

Tributaries

A Publication
of the North
Carolina Maritime
History Council
www.ncmaritimehistory.org

Spring 2019
Number 17

Steamer *Mountaineer*:
The Identification of an Outer Banks Shipwreck

***Modern Greece*:**
A Revised History for the English Blockade Runner

Pirates of Morality:
**The British Navy's Suppression of the Slave Trade in
the Nineteenth Century**





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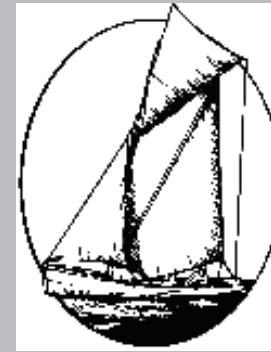
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Chair
Joseph K. Schwarzer, II

Editor
Chelsea Rachelle
Freeland

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Members

Chair

Joseph K. Schwarzer, II

Director
North Carolina Maritime Museum
System
P.O. Box 191
Hatteras, NC 27909
jk.schwarzer@ncdcr.gov

Vice Chair

Douglas Stover

Cultural Resource Management
Consultant
227 Cobbs Way
Nags Head, NC 27959
(252) 216-9399
dstover58@gmail.com

Secretary

Frances D. Hayden

Program Registrar
North Carolina Maritime Museum
315 Front Street
Beaufort, NC 28584
(252) 504-7758
frances.hayden@ncdcr.gov

Treasurer

Christine Brin

Group and Volunteer Coordinator
North Carolina Maritime Museum
315 Front Street
Beaufort, NC 28584
(252) 504-7743
christine.brin@ncdcr.gov

Andrew Duppstadt

Education and Interpretation Supervisor
Historic Weapons Program Coordinator
Division of State and Historic Properties
(252) 526-9600 ext. 227
andrew.duppstadt@ncdcr.gov

Brian Edwards

College of the Albemarle
P.O. Box 2327
Elizabeth City, NC 27909
(252) 335-0821 ext. 2206
bedwards@albemarle.edu

Charles R. Ewen

Director
Phelps Archaeology Laboratory Liaison
Queen Anne's Revenge Conservation
Laboratory
Professor
Department of Anthropology
East Carolina University
Greenville, NC 27858
(252) 328-9454
ewenc@ecu.edu

Chelsea Rachelle Freeland

Senior Analyst, Cultural Property
U.S. Department of State
(Contractor)
Washington, DC 20037
(202) 632-6368
cfreeland08@gmail.com

Lynn B. Harris

Associate Professor
Program in Maritime Studies
Department of History
East Carolina University
Admiral Eller House, Office 200
Greenville, NC 27858
(252) 328-1967
harrisly@ecu.edu

Nathan Richards

Director
Program in Maritime Studies
Department of History
East Carolina University
Admiral Eller House, Office 100
Greenville, NC 27858
(252) 328-1968
richardsn@ecu.edu

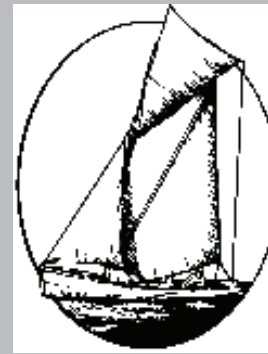
Lori Sanderlin

Museum Manager
North Carolina Maritime Museum at
Southport
204 Moore Street
Southport, NC 28461
(910) 477-5150
lori.sanderlin@ncdcr.gov

William Sassorossi

Maritime Archaeologist
Monitor National Marine Sanctuary
Newport News, VA 23606
(757) 591-7326
william.sassorossi@noaa.gov

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Figure 1 – A lithograph of a painting by Samuel Walters depicting the ships *Pennsylvania* and *Lockwoods* in distress off Liverpool during the storm of January 7 and 8, 1839. *Mountaineer* (the small vessel immediately left of *Pennsylvania*) is depicted attempting to rescue members of the crew of *St. Andrew*. (Library of Congress, Prints and Photographs Division [LC-DIG-pga-06334])

North Carolina Maritime
History Council

Steamer *Mountaineer*:

The Identification of an Outer Banks Shipwreck

by Lucas Simonds

From the time of the loss of the *Pulaski* in 1839 until the beginning of the Civil War in 1861 the North Carolina coast was the scene of so many shipwrecks that the majority rated no more space in the newspapers of the day than do routine automobile accidents in the contemporary press.

-- David Stick, *Graveyard of the Atlantic*

On Christmas Day 1852, the steamship *Mountaineer* passed along the Outer Banks of North Carolina en route to New Brunswick, Canada. The ship had enjoyed a long career carrying cargo and passengers between ports in Great Britain, Ireland, and continental Europe. Now, *Mountaineer* was headed to what would likely be its final posting – service as a tug and stock boat for a lumber company. Unfortunately, disaster struck that day somewhere along the Outer Banks, and *Mountaineer* never reached its destination. The ship ran aground between 8 and 20 miles south of Currituck Inlet, though the reason for its loss is not documented. Although the entire crew escaped with their lives, *Mountaineer* was declared a total loss.¹

Newspaper reports of the wreck mark the last appearance of *Mountaineer* in the historical record. Like so many ships lost off the Outer Banks in the nineteenth century, the fate of the wreckage after the event has remained largely unclear. Despite the lack of historical documentation, there is good

reason to believe *Mountaineer* remained on the beach where it ran aground some 160 years ago. It was first suggested by Marc Corbett that the Winks Wreck, a previously unidentified shipwreck lying a short distance off the beach in Kitty Hawk, is likely the wreck of *Mountaineer*.² Additional research since that time has strengthened the argument in favor of this identification and also revealed a surprising history of the ship in its career prior to wrecking on the Outer Banks. As an easily accessible site to both SCUBA and free divers, the wreck represents one of the more visible elements of the underwater cultural heritage of North Carolina. As such, the identification of the wreck and its history should be of equal interest to academics, historical enthusiasts, and divers alike. The history of *Mountaineer* and the argument for its connection to the “Winks Wreck” are therefore outlined here.

Before continuing with the history of the vessel, a brief note should be made concerning the sources on which the narrative is based. The most detailed reports of the wrecking event provide little information about the vessel, namely, that it was “of and from Liverpool,” “old,” and “196 tons.”³ Based on these details, it was concluded that the *Mountaineer* of 196 tons listed in Lloyd’s Register in 1849 is the same that wrecked in 1852. As that *Mountaineer* was listed as having been built in Bristol in 1835, it has further been linked to a *Mountaineer* listed in the Lloyd’s Register for 1835.⁴ Beginning with reports on the launching

of that vessel in 1835, its history has then been traced through nearly 750 newspaper articles covering most months between April 1835 and December 1852, as well as several additional archival sources. With differences in reported tonnage, certain references do not immediately appear to refer to the same vessel, but the historical trajectory of the vessel can be reasonably followed based on other elements such as the names of masters and geographic areas of operation. A summary history based on these sources is presented here.

The Swansea and Liverpool Steam Packet Company announced plans in August 1834 to launch a steamer capable of carrying up to 120 tons of cargo between those two ports. Although not named at the time, the primary cargo was to be copper from the burgeoning Swansea copper smelting industry. This steamer, *Mountaineer*, was built at the yard of Patterson and Mercer in Bristol for the sum of £14,000.⁵ That the vessel was built by Patterson and Mercer is of note to the significance of *Mountaineer*. At the time, William Patterson, co-owner of Patterson and Mercer, was a relatively unknown shipbuilder beginning his career among the numerous other yards crowding Bristol Floating Harbour. Within a year, Patterson was approached by Isambard Kingdom Brunel with an offer to build *S.S. Great Western*, the first steamship designed expressly for regular transatlantic passenger steam service. Patterson's work on *Mountaineer* and another steamer that same year, *Lady Charlotte*, has been tied to Brunel's decision to select him for work on *Great Western*.⁶ Although Brunel's name is primarily remembered in connection to *Great Western*, contemporary sources suggest that more credit for the innovations that made that vessel a success is, in fact, due to Patterson.⁷ Although indirect, the small role *Mountaineer* thus played in the development of the transatlantic steamship service lends additional significance to the vessel.

Mountaineer's own career began April 30, 1835, when the vessel was inspected by Edward Drew of Lloyd's Register.

In his report, Drew noted *Mountaineer* measured 137 feet in length and 21 feet in breadth with a builder's tonnage of 262 tons. He further assigned the vessel an A1 rating, the best insurance rating available.⁸ Not mentioned in the report is the vessel's machinery, which was built by the Neath Abbey Ironworks near Swansea. *Mountaineer* was fitted with two simple side-lever steam engines once it reached Swansea from Bristol. Documentation of the original boiler has not yet been located.⁹ As evidenced by engineering plans from the ironworks, the vessel was driven by two side-mounted paddlewheels.¹⁰

Mountaineer was launched later on the day of Drew's survey. Reports from the day note that, "notwithstanding the unfavorable state of the weather, a large concourse of people assembled on the occasion. She went off in fine style."¹¹ After arriving in Swansea and being fit out, *Mountaineer* began a regular service under command of Captain John Edwards in July 1835.¹² Although initially advertised as Swansea-Liverpool service, numerous smaller ports were added, and the typical route by mid-1836 included stops at Tenby, Milford Haven, and Aberystwith, passing through the Menai Strait between Great Britain and Anglesey, and a stop at Beaumaris before finally reaching Liverpool.¹³ The voyage from Swansea to Liverpool was typically accomplished in 26-30 hours, and both legs, including time for loading and unloading could be complete in as few as three days.¹⁴ By mid-1837, the route had been extended to include Bristol on one of three monthly voyages.¹⁵ One account of a voyage from this time praised the operation of the vessel, noting that, "the engines work so smooth and silent, that the passengers on board could not perceive whether the machinery was at work or not."¹⁶

While the particulars of *Mountaineer's* early years are largely unremarkable, these voyages carrying copper to the industrial centers in the North of England were part of a network making possible a significant shift in the economy of South Wales. From the late-eighteenth century through the end of the nineteenth

century, 90% of British copper smelting capacity was concentrated within a 20-mile radius of Swansea. Although copper ore was mined primarily in Cornwall and Devon, it was more economical to smelt copper near the rich coal fields of South Wales, as three tons of coal was required to smelt a single ton of copper ore. Powering this trade, 150 vessels and at least 750 sailors were in operation to move approximately 120,000 tons of shipping annually to support the smelting industry around Swansea in 1830.¹⁷ These figures surely grew, and they leave aside vessels such as *Mountaineer*, which were not directly involved in transporting ore for the smelting industry, but rather were involved in transporting the smelted copper to the industrial centers. As a component of this transport network, *Mountaineer* was involved in driving the massive changes that came as a result of the Industrial Revolution, particularly in South Wales.

Apart from this regular service, the most notable single event in *Mountaineer's* early years took place in the first week of January 1839. The night of January 6, 1839, is known in Ireland as the Night of the Big Wind (*Oíche na Gaoithe Móire*) in memory of the worst storm to strike the island in the last 500 years – killing as many as 300 and causing widespread destruction.¹⁸ After passing over Ireland, the storm hit Britain and, most relevant to the story of *Mountaineer*, Liverpool. There, it was recorded that:

Towards the close of the week the weather was rather boisterous, but nothing beyond what is usual at this season of the year. During the whole of Sunday [Jan. 6] the wind blew strongly from the south-east, and the glass fell considerably, but many vessels, commanded by experienced captains, went to sea, and there was nothing to indicate the frightful storm which followed. Suddenly, however, the wind shifted to the south-west, and, increasingly rapidly, it became a perfect hurricane soon after midnight. It continued to blow in this dreadful manner for

many hours without a moment's cessation, sweeping down chimneys and chimney pots, tearing up slates by thousands, snapping in pieces large trees, casting down thick walls, driving vessels on shore, and spreading death and destruction on every side. We never remember a night of more universal or well-founded alarm.¹⁹

It is not entirely clear where *Mountaineer* was during the height of the storm, but it cannot have been far from the harrowing scene in the waters off Liverpool. Loaded down with 110 tons of copper, *Mountaineer* was inbound to Liverpool during the storm. Attempting to enter the Rock Channel through heavy seas on the morning of January 8, Captain Edwards noticed several vessels in distress and turned back to help. The remainder of the day was spent fighting against the waves and passing between ships attempting to rescue those in need. Finally, by 4:30 in the afternoon, they were able to take on board seventeen from *St. Andrew*, a New York packet that had run aground on the Great Burbo Bank. Making their way to port, *Mountaineer* finally arrived safely three hours later.²⁰

Despite the brave efforts of the crew of *Mountaineer* and many other ships that worked to rescue those in distress after the storm, it is estimated that more than one hundred lives were lost in the waters off Liverpool. Significantly, the results of the storm led directly to the founding of the Liverpool Shipwreck and Humane Society, with the goal of providing aid to those affected by the storm and rewards to those involved in lifesaving, as well as better preparing for future disasters.²¹ Of additional note, this incident led to the only known depiction of *Mountaineer*. A painting by Samuel Walters (Figure 1) depicts in the foreground *Pennsylvania* and *Lockwood*, two other ships that ran aground on Great Burbo Bank during the storm. Unfortunately, little detail is visible in the representation of *Mountaineer*, which is dwarfed by the other, larger, ships in the image.

Mountaineer returned to a largely uneventful service following the events of the Night of the Big Wind. Fatefully, as will be seen, the vessel was put up in Hayle in Cornwall from March through May of 1840 to receive new boilers.²² In June of that same year, *Mountaineer* fell in with *Archimedes* – the first steamship driven by a screw propeller – while entering the channel for Milford Haven. The two proceeded to race and, perhaps unsurprisingly, *Archimedes* soundly beat *Mountaineer*, completing a mile in thirty-four minutes.²³ At the end of that year, Edwards, who had captained *Mountaineer* since its launch, was elected harbour master of Swansea and gave up his post.²⁴ Shortly thereafter, disaster struck.

Captaincy of *Mountaineer* passed to Edwards' son, whose name is recorded only as H. Edwards in newspaper reports. On January 4, 1841, *Mountaineer* departed Liverpool under his command. Although not definitively identified as his first voyage in charge of the ship, Edwards could not have seen much experience at the helm since his father retired in December. After dealing with engine trouble early in the day, the decision had to be made whether to wait in Bangor or Beaumaris or to attempt passing through the Menai Strait that same day. The strait was a typical part of the route for *Mountaineer*, but the passage could be dangerous as the change of tides through the day produces ripping currents through the narrow waterway. Particularly dangerous is an area of rocks in the center of the strait, just west of Menai Bridge. Known as the Swellies in English or *Pwll Cerris* in Welsh, a common Welsh phrase describes the currents and whirlpools that form in the area as the “maddest of the mad” – modern sailing directions recommend that passage through the area is only safe during the hour preceding slack tide. Relying on the advice of James Walters, a pilot brought in expressly to bring the vessel safely through the strait, Edwards decided to make the passage that night. Unfortunately, facing a strong tidal current, *Mountaineer* was smashed against a rock just past Menai Bridge, likely Swelly Rock, still marked on charts of the area. Acting quickly, Edwards got

passengers and crew into the lifeboats, and no lives were lost. As the vessel remained on the rock for several days, there was initially hope it could be saved, but it soon fell into a deeper area, where it was covered by six feet of water at low tide. The wreck was ultimately blamed on poor guidance by the pilot and defects in the boiler, which Swansea papers were quick to note had been made elsewhere and not by the Neath Abbey Ironworks.²⁵

While this seemingly would have marked the end of the vessel's career, this was not the case for *Mountaineer*. In October 1842, nearly two years after that fateful night, *Mountaineer* was refloated with great difficulty. In an effort funded by Messrs. Haslam and Edwards and organized by Henry Fisher, chains were attached to the wreck from four barges by Thomas Jones, a diver from Bangor. As described at the time:

Difficulties beset them at every step; it was found that the vessel had capsized in a hole or rather a whirlpool out of which to raise her clear of the rock took 21 ½ feet of water-again, there was only one hour and a half, more or less, for work at low water, during which the chains must be tightened and everything prepared for a further lift at high water; add to this, the keeping afloat a weight of about 200 tons specific gravity against a rushing tide of awful force for a term of five hours, which not unfrequently [sic] disarranged and undone [sic] everything that had been previously accomplished, and some idea may be formed of the Herculean nature of the task, and the skill, daring, and untiring perseverance requisite to surmount these manifold obstructions.²⁶

Surprisingly, surveys in December 1842 and January 1843 by the Welsh Steam Packet Company, which purchased *Mountaineer* after it was raised, noted that even after twenty-one months underwater, the vessel's scantlings surpassed the strength required for

vessels of such tonnage by Lloyd's and the engines were still serviceable if a new boiler was installed.²⁷ Repairs evidently took some time, as it was not until April 29, 1846, that *Mountaineer* was resurveyed by Lloyd's in Bangor. Notably, at this survey the tonnage was listed as 196 47/100 tons rather than the 262 tons listed at the time of its launch in 1835. Later that same day, the vessel steamed through Menai Strait under the command of Richard Lewis, visiting the spot of its earlier wrecking. Two days later, it was present at Beaumaris for the opening of a new pier.²⁸ *Mountaineer's* service for the Welsh Steam Packet Company was not to last, however, and only two other voyages under Lewis are recorded. The first took *Mountaineer* from Beaumaris to Belfast and Killybegs in Ireland. On the second, in July 1846, Lewis took *Mountaineer* to London, where it was then listed for sale.²⁹

From this point forward, *Mountaineer* would be listed for sale many times, and advertisements provide important details not found elsewhere concerning the vessel as reconfigured after the 1841 wreck. An August 13, 1846, ad in Gore's Liverpool General Advertiser notes that the vessel was, “copper fastened to the bends ... she has lately been nearly rebuilt, all her machinery taken out and examined, and is fitted with new tubular boilers capable of supplying an abundance of steam.” The fact that *Mountaineer* was fitted with tubular boilers at this time is key to its connection to the Wink's Wreck. A later ad from the May 26, 1847, Public Ledger (London) adds the details that the vessel had been “nearly rebuilt” in Chester in 1846 at the cost of £6,000 and that it was fitted with diagonal iron knees.

Although advertisements continued to run for several weeks in August and September, *Mountaineer* had evidently been purchased by August 29, 1846, as at that time it is reported to have arrived at Harlingen, in the Netherlands, under command of Captain West for the Temperly Company.³⁰ Command was soon transferred to a Captain C. Spence and the vessel was resurveyed by Lloyd's for repairs in September 1846.³¹ Between August 1846 and October 1847,

Mountaineer made at least twenty-nine documented voyages between London and ports on the European continent including primarily Harlingen; Tönning, in Schleswig-Holstein, then ruled by Denmark; Groningen, Netherlands; and Hamburg, Germany.³² Cargoes at this time consisted primarily of livestock and produce. The vessel transported as many as 143 cows and 279 sheep at one time, and 180 tons of potatoes on a different voyage.³³ The cargo of potatoes in particular was widely reported across the United Kingdom, and points to the significance of *Mountaineer's* activity at this time.

Although known most famously in Ireland as the Great Famine (*an Gorta Mór*), the simultaneous disruptions of the potato, rye, and wheat crops in 1845 and 1846 led to a period known as the Hungry Forties across Europe. As the effects of crop failures differed across the continent, international trade in food became increasingly important at this time. Leading the move toward more open trade were the Netherlands and Denmark, notably the most common destinations for *Mountaineer* at this time. Although the trade in food could do little to stem the crisis that unfolded, changes made during this time led generally toward more open trade, most iconically through the repeal of the Corn Laws in the United Kingdom.³⁴ As an integral element of the shipping network that made these changes possible, *Mountaineer* was again involved in one of the more significant developments of the nineteenth century.

Of additional significance, it is also possible that *Mountaineer* was involved in an outbreak of sheeppox (*variola ovina*) in Britain in 1847. An outbreak of the highly infectious disease in Datchet was traced to merino sheep imported in July 1847. *Mountaineer* was one of three vessels transporting sheep at the time identified as a possible source of the infection. Although claims that sheeppox had never before been present in Britain were later disproven, the outbreak was nevertheless viewed at the time as a direct result of the increased trade in continental livestock.³⁵

Mountaineer's service following the discontinuation of its continental trade in October 1847 becomes rather irregular. It began a route between Liverpool, Tenby, and Newport in January 1848, but this service was ended after only one month.³⁶ The vessel was then listed for sale in Liverpool for the remainder of the year. A December 14, 1848, advertisement in Gore's Liverpool Advertiser adds the detail that *Mountaineer* was "additionally strengthened and more substantially fastened ... for the transport of cattle," after the 1846 rebuild. From January to April of 1849, the vessel was employed transporting cattle from Portugal to Southampton.³⁷ *Mountaineer* was then again listed for sale through August 1849. The vessel is not mentioned at all in 1850 in the sources reviewed to date. It then appears again in advertisements in the Shipping and Mercantile Gazette in January, February, and March 1851. The advertisement from the March 25 edition of the Gazette reveals several new facts. It is confirmed that the vessel still possessed its original engines at that time, as it is noted that "she is propelled by a pair of condensing side-lever engines, of 150 horse-power collectively." The ad notes that the boilers, "have just been re-tubed and repaired," and it is most likely they are the same installed in 1846. It is also noted that to accommodate cattle there were "houses erected on her deck to protect them from the weather." After more than a year sitting unused, *Mountaineer* was finally auctioned in March 1851 and began the final chapter of its career.

On July 23, 1851, *Mountaineer* completed its first voyage from Liverpool to Waterford, Ireland.³⁸ The vessel would spend the remainder of its career traveling between Liverpool and various ports in Ireland. It plied regularly between Liverpool and Waterford in opposition to the steamer *Mars* from July to September 1851 and again from late November to December of the same year.³⁹ This was only broken for a short time in October and early November, in which the vessel served various small ports encircling Strangford Lough.⁴⁰ While *Mountaineer* was engaged in transporting a variety of products,

its most significant role was ferrying emigrants to Liverpool, where they could then seek passage to the United States. The report of its first voyage in July aptly summarizes most of its voyages during this period and the public opinion of the situation:

At ten o'clock yesterday morning the Mars steamer left for Liverpool, with an immense cargo of cattle, &c. She had on board nearly three hundred passengers en route to America, the majority of whom were very respectable looking people. On the vessel hauling out from the quay the emigrants on board gave three loud and hearty cheers, whilst their friends on shore, with whom they had just parted, were lamenting bitterly their separation. Viewed in any light, it was a melancholy scene to witness so many stalworth fellows – the bone and sinew of the land – flying from the inevitable misery that waited many of them had they remained in this ill fated country. The tide of emigration from this port is continuing to flow faster every day. At 3 o'clock the *Mountaineer*, an opposition steamer, which arrived here on Wednesday, left also for Liverpool. She had a large cargo of butter and other merchandise. There were nearly one hundred emigrants on board.⁴¹

The flow of emigrants at this time was uneven, with as many as 600 and as few as 90 departing aboard *Mars* and *Mountaineer* from Waterford in a single day.⁴² The flow as documented out of this single port, however, is emblematic of the massive outflow of people attempting to escape the continued effects of the Great Famine. The number of people who emigrated during the famine has been estimated as high as 2 million, while 4.5 million are thought to have emigrated between 1850 and 1913.⁴³ Given their desperation, the treatment of emigrants at this time was often abhorrent, but *Mountaineer* was a noted exception. The

author of a letter to the *Waterford News* on August 8, 1851, wrote that:

I think it is but right to remark that the kindness of Captain Gosson, of the *Mountaineer*, to the passengers on board his vessel is well worthy of praise. I have seen him ordering tea, coffee, &c. gratis to children and other poor creatures when taken ill on the passage. Very differently, in deed, are they treated on other vessels.

Here again, *Mountaineer* served as an integral part of a transport network making possible a shift that, in this case, took on a truly global scale as the Irish Diaspora came to have a transformative effect on the United States and numerous other countries.

Mountaineer's final months in active service were spent traveling between Liverpool and Ballina, Ireland, from January to March 1852, before it was auctioned for the last time in May of that year.⁴⁴ Although not specified at the time, it was presumably at this time that the vessel was purchased by the Canadian lumber company mentioned in the reports of its wrecking. On August 24, *Mountaineer* departed Liverpool on the first leg of its voyage to New Brunswick, arriving at the famous transatlantic point of departure, Queenstown (now Cobh), the next day.⁴⁵ The vessel reportedly departed Queenstown in ballast for New Brunswick on August 28, but turned back at some point, and put into Waterford on August 31.⁴⁶ This was likely the result of mechanical issues, as the next report notes repairs were underway in Waterford. Specifically, it is stated that "The *Mountaineer* ... has taken down her funnel; there are some carpenters at work to enable her to go out the more safely under canvas."⁴⁷ It is not clear if it was intended to make the crossing entirely under sail, or if these modifications were merely a precaution given the state of the machinery. In either case, *Mountaineer* finally departed from Waterford for New Brunswick on September 27, 1852.⁴⁸

The details of *Mountaineer's* transatlantic crossing are tantalizingly vague. What

is clear is that the voyage did not proceed as planned. After 40 days at sea, *Mountaineer* crossed paths with *Rolla* at approximately 23°25' N 53°05' W – roughly 940 miles southeast of Bermuda; 875 miles northeast of Puerto Rico. As the vessel was short on supplies, *Rolla* gave provisions to *Mountaineer* before continuing on toward Dublin.⁴⁹ *Mountaineer* finally arrived in Nassau, in the Bahamas, on December 5, 1852, seventy days after departing Ireland.⁵⁰ The inordinate length of *Mountaineer's* crossing cannot be ignored. In 1838, *Great Western* made the transatlantic crossing in fifteen days, and by the mid-1850s, the average crossing had been reduced to eleven days.⁵¹ Given that *Mountaineer's* crossing lasted nearly seven times longer than the average, and the fact that the vessel arrived in the Bahamas rather than Canada, it is clear a serious mishap occurred during the voyage. Reports upon its arrival in Nassau only note, however, that it was "delayed by the derangement of her machinery." The boiler present at the Wink's Wreck appears to have exploded, and this may have been the cause of the delay assuming the identification of the Wink's Wreck as *Mountaineer* is correct. That damage may also be related to the later wrecking at Kitty Hawk though, and it suffices to note that *Mountaineer*, clearly already experiencing trouble before leaving Ireland, suffered serious damage on the voyage, forcing the vessel to sail with the wind and currents into the Caribbean, rather than steaming directly to Canada.

From Nassau, Captain Stickney decided to sail north, either to Hampton Roads or New York, in order to have the machinery repaired before continuing on to New Brunswick. *Mountaineer's* "machinery was detached and smokestack struck before sailing, and the hull was brig rigged."⁵² The voyage would never be completed. For unreported reasons, the vessel ran aground on the North Carolina coast on December 25, 1852. Fortunately, the entire crew was rescued and shortly thereafter taken to Norfolk to seek passage home. Stickney and his wife elected to stay with the wreck until it could be sold. As noted, this marks the last historical mention of *Mountaineer*,

but there is reason to believe the vessel remained where it wrecked until it was largely destroyed by the waves, leaving only the durable metal machinery. The Winks Wreck most likely represents those remains of *Mountaineer*. A short review of research on the wreck and the evidence in favor of this identification will now be considered.

In 2012, the East Carolina University Program in Maritime Studies conducted an underwater archaeological field school on the wreck of USS *Huron* off Nags Head. During this project, students were each assigned an unidentified wreck in the area to study and, if possible, identify. It was through this assignment that a group of students including the author conducted an archaeological reconnaissance survey of the Winks Wreck. Online descriptions of the wreck site at the time described it as the wreckage of a barge. This initial survey was intended to assess the extent and nature of the wreckage, which was believed to be a small section of hull remains. If time permitted, the crew intended to also take basic measurements and identify features that might aid in identification. Following online directions, divers entered from the shore and located an element of the wreck, first thought to be a steering column but later identified as a paddlewheel shaft. From there, circle searches were conducted to locate other features, through which two engines and the remains of a boiler were located. With limited time remaining, divers then divided into teams of two to take measurements and produce rough sketches of the engines and boiler respectively.

The Winks Wreck lies approximately 100 yards offshore of Kitty Hawk between Eckner Street and Luke Street, near the Winks Grocery Store, which inspired the name of the site. In 2012, the site was in 15 ft. of water with visibility of 4-5 ft. The seafloor around the site is the undulating, sandy bottom typical of the inshore waters of the Outer Banks. Because of this, coverage of the site varies greatly over time as the sands are shifted by storms. The most easily locatable element of the wreck is the paddlewheel

shaft, which rises to within 5 ft. of the surface. The shaft is approximately 9 in. in diameter, and stands upright out of the sand. It is capped by a large (2-3 ft. long) crank head. At the base, level with the seafloor in 2012, is a round metal plate approximately 5 ft. in diameter, one of two that would form the core of the paddlewheel hub. A number of rivets were visible in lines radiating from the center of the plate, indicating where the spokes of the paddlewheel would have been attached, but any extant remains of those spokes were buried at the time.

At the opposite end of the site, approximately 30 ft. south-southeast of the paddlewheel shaft, two engines lie parallel to the shore. At the northern end of each is a large cylinder, measured at 54 in. in diameter across the top of the cylinder in 2012. The piston rod emerging from the cylinder of the east engine is capped by a crosshead. Originally, this would have been attached by drive rods on either side to large levers at the base of the engine, the typical feature of the side-lever type steam engine. Although these levers were mostly buried at the time, they were partially visible at the seafloor. The east engine is largely collapsed south of this main cylinder, but several additional features were noted on the west engine, which measured approximately 15.6 ft. in length. Immediately south of the cylinder, the metal frame of the engine comes to a peak at its highest point, approximately 11 ft. above the seafloor in 2012. Beyond this is a box-like component believed to be the condenser. A second cylinder measuring approximately 28 in. in diameter and capped by a crosshead sits after the condenser, thought to be the air pump. A short distance beyond this, the two side levers at the base of the engine are joined by a crosstail, which would have connected the motion of the engines to the drive shaft for the paddlewheels through a drive rod in its center.

The remains of a boiler are located between the engines and paddlewheel shaft but further east and closer to the paddlewheel shaft, measured as approximately 30 ft. from the engines. The boiler is heavily damaged and

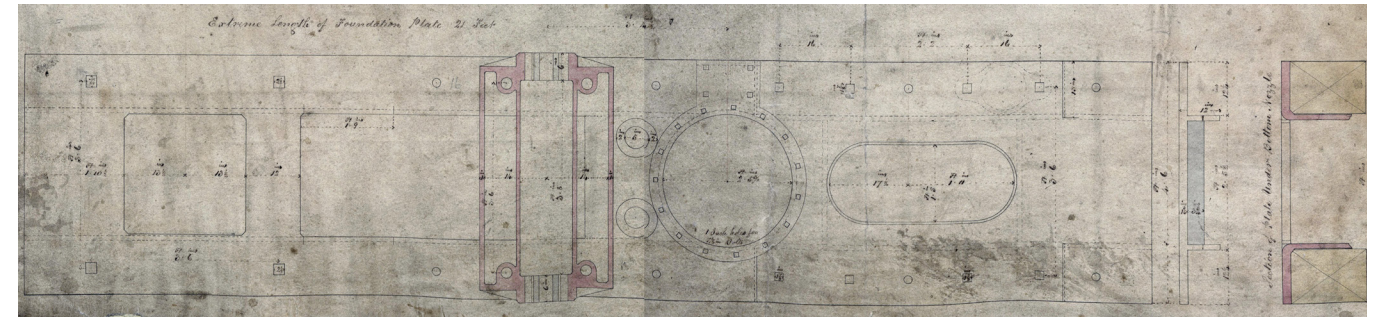


Figure 2 – Detail of a Neath Abbey Ironworks engineering drawing depicting the plan view of a foundation plate for a condensing side-lever engine built for *Mountaineer*. Note the rectangular area in the center, indicating the location of the condenser with gudgeons for the side levers and the circular area immediately to the right, indicating the location of the air pump cylinder. (Image Courtesy of the West Glamorgan Archive Service: D/D NAI/S/35/3).

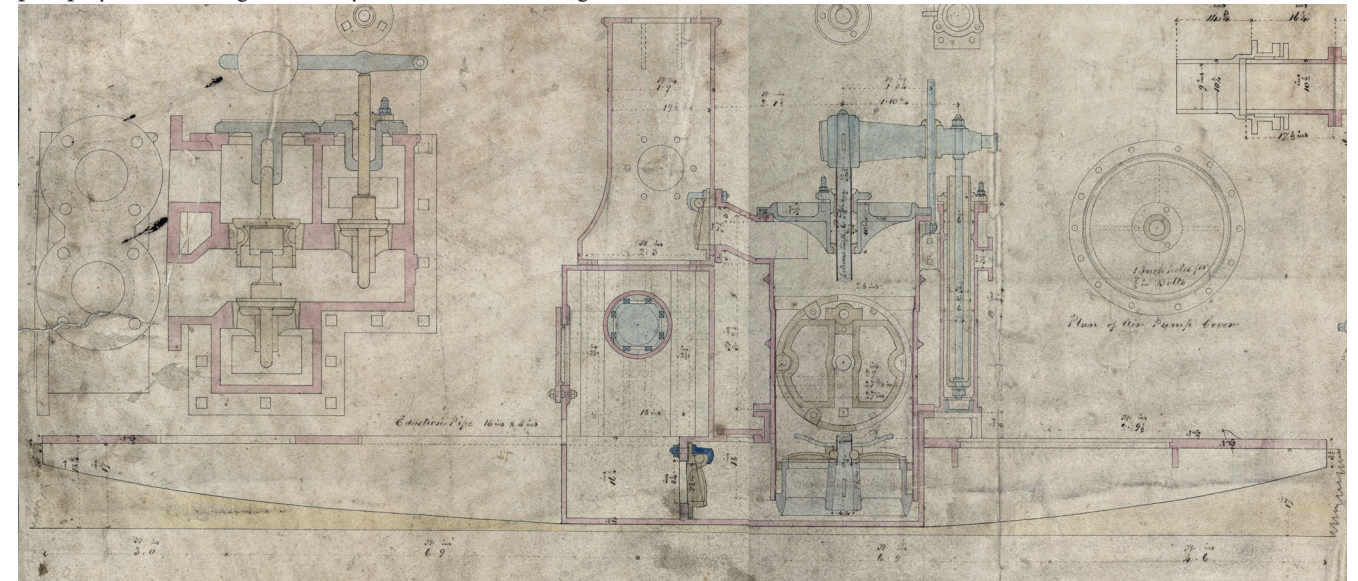


Figure 3 – Detail of a Neath Abbey Ironworks engineering drawing depicting the profile view of the condenser (left) and air pump (right) for a condensing side-lever engine built for *Mountaineer*. Note area on condenser indicating location of gudgeon for side lever. (Image Courtesy of the West Glamorgan Archive Service: D/D NAI/S/35/3).

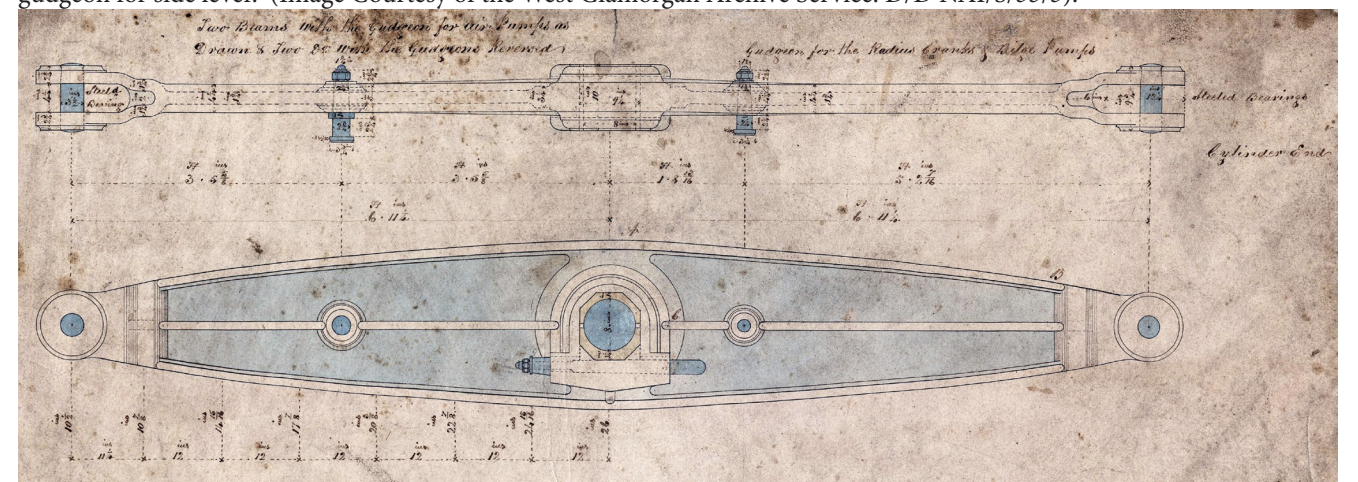


Figure 4 – Detail of a Neath Abbey Ironworks engineering drawing depicting the plan and profile views of a side lever for a condensing side-lever engine built for *Mountaineer*. Note that the right end is the connection to the main cylinder, while the left end is the connection to the paddlewheel shaft. Two gudgeons are also indicated, one on the right to drive the radius crank and bilge pump, and one on the left to drive the air pump. (Image Courtesy of the West Glamorgan Archive Service: D/D NAI/S/35/5).

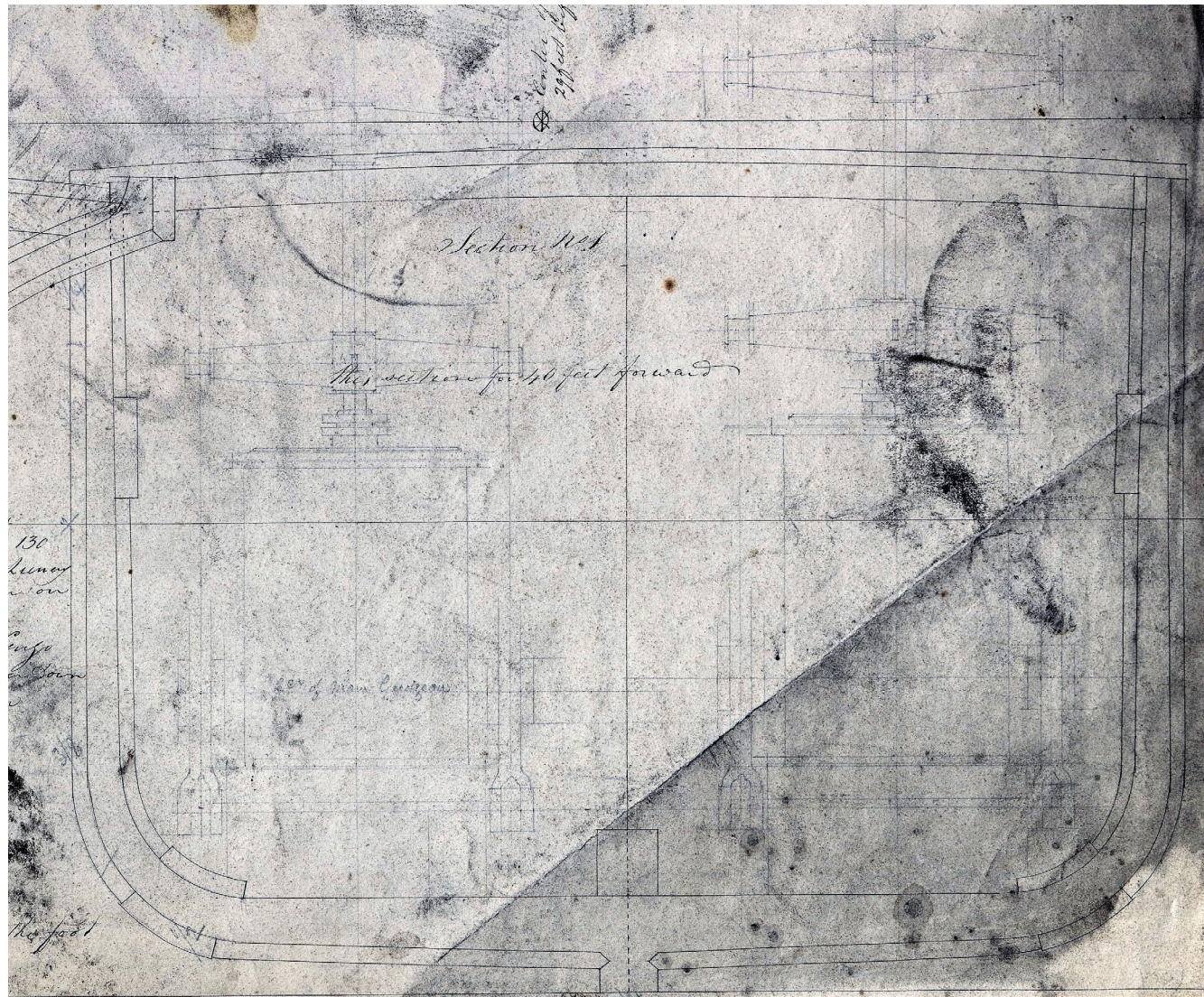


Figure 5 – Detail of a Neath Abbey Ironworks engineering drawing depicting a section of the hull of *Mountaineer* including the main cylinders of the two condensing side-lever engines. Note that rim of cylinder extends past the diameter of the main cylinder wall. Note also that motion of the piston carries the crosshead above the deck. Additional drawings from the series indicate iron boxes were placed on the deck to cover the area where the crossheads emerged. (Image Courtesy of the West Glamorgan Archive Service D/D NAI/S/35/38).

appears to have possibly exploded. The iron plates forming its outer shell flay out in multiple directions and other features are severely misshapen. The poor state of the boiler made measurements difficult, but it was measured as approximately 14 ft. by 9.5 ft., rising approximately 7 ft. above the seafloor in 2012. A cluster of what appeared to be fire tubes was visible in the upper portion above what appeared to be a cylindrical furnace. Its features most closely correspond to a return tubular type boiler, but the damage makes its shape difficult to distinguish, and it could be either a box type or the cylindrical Scotch type.

Unfortunately, time constraints of the field school limited field research on the Winks Wreck to the single dive described above, and no additional information about the wreck was gathered first-hand. Initial efforts at correlating the features of the Winks Wreck to vessels known

to have wrecked in the area proved fruitless until conversations with Marc Corbett, a diver and historian from Wanchese, NC, who shared his research into the wreck. Corbett was the first to draw connections between the Winks Wreck and *Mountaineer*, which he later discussed in an article published on the DiveHatteras website. In identifying the wreck, his reasoning begins with a list of ships known to have wrecked around Kitty Hawk. David Stick, in his book *Graveyard of the Atlantic* – perhaps the most comprehensive accounting of ships lost off the North Carolina coast – lists only three ships as having wrecked in the area: *Tzenny Chandris*, *Bladan McLaughlin*, and *Mountaineer*.⁵³ Corbett quickly dismisses two of these vessels, noting that *Tzenny Chandris* is too large and modern to correspond to the Winks Wreck, and that the engines of *Bladan McLaughlin* were salvaged. This leaves *Mountaineer* as the only viable

identification among the documented wrecks at Kitty Hawk. Corbett further argues that, as the side-lever type steam engine was almost exclusively used in British rather than American vessels, that a British-built ship such as *Mountaineer* would be the most likely identification. Although the reported distance south of Currituck Inlet does not align exactly with the location of the Winks Wreck, he further notes that it is not uncommon to find such inaccuracies in reports from the time, as distances along the coast were not always easily determined.

Corbett also describes several additional features of the site that were not visible during the 2012 survey. Wooden hull remains fastened with bronze or copper fasteners are sometimes visible underneath elements noted in 2012. Further north from the upright paddlewheel shaft, the corner of a large metal box is sometimes seen. To the east of the engines, a paddlewheel assembly lying on its side and including both hub plates, the remains of at least one spoke, and the shaft with crank head, has sometimes been observed. Sand coverage on the site varies greatly over time, and Corbett notes that depth at the site varies from as deep as 20 ft., revealing the sections of the hull that are normally buried, to as shallow as 6 ft., covering most of the wreck.

Historical research since 2012, has rendered additional details about the vessel, which may be correlated to the features of the Winks Wreck, strengthening the argument first forwarded by Corbett. At a basic level, the machinery present on the site matches that known to have powered *Mountaineer*. As noted, *Mountaineer* was a side-wheel steamer, which matches the two paddlewheels with long drive shafts at the Winks Wreck. It was powered by a pair of condensing side-lever steam engines, like those on the site. Further, in 1846 its original boiler was replaced with a tubular type boiler, like that on the site.

As discussed by Corbett, the side-lever type steam engine was not commonly used in American ships, and immediately suggests the wreck is that of a British

vessel. It should also be noted that while both side-lever engines and tubular boilers were common, and would normally serve as strong evidence for vessel identification, the combination of the two was not common, even among British vessels. The side-lever engine was the first type commonly used on steamers, but beginning in the 1840s it was largely replaced by smaller, more efficient engine types, such as double-cylinder and oscillating type engines.⁵⁴ A type of tubular boiler identified as the precursor to Scotch type boilers was patented in 1831, but the larger flue type boiler remained most common among merchant vessels until the 1860s, and tubular types were only infrequently used beginning in the late 1830s and through the 1850s.⁵⁵ Thus, while the type of engines and boiler present at the Winks Wreck existed contemporaneously, they would not commonly be observed together, as side-lever engines fell out of common use nearly two decades before tubular boilers became common. It would, therefore, be unlikely to find this combination of machinery apart from a vessel such as *Mountaineer*, which was built during the heyday of the side-lever engine, but was fitted with a new boiler when the tubular type was becoming more common.

Although the recorded wrecking location and machinery of *Mountaineer* match the features of the Winks Wreck, there is reason to pause at this time in making a definitive identification. In late 2017, the author located engineering drawings from the Neath Abbey Ironworks for *Mountaineer's* engines (Figures 2-5), which depict engines of a similar layout, but with measurements that do not exactly match those recorded in 2012.⁵⁶ The plans depict engines with 45 in. diameter main cylinders at the stern end. Forward of this, in the center of the engine, is the box-shaped compressor with gudgeons for the side levers, measuring 57.6 in. at the widest point. The cylinder for the air pump sits directly forward of the compressor, and measures 29 in. in diameter. The overall length of the foundation plate for the engine, which was fitted around large engine timbers, is 21 ft. Drawings of the

side levers show that the distance from the crosshead of the main cylinder to the center gudgeon was 6 ft. 8 in., while the crossbar for the air pump connected another 3 ft. 5 in. forward of that. Overall, the length from the crosshead of the main cylinder to the crosstail at the forward end was 13 ft. 10 in. For comparison, three measurements were recorded on the complete west engine in 2012: the overall length of the engine from the stern end of the main cylinder to the crosstail was 15.6 ft.; the air pump cylinder measured 28 in. in diameter; and the main cylinder measured 54 in. in diameter. It was also noted at that time that the main cylinder was thought to be the widest point of the engine.

The difference of 1 in. between the diameter of the air pump cylinder as recorded in 2012 compared to the plans is not significant, but the other two measurements give pause. Given the two diameters of the main cylinder – 54 in. recorded in 2012 and 45 in. in the engineering drawings – it is possible the measurement was transposed or misunderstood by divers during the survey. It is also possible the 54 in. measurement is correct, but that it does not correspond to the diameter of the cylinder itself. A profile drawing of the engine cylinders among the engineering drawings depicts that the rim of the cylinder extends further than the main section, measuring 49 in. rather than 45 in. in diameter. As the 54 in. measurement was taken across the top of the cylinder, it is possible that enough material has been added to the rim through corrosion and concretion to add an additional 5 in. to the diameter, producing the 54 in. measurement. In the case of the overall length of the engine, the radius of the cylinder must be added to the 13 ft. 10 in. length from the center of the cylinder to the crosstail shown in the plans in order to render the full length from the stern end of the cylinder, which is 14 ft. 8 in. This is still nearly a foot shorter than the length recorded in 2012, but as the measurement was made with a fiberglass measuring tape, the tendency of such tapes to stretch and move underwater may explain the difference.

In summary, the location of the Winks Wreck fits with the reported wrecking location of *Mountaineer*, the type of machinery present at the Winks Wreck matches that known to have been used on *Mountaineer*, and the uncommon combination of side-lever engines with a tubular boiler means it is unlikely another ship with the same combination would have wrecked in the area. However, given presently available measurements, the identification of the wreck cannot be considered definitive, as they differ significantly in some places from those shown in engineering drawings for *Mountaineer's* engines. These differences likely stem from inadequate rigor during the short, student-led survey in 2012, and all are close enough that the identification cannot be ruled out solely on this point. As such, a more definitive identification of the site will require further, more rigorous survey to more thoroughly document the site. The thirty-eight pages of drawings from the Neath Abbey Ironworks provide measurements for myriad parts from the engines, all of which could be compared to new, better field measurements to better answer the question of the identity of the Winks Wreck.

Such research is well warranted given the nature of the site and its potential significance if the identity as *Mountaineer* is confirmed. As Corbett notes in his article, because the wreck is located such a short distance offshore, it has long been popular among free divers and spear fishers, and is equally easily accessible by SCUBA divers. Such easily accessible, inshore sites are vital links to the heritage of North Carolina. The concept of the Graveyard of the Atlantic is integral to the history and identity of the Outer Banks, and as noted by one columnist writing about a dive on the Winks Wreck, “The wrecks that dot our coast and the lives that were saved from the surf provide a direct physical link to a part of our state and national maritime and cultural history.”⁵⁷ Given this, it is important to not only understand the wreck as another victim of the Graveyard of the Atlantic, but also to understand what role it played before that tragic end.

If the identity of the wreck as *Mountaineer* is confirmed, then that role was indeed a significant one, albeit primarily in British rather than American history. *Mountaineer* is directly associated with a number of significant historic events and trends in the nineteenth century. From the beginning, it appears to have played a role in William Patterson's selection to construct *Great Western*, a significant vessel in the history of the transatlantic steam service. It was involved in the booming copper smelting industry of South Wales, which dramatically transformed that region through the nineteenth century. It was in the water saving lives during the Night of the Big Wind, one of the worst storms to strike the British Isles in the past 500 years. It was part of the network that opened trade with the continent during the Hungry Forties, as Europe was rocked by the events that led to the Great Famine in Ireland. In the aftermath of that famine, it then ferried hundreds of emigrants on the first leg of their voyage out of Ireland. While many vessels were involved in any one of these events, the story of a single vessel that worked through all of them is uniquely compelling. As such, if the identity of the Winks Wreck as *Mountaineer* is true, it expands its significance as a direct, physical connection to not only the history of the Outer Banks as the Graveyard of the Atlantic, but many of the most important events in Europe in the nineteenth century. With this in mind, as research on the site continues, nomination to the National Register of Historic Places and designation as a Historic Shipwreck Preserve or Heritage Dive Site to provide better opportunities to preserve and interpret the site for the public should also be considered.

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Modern Greece:

A Revised History for the English Blockade Runner

by Chelsea Rachele Freeland



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Introduction

The English blockade-runner *Modern Greece* ran aground just outside Wilmington, North Carolina, at Fort Fisher on June 27, 1862, during the American Civil War. The ship attempted to break through the Federal blockade, which stretched from Cape Henry, Virginia, to the Mexican border at its weakest point: the port at Wilmington. Wilmington was the last Confederate port to fall during the Civil War. Because of its location twenty-eight miles up the Cape Fear River, it was easily defendable and saw a large volume of blockade-runner traffic. Fort Fisher, which sits at the edge of Cape Fear, protected the port city. Unfortunately, the ship was ill designed for blockade running, drafting more than 17 ft., and ran aground just outside the mouth of the Cape Fear River.

The ship was an important vessel for the Confederate Army as it carried cannon, smaller guns, and ammunition desperately needed to defend Wilmington. Because of this, the men at Fort Fisher salvaged many guns immediately following the wreck.¹ This included a few small cannon and rifles. Approximately 200 tons of gunpowder, along with the rest of the supplies (including other artillery), however, remained on the seafloor. In addition to munitions, the blockade-runner carried luxury goods for sale at auction including clothing, spices, and liquor. Some of these were salvaged upon wrecking and sold in Wilmington soon thereafter. In 1962, divers from the Naval Ordnance School at Indian Head, Maryland, participated

in a salvage excavation to partially recover artifacts from the hundred-year-old wreck, which had been exposed from its resting place by a violent spring storm.² Early conservators treated some artifacts, and placed the rest into wet storage containers in the ground that were open to the elements for roughly fifty years. In 2012, the North Carolina State Underwater Archaeology Branch (NCUAB), in cooperation with East Carolina University (ECU) students, catalogued and rehoused thousands of artifacts from the wreck.³ This sparked a renewed interest in the conservation of these objects and their archaeological value for both North Carolina and Civil War studies.

The purpose of this research is to track the early history and movements of *Modern Greece* as the ship crossed the Atlantic on its final voyage into the Confederacy in 1862. Leslie Bright, the primary conservator for the *Modern Greece* cargo, published a catalog detailing some of the ship's contents and the ongoing process of conservation for the different material types. According to Bright, "Little is known of the vessel prior to her sinking."⁴ This work is the only source dedicated to *Modern Greece* and serves the purpose of the book, but is limited by its scope and age. Most publications referring to the ship cite Bright's work and thus have limited potential for differing interpretation. The recent digitalization of British and American newspapers, along with dedicated archival research, allows for a more nuanced history of the ship from England to Wilmington. Because of

the ship's importance to not only Civil War history, but also the history of underwater archaeology and waterlogged artifact conservation, accurately assessing the ship's timeline is a valuable contribution to continued work on *Modern Greece* and its cargo.

Modern Greece in England

The first indications of *Modern Greece* in the historical record are listings in *Lloyd's Register* and the *British Mercantile List* for 1860.⁵ These sources indicate the shipbuilding firm of Richardson, Duck & Co. in Stockton-on-Tees, England, built the ship in 1859. It had a registered tonnage of 753 tons under the "old system," but 512 tons under the new, put into place January 1, 1836. This "New Measurement" came from the Acts 5 & 6 William IV, c. 56, and dropped the tonnage of most ships to 2/3 or 1/2 their tonnage under the old system.⁶ Lloyd's lists both tonnages, while the *Mercantile List* only has the new measurement. Throughout the historical record, however, it is usually listed at roughly 750-1000 tons, suggesting that the old system was still the most recognizable measurement.⁷ *Modern Greece* was a "mechanically certified" steamer with a screw propeller system running at 120 horsepower.⁸ The ship also had four bulkheads. The overall length was 210-224 feet, with a 29-foot beam.⁹ It is clear that the original function of *Modern Greece* was as a merchant cargo vessel, given its large size.

The original owner was Stefanos Theodoros Xenos, a Greek shipping merchant based in London, who owned the Greek & Oriental Steam Navigation Company. This company traded along the Danube and throughout the Mediterranean.¹⁰ Xenos wrote a book about his business, giving details about his fleet and shipping routes unrivaled by other sources. Though inherently biased against businesses that stifled his trade empire, this source provides information about the vessel's early history.¹¹ Additionally, other scholars have used this book to account for records of Greek shipping along the Danube and in and

out of London.¹² *Modern Greece* makes its way into this account as a new ship bought from Richardson, Duck & Co. in 1860 to grow Xenos' shipping fleet.¹³

Xenos' narrative continues after this, glossing over the individual ships involved in his Danube and Levant trading routes, and instead focusing on his interpersonal communications with various lenders and stockholders. The next mention of *Modern Greece* comes when Xenos mortgaged the ship against loans made to the company Overend, Gurney, and Co. This company is the focus of the book, and Xenos does not portray it in a favorable light. It is obvious, however, that Xenos mortgaged *Modern Greece*, along with several other ships, to this company in order to provide credit to continue running his trading business.¹⁴ Overend, Gurney, and Co. then offered to sell the mortgaged ships to Zachariah Pearson, a local merchant from Hull. Pearson paid £80,000 for *Modern Greece* and five other "large steamers."¹⁵ At this point, sometime between 1860 and 1861, Stefanos Xenos was no longer in control of *Modern Greece*, as the ship was transferred to Pearson, backed by Overend, Gurney, and Co.

Zachariah Charles Pearson was a prominent figure in his town of Hull, England. He held several political offices, including High Sheriff in 1859 and Mayor of Hull in 1861.¹⁶ His prominent place in English society, even on a local level, meant that newspapers consistently published his exploits. These articles are a valuable source of information regarding his financial standing and the fate of his ships. He was the managing director of the Intercolonial Royal Mail Steam Company: the company his new ships joined.

Pearson presumably put his ships into the blockade-running trade because of the potential profit. Early in the war, the blockade was not nearly as effective as it was in later years, meaning that more blockade-runners could avoid the Federal cruisers.¹⁷ Browning asserts that, during 1862, blockade-runners had only a 1/8 chance of sinking or falling victim to the Federals.¹⁸ In addition to a high first-time

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success rate, authors consistently cite blockade-runners as being extremely profitable in their enterprises: importing necessary munitions and luxury goods to the Confederacy and exporting cotton to England.¹⁹ Xenos offers an additional explanation for Pearson's bold decision to put his ships at significant risk:

Pearson, who had not a regular line, but merely ran his steamers on simple jobs to the sea – here was he, I say, at the head of an armada far larger than he could find work for, pay, or manage... And what was the result? It was not long before Zachariah Pearson saw his real position. He determined upon a *coup de main* that would at once seal his fate. The American War was then at its height. He resolved to run the blockade of the Southern ports. Some of my former vessels were to be employed in this service.²⁰

In 1862, English and Scottish firms, rather than Confederate businesses, were almost exclusively the investors for blockade running expeditions.²¹ In this vein, it was common for an English merchant to attempt to run the blockade for enormous gain. Pearson collaborated with Caleb Huse, the main Confederate supply agent in Britain, to supply the Confederacy with military and luxury goods.²² Once Pearson made this decision, however, he had to secure funding and supplies for the expedition. Edward Lawrence was hired as the charterer for the trip: securing financial backers and cargo.²³ William Joshua Grazebrook, a Liverpool merchant, and Horace Chavasse, a sword manufacturer from Birmingham, bought arms and ammunition to sell at a profit once *Modern Greece* made it to the Confederate States. Thomas Barrett Powers was the supercargo for the vessel, the representative for the owners of the cargo responsible for its eventual sale. He probably traveled with the ship from England to the North Carolina, but there is no indication for this in the historical record.

During the Civil War, it was common for large merchant vessels to take bigger cargo loads to Bermuda or the Bahamas where representatives would distribute the goods to smaller, faster vessels to run the blockade.²⁴ In 1862, however, blockade-runners were not yet being purpose-built for the task, as evidenced by *Modern Greece's* history as a merchant vessel.²⁵ *Modern Greece* was large enough to cross the Atlantic with ease, allowing Pearson and Lawrence to control the cargo on their end in Hull and Liverpool. The ship loaded coal in Cardiff, guns and other military cargo in Liverpool, and luxury goods in Hull, Pearson's home city.²⁶ It then sailed out of Falmouth on the southwestern tip of Britain towards Madeira, a Portuguese island. Vandiver's *Confederate Blockade Running Through Bermuda: 1861–1865*, a well-known, though not comprehensive, source for Caribbean transfers, does not have a record of the vessel.²⁷ This is not to be interpreted as clear evidence that the ship did not transfer goods in Bermuda, but it may indicate that the ship did not stop in Bermuda. Crewmembers' accounts of the voyage support this inference as there is no reference to the island.²⁸

An account from the crew of *Modern Greece*, however, states that the ship docked in the Caribbean, even if it did not pick up supplies there.²⁹ The crewmembers who returned to England after the ship wrecked gave a detailed testimony about the vessel's route and their activities in Wilmington. The ship left Hull on April 23, 1862, ostensibly bound for the neutral ports of the West Indies. The vessel's engines failed about fifty miles off St. Thomas, then owned by Denmark, but now part of the U.S. Virgin Islands. The decision to stop at St. Thomas was not accidental. The island was the headquarters of the Royal Mail Steam Packet Company and boasted some of the best repair facilities in the Caribbean.³⁰ At St. Thomas, local engineers repaired the engines quickly, and the crew steamed for the Bahamas. The crew mentions nothing at this time about loading cargo onto the ship in either St. Thomas or Port Nelson in the Bahamas, again suggesting that all the freight came directly from England. Their

listed port after Port Nelson was Halifax, Nova Scotia. Instead, the crew and their ship made the run to Wilmington, North Carolina, to challenge the blockade.³¹

There is a limited amount of information, from the owner or otherwise, about the decision to run to Wilmington. Wilmington was neither the largest, nor the most active of the Southern ports, even on the Atlantic, falling well behind Charleston. While the city later became the "most important blockade-running port of the Confederacy," in 1862, it was not yet the main hub for overseas commerce.³² *Modern Greece's* draft was also too deep for entry into the port. Drafting more than 17 ft., the large vessel was already in danger of grounding at the shallow entrance, even without the added pressure of a nighttime run past the North Atlantic Blockading Squadron. Wise states that the entrance to the Old Inlet was 10-15 ft. to the sandbar, while the New Inlet was even shallower.³³ McKean says ships that drew 12 ft. could pass through New Inlet, while Old Inlet was slightly deeper, corroborating Wise.³⁴ In either case, *Modern Greece* would have needed a high tide and a few more feet of water to pass safely into the port city.

Additionally, *Modern Greece* suffered from an accident of timing. In June 1862, before the ship steamed for Wilmington, the admiral in charge of the North Atlantic Blockading Squadron, Louis Goldsborough, increased the number of ships present on the coast of Wilmington to nine.³⁵ Previously, only three ships had covered both inlets (one steamer and two sailing vessels), making passage fairly easy through either channel, particularly if one of those three was off to coal or transport supplies in Hampton Roads, Virginia. By May 1862, this number increased up to six steamers, and finally to nine by June of that year.³⁶ This change in the blockading pattern may have been instrumental in changing the fate of *Modern Greece*; the trip went from an almost assured success, to significantly more dangerous.

Running Aground

Scholars have previously attempted to recreate the events that transpired at Fort Fisher on the morning of June 27, 1862, when *Modern Greece* ran aground. The most relevant of these is the aforementioned historical overview of *Modern Greece's* wrecking by Bright. Bright's report comes almost exclusively from the reports of the Union blockaders USS *Cambridge* and USS *Stars and Stripes*. This focus excludes some accounts and is necessarily narrow, as the blockaders never landed at Fort Fisher, were not involved in the salvage of the ship, and relied heavily on second-hand information for their reports.³⁷ Bright presents a more detailed account of the salvage endeavor, this time relying on the *Official Records* of the armies and navies and local newspaper reports from Wilmington.

This section attempts to piece together a more complete story from the blockaders' reports, as well as information from the crew of *Modern Greece* and the soldiers stationed at Fort Fisher involved in the defense and salvage of the ship. Equally helpful sources include records of 11th Regiment North Carolina Troops and more in-depth accounts from local newspapers about the nature and reasoning behind the salvage. Bright states that the blockaders' accounts are not fully reliable due to their necessary distance from the fort and the proceedings.³⁸ This section explores the difference between the four sides of this story: the Union blockaders, the English crew of *Modern Greece*, the North Carolina soldiers at Fort Fisher, and the local civilians in Wilmington.

Of the sources, the Union naval records are the most complete in their coverage of the wrecking event.³⁹ The blockade commanders also completed these reports shortly after the event, perhaps one month later. The blockader captains, however, wrote these reports to defend their actions to their superior officers, including the reason that *Modern Greece* was able to pass through the blockade and Confederate soldiers were able to retrieve some of the cargo. In this way, the

reports are exaggerated when describing the amount of damage they inflicted on the steamer and their continued actions to prevent salvage. The account from the crew of *Modern Greece* should be the most accurate as they were on the ship, made the decision to ground the vessel, and participated in the salvage operation.⁴⁰ It is important to note, however, that this account comes almost a full year after *Modern Greece's* wreck in Wilmington. Once the crewmembers had returned to England, they described the account for a newspaper, and such a long time-delay may have altered the series of events. Macon Bonner's account from 1862, written in a letter home to his wife, is dated June 29, making it the contemporaneous source on the subject.⁴¹ It is closer to the time of wrecking than even most of the newspaper accounts. Bonner's unique perspective as a soldier stationed at Fort Fisher and involved in the salvage makes his account reliable, excluding perhaps some exaggeration concerning the fort's triumph over the Union blockaders.

Modern Greece approached Wilmington via the New Inlet into the Cape Fear River early in the morning of June 27, 1862.⁴² These records do not indicate why the heavy ship chose the shallower entrance. The sailors on-board the ship said that two of the Union blockaders were actively patrolling the entrance, saw *Modern Greece* immediately, and began firing.⁴³ They also stated that none of the shots fired while they were still on the ship hit the vessel. Several burst above the deck, and some flying shrapnel caused damage to windows, but the shots of the Federal gunboats did not penetrate the hull at this time. Captain Parker, of *Modern Greece*, fearing further attacks, "found [it] necessary to run the vessel ashore close under the fort."⁴⁴ After the ship had grounded, the crew and passengers retreated to land in the lifeboats.

The navy records tell a more detailed story of their own actions, though they are necessarily limited in scope by their viewpoint and audience. Commander William A. Parker, of USS *Cambridge*, reported "on the morning of the 27th of June, at 4:15 o'clock, a large steam

propeller, schooner-rigged, and about 1,000 tons burden, was descried under the land about three miles from Federal Point batteries."⁴⁵ At this sighting, his gunboat began the chase, shooting at *Modern Greece* with a Parrot rifle. After this primary attack, the blockade-runner raised the English flag and moved quickly to the channel, where Commander Parker states that the ship "necessarily beached, in consequence of our continually firing upon her," giving little credit to the captain of the steamer in his decision to ground the vessel.⁴⁶ The Federal cruisers then saw the crew take the lifeboats to shore, though the report does not include any mention of passengers.

Commander Parker also reports that the ship was painted slate gray, thus enabling it to blend into the hazy sky along the coast as it sailed towards the channel.⁴⁷ Flag-Officer L.M. Goldsborough, who reported to the Secretary of the Navy, Gideon Welles, requested additional information about the encounter. This came from Lieutenant R. S. McCook, of the USS *Stars and Stripes*, corroborating the story of Commander Parker, again due to the "success" of *Modern Greece* in slipping past the blockaders.⁴⁸ Under the command of the USS *Cambridge*, McCook's ship also began firing on *Modern Greece* as soon as it came into view. McCook's account matches that of Parker to the point where the crew of *Modern Greece* left the ship.

After the crew abandoned the ship, the two Federal gunboats continued firing on *Modern Greece* and the crew, as reported by both Commander Parker and Lieutenant McCook.⁴⁹ In an attempt to sink the ship, making recovery of supplies impossible, the two Union ships tried to approach the grounded vessel. The guns of Fort Fisher chased them off, preventing the two Union ships from getting close enough to inflict serious damage to the hull of *Modern Greece*.⁵⁰ McCook states that at least two of his shots might have entered the hull, but off a ricochet rather than a direct broadside hit. The barrage continued until 7:00 a.m., roughly 2.5 hours after the first shot, when Commander Parker ordered them to stop firing for breakfast.

Meanwhile, the crewmembers were making for Fort Fisher through the low shoals and up the beach. The newspaper account states that, "the Yankees continued firing...the shots still flying about in all directions," suggesting that, in addition to aiming for *Modern Greece*, they were also trying to prevent the crew from reaching the fort.⁵¹ At this time, however, the soldiers at Fort Fisher were aware of the ensuing conflict off the point, as they were returning heavy fire at the Union ships. The crew account confirms that the Union shots were ill placed, and did not injure or kill any of the crew on their way up the beach; they were "harmless."⁵²

Commander Parker states that they struck the ship several times, a fact contested by the crew, who said, "the gunboats did not succeed in doing much damage to the ship, for they only put one shot on board, having to pay some attention to the fort, which kept them off."⁵³ The naval records are possibly a more accurate source than the crew in this instance, however, the ships were much too far away from *Modern Greece* at this time to truly distinguish their own shots against those coming from the fort.

After the pause in firing for breakfast, the commanders of USS *Cambridge* and USS *Stars and Stripes* conferred about their future course of action. After coming to the conclusion that they would be unable to severely damage the ship from their current positions, given the fort's heavy artillery fire, they discussed the possibility of sending light boats to burn the ship. This was dismissed as the light boats would certainly be hit by the guns at Fort Fisher, probably without doing damage to *Modern Greece* first.⁵⁴ Commander Parker dismissed alternative strategies, such as leaving Lieutenant McCook to shell the blockade-runner while he went to retrieve reinforcements because of logistical and time concerns. After a while, both ships simply steamed out of range of Fort Fisher and attempted to shell *Modern Greece* during the course of the day as the soldiers tried to salvage cargo from the ship.⁵⁵ In fact, Confederate

Lieutenant Macon Bonner's account gives little credit to the Union soldiers, saying:

The Yankees came within two miles. We fired at them struck one in the bow and...hit a shell between the masts of the other. The dastardly cowards turned heels and...We fired [guns] Three Times, now they are lying off about four miles, looking at the "Rebels" unloading.⁵⁶

Regardless of the attempts made against the ship, *Modern Greece* did not catch fire or explode from its cargo of gunpowder. Bonner's account corroborates the crew in saying that the Union ships did not do any serious damage to the ship's structure, and that the Confederate shots did little to damage it either, preserving the cargo intact.

Salvage of Goods

The biases of most of the sources relating to the salvage have been discussed previously, but their differences become more pronounced after the initial wrecking event is over. This highlights the problems the Union navy had with intelligence in Confederate territory. Additionally, there are distinct differences in the accounts from the crew, the locals in Wilmington, and the soldiers at Fort Fisher regarding the length of time dedicated to the salvage of *Modern Greece*. Adding to the confusion is the fact that Fort Fisher switched commanders during the salvage period. Eight days after *Modern Greece* ran aground, Colonel William Lamb relieved Major John Jackson Hedrick as the commanding officer at the fort, essentially taking over the project of cargo retrieval mid-action.⁵⁷ This creates an awkward record gap between the two commanders, leaving no official account of the wreck and salvage from Fort Fisher.

Other secondary sources that have attempted to unravel this story are conflicted as well. *Blockade Runners of the Confederacy*, by Hamilton Cochran, is an excellent example of the problem with scholarship preceding the 1962 *Modern Greece* excavation. Cochran's

book, published in 1958, states that *Modern Greece* “was blown to smithereens by a well-placed shell from the fort. It was a grand explosion, for she was carrying 1,000 tons of gunpowder for the Confederate Army.”⁵⁸ After retrieving cargo from the ship in 1962, archaeologists know this is not the case.⁵⁹ Oddly, historical sources also disprove this statement, making this source distinctly unreliable in this case. Civil War scholarship will benefit greatly from a more detailed look at the salvage process, including the decisions by commanders and the roles of soldiers.

Major participants in the salvage

The first aspects of the salvage to consider are the people involved in the process. A number of high-ranking officers participated in the salvage of *Modern Greece*'s cargo. During the months of June and July, however, there was a shuffle of officers in the Cape Fear area, resulting in disjointed records and inconsistencies with the salvage operation. The highest-ranking officer in the area was Brigadier General Samuel Gibbs French, who held command of the District of the Cape Fear, which encompassed Forts Fisher and Caswell and the town of Wilmington. He arrived on March 22, 1862, and was responsible for the delegation and personnel assignments of *Modern Greece*'s salvage, though he had little personal involvement in the operation itself.⁶⁰ General French was transferred quickly on July 15 of the same year, creating several problems for the area. First, French was not replaced immediately, creating a power vacuum of temporary commanders who did not know the military operations or strategies of the fort. Second, loss of the general dropped the status of the area and the Cape Fear lost its standing as a district, possibly creating confusion in the chain of command.⁶¹

The ranking officer at Fort Fisher during the time of *Modern Greece*'s wreck was Major John Jackson Hedrick, stationed there for several months prior.⁶² The commands regarding the Confederate shelling of the ship, as well as the initial instructions for salvage, came from

Hedrick. He did not stay, however, to see the end of the salvage operation, requesting a transfer effective on July 4, 1862, just eight days after *Modern Greece* grounded off the fort.⁶³ His replacement was Colonel William Lamb, who took command over the operation immediately. It is he, and not Hedrick, who receives most of the credit in scholarly works for the recovery of goods.⁶⁴ This is in part due to his journals, which reference the salvage, and his later use of the Whitworth rifle guns recovered from *Modern Greece* in keeping the Union blockaders a solid five miles off the fort.⁶⁵

Another prominent figure in the story is Colonel Collett Leventhorpe of the 11th Regiment North Carolina Infantry. He and his regiments (11th and 49th North Carolina) were stationed briefly at Camp Lamb near Wilmington during this time. It is clear from army records that these troops were involved in the salvage operation as some of them were court-martialed after the fact for stealing goods from the vessel.⁶⁶ On July 17, Colonel Leventhorpe was advanced to command of Wilmington after the transfer of General French. His continued involvement in the area is well documented, though not in direct connection to *Modern Greece*.⁶⁷

It is slightly more difficult to ascertain which regiments were involved in the salvage process. There are records of which groups were stationed in Wilmington and Fort Fisher at the time, but that does not guarantee their involvement in the operation. The two regiments that were certainly involved were Colonel Leventhorpe's 11th North Carolina and the 3rd North Carolina Artillery (40th Regiment North Carolina Troops) Companies A and B.⁶⁸ The 3rd North Carolina Artillery was under the direct control of Hedrick, then Lamb. Macon Bonner, 1st Lieutenant in Company B, wrote letters home to his wife describing the wreck, placing himself and his company in direct involvement.

The crew of the vessel also participated in the salvage, though there is no indication of whether or not they were part of the decision-making process. A

representative for Zachariah Pearson may have been able to assist in determining which goods were salvaged and sold in Wilmington. The prime candidate for this would have been the supercargo, Thomas Barrett Power. There is no evidence for this, however, or mention of Pearson's involvement in the salvage.

Timeline for salvage

The next objective is to establish a timeline for the retrieval of cargo, including the start of the salvage, its duration, and Lamb's decision to abandon the project. The crewmembers on-board were the first line of action. They report that, immediately upon grounding the vessel, “no provisions were saved, but the men saved their clothes.”⁶⁹ This corroborates the reports of the blockaders, as they were still firing on *Modern Greece*, making abandoning ship for the fort the most reliable solution for survival. Additionally, the crew may have been concerned, like the Confederate troops, of the powder catching fire and exploding the vessel. Reports from the Union blockaders make it clear that Confederate troops began salvage attempts immediately after the wrecking event, presumably as or after the crew of the vessel reached the fort. Both ships record efforts on their part to delay salvage by continuously firing on the troops on the beach.⁷⁰ Later that day, around noon, the fort's defenses prevented the blockaders from further attempts to destroy the ship, and the salvage operations continued without interruption.⁷¹ *The Daily Picayune* reported that the shelling stopped completely on July 3, after which the salvage operation started in earnest.⁷² There is no indication that the ship was available to salvage by anyone other than the soldiers from the fort and surrounding areas.

The duration of these salvage attempts is a matter for debate. The crew states they were involved in salvage for seventeen days after the wrecking, which would make July 14 the last day of the operation. It should be noted, however, that the crew were also interested in leaving the area quickly to return to England.⁷³ This

means that the salvage operations may have continued past July 14 without the ship's crew.

A few other pieces of information can date the process. Two officers of the 11th North Carolina were court-martialed for their behavior during the salvage.⁷⁴ The reports indicate that their transgressions happened on June 28 and 29. During this time, the ship was still high enough above water that a sentry could be posted inside the ship to guard the door of the cabin to prevent theft.⁷⁵ Lamb's involvement in the salvage is unquestionable. He mentions it in his journals, and scholars attribute the bulk of the “heavy lifting” to him.⁷⁶ This means that, at the very earliest, the salvage would have ended on July 5, the day after he arrived at Fort Fisher. It is much more likely that Lamb continued with the operation well after that. A newspaper from Fayetteville reports that by July 6, most of the “valuable” cargo had been removed from the ship.⁷⁷ The newspaper report does not list the salvage as complete by this time, so presumably it continued past that date.

The *Wilmington Daily Journal* promoted a sale for July 8; it claimed to have the entire cargo of *Modern Greece* for auction.⁷⁸ This is indicative that a large enough volume of goods had been removed by this time to precipitate an auction. Additionally, this information implies that officers at the fort may have examined the goods by this time. It is clear that Fort Fisher confiscated any arms, ammunition, and gunpowder retrieved from the ship. The items for sale at the auction in Wilmington were civilian goods, such as clothes, hardware, and alcohol.

Seven additional auction announcements follow the first, for July 15, July 17, July 19, July 26, and July 31.⁷⁹ Most of these other announcements list much smaller amounts of cargo for sale, some even combining cargo from multiple steamers.

The exception is the auction announcement from July 21:

Port Wardens Sale. On Wednesday 30th inst., at 12 o'clock, M., I will sell, on the Beach, near Federal Point, under Inspection of the Port Wardens, for account of whom it may concern, the HULL, SPARS, RIGGING, ANCHORS, AND CHAINS, with all appurtenances attached to the British Iron Screw Steam Ship MODERN GREECE, of Hull, 512 Tons Register, as she now lies stranded near New Inlet Bar. A Steamer will leave here on the morning of the sale at 9 o'clock. Tickets can be obtained at my office, No. 2 Granite Row.⁸⁰

Earlier sources indicate that early during the salvage process, attempts were made to save the *ship*, not just the cargo. *The Semi-Weekly Raleigh Register* reported news from Colonel Leventhorpe on June 30: “[the colonel] has already got out and landed a large quantity of arms, &c. If the weather continues favorable during the day, he thinks he will be able to save all the cargo, and the vessel also.”⁸¹ Clearly, Colonel Leventhorpe had abandoned that goal by July 21. This gives us a clearer date for the end of salvage. The dismantling of the ship as well as the closing auctions shortly thereafter indicate that the salvage efforts ended near that time, about three weeks into July 1862.

The *Fayetteville Observer* posted an article dated July 24 that said, “the Modern Greece excitement is completely over and the blockaders have not favored us with a shot in many days now.”⁸² This is the only source for an obvious terminal date on the salvage operation. This could have been for lack of resources, or because the ship had taken on enough water to make it unsafe to board to retrieve any other goods. Additional sources have made claims for the ship’s immediate sinking, within three days of the first shots fired.⁸³ This claim, that the salvage only lasted for three days before the water and sand overtook the ship, is clearly false after reviewing the source material. Other sources present a more

realistic timeline of weeks, such as Cole and Foley’s work *Collett Leventhorpe, The English Confederate: The Life of a Civil War General, 1815–1889*, which details his particular involvement.⁸⁴ The salvage operation took at least three weeks, possibly longer, allowing the soldiers to remove a large portion of the goods on-board.

Salvage operations

The next step is examining the actual operations during this salvage and to differentiate between the soldiers’ orders and the actual events that transpired. To this end, there are no remaining records of the formal orders to begin or end salvage. There are several reasons for this. The first is that the ship did not come safely into harbor. The cargo manifests may have been lost as the ship avoided capture, rather than following protocol entering the area. Additionally, this nighttime entry would have demanded immediate attention from the fort, regardless of higher orders dictating resources. There may have been standing orders for protecting incoming blockade-runners, and *Modern Greece* required little special attention until the point of salvage. Another logistical issue has been the lack of available quartermaster and customs receipts from the city of Wilmington.

Two sources highlight the differences between official orders regarding the salvage plans and the actual events. Both are court martial decisions about the behavior of officers in the 11th Regiment North Carolina Infantry during the salvage of *Modern Greece*. The first is an indictment of Captain A.S. Haynes for “conduct prejudicial to good order and military discipline.”⁸⁵ The court charged Captain Haynes with allowing his enlisted men to steal one of the boxes of shoes from *Modern Greece* and distribute them amongst themselves, “the same being the property of British subjects.”⁸⁶ He was found not guilty on the charge. This can be interpreted in several different ways. First, though the court found Captain Haynes not guilty, it may be that his enlisted men were guilty of the crime. There is no mention of this in the records,

but they probably would have been subjected to discipline from the officer core, rather than a full court martial hearing. Second, this may highlight a lack of necessary footwear for the 11th North Carolina at this time. North Carolina was the only state to clothe its own soldiers, so supply problems here may be indicative of larger issues within the state or Confederacy.⁸⁷ Last, this case certainly presents the fact that the *Modern Greece* salvage operation was not necessarily a model of decorum. A similar case demonstrates the same point.

Captain William L. Hand was charged on two counts: one the same as Captain Haynes, the other “conduct unbecoming an officer and a gentleman.”⁸⁸ The specification deserves a full quotation:

Hand...while the British Steamer (“Modern Greece”) was lying aground near Fort Fisher, North Carolina went clandestinely into the cabin of said steamer where many articles of value were stored...and did not restrain certain Enlisted men, then and there under his command from pilfering said articles of value: the same being the property of British subjects.⁸⁹

The highlight of this hearing is that Captain Hand was accused of climbing into the cabin of the vessel through the skylight in order to avoid the sentry posted at the door.⁹⁰ The sentry guarded the door “expressly for the purpose of keeping all persons out until the cargo there stored should be discharged,” thus the charge for behavior unbecoming of an officer.⁹¹ The court found Captain Hand not guilty.

Conclusion

Newspapers provide a wealth of information about the circumstances of his loss of *Modern Greece* and estimates for its value, but the story continues back in England. It was not the loss of this vessel that was Zachariah Pearson’s downfall, however, but his loss of six other ships to the Union blockaders between May and August of 1862.⁹² In

addition, Pearson lost two ships in his Baltic trade in 1861, and another burned in dock on the Thames. The capture, wrecking, and burning of over half his fleet signaled an end to Pearson’s business. He declared bankruptcy in September of 1862. It is due primarily to this fact that there are published records about *Modern Greece*.

There are a variety of claims about the trials of *Modern Greece* and its owner in the newspapers of England. Some are blatantly false, such as the report that the ship had safely entered Wilmington, sold its cargo, picked up some cotton, and was returning to England.⁹³ This example exacerbates the need to accept published accounts with a grain of salt, particularly trans-Atlantic communications.

Whatever the actual value of his missing cargo, the wreck of *Modern Greece* had a dramatic impact on Zachariah Pearson’s life. By October of 1862, he had resigned his post as mayor of Hull, and he declared bankruptcy before the end of 1863.⁹⁴ He claims in an interview that, “all his blockade-running ventures had come to grief, and declared he was persecuted by the ‘Yankees,’ who knew that he was favourable to the Confederates.”⁹⁵ Whether this is true or not, the loss of *Modern Greece*, among his other blockade-runners (*Circassian*, *Stettin*, *Phoebe*, *Merrimac*, and *Peterhoff*) forced him into financial instability and eventual ruin.

It is clear from the source material that the story of *Modern Greece*’s wrecking and salvage is complicated and patchy. This research focused on the story and process to clearly indicate the vessel’s history from building to salvage. As for why the process ended in late July, the *Fayetteville Observer* stated that, “all [cargo] will be saved if possible.”⁹⁶ This suggests that the overall goal was, in fact, to save the bulk of the cargo before circumstances prevented the soldiers from retrieving the rest. If this is true, the published historical record is missing the piece of information that explains the reason for stopping the salvage as a whole. This corrected timeline, however, allows for a more nuanced look at early blockade-

runners in the Confederacy. Looking towards future research, multiple questions arise. What was the protocol for fort assistance of grounded blockade-runners? Why did Colonel Lamb decide to stop the salvage with cargo still on the vessel, and what does that say about Wilmington during the first years of the Civil War? Hopefully continued research on *Modern Greece* and its place in the Civil War will add to the historical and archaeological understanding of this vessel as its cargo continues to undergo conservation with the North Carolina Underwater Archaeology Branch.

Endnotes

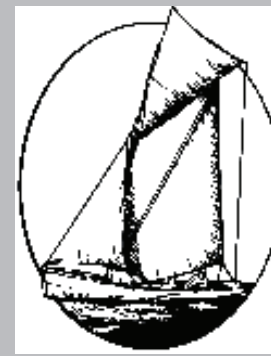
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Pirates of Morality:

The British Navy's Suppression of the Slave Trade in the Nineteenth Century

by Eric Walls

In 1807, Britain sought to rid the world of the trade in human beings from Africa used as slave labor in the vast plantation economies of the Atlantic World. This development represented the culmination of a decades long battle by a small but powerful group of abolitionists within the halls of British government.¹ Concurrently, it was the inauguration of an even longer ideological, economic, diplomatic, and military battle between Britain and the rest of the Western world. Relying on the strength of a navy that had emerged as the largest and most powerful in the world by the end of the Napoleonic Wars, Britain coupled its need to protect its economic security and hegemonic ambitions with a moral conviction that the trade was inhuman and unjust in order to justify an ambitious project of slave trade suppression that lasted for nearly a century. Britain hoped invocations of morality would shame its rival powers into accepting this new reality, regardless of quibbles over economic or hegemonic ambitions. In the process, Britain devoted enormous economic and political capital in an attempt to achieve its goal of ending the lucrative traffic in African slaves. To prosecute its policies of suppression, the Royal Navy continued a legacy of piratical strategies and tactics of often questionable legality inherited from centuries of piratical tradition, internalized into the official naval apparatus, and honed during Britain's many wars with European

maritime powers in the seventeenth and eighteenth centuries.

An array of forces stood in the way of suppression. Britain faced recalcitrant imperial rivals who often cynically viewed the Royal Navy's efforts as an example of British haughtiness and condescension as well as a cover for British world hegemony. Their navy stalked an entrenched international slave-merchant elite who sought to preserve their livelihoods at any cost. As one historian of the slave trade argued, attempting to outlaw the international slave trade was as if "the government today were to prohibit the trade in oil, and throw the whole oil tanker fleet out of business."² As a result, a worldwide cabal of clandestine slave merchants emerged, who often had the tacit approval of home governments, which frequently looked the other way as merchants and dealers conducted business despite agreements with Britain to police such activities.³ Combating these forces placed Britain on dubious legal ground. The piratical ethos that had developed over centuries of naval warfare provided Britain with not only the internal mechanisms to conduct and incentivize its policing operations, but also self-justification for its actions against those it viewed as morally corrupt despite the amorphous legal situation surrounding the slave trade and its suppression.

Britain's legacy of utilizing piratical strategies to achieve its hegemonic and imperial ambitions emerged in the days of Queen Elizabeth I as she attempted to project power on the world stage. Elizabeth was confronted by the Spanish Inquisition's depredations against English merchants in the mid-sixteenth century in the name of eliminating "Lutheranism." Elizabeth, lacking the large and highly organized professional naval force that became a feature of British hegemony in later centuries, thus resorted to unleashing private English merchant sailors armed with letters of marque and reprisal to try to recoup their losses and inflict financial and political damage on the Kingdom of Spain.⁴ Although this was technically considered privateering, the difference between piracy and privateering was one of degree, not kind. Privateering had this thin veneer of legality to give it a pseudo-legitimacy.

The advent of privateering as a legitimate practice dates to the medieval period. During that era, European powers sought to curb piratical activities by formalizing procedures for capturing ships at sea into a model acceptable to the international status quo, but consensus on legitimate and illegitimate actions at sea was constantly in flux.⁵ As noted by historian Kenneth R. Andrews, the distinction between piracy and privateering was more often than not amorphous and open to interpretation. "International law," Andrews wrote, "was in its infancy and governments freely manipulated what law there was to suit the political needs of the moment."⁶ The constant manipulation and amorphous nature of international law regulating maritime activities became the very crux of the debates over the British suppression of the slave trade in the nineteenth century.⁷

From the beginning of privateering's use as a foreign policy tactic by Elizabeth I, the lines between privateering and piracy blurred to the point of near transparency. In the words of Elizabethan-era historian Susan Ronald, English privateering "became a devastatingly blunt instrument."⁸ The seas of Europe "became positively choked

with would-be aggrieved Englishmen, boarding, ransacking, maiming, and often destroying any foreign vessel and her crew they could lay their hands on," using "whatever means they could to obtain their prizes."⁹ For English sailors, "[t]he only thing that sustained many of them was the promise of prize money or booty – not patriotism or an unswerving loyalty to the authority of the crown..."¹⁰ The lure of prize money, and the potential for the attainment of great wealth as a result, became the basis for the motivations of English sailors, especially considering the inherent dangers of seafaring in the Age of Sail and the poor pay and miserable conditions to which they were subjected. Without such motivating factors, most saw little justification for such a harsh and dangerous mode of employment.¹¹

As the British navy became more organized and professional in the seventeenth and eighteenth centuries, the government's reliance on a private force of semi-legal pirates to project its hegemonic ambitions waned. Yet, the piratical ethos that undergirded English foreign policy in the sixteenth and early seventeenth centuries was transferred almost in whole to Britain's professional naval forces in the eighteenth and nineteenth centuries. The Convoys and Cruizers [sic] Act of 1708 officially sanctioned the capture of ships as prizes by the Royal Navy and established the judicial procedures to adjudicate prize claims.¹² This form of institutionalized piracy "became not just an adjunct of war, but one of the prime instruments of strategy."¹³ By the time of the Napoleonic Wars, the system of officially sanctioned prize money awarded for the capture of enemy ships was fully integrated within the British naval apparatus. During those long wars, the Royal Navy operated under the auspices of "wartime belligerent rights," taking ships and cargoes from the merchant fleets of its enemies with near impunity.¹⁴

Although such naval policies were indeed practiced by the other navies of Europe as well, their legality remained dubious and hotly contested by all sides. As historian Robert Burroughs writes, "There is little question that during the

war, the navy operated on the fringes of, and sometimes outside, international law."¹⁵ The dominance of the large British fleet allowed it to prosecute its "war by economic means" with unmatched vigor.¹⁶ Self-justified by the necessities of war, Britain practiced policies that were essentially state-sanctioned piracy. Through such policies, Britain secured its hegemony of the seas, and sailors, most from the lowest classes of British society, secured the opportunity to gain wealth beyond their dreams.

The cargoes of many merchant vessels detained and seized by the Royal Navy during the wars of the late eighteenth and early nineteenth centuries often included slaves.¹⁷ By 1794, Britain's efforts against French shipping all but destroyed the French slave trade.¹⁸ After the British abolitionist movement finally succeeded in passing the Abolition Act of 1807, Britain's actions against slavers intensified. The new law "sanctified the Navy's role as moral guardian of Africa rather than sly buccaneer preying on French commerce."¹⁹ It was this moral shield that Britain used to justify its actions against the slave trade even after the end of the Napoleonic Wars in 1815, despite the fact that such convictions stood at odds with the laws of foreign nations. British suppression of the international slave trade was indeed "born of war" and "rested on the threat of violent force."²⁰ Suppression methods, and the base motivations of the sailors involved, were rooted in the same piratical-ethos policies that Britain utilized during war, which were themselves the legacy of both Elizabethan privateering and their piratical forebears.

Such methods and motivations, however, conflicted with the primary motivation that Britain claimed lay behind its policies and practices of slave trade suppression. There was immense tension between Britain's claims of moral superiority as the saviors of a persecuted people and its wartime policies of contested legality during times of peace that appeared to other world powers as a smokescreen to mask British economic and imperial ambition. The relationship between British economic expansion, the

slave trade, and the abolition movement was first recognized by historian Eric Williams in his still controversial work, *Capitalism and Slavery*. The "Williams Thesis" posits that British abolition only occurred because it was economically beneficial for Britain. Its transition to an industrial society necessitated the advancement of more modern capitalist policies such as free trade and wage labor, which were at odds with the slave-labor-based plantation economies of its colonies and imperial rivals.²¹ Williams argues that Britain abolished the slave trade because it wanted to break the power of its own West Indian sugar plantations and to apply its policies of suppression to others to placate the ire of those same colonial planters.²² The changing tides of British economics then led to an overall ambivalent attitude toward slavery, reflected in its often conflicting policies. On one hand, Britain sought to suppress the slave trade and coerce other nations to do the same. On the other hand, its rising industrial machine relied on products of slave labor such as cotton and sugar procured through the burgeoning networks of international free trade.²³ Since their inception in the 1940s, Williams' ideas have been debated by scholars, with no clear consensus.

Early historians of British slave trade suppression lean more toward accepting British claims of morality as the prime motivating factor, even while at least tacitly acknowledging the historical and historiographical debates as to which factor reigned supreme – morality or economics. The two earliest historians who tackled this topic were both British, and their bias shows throughout their works. The first, Christopher Lloyd, writing in 1949, lauded the enterprise as the Royal Navy's "most admirable work," one which "sharpened the conscience of the civilized world."²⁴ He claimed Britain was "perfectly virtuous" in its motives.²⁵ Suppression helped the "African negro... to embark on the quest of what we are pleased to call civilization."²⁶ Britain's reward for its efforts was that suppression helped to lay the foundations of empire in East and West Africa.²⁷ The second, W.E.F. Ward, writing in 1969, was not quite so overt in his characterizations (or so

imperialistic or racist in his conclusions), but he also viewed British actions in an exceedingly positive light. The Navy “carried out its duties with patience and diplomacy, as well as with its traditional gallantry.”²⁸ He decried the limitations placed on the anti-slave squadrons by the constant legal and diplomatic wrangling between Britain and other world powers. Yet, despite such limitations, “the Navy fought a campaign against the trade which brought glory to the officers and men engaged in it, and to the fleet in which they served.”²⁹

A recent historian, Sian Rees, took a more balanced approach in her 2011 work, *Sweet Water and Bitter: The Ships that Stopped the Slave Trade*. Although British herself, she acknowledged the questions of moral and legal ambiguity that British policies of suppression raised more so than either of her predecessors. Suppression faced an “avalanche of entrenched interests and legal uncertainties.”³⁰ The still developing Law of Nations “was a morass of uncodified and developing practice.”³¹ Britain’s “declared motives” were “derided by other maritime nations who saw their merchant shipping being seized by British officers.”³² She alluded to the legacy of piracy, privateering, and war, claiming that Britain “brought to the new era the mindset of the old.”³³ The British conducted, “legal, semi-legal, and downright illegal bounty-hunting on West African coasts.”³⁴ She furthered this line of analysis by noting the alignment between the desires of abolitionists, namely “detection, emancipation, and trial,” and their naval equivalents of “chase, bounty, and forfeiture.”³⁵ Rees concluded, however, that the British “largely stayed on the right side of the law,” and their efforts provided the foundation of the modern system of international law.³⁶

Other recent historians such as Robert M. Burroughs and Richard Huzzey, cited above, were even more nuanced in their interpretations. Burroughs accepted moral motives “as one contingent and conditional factor, among several others, including less savory incentives such as prize monies,” thus treating “the

human agents of Britain’s anti-slave trade initiative as three-dimensional beings acting in a moment of complicated historical change.”³⁷ Huzzey contended that moral arguments constantly pushed by abolitionist forces in Britain were not merely smoke and mirrors, but it was also “impossible to ignore the question of economic advantage and British strategic calculation.”³⁸ Those abolitionists’ arguments, which Lloyd described as “one of the greatest feats of propaganda in history,” did have a lasting effect.³⁹ According to Huzzey, the morality of slave trade suppression served to “feed... Britons’ presumption of their superiority and the ultimate benevolence of their dominance of international commerce and international relations.”⁴⁰

The British quest to end the slave trade began as soon as Parliament passed the Abolition Act of 1807. The Act established regulations regarding the distribution of prize money, including the practice of “headmoney.”⁴¹ It stipulated payments to British crews that “shall not exceed the Sum of Forty Pounds lawful Money of Great Britain for every Man, or Thirty Pounds of like Money for every Woman, or Ten Pounds of like Money for every Child or Person not above Fourteen Years old.”⁴² These sums were generous and served as a substantial encouragement to a force of mostly men pressed into service from the lowest rungs of British society.⁴³ Historian Mary Wills, who studied the motivations and concerns of British sailors involved in the suppression of the slave trade, argued that “financial gain” was “clearly more important than acting against the slave trade” or any “belief in the virtues of the anti-slavery cause.”⁴⁴ Knowing that abolitionist attitudes had yet to fully filter into the mass of British society, Britain used financial incentives that implicitly supported a piratical ethos in the capture of slavers. Between 1807 and 1815, when the Napoleonic Wars ended, Britain paid £191,000 in headmoney.⁴⁵ The biggest single payout was for £13,180 to HMS *Protector*, commanded by Lt. G. Mitchener in 1812.⁴⁶ The most successful ship during this period was HMS *Thais*, commanded by Capt. E. Scobell, clearing a total of £20,475.⁴⁷ Clearly, it was possible to gain

significant wealth from slave bounties alone in the early years of slave trade suppression.

Beside the financial incentive of headmoney, the equipment, cargos, and even the ships themselves were legitimate prizes under British regulation, and the proceeds of the sale of seizures were also distributed, after fees and payments to other agents and government officials, among officers and crews.⁴⁸ In addition to bounties offered to crews, a cabal of British merchants provided further incentive by conspiring to depress prices at auction so they could purchase confiscated goods for resale cheaply.⁴⁹ Procedures for the allocation of money for the sale of ships and cargoes became formalized by the Consolidation Act of 1824, which allocated half the proceeds of the sale of the ships and goods to the captors.⁵⁰ This is reflected in the record of British Parliamentary proceedings, which kept detailed logs and descriptions of all seizures adjudicated by the courts. In one such record, covering the period from January 1827 to 1828, twenty-one ships were condemned by the Mixed Commission Court in Sierra Leone. Many of these, such as the entry for the condemnation of the Brazilian brigantine *Providencia* in April of 1827, include such language as “the Court... condemned her, and her Tackle, Apparel, and Furniture, as well as the Goods, Wares, and Merchandise laden on board, as good and lawful prize to His Majesty’s Ship ‘Maidstone’...”⁵¹ Such additional incentives further reinforced the base motivations of naval officers and crews and contributed to an underlying piratical ethos that guided much of their activity against slavers. As historian Sian Rees observed, “[b]ounty hunting was easily disguisable as law enforcement.”⁵²

As the slave trade continued into the second, third, and fourth decades of the nineteenth century, and, in fact, increased by the 1830s proportionally to its extent prior to British attempts at suppression, the British government began to reduce the financial reward in response to the volume of seizures and as a way to try to reign in naval officers and crews that often showed too much zeal in their attempts

to capture slavers and collect bounties.⁵³ The aforementioned Consolidating Act of 1824 reduced headmoney to a £10 flat rate, regardless of age or sex of the captured slave. This decrease was at least partially mitigated by the formalization of the distribution of money from the sale of cargoes and ships of condemned slavers.⁵⁴ In 1830, headmoney was cut even further to £5 per slave.⁵⁵ Such reductions greatly reduced the motivation and morale of the anti-slave squadron, particularly as Britain began to introduce the Equipment Clause in its treaties with foreign nations in the 1830s, which allowed the seizure of ships outfitted for slaving even if they did not have slaves on board. Concerns were quickly raised over reticence by officers and crews of the anti-slave squadron’s to capture ships without any slaves on board due to the decrease in prize monies.⁵⁶

In response to these concerns, Parliament passed the Tonnage Act of 1838 to compensate crews for the loss of headmoney and encourage the seizure of empty slave vessels.⁵⁷ Under this legislation, bounties were allocated according to the tonnage of the captured vessel. Officers and crews were owed £5 per slave and £1 10s per ton for a ship with slaves aboard, and £4 a ton for empty vessels.⁵⁸ By the late 1830s, Britain began to steer away from the outright sale of condemned slave vessels as they were often purchased at auction by slavers and re-entered into the slave trade.⁵⁹ If the captured ship was destroyed instead of sold, the captors were “entitled to a bounty of £1 10s per ton, to compensate them for the estimated loss they would sustain by the vessel being destroyed.”⁶⁰ A case from 1839 illustrates the claims of the officers and crew of HMS *Charybdis*. In that year, *Charybdis* filed a claim for compensation for five empty slave vessels captured the previous year: *Matilde*, *Cantabra*, *Tridente*, *El Mismo*, and *General Ricafort*. In total, after expenses and fees, Commander Mercer and the crew of *Charybdis* cleared approximately £4,338 based on the tonnage of the vessels per the 1838 law, still a hefty sum by any standard and quite the incentive for those involved.⁶¹

The central legal issue that stymied British efforts to end the slave trade was the “right to search.”⁶² Britain sought to enforce its will by claiming the right to search any vessel it encountered that appeared to be conducting slaving activities. During the Napoleonic Wars, Britain not only enforced the right to search enemy vessels of France, Spain, and the Netherlands per its “wartime belligerent rights,” it also detained ships of the United States and Denmark under the auspices of enforcing those nations’ anti-slave trade laws on their behalf.⁶³ This initiated a virulent international legal firestorm as nations balked at Britain’s invasion of national sovereignty in prosecuting its anti-slave trade initiatives. Historian Sian Rees summarizes the feelings of most nations: “[a]llowing foreign warships to board one’s own was as hateful as allowing a foreign army to occupy one’s country. Who would grant such power...if not forced to it by bribery and threat?”⁶⁴ Britain’s zeal in suppressing the slave trade risked international incidents that often verged on outright war.⁶⁵ Such extra-legal activities only encouraged perceptions of Britain engaging in officially sanctioned piratical actions, using claims of humanitarianism to cloak more sinister underlying motives.

Even after the end of the Napoleonic Wars in 1815, the Royal Navy extended its “wartime belligerent rights” to peacetime by continuing its near indiscriminate seizure of slaving vessels. The issue of the “right to search” came to a head in the case of the French vessel *Le Louis* in 1817.⁶⁶ Sighted off the coast of Cape Mesurada (or Mesurado), the site of modern Monrovia, Liberia, in West Africa on March 11, 1816, a British vessel attempted to stop *Le Louis* to search for signs of slave trade activity. *Le Louis* refused to heave to and attempted to escape. A “severe engagement” ensued, in which twelve British and four French lives were lost. The British emerged victorious and seized their prize. They hastily took the ship to the British Vice Admiralty Court in Sierra Leone and found it to be in violation of the French law prohibiting the slave trade based on equipment found on board commonly used in the trade. *Le*

Louis was promptly condemned per the Abolition Act of 1807.⁶⁷

Protesting such flagrant violations of sovereignty, the French owners appealed the decision to the High Court of Admiralty in December of 1817.⁶⁸ The arguments made in the case and the conclusions reached by the judge outlined the key issues that framed the international debate over the suppression of the slave trade for the rest of the nineteenth century. Questions over the “right to search” were at the center of the High Court’s objections to the original ruling. The judge based his decision on “two principles of public law.” The first was “the perfect equality and entire independence of all distinct States.” The second was “all nations being equal, all have an equal right to an uninterrupted use of the unappropriated parts of the ocean for their own convenience.”⁶⁹ These were the fundamental foundations of the Law of Nations as the judge understood them based on centuries of precedent. In the circumstances of *Le Louis*, the central question was “whether the party, who demanded, had a right to search; for if not, then not only was the resistance lawful, but likewise the very fact on which the other ground rests is totally removed.”⁷⁰

Upon reviewing the facts of the case, the judge stated that the only legitimate grounds upon which *Le Louis* could have been captured “must be upon the ground that she was taken legally as a *pirate* [emphasis in the original].”⁷¹ Pirates were “the enemies of every country, and at all times; and are therefore subject to the extreme rights of war.”⁷² The judge proceeded to demolish such a legal basis, invoking Britain’s own laws which did not label slave trading as a “capital offense,” as was piracy.⁷³ As to the legality of the slave trade itself as per international law, the judge found “difficulty in maintaining that the traffic is legally criminal” as it had been legal from “the earliest and most authentic records of the human race.”⁷⁴ It stood, “without opposition, except the protests of a few private moralists, little heard, and less attended to, in every country, till within these very few years, in this particular country.”⁷⁵

The judge destroyed the argument that the slave trade is an international crime and thus every nation “has not only a right, but a duty, to prevent in every place the commission of crime.”⁷⁶ He wrote:

What are the proximate circumstances which confer on you the right of intruding yourself into a foreign ship, over which you have no authority whatever, or of demanding the submission of its crew to your inquiry, whether they mean to deal in the traffic of slaves, not in your country, but in one with which you have no connexion [sic]?⁷⁷

“No nation,” he added, “can privilege itself to commit crimes against the law of nations, by a municipal regulation of its own.”⁷⁸

The judge also refuted the other central argument in the case: that the trade was illegal per French law and that the French granted the British the right to search in their treaty ending the Napoleonic Wars. In fact, at the Congress of Vienna following that conflict, all the signatories condemned the slave trade, but did not make it explicitly illegal, and all rejected the right to search as a violation of the sovereignty of nations.⁷⁹ The Court of High Admiralty judge noted that the edict of Napoleon banning the French trade expired when he was deposed after his crushing defeat at Waterloo.⁸⁰ He found dubious the British contention that promises issued by Prince Talleyrand, Minister of France, in July 1815 amounted to a de facto law against the trade as such promises were never codified and French traders continued to conduct their voyages without protest from their own government.⁸¹

Based on the evidence and established precedent of the Law of Nations, the judge overturned the ruling of the lower Vice Admiralty Court and ordered *Le Louis* restored to its rightful owner.⁸² Essentially, his judgement all but accused the British ship of piracy itself, which makes his arguments condemning the equation of the slave trade with piracy

all the more telling. The British ship involved was not even a Royal Navy ship, but a privateer commissioned by the governor of Sierra Leone, a commission that the judge also found dubious.⁸³ He chastised the motives of the captors while simultaneously questioning the legality of the seizure. He wrote:

In the first place the Prize Interrogatories calculated for the transactions of war are, instantly on bringing in, applied to this transaction, which however, denominated a capture, and with whatever fatal violence accompanied, is in truth a transaction of peace.⁸⁴

Essentially, the judge acknowledged that the motives were purely financial and that the laws and practices of war do not apply during times of peace. He also chastised Britain itself and warned against the “perpetual irritation and the universal hostility which are likely to ensue” if Britain were to continue:

To press forward to a great principle by breaking through every other great principle that stands in the way of its establishment, to force the way to the liberation of Africa by trampling on the independence of other States in Europe; in short to procure the eminent good by means that are unlawful, is as little consonant to private morality as to public justice.⁸⁵

To move forward, the British must “abandon privateering and be placed, defensibly, within the law.”⁸⁶ The judge in the *Le Louis* case did provide some guidance as to how Britain could continue its crusade against the slave trade. Only through the establishment of mutual treaties between nations specifically granting the “right to search” to all parties would Britain be able to navigate its efforts back into the realm of enforceable legality. Without such treaties, the exercise of any claimed “right to search” was essentially a piratical action in all but name. Yet, he provided another note of

warning as to the delicate nature of such agreements:

But treaties, it must be remembered, are perishable things, and their obligations are dissipated by the first hostility. The covenants, however solemn, for the abolition of the trade, or for the exercise of modes of prevention, co-exist only with the relations of amity.⁸⁷

Britain was embarrassed by the court's decision in the *Le Louis* case and took the judge's recommendations to heart. Britain immediately embarked on a decades-long diplomatic mission to coax, coerce, cajole, and bribe all nations still engaged in the trade, explicitly or implicitly, to sign treaties condemning the slave trade and granting Britain the coveted "right to search," which Rees described as "the holy grail of Britain's anti-slave campaign."⁸⁸ Britain had already attempted a bilateral treaty with Portugal in 1811, but the Portuguese essentially ignored it and their slave traders continued their business as usual, souring Britain on such treaties and illustrating the judge's warning in the *Le Louis* case of the fragility of such agreements.⁸⁹ The experience of the Congress of Vienna, and the inability to secure any binding agreement with the major powers of Europe on the slave trade, also frustrated Britain and led it to continue its unilateral operations against the trade.⁹⁰ After *Le Louis*, however, Britain seemed to understand that if they continued their modus operandi of unilaterally infringing upon the sovereign rights of their fellow nations, then they could face severe international repercussions.

Beginning the same year as the *Le Louis* decision, Britain signed bilateral agreements with the Netherlands, Portugal, and Spain allowing for a mutual right to search, but stipulating that slavers could only be detained if they actually had slaves on board.⁹¹ A special stipulation in the Portuguese treaty allowed Portugal to continue the trade anywhere south of the equator to allow it to provide slaves to its still growing sugar colony of Brazil.⁹² Both

of these stipulations proved to be huge loopholes that allowed slavers to creatively bypass the treaties and escape detainment.⁹³ Portugal was also paid £300,000 in restitution for previously illegally detained ships.⁹⁴ The Spanish were paid £400,000 as an incentive to sign their treaty with Britain, money it needed to assist its own navy to combat the burgeoning independence movements in Latin America.⁹⁵ These treaties also were the first to establish new Mixed Commission courts, which took the judicial authority over slave trade cases away from the British Admiralty Courts and into the hands of specially appointed judges from Britain and the other signatories of the treaties.⁹⁶

Once Britain laid the foundations for the form and function of their bilateral treaties with other nations, it continued to refine and reinforce treaties from the 1820s through the 1860s. It attempted another multilateral agreement in 1822 at the Congress of Verona, but this too failed to coerce other European nations as a group into a binding agreement.⁹⁷ Britain and France reached limited bilateral agreements in 1831, 1833, and 1845, but France never submitted itself to Britain's demands for the "right to search."⁹⁸ The British 1822 treaty with the Dutch was the first to include an "equipment clause," which stipulated that ships that were merely outfitted for the trade could be detained, whether they had slaves on board or not.⁹⁹ This drastically changed the game and Britain tried to insert this clause into every subsequent treaty. Britain was finally able to secure a multilateral treaty, the Quintuple Treaty, with the five major powers of Europe in 1841. Once again, however, France refused to ratify the treaty, although it did agree to send a token anti-slave squadron of its own to the West African coast.¹⁰⁰

Although this diplomatic wrangling was clearly an attempt by Britain to establish a sound legal basis for the suppression of the slave trade, the size and might of Britain and its navy in the nineteenth century was a constant reminder to all nations that Britain always held the upper hand in any negotiations and their coercion to comply always "rested

on the threat of violent force."¹⁰¹ There was little most nations could do but acquiesce to British demands on paper. Most governments, however, continued to look to other way as their citizens conducted clandestine business. As a result, an extensive international cabal of illegal and semi-legal slave merchants and investors emerged who constantly confounded British efforts to suppress the trade. Investors and merchants from across the Atlantic world pooled their resources in an investment model known as "freighting." This practice reduced the overall risk to individual investors through splitting the investments between "ship" investors, who purchased the ship, outfitted it with equipment, and hired the crew, and "cargo" investors whose main role was to purchase and maintain the slaves themselves.¹⁰² Slave merchants conducted their business through a clever but highly complicated practice of using "mongrel" vessels. These slave ships carried multiple flags on board to confuse anti-slave patrols and take advantage of holes in the various international treaties. They also carried multiple captains, crews, and ships logs on board for the same purpose, the captain and crew presented as in charge depended on the location they were stopped and the treaties in effect.¹⁰³

Throughout this continual process of legal and diplomatic attacks on the trade and illegal and semi-legal evasion, the "right to search" continued to be a divisive point of contention. The United States and France in particular were wary of British meddling and feared the extension of British hegemony, so they lobbied for an unmitigated freedom of the seas for all nations.¹⁰⁴ The United States was still sore over the issue of impressment, a vestige of the legacy of the War of 1812, and loathed any suggestion that it allow Britain free reign to board its ships.¹⁰⁵ The two nations did negotiate a treaty in 1824 that would have allowed a mutual "right to search," but neither ratified, so it quickly became a dead letter.¹⁰⁶ The British tried to include a slave trade clause in the 1842 Webster-Ashburton treaty, whose main purpose was to establish the border between the United States and then still British-held Canada, but failed to secure anything

but an agreement for the United States to supply its own token force of anti-slavery patrols, much like the agreement reached with France in 1841.¹⁰⁷ In 1843, The United States begrudgingly acknowledged the "right to visit," which allowed Britain the ability to stop ships to determine if they were legally flying American colors. The American flag was frequently used by slavers of many nationalities to try to evade British anti-slave squadrons, but the 1843 agreement was not fully formalized until 1859 and the United States still did not relent to British demands for the "right to search."¹⁰⁸

The Americans were indeed the most vocal in their opposition to the "right to search" under any circumstance and, given their history as a former British colony, the most wary of British hegemony of the seas that seemed to be increasing through British efforts to suppress the slave trade and the powers granted to them through various treaties. In 1841, in part as a response to the Quintuple Treaty, American ambassador to France, Lewis Cass, wrote a scathing indictment of British slave trade suppression.¹⁰⁹ Cass "denounced British demands for the right to search as a conspiracy, unrelated to supposed anti-slave operations."¹¹⁰ He argued that Britain's true aim was to give itself "virtual supremacy of the seas" as the size and might of the British navy, compared to the relative weakness of the navies of other nations, guaranteed that "that ninety-nine times out of a hundred it would be her cruisers which would search the vessels of other nations."¹¹¹ Sir William Gore Ouseley, in his reply to Cass' work, sheepishly countered that "England has more merchant ships liable to be searched, than perhaps all other nations collectively," without acknowledging that no other nation was likely to take advantage of any mutual right of search for fear of British retaliation.¹¹² In fact, the historical record does not seem to show any instance of a foreign government exercising its right to search British ships.

Cass acknowledged that the American flag, and sometimes even American citizens, were involved in the slave

trade, but countered, “[a] crusade of benevolence cannot be carried on against any nation because its laws are sometimes violated and its flag abused.”¹¹³ He echoed the infamous decision in the *Le Louis* case:

No nation can exercise a right of visitation and search upon the common and unappropriated parts of the ocean except upon a belligerent claim. No nation has the right to force their way for the liberation of Africa by trampling upon the independence of other states, on the pretence of an eminent good, by means that are unlawful, or to press forward a great principle by breaking through other great principles which stand in their way.¹¹⁴

Cass decried the underlying piratical ethos of British officers in their efforts to suppress the trade. He warned that granting the right to search “permits a foreigner, under the pretense of settling the national character of a vessel, and the objects of her cruise, to indulge his antipathies or his love of gain, by seizing the ship and its cargo, and imprisoning the crew.”¹¹⁵ Cass went further, stating, “the hatches will be broken open, the cargo overhauled, property dilapidated [sic], and many articles will be taken – as they have been taken – without permission and without compensation.”¹¹⁶ Cass, much like the judge in the *Le Louis* case, tacitly accuses Britain of conducting a program of semi-legalized piracy, girded by military might and manipulation of the legal system.

Indeed, piracy was a constant theme in the arguments and negotiations over the suppression of the slave trade. The *Le Louis* case first brought forth the idea of the equivalency of piracy and slave trading, which the judge summarily disparaged. Indeed, it was difficult to equate slave trading with piracy as the objects and methods of the two were not the same. One was the lawless attacking of ships and shore from the sea with the intent to rob the victim of their goods and/or wealth; the other was essentially smuggling and did not involve attacks

or robbery. There were cases where slave traders occasionally practiced piracy as a way to supplement their income or to fill their holds with slaves collected by other slavers when they had difficulties in procuring them on their own, but this was not the norm.¹¹⁷

The *Le Louis* decision, however, brought to light a legal aspect of which Britain sought to take advantage in its prosecution of its suppression policies. If it could not secure the end of the slave trade by forcing the rest of the world to recognize slaving as a capital crime per se, legally equating slaving with piracy was the next best thing as piracy was already considered a crime against humanity by all nations. In an ironic twist, it was the United States that was the first to legally associate slaving with piracy in 1820, although no one was prosecuted under this law until 1862.¹¹⁸ Britain followed suit in 1824.¹¹⁹ At the Congress of Verona, Britain tried to get this stipulation put into the proposed agreement, but failed.¹²⁰ It made the equation of slaving as piracy a part of its negotiations with Brazil in 1826.¹²¹ It did eventually succeed in securing a multilateral acceptance of slaving as piracy in the Quintuple Treaty of 1841, which made it much more difficult for slavers to hide behind any nation’s flag, as was a common practice at the time.¹²² It is not readily apparent if contemporaries of the day saw the irony in utilizing piratical tactics and motivations in order to suppress a trade that was only considered “piracy” through a manipulation of the law.

Although Britain tried to maintain a veneer of legality in its suppression of the slave trade after 1817, constant frustrations from foreign governments reluctant to enforce the laws and the endless machinations of slave traders determined to evade British ships and continue the lucrative trade allowed the underlying piratical ethos to remain a tactical and strategic feature of slave trade suppression. The situation between Britain, Portugal, and Brazil is a case in point and illustrates Britain’s, or at least the Royal Navy’s, continued willingness to contravene its own agreements with other sovereign nations and illegally seize

suspected slave vessels. In 1826, Brazil gained independence from Portugal; therefore the treaty with Portugal that previously covered the Brazilian trade no longer applied. Britain made recognition of Brazil’s sovereignty contingent upon a commitment to end the trade. The treaty the two nations negotiated stipulated that Brazil had until 1830 to end its citizens’ participation in the slave trade.¹²³

That stipulation came with a caveat, however, as Brazilian Viscount D’itabayana reminded British Foreign Secretary Lord Aberdeen in November of 1828. “The stipulation respecting the slave trade,” wrote D’itabayana, “should become void and of no effect, if during that interval... Brazilian vessels engaged in this commerce, should suffer any interruption from the Cruizers [sic] of any other Nation.”¹²⁴ He was sad to report, “the anticipated case of interruption has unfortunately taken place, since British Cruizers [sic] have detained...many Brazilian vessels” without any slaves on board, in contravention of the treaty.¹²⁵ D’itabayana continued to argue that he had a “right to demand fulfillment” of the clause cancelling the treaty under such circumstances, but Brazil “has such respect for the faith of Treaties” that it only demanded “a short extension of the period stipulated for the definite abolition of the Slave-trade.”¹²⁶ Not that Brazil was in any position to flex its muscle to defy Britain openly and only paint a bigger target for the anti-slave squadrons on their merchants’ backs. The fact that Brazil was a newly minted nation with limited resources compared to the might of the British Empire severely limited any overt bravado. Such diplomatic communications showcase both British willingness to circumvent its own treaties and flirt with piracy in the name of its cause, as well as the hesitancy of weaker powers to stand against British coercion.

Britain’s dealings with Portugal were even more flagrant in the violation of sovereign rights. In 1836, Britain negotiated a new treaty with Portugal. The influence of Britain’s intervention in the recent Portuguese civil war was finally successful in obtaining an agreement from Portugal to close the

trade south of the equator, although it still was not able to secure Portuguese agreement to the equipment clause. Despite this development, Portuguese governors in Mozambique and Angola unilaterally suspended the law as ruinous to their economies.¹²⁷ Britain attempted to revise the treaty in 1837 to include the equipment clause, but to no avail.¹²⁸ Frustrated yet again, in 1839 Parliament passed the Palmerston Act, officially known as the “Act for the Suppression of the Slave Trade.” This act completely bypassed any treaty agreement and Britain unilaterally granted itself the right to search and detain Portuguese ships with or without slaves on board, whether Portugal liked it or not, essentially stripping Portugal’s right to legislate and enforce its own laws.¹²⁹ In a letter to British foreign consuls across the globe, Foreign Secretary Viscount Palmerston made it clear that this new law did not grant the navy “any new right of search as to any vessel sailing under the flag of a State with which Britain has no Treaty granting a mutual right of search.”¹³⁰ The fact that Palmerston included such language in his communications alludes to the continued issues Britain faced with the often questionable, and piratical, actions of its cruisers at sea.

Britain’s new law did not sit well with many Portuguese. In August of 1839, a litany of articles appeared in various Portuguese newspapers and journals lambasting the British for their actions. The *Diario de Governo* of Lisbon criticized the new law in its August 8, 1839, issue as “a manifest violation of the law of nations, and of the principles on which rest the security and peace of Europe.”¹³¹ The article contends that Portugal previously only agreed to end the trade “gradually,” with no set date of completion. The 1836 agreement was the first where Portugal agreed to completely end the trade. According to treaty obligations from 1817, carried forward with the 1836 agreement, Portugal had until 1852 to meet its obligations.¹³² It also claimed that Britain altered the treaty terms without consulting Portugal first.¹³³ On August 10th, the *Correio de Lisboa* argued that the revised treaty negotiations in 1837 were rejected by the Portuguese minister

because he objected to the use of the term “piracy” in describing slave traders.¹³⁴ The *O Nacional* of Lisbon stated the law “amounts to a declaration of war against us” and that Britain has “exhausted our country of profit.”¹³⁵

Some commentators went even further in their condemnation of Britain and the new law. On August 30, 1839, Joao Santa Clara de Silva Lemos proclaimed:

I declare that on the first insult which the Portuguese flag shall suffer from any British naval force, I will immediately swear eternal war against the English and against their commerce, offering myself as captain or soldier of the first privateer that may be fitted out.¹³⁶

Such vitriol essentially accuses Britain of piracy and urges a response in kind. This response further illustrates the underlying thread of a piratical ethos that continued to circumscribe naval warfare in general during this period, of which the British were just the most visible transgressors due to their overwhelming naval superiority compared to their contemporaries. “The English,” wrote one commentator, “then, by treading on the law of nations, have put us under the necessity of doing likewise.”¹³⁷ Calls came in Portugal for the government to issue letters of marque against the British, although there was question as to whether Portugal had the naval strength to make good on such threats.¹³⁸ The connection of British actions to piracy went even further in the August 26th edition of the *Procurador de Povos*. “Portugal,” the author wrote, “when prosperous did not regard the wretched, faithless English; she despised them as pirates.”¹³⁹ The same author accused the British of “trying to enslave the world,” caring “nothing for the negroes,” and whose “system is pillage and destruction.”¹⁴⁰

In 1845, Brazil was once again the target of British ire for allowing its treaty with Britain to expire and closing the Mixed Commission court in Rio.¹⁴¹ The British responded by passing the Aberdeen Act, named after then British

Foreign Secretary Lord Aberdeen, which was similar to the 1839 law against the Portuguese.¹⁴² The Aberdeen Act effectively declared all Brazilian ships suspected of engaging in the trade to be pirates and stated they should be treated as such; essentially declaring uninhibited war on the Brazilian trade. Much like the Portuguese response to the Palmerston law six years prior, many voices in Brazil vociferously argued the new law was contrary to the spirit of the Law of Nations.¹⁴³

Further examples of British frustration with the treaty process and the Royal Navy’s willingness to operate outside the legal framework include numerous instances between Britain and the multitude of African chiefs on the coasts of West Africa who made their livings from the slave trade. In the 1840s, Britain gave its naval commanders in West Africa the authority to negotiate treaties with African leaders.¹⁴⁴ These treaties, however, were built on shaky foundations as the political climate in West Africa was always in flux and chiefs often did not have complete authority over the areas they claimed. Treaties often became null and void by the time the ink was dry as African chiefs who signed them were frequently deposed by rivals as soon as the British ships sailed away. Many chiefs who signed never intended to honor the treaties and merely used them as tools to placate the British while they continued their business.¹⁴⁵

Given the amorphous nature of African politics and sovereignty, it is easy to understand British frustrations, yet frequently the Royal Navy’s response betrayed their proclaimed allegiance and adherence to the values of law and order. Especially when African chiefs were intransigent in acceding to any treaty, the British were not above using unlawful force to achieve their goals. A case in point is the example of the missions against Cabinda and Ambriz in Angola in 1841. Vexed by chiefs that would not sign treaties, the British naval commander in the region, Lt. Matson, marched on both chiefdoms, confiscated slaves waiting to be sold, burned the barracoons used to house them to the ground, and seized

£80,000 worth of trade goods.¹⁴⁶ This mission, and others like it, amounted to little more than pirate raids that defied the sovereignty of African lords and deprived them of their goods and livelihoods.

The trans-Atlantic slave trade finally sputtered to a stop in the 1860s. A key moment was when the United States finally agreed to a treaty with Britain in 1862 and began to seriously prosecute offenders.¹⁴⁷ Ending slavery in the United States at the close of the American Civil War was the beginning of the end for African slavery throughout the rest of the Americas, and the demand for new imports from Africa fell to almost nothing. Brazil and Cuba finally ended slavery in their territories in the 1880s, and British abolitionist pressures had much to do with both outcomes. British suppression efforts continued for several more decades as Britain shifted its focus from West Africa to East Africa, concentrating on the Muslim and Asian trade in that part of the world.¹⁴⁸

There is plenty of evidence to support both the moralistic and economic motivations for Britain’s suppression of the slave trade in the nineteenth century. Which reigned supreme in the minds of the British varied by individual, by circumstance, and over time.¹⁴⁹ Given this vacillation over the primary motivation, it is small wonder there was corresponding vacillation between pursuing legal and extra-legal methods in prosecuting its mission to destroy the trade. Also given the legacy of piracy upon which the entire edifice of British maritime law and naval practice rested, it is no surprise that many of the methods utilized by the Royal Navy to suppress the slave trade, even when they fell within the limits of proscribed law, had more than a whiff of an underlying piratical ethos. The use of prize money as an incentive was at its core a legacy of piracy, and its allure often led officers and crews to creatively circumvent the law to enrich themselves. Such an underlying piratical ethos attached to slave trade suppression served as an additional example of the perceived hypocrisy of Britain’s moral stance against slavery and the slave

trade. The lesson learned from the *Le Louis* case forced Britain to try to cloak its mission in the trappings of legality, but frustrations over the stubbornness of other governments and merchants involved in the trade led the country to often bypass legal frameworks completely, and/or to creatively and unilaterally invent its own legal framework to justify its actions. Casting aside the various legal machinations and manipulations involved in the suppression of the slave trade, when ships at sea actively hunt and capture other ships and their goods, whether they be human or material commodities, for profit and/or for the benefit of one set of economic and political concerns over another, those actions are imbued with the same piratical ethos that has been a part of the maritime experience ever since humankind first took to the seas.

Endnotes

1. The abolition movement in Britain is attributed to the 1772 “Somerset Case,” which stipulated that any slave who reached British shores was automatically granted freedom. See Lloyd Banks, *The Navy and the Slave Trade: The Suppression of the African Slave Trade in the Nineteenth Century* (London: Cass, 1968), 10.

2. W. E. F. Ward, *The Royal Navy and the Slavers: The Suppression of the Atlantic Slave Trade* (New York: Pantheon Books, 1969), 59.

3. For an examination of the international network of slave merchants and investors, see John A. E. Harris, “Circuits of Wealth, Circuits of Sorrow: Financing the Illegal Transatlantic Slave Trade in the Age of Suppression, 1850–66.” *Journal of Global History* 11, no. 3 (2016): 409-429.

4. Susan Ronald, *The Pirate Queen: Queen Elizabeth I, Her Pirate Adventurers, and the Dawn of Empire*. 1st ed. (New York: HarperCollins, 2007), 56-62.

5. J. R. Hill, *The Prizes of War: The Naval Prize System in the Napoleonic Wars, 1793-1815* (Portsmouth, England: Royal Naval Museum Publications), 1998, 5-6.

6. Kenneth R. Andrews, *Elizabethan Privateering: English Privateering during the Spanish War, 1585-1603* (Cambridge: University Press, 1964), 5.

7. For an analysis of the development of international law in response to the suppression of the slave trade by the British, see Jean Allain, “The Nineteenth Century Law of the Sea and the British Abolition of the Slave Trade,” *British Yearbook of International Law* 78, no. 1, 2008, 342-388.

8. Ronald, 60.

9. *Ibid.*, 60-61.

10. *Ibid.*, 61.

11. *Ibid.*

12. Hill, 8-9.

13. *Ibid.*, 7.

14. Robert Burroughs, “Suppression of the Atlantic Slave Trade: Abolition from Ship to Shore” in *The Suppression of the Atlantic Slave Trade: British Policies, Practices and Representations of Naval Coercion*, ed. Robert M. Burroughs and Richard Huzzey (Manchester, UK: Manchester University Press, 2015), 4.

15. *Ibid.*, 4.

16. Richard Huzzey, “The Politics of Slave Trade Suppression,” in *The Suppression of the Atlantic Slave Trade: British Policies, Practices and Representations of Naval Coercion*, ed. Robert M. Burroughs and Richard Huzzey (Manchester, UK: Manchester University Press, 2015), 18.

17. *Ibid.*, 17.

18. *Ibid.*, 18.

19. *Ibid.*

20. *Ibid.*, 17.

21. Eric Williams, *Capitalism and Slavery* (Chapel Hill: The University of North Carolina Press, 1994), 209-212.

22. *Ibid.*, 169-177.

23. *Ibid.*, 169.

24. Lloyd, xi-xii.

25. *Ibid.*, xiii.

26. *Ibid.*, 12.

27. *Ibid.*, xiii.

28. Ward, 228.

29. *Ibid.*

30. Siân Rees, *Sweet Water and Bitter: The Ships that Stopped the Slave Trade* (Durham, N.H: University of New Hampshire Press, 2011), 14.

31. *Ibid.*, 20.

32. *Ibid.*

33. *Ibid.*, 18.

34. *Ibid.*, 26.

35. *Ibid.*, 17.

36. *Ibid.*, 308.

37. Burroughs, 6.

38. Huzzey, 18, 45.

39. Lloyd, 10.

40. Huzzey, 45.

41. Banks, 79; Wills, 78; Rees, 16.

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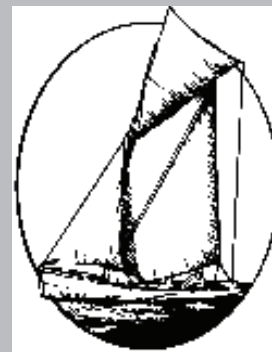
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