸ Merli, *Alabama*, 83; The exchange of telegrams can be found in FO5/1318.

legal waters was gaining momentum and the Confederate agent was alert, throughout July, to the ticking clock. Second, the timely completion of the ship and the availability of both a temporary captain (Butcher) to pilot the ship out of British waters and to the Azores and a permanent captain (Raphael Semmes) to steer the ship into Confederate service tied up all remaining ends in parallel with the legal machinations to stop it. Third, Bulloch benefited from the unfortunate Harding's stroke and the jurist's wife's accompanying subterfuge (She not only failed to report her husband's condition, but attempted to hide it.) to provide an extra few days for Bulloch to make his play. Fourth, the shrewd effort of the steamship *Agrippina* to take on arms and fittings for the *Enrica* while anchored in London and her successful journey to the rendezvous point in the Azores made the transformation of the unarmed "warship" into a state-of-the-art ship of prey possible.²⁹

Knowing that eyes were on Laird's yards, Bulloch had insured *Enrica's* escape with an almost comical diversion. On the morning of July 28, Bulloch announced that the ship would make an all-day trial and had Butcher anchor her out of dock off Seacombe. To add to the illusion that the ship would only be out for the day, Bulloch invited local dignitaries (ladies and gentlemen) to participate in the outing. The following morning, with plentiful champagne and appropriate cuisine, the colorful group steamed away accompanied by the steam tug *Hercules*. Before sunset, Bulloch apologized that the trial would take them into the night and so had his guests transferred to the tug for the return to Liverpool. The following day, Bulloch took the *Hercules* back out where he and around three dozen sailors rejoined the *Enrica* off the Welsh coast. Bulloch was to face one more task, however, before his ship could be safely away. At the rendezvous point of Moelfra Bay, the seamen still had their women in tow. The women would not release their men until Bulloch had provided them with the first month's pay and a meal. This being arranged and the ladies fed, at half past two in the morning, Butcher steamed north into the Irish Sea.³⁰ The following evening, Bulloch left the ship at County Antrim on the northeast coast of Ireland and from there made his way back to Liverpool on August 3 to complete his task of getting Semmes, fittings and guns connected to the *Enrica*.³¹

Within the week, Semmes appeared in Liverpool with a number of officers from his former command and, on 12 August, left the British port with Bulloch for the Azores on the *Bahama*. The *Agrippina* had already made an unmolested exit from the London docks and was in route to the rendezvous point with fittings, guns and potential crewmen for the *Enrica*. Just over a week after clearing the Mersey, the *Bahama* joined the *Agrippina* and the *Enrica* at Terceira, Azores, completing Bulloch's most consequential

²⁹ Bulloch, *Secret Service*, 1:237; Spencer, *Confederate Navy*, 56.

³⁰ Chester G. Hearn, *Gray Raiders of the Sea: How Eight Confederate Warships Destroyed the Union's High Seas Commerce* (Baton Rouge: Louisiana State University Press, 1992), 157-8.

³¹ *Ibid.*; Bulloch, *Secret Service*, 1:238-44; Spencer, *Confederate Navy*, 55-56.

mission—captain, crew, ship, and arms were now united on, as Semmes romanticized, the “perfect symmetry” of the CSS *Alabama*.³²

The *Alabama*, following negotiations to sign the crew, was now complete and her mission to assail Union commerce could begin; and begin it did, with devastating efficiency. During her brief life, she burned or bonded over five dozen prizes.³³ The carnage is cataloged in the numerous complaints by Adams as he did not allow a single affidavit or letter of claim or complaint to escape the attention of the Foreign Office. The files associated with the *Alabama* in the British archives contain page after page of complaints and charges as each vessel assailed by the “piratical” ship, to use Adams’s descriptor, is added to Russell’s expanding file.³⁴ Semmes took his first prize on September 5 when the *Alabama* snared the *Ocmulgee*, a Massachusetts whaler. With this capture Semmes inaugurated the *Alabama*’s practice of briefly incarcerating the officers and crew, relieving the ship of its valuables, and then burning the vessel.³⁵ This initial success validated Bulloch’s investment of scarce Confederate funds, a validation that within the next two weeks saw the account completely balanced. With the capture of the *Elisha Dunbar* on September 18, the value of prizes accrued exceeded the Laird’s £47,500 contract.³⁶ After taking its last prize, the *Tycoon*, in April of 1864, the *Alabama* could boast a profit of almost \$5,000,000 over Bulloch’s contracted price with Laird. In addition to the *Alabama*’s commercial prizes the cruiser also sank a U.S. gunboat, the USS *Hatteras*, at the beginning of 1863. But this “creditable performance,” as Bulloch unenthusiastically described it, amounted to little more than a momentary distraction from Semmes’s primary mission to destroy Union commerce.³⁷

Semmes’s success could be measured not only in prizes and monetary losses, but also in the impact on American shipping and northern opinion. During the two-year cruise of the *Alabama*, insurance rates increased to a debilitating ten percent, encouraging the bulk of northern commerce to flee to foreign hulls as Britain secured the position as America’s dominant carrier, a position she would hold for decades.³⁸ Likewise,

³² Bulloch, *Secret Service*, 1:244-58; Semmes captivation with the ship was perhaps understandable. When he compared her to his former command, the *Sumter*, he described the *Alabama* as a Swan, the *Sumter* “little better than a log on the water.” Hearn, 160.

³³ A captured ship might be spared the torch if its captain obligated the ship’s owner to pay a bond equal to the value of the ship and cargo.

³⁴ See FO5/1320 for examples of the complaints against the *Alabama* accruing in the Foreign Office files.

³⁵ Details of the first weeks of the *Alabama*’s cruise appear in a letter from E. M. Anderson to his father. E. M. Anderson to Edward Clifford Anderson (father), November 18, 1862, Anderson Papers, W. S. Hoole Special Collections, University of Alabama; Only on rare occasion over the course of his two years with the *Alabama* did Semmes bond and release his catch. See Hearn’s helpful inventory, *Gray Raiders*, 315-6.

³⁶ *Ibid.*, 70; Wirral, Laird Brothers’ Contract Book, 187.

³⁷ Bulloch, *Secret Service*, 1:266; Merli notes that the *Hatteras*, indeed, was not a serious challenge for Semmes. *Great Britain*, 194-5.

³⁸ *O.R.N.*, I, 2, 356; Hearn, *Gray Raiders*, 309; For example, when the *Alabama* took to sea in 1862, \$9 million of Philadelphia’s exports were shipped in American bottoms. By 1864 that figure had dropped by more than 50% to under \$4 million. British ships now carried the “lion’s” share of American exports. Stephen Fox, *Wolf of the Deep: Raphael Semmes and the Notorious Confederate Raider CSS Alabama* (New York: Alfred A. Knopf, 2007), 99-100.

newspapers could not resist the temptation to report the pain inflicted on the Union by the scourge of the seas. News of Semmes's firing of American ships began to arrive in October and with it disbelief that a single ship could terrorize Union ocean trade. As reports mounted, fear shifted from the ocean to the port cities themselves as Bostonians began to fear exposure should the *Alabama* descend on the Bay. When news of Semmes's capture and firing of the *Brilliant* (the single costliest loss at the hands of the *Alabama*) in early October 1862, the *New York Herald* warned that the "ugly customer" would "destroy millions of property before she is caught, if she is caught at all."³⁹ The following month, the *New York Times* listed current victims of the *Alabama* under the heading "THE REBEL PIRATE '290'."⁴⁰ It did not help assuage anti-British sentiments when word circulated of the routine respect extended to the *Alabama* by British naval officers and officials. For example, when the *Alabama* put in for repairs in Jamaica in early 1862, several officers and crew of British ships at the harbor not only visited the Confederate cruiser, but HMS *Greyhound* offered a musical salute with the fifes and drums striking "Dixie Land."⁴¹

Again, all of this increasing agitation over the vessel pressed Adams to continue to remind the Foreign Office of British culpability. As the *Alabama* set the match to its prizes, Adams heaped more evidence of Bulloch's machinations on Russell in the form of affidavits from Liverpool witnesses. One of the most potentially damning was that of Clarence Randolph Yonge, a cashiered assistant paymaster on the *Alabama*. Despite his unsavory history, Adams exploited Yonge's knowledge of ship and crew to establish that, not only had British hands built the *Alabama*, British sailors now manned it.⁴² Yonge's deposition listed all of the officers and crew of the ship by nationality. Of the more than eighty names, the estranged paymaster identified almost two thirds as English. Out of fifty common seamen, only two were identified as American and one was alleged to be in the British Naval Reserve.⁴³ Although the ship was already on the loose, Adams had hopes that continued pressure such as this would make the British reticent to extend traditional courtesies in British ports and, perhaps more realistically, curtail Bulloch's continued efforts to dispatch more ships from British yards. On the first hope, Adams would be disappointed.⁴⁴ On the second, however, the wringing of hands over the blatant

³⁹ Ibid., 92.

⁴⁰ *New York Times*, November 4, 1862; For additional evidence of the growing northern outrage over the depredations of the *Alabama* see reports along with copies of local newspapers submitted by the British consul in New York to the Foreign Office in, FO5/1318.

⁴¹ W.G. Romaine (Admiralty) to Edmund Hammond (Foreign Office), 2 March 1863 with enclosures. One of the attached documents is the defense offered by the Lt. of the *Greyhound* for the playing of the unofficial southern anthem as "ordinary usage and custom among the navies of civilized nations to play complimentary tunes to each other on such occasions." Lt. Chas Cordale to Commander Hickley (HMS *Greyhound*) January 21, 1863, FO 5/1319.

⁴² See Hearn, *Gray Raiders*, 106-7 for a glimpse at the character of Yonge as he was dismantled during the *Alexandra* case by the owners' counsel.

⁴³ Yonge deposition (copy), FO5/1319.

⁴⁴ There are many examples in both the Admiralty and Foreign Office files. One representative example is reflected in the efforts undertaken by the Crown to dismiss charges that the *Alabama* had engaged in unlawful behavior in its capture of the *Sea Bride* off Cape Town late summer of 1863. The authorities at the colony and the Crown's law officers in London all accepted Semmes's account of the capture. In fact,

failure Her Majesty's Government to abort No. 290/*Enrica* soon joined with Union successes on the battlefield to frustrate Confederate naval efforts in Britain.

In March of 1863, Members of Parliament called for an accounting from the Palmerston government on the issue of the *Alabama* and the tension it had raised in Anglo-American relations.⁴⁵ Parliament's concerns narrowed to two questions: "The first was, whether Her Majesty's Government had done all they could—had used every possible exertion—to prevent these breaches of the law; and the second, whether they were impressed with the necessity of the duty of doing their utmost to prevent them for the future?"⁴⁶ It did not help matters that complaints had been lodged of the loss of British property on U.S. ships taken by Semmes. Adding irritation to irritation, the Liverpool Chamber of Commerce called on Russell to hold Washington accountable for the property lost, since the southerners responsible were technically U.S. "subjects in rebellion."⁴⁷ Parliament demanded clarification of the government's role in a situation that escalated with each grievance registered.

Roundel Palmer offered the most significant and comprehensive response in defense of the government's actions. After reminding the body of America's long-standing defense of neutral trade with belligerent states—ironically recently reprised by Secretary of State William Seward in response to a Mexican complaint of American commercial engagement with the "invading" French—Palmer retraced the interaction between the American legation and British officials concerning the *Alabama* from the initial complaint to the issue of the detention order.⁴⁸ In a chiding tone, Palmer traced the cycle of complaint and response from the filing of Dudley's allegations the third week of June to the issuance of the detention order at the end of July. At every turn, he argued, the government had been reasonably prompt and efficient. He contended that even the final series of complaint and response had occurred in good order. In his revisionist rendering

while in Cape Town, the ship and crew were treated like celebrities, a far cry from the piratical images cultivated by the northern press. See, "Proceedings of Ships of War of the so-styled Confederate States of North America at the Cape of Good Hope" in FO5/1320. See also the efforts made by the British authorities to treat Semmes as a properly-commissioned warship at Good Hope in late 1863 concerning the disposition of the *Tuscaloosa*. Various exchanges between the Admiralty, Colonial, and Foreign offices in London and the British officials at Good Hope, FO5/1320. See also, Hearn, *Gray Raiders*, 203-5.

⁴⁵ It should be noted that Bulloch did not operate in a vacuum, the shipbuilding projects occurred in an atmosphere of significant strain in relations between Washington and London over the *Trent* affair of fall 1861 and the ongoing issue of possible British recognition of the Confederate States of America. See Gordon Warren, *Fountain of Discontent: The Trent Affair and Freedom of the Seas* (Boston: Northwestern University Press, 1981) and Howard Jones, *Union in Peril: The Crisis over British Intervention in the Civil War* (Chapel Hill: University of North Carolina Press, 1992).

⁴⁶ The entire debate is recorded in 170 Parl. Deb. (3d ser.) (1863) 33-94. The quotation is attributed to Member of Parliament W. E. Forster, a steadfast opponent of slavery and, hence, any association with the Confederacy.

⁴⁷ Liverpool Chamber of Commerce to Russell, November 6, 1863, FO5/1318.

⁴⁸ Details of the Mexican complaint concerning U.S. neutrality and Palmer's appropriation of it for use in his response to Parliament can be seen in *Hansard's*, but also is reproduced in *Correspondence concerning Claims against Great Britain Transmitted to the Senate of the United States in Answer to Resolutions of December 4 and 10, 1867 and of May 27, 1868*, 5 vols. (Washington: Government Printing Office, 1869), 4:518.

of events, he omitted the fact that over a month before the detention order he had recommended that the ship be detained and that *the government* conduct an investigation. This, and his emphasis on July 26 as the date that the dossier had been submitted for consideration and that the order to detain the ship went out just three days later (the former date deceptive, the latter date wrong),⁴⁹ calls into question both Palmer's motives and veracity. It seems obvious that he had realigned events to fit a narrative that would best serve the government and, thus, his account remains suspect. Lord Palmerston, on the other hand, did not join his counselor's subterfuge, relying instead on piqued indignation at the idea of being held to account by a foreign nation's interpretation of British law. The law was clear, and no allegation based on "I tell you this, and I tell you that; I'm sure of this, and I'm sure of that," justified action under the FEA. This was British law and he would not be cowed about it by American criticism and he, in fact, chastised those in Parliament who would.⁵⁰ The Prime Minister left the chamber having clearly stated that British law was not subject to the scrutiny of anyone outside the realm. Despite the bluster, however, he was steadily moving toward the American position and would soon champion that very position in British court.

As Parliament discussed the growing fracture in British relations with the United States and the appropriate application of the FEA, Dudley and his agents stalked another ship, the *Alexandra*. This one, smaller than the *Alabama*, had been contracted with Miller and Son (the firm that built the *Florida*) by Prioleau not to harass northern commerce, but to run the Union blockade. When Dudley sniffed it out, however, he naturally assumed that another of Bulloch's deadly cruisers would soon be unleashed. The following March, the consul presented his evidence to Edwards and asked that the ship be seized before it could follow in the wake of the *Alabama* to "cruise and commit hostilities against the Government and citizens of the United States of America."⁵¹ When Adams joined Dudley's compliant and pressed Russell once again to intervene, it appeared that the issue would soon enter the all-too-familiar bureaucratic loop. As before, conflicting advice came to the Foreign Office. Edwards at Customs felt the ship was, indeed, designed for mischief under the Confederate ensign, but Treasury found no violation of the law. This time, however, the Palmerston government deferred to the opinion of Palmer to have the vessel detained and to send the matter to the courts for adjudication. This apparent change in the government's attitude was greeted with "lively satisfaction" by Adams and the American legation. The court, however, soon undermined Adams's satisfaction, standing by the rigid letter of the law and finding in favor of the owners. The ship, according to the court, had not been fitted out for war, was not in violation of the FEA, and had been unlawfully detained. If this was seen by Bulloch and supporters as vindication, it was only such on paper. The matter had drawn out for so long and under such public scrutiny that the ship would never see service in the Confederate Navy. Government appeals kept her tied up until spring of 1864 and, when

⁴⁹ Two additional and inconsequential affidavits joined the file on the July 26, but the government did not order the ship detained until the evening of July 31. Merli, *Alabama*, 106-19.

⁵⁰ 170 Parl. Deb. (3d ser.) (1863) 90-94; Spencer, *Confederate Navy*, 99-100.

⁵¹ Hearn, *Gray Raiders*, 104.

she finally made the crossing to engage in blockade running later in the year, British officials in Nassau seized her and held the *Alexandra* in port until the end of hostilities.⁵²

If the court ruling on the *Alexandra* signaled hopes that the Confederate shipbuilding program could go forward, the actual disposition of the vessel and Russell's newfound willingness to stymie Bulloch's efforts saw those hopes dashed. The law had not changed, but government policy had. Bulloch sought deeper cover for his ongoing project with Laird, hulls 294 and 295 (the so-called Laird Rams). Bulloch signed over the contract to an agent for an Egyptian pasha. The rams, it would be alleged, were for use on the Nile. Since this removed the project from any connection to either of the belligerent states in North America, it should invite no challenge to either the letter or the spirit of the FEA. Despite Bulloch's efforts throughout the summer and early fall of 1863 to get the rams finished, manned, and out to sea, the Palmerston government's shift from a policy of watchful waiting to one of cautious intervention would frustrate those efforts.⁵³ Ironically, the American legation did not appreciate the full impact of the policy shift and unnecessarily hyped the danger to Anglo-American relations should the vessels join the Confederate effort. Benjamin Moran, legation secretary, noted in a July diary entry that it would mean war.⁵⁴ In early September, after hearing from Russell that the government had found no justification for seizing the rams, Adams warned Russell that this would, indeed, result in a "collision" and that it should go without stating "to your lordship that this is war."⁵⁵ On October 23, Adams attempted to summarize American grievances and warned that this issue could not and would not be put to rest as long as the *Alabama* continued in this "piratical mode of warfare." This raider had derived "all its powers to do mischief from British sources, manned by a crew of British subjects enlisted in and proceeding from a British port," from which she now implemented "her work to burn and destroy."⁵⁶ Adams, as it happened, was pushing on an open door: Palmerston had already determined to put an end to Confederate staging in Britain. As Adams penned his sharp response to the Foreign Office, Russell had already telegraphed Austin Layard to monitor the activities of the rams and to "detain them until further orders," at the first sign that they were set to leave British jurisdiction.⁵⁷ This he did, and the Foreign Office put the issue to rest in the spring by arranging for the purchase of the ships for the Royal Navy. That the Foreign Office "bought ships" and informed the Admiralty after the fact, punctuates the government's determination to implement the new proactive policy. Likewise, the government throttled the construction in Glasgow of a larger version of the *Alabama*, the *Pampero* that had been contracted in

⁵² Spencer, *Confederate Navy*, 100-3.

⁵³ Ibid., 104-12.

⁵⁴ Sarah Agnes Wallace and Frances Elma Gillespie, eds., *The Journal of Benjamin Moran, 1857-1865*, 2 vols (Chicago: University of Chicago Press, 1948), 2:1182, July 11, 1863.

⁵⁵ Jones, *Blue and Gray*, 200; Merli, *Great Britain*, 197-201; Adams to Russell, September 5, 1863, FO5/1000. Ironically, Adams's indelicate note crossed an incoming note from Russell dated September 4, 1863 indicating that the ram detention issue had not been closed. See Martin Duberman, *Charles Francis Adams, 1807-1886* (Boston: Houghton Mifflin, 1960), 311-2.

⁵⁶ Adams to Russell, October 23, 1863, FO5/1320.

⁵⁷ Russell to Layard, September 3, 1863, FO5/1000.

fall of 1862. The watchful eye of U.S. officials in Glasgow and the advice of the now-experienced Dudley left the ship languishing in the Clyde while the various legal opinions circulated. By November of 1863 the determination was made that the ship was, indeed, destined for Confederate service; and, by the end of the year the government had ordered it seized. The disposition of the ship remained in dispute throughout 1864, making it a nonfactor in the South's prosecution of its naval strategy.⁵⁸ By the time the *Pampero* had been sorted, the *Kearsarge* had sorted the *Alabama* off of Cherbourg, France. William Cushman, chief engineer of the Union warship, reported happily to his mother shortly after the battle that "we have met the celebrated 'Pirate Alabama' and sunk her."⁵⁹ The problem for London's relations with Washington, however, had not been "sunk," but continued long after U.S. complaints lodged against Lancaster's *Deerhound* had faded.⁶⁰ In fact, the damages levied by both the cruisers contracted with British builders and those purchased and refitted for Confederate service such as the *Georgia* (bought as the *Japan* from a Dumbarton, Scotland firm) and the *Shenandoah* (purchased as the *Sea King* from a Clydebank firm in Glasgow) had been so great that the United States filed claims against the Crown in the postwar years that would not be fully settled until 1872. The actions of the *Shenandoah* had been particularly egregious since its harassment of American shipping in the North Pacific and the Arctic continued for over half a year after Robert E. Lee's surrender at Appomattox.⁶¹

It became increasingly apparent in the ensuing two years after Adams first signaled Washington's aim to seek compensation for the damages inflicted by the Confederate raiders, that Her Majesty's Government would, indeed, be held to account. Russell, therefore, in late summer of 1865, proposed that the nature of the claims be determined and the issue submitted to a joint commission.⁶² By the time Seward and Adams had vetted the proposal, however, Russell had relinquished his desk to Lord Stanley and the American rejection of the commission proposal was thus conveyed to the new staff of the Foreign Office. The impasse centered on both the American skepticism of a joint-commission remedy and the British failure to admit to the "precise nature of the claims."⁶³ On August 27, 1866, Seward informed Adams that the claims against the

⁵⁸ Hearn, *Gray Raiders*, 107-9. See also, Douglas H. Maynard, "The Confederacy's Super-Alabama," *Civil War History* 5, no. 1 (March 1959):80-95.

⁵⁹ Reuters, "Sinking of the Alabama by the Kearsarge: The Flight," June 19, 1864, FO5/1323; William H. Cushman to Mother, June 19, 1864, Charlotte Cushman Papers, Library of Congress.

⁶⁰ Ibid. Cushman confirmed in his letter home that Winslow had asked Lancaster to assist in the rescue of the survivors of the battle. Midshipman E. M. Anderson on the *Alabama* reported in a letter on June 28 that "the Yankees were very tardy in rendering us assistance, and if it had not been for an English yacht, I would have been drowned – They fired five times into us after we had surrendered." E. M. Anderson to George Lyman Appleton, June 28, 1864, W. S. Hoole Special Collections, University of Alabama.

⁶¹ Hearn, *Gray Raiders*, 242-56; Merli, *Great Britain*, 228; *O.R.N.*, II, 2, 687-8.

⁶² Russell had, in fact, responded to Adams's 1863 admonition, but in late October of 1863 Russell had tacitly acknowledged the need to address the depredations of the *Alabama* in a response to Adams's summary of complaints. He, however, volunteered that "Her Majesty's Government may well be content to await the time when a calm and candid examination of the facts and Principles involved in the case of The 'Alabama' may, in the opinion of the Government of the United States, usefully be undertaken." Russell to Adams, October 26, 1863, FO5/1320; Hearn, *Gray Raiders*, 302.

⁶³ Ibid., 303.

cruisers had rested for too long. Nevertheless, the claims' issue did not advance until Adams had been replaced by Reverdy Johnson in spring of 1868. Engaged by a new foreign secretary, Lord Clarendon, the two produced, at the beginning of 1869, the so-called Johnson-Clarendon convention that called for a commission of four (two from each nation) to meet in Washington to sort out the claims.⁶⁴ Under the spring assault by Senate Foreign Relations Committee Chair Charles Sumner, who pressed for "indirect" claims that would expand British liability from around \$15 million to \$2.5 billion (or the transfer to the United States of British property in North America), the proposed commission died. Sumner charged the British with complicity in the pain suffered by Americans during the war and demanded restitution. In fact, the anger over Britain's role was such that conventional "direct" costs (those that could be put to ledger) would not begin to satisfy. Accounting should also consider indirect claims such as heightened insurance rates, loss of commerce, and prolongation of the war.⁶⁵ Fortunately, reason, a change in personnel (Hamilton Fish became secretary of state and replaced Johnson in London with John Lothrop Motley), calming of public agitation, Britain's anxiety over the burgeoning power of a unifying Germany, and a growing interest in healing the fractured Anglo-American rapprochement prevailed and the *Alabama* claims joined a catalog of outstanding disputes between the two nations in treaty negotiations in Washington in 1871. In May, the ten-member Joint High Commission concluded the Treaty of Washington. The details associated with the *Alabama* claims could not be settled by the diplomats in Washington, however, and so were foisted on a tribunal in Geneva that found the following year in America's favor. There was no transfer of massive bits of British North America, however, but the British government did concede culpability in the form of an award to the United States of \$15.5 million in direct damages.⁶⁶ When the award was announced the London *Times* congratulated the tribunal as having arrived at an "eminently satisfactory" settlement.⁶⁷

The voyage of the *Alabama* crossed considerably more history than that reflected in its brief time under sail and steam. Semmes and crew had celebrated the formal commissioning of the Confederate cruiser on August 14, 1862 and Winslow unceremoniously decommissioned her on June 19, 1864. The ship's impact on Anglo-American relations, however, could arguably draw parameters from August 1, 1861 (the date of Laird's contract for No. 290) to September 14, 1872 (the date of the announcement of the tribunal's agreement in Geneva). Her legacy went well beyond the charts that chronicled her time at sea and the physical damage to Union commerce that she left in her wake. No. 290 had threatened to sink a rapprochement in Anglo-American relations evolving in minor ways since Adams's father, John Quincy, had planted the seeds with Lord Castlereagh in the second decade of the century and in major ways since Daniel Webster had advanced the theme with Lord Ashburton in the 1840s. It was thus in the broader context of Anglo-American relations that the *Alabama*'s final chapter was

⁶⁴ Ibid., 304.

⁶⁵ Cong. Globe, 41st Cong., 1st Sess. 21-26 (1869).

⁶⁶ United States Department of State, *Papers Relating to the Treaty of Washington*. Vol. 2, *Geneva Arbitration* (Washington: Government Printing Office, 1872).

⁶⁷ *Times* (London), June 28, 1872.

written, not by the broadside of an 11-inch Dahlgren, but by the ink of diplomats a full eight years after the dark waters of the English Channel had begun its slow but steady assault on Bulloch's pride.
