

THE TRENT AFFAIR

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## PREFACE

The purpose of this study is to trace an incident which now appears insignificant but which nearly resulted in a war between England and the United States because of the peculiar circumstances existing in the two countries at the time of its occurrence.

An abundance of documentary source material is available for an investigation of this kind, and this work is not the first to be made covering that exciting fifty day period in American history. The documents covering the incident and the articles of other writers relating to it have been studied; and if any contribution has been made, it has been in making the important facts of the episode available in a concise yet inclusive paper.

O.K.P.

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## THE TRENT AFFAIR

### CHAPTER I

#### INTRODUCTION

Toward the close of the year 1860 the series of irritating questions which had disturbed the relations of Great Britain and the United States from the time of the Declaration of Independence had been settled. A new feeling of harmony gave deep satisfaction to the American people and to their government.<sup>1</sup> In his annual message to Congress on December 3, 1860, President Buchanan was able to say, "our relations with Great Britain are of the most friendly character."<sup>2</sup>

Queen Victoria chose this year to send her son, the Prince of Wales, on a visit to the United States. His Royal Highness was everywhere received with genuine and even enthusiastic hospitality, and at the termination of his visit Lord Lyons, the British ambassador, was instructed to express the thanks of Her Majesty. He wrote that one of the main objects of the visit had been to prove

the sincerity of those sentiments of esteem and regard which Her Majesty and all classes of her subjects entertain for the kindred race which occupies so distinguished a position in the community of nations ... Her Majesty trusts that the feeling

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<sup>1</sup>J. G. Blaine, Twenty Years of Congress, I, 565.

<sup>2</sup>J. D. Richardson, ed., Messages and Papers of the Presidents, V, 639.

of confidence and affection, of which late events have proved beyond all question the existence, will long continue to prevail between the two countries to their mutual advantage and to the general interests of civilization and humanity.<sup>3</sup>

President Buchanan said the visit of the Prince of Wales had been a most auspicious event, and "in its consequences it can not fail to increase the kindred and kindly feelings which I trust may ever actuate the government and people of both countries in their political and social intercourse with each other."<sup>4</sup>

Time was soon to test "the sincerity of those sentiments of esteem and regard which Her Majesty and all classes of her subjects entertain for the kindred race which occupies so distinguished a position in the community of nations." South Carolina seceded on December 20, 1860,<sup>5</sup> and other states soon followed her example; a hostile government was organized, and war clouds gathered on the horizon.

From the beginning the government and loyal citizens of the United States were deeply concerned over the attitude that foreign governments would take toward the seceded southern states. At that time any acts of foreign powers looking toward a recognition of the seceding states would have encouraged the Confederate States and increased the embarrassment of the Federal government.

Near the end of President Buchanan's administration, Secretary of State Black sent a circular letter to all the

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<sup>3</sup>Blaine, op. cit., I, 566.

<sup>4</sup>Richardson, op. cit., V, 640.

<sup>5</sup>J. G. Randall, The Civil War and Reconstruction, 184.



United States ministers abroad requesting them to do all that was necessary and proper to prevent the recognition of the seceded states. He said,

This government has not relinquished its constitutional jurisdiction within the territory of those states, nor does it desire to do so. It must be very evident that it is the right of this government to ask of all foreign powers that the latter should take no steps which may tend to encourage the revolutionary movement of the seceding States or increase the danger of disaffection in those which still remain loyal.<sup>6</sup>

Upon becoming secretary of state, Mr. Seward sent the ministers a second circular letter urging them to "the exercise of the greatest possible diligence and fidelity on your part to counteract and prevent the designs of those who would invoke foreign intervention to embarrass or overthrow the republic."<sup>7</sup>

Lord Russell, the foreign minister, replied that the British government was in no hurry to recognize the secession as final, but that he thought the matter was not "ripe" for decision one way or the other.<sup>8</sup>

Most answers in response to Mr. Seward's circular were different from the one England gave. Prussia "from the principle of unrelenting opposition to all revolutionary movements would be the last to recognize any de facto government of the disaffected states of the American Union."<sup>9</sup>

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<sup>6</sup>Mr. Black to all ministers of the United States, February 28, Foreign Relations of the United States, 1861, 31.

<sup>7</sup>Mr. Seward to all ministers of the United States, March 9, Foreign Relations of the United States, 1861, 32.

<sup>8</sup>Mr. Dallas to Mr. Seward, April 9, Ibid., 81-82.

<sup>9</sup>Mr. Wright to Mr. Seward, May 8, Ibid., 38-39.

Austria "was not inclined to recognize de facto governments anywhere."<sup>10</sup> Spain "would have nothing to do with the rebel party in the United States, in any sense."<sup>11</sup>

When Charles Francis Adams became the American minister to England in May, 1861, he was instructed to take a more decided stand against recognition of the independence of the Confederate States by England. He was informed that the British position was not satisfactory and that he should inform that country that

Her Britannic Majesty's government is at liberty to choose whether it will retain the friendship of this government by refusing all aid and comfort to its enemies, now in flagrant rebellion against it, as we think the treaties existing between the two countries require, or whether the government of her Majesty will take the precarious benefits of a different course.<sup>12</sup>

Justin McCarthy said that the vast majority of the aristocracy, of the official world, of members of parliament, and of military and naval men were for the South. The most powerful, as well as the most popular, papers in London were "open partisans of the southern confederation."<sup>13</sup> But on the other hand, most of the great democratic towns of the midland and the North were more in favor of the Union.<sup>14</sup>

On May 6, in answer to a question put to him in the

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<sup>10</sup>Mr. Jones to Mr. Seward, April 15, Ibid., 198.

<sup>11</sup>Mr. Perry to Mr. Seward, June 13, Ibid., 262.

<sup>12</sup>Mr. Seward to Mr. Adams, April 27, Ibid., 82-83.

<sup>13</sup>Justin McCarthy, A History of Our Own Times, II, 224-25.

<sup>14</sup>Ibid., II, 225.

House of Commons concerning the policy of Great Britain toward the Confederacy, Lord Russell said,

The attorney and solicitor-general, and the queen's advocate, and the government have come to the opinion that the Southern Confederacy of America, according to those principles which seem to be just, must be treated as a belligerent.<sup>15</sup>

The queen's proclamation of neutrality was issued on May 13, only a few hours before ambassador Adams arrived in London. It forbade the enlistment of all British subjects on land or sea in the service of either of the contending parties and also warned Her Majesty's subjects not to carry officers, soldiers, dispatches, or any article of the nature of contraband of war for the use or service of either the Federals or Confederates.<sup>16</sup> This constituted a complete recognition of the Confederacy as a belligerent power, that is, as entitled so far as England was concerned to all those rights and privileges that international law assigns to sovereign states which are at war with each other.<sup>17</sup>

Mr. Adams said that the British neutrality proclamation created the condition of belligerency on the part of the Confederates instead of acknowledging an existing fact. He continued,

The British government took the initiative and decided practically that it was a struggle of two sides. And furthermore, it pronounced the insurgents to be

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<sup>15</sup>Hansard, Parliamentary Debates, CLXII, 1866, cited by T. L. Harris, The Trent Affair, 38.

<sup>16</sup>The War of the Rebellion: a Compilation of the Official Records of the Union and Confederate Armies, Series II, II, 1140-41. Hereafter cited as War Records.

<sup>17</sup>Harris, op. cit., 39.

a belligerent State before they had ever shown their capacity to maintain any kind of warfare whatever, except within their own harbors, and under every possible advantage.<sup>18</sup>

From the time that secession was contemplated by the southern leaders, it was evident that they expected foreign aid in their efforts to establish independence. A comparatively large and profitable amount of commerce had been carried on for many years between the South and the nations of western Europe. An exaggerated idea of the importance of this trade had impressed itself upon the minds of the secession leaders. They believed that England would aid them in a war for independence rather than sustain the loss and inconvenience which would be caused by a destruction of the cotton trade.<sup>19</sup>

One of the first things done by the Confederate congress after its organization at Montgomery in February, 1861, was to adopt a resolution that steps be taken to send agents abroad for the purpose of presenting the cause of the new Confederacy to the governments of Europe.<sup>20</sup> Soon after Jefferson Davis was installed as president of the Confederate States he appointed as foreign agents Messrs. William Yancey of Alabama, Dudley Mann of Virginia, P. A. Rost of Louisiana, and T. Butler King of Georgia. Early in March these gentlemen proceeded to their destination by way of New Orleans and

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<sup>18</sup>Mr. Adams to Mr. Seward, May 21, Foreign Relations of the United States, 1861, 92-93.

<sup>19</sup>Discussed in F. L. Owsley, King Cotton Diplomacy.

<sup>20</sup>War Records, II, 11, 1207.

Havana. They were empowered to secure the recognition of Confederate independence by European nations and to conclude treaties of amity and commerce with them. Yancey and Mann were to operate chiefly in England and Rost and King in France, although other nations were to be visited also.<sup>21</sup>

Early in May, 1861, Mr. Dallas, who was later replaced by Mr. Adams as the American minister at London, wrote to Mr. Seward, "He (Lord Russell) told me that the three representatives of the Southern Confederacy were here, that he had not seen them, but was not unwilling to do so unofficially."<sup>22</sup> Two days later Yancey, Rost and Mann were received in an unofficial way and appealed for recognition. They discussed the causes which led the South to secede and presented the advantages for commerce which a recognition of their independence would secure to England; they said that nearly three-fourths of the annual imports from England were bought by the South. Lord Russell replied that he did not think it expedient at that time to consider the question of recognition, that the Confederacy must first demonstrate its ability to maintain its position as an independent state, and that it must be shown in what manner relations were to be maintained with foreign nations.<sup>23</sup>

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<sup>21</sup>Rush and Wood, Official Records of the Union and Confederate Navies in the War of the Rebellion, II, 111, 191-95. Hereafter cited as Naval Records.

<sup>22</sup>Mr. Dallas to Mr. Seward, May 2, Foreign Relations of the United States, 1861, 84.

<sup>23</sup>T. L. Harris, The Trent Affair, 72-73. Hereafter cited as Harris.

Concerning the work of these representatives the president of the Confederate States said,

Our efforts for the recognition of the Confederate States by the European powers, in 1861, served to make us better known abroad, to awaken a kindly feeling in our favor, and cause a respectful regard for the efforts we were making to maintain the independence of the states which Great Britain had recognized, and her people knew to be our birthright.<sup>24</sup>

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<sup>24</sup>Jefferson Davis, The Rise and Fall of the Confederate Government, I, 469.

CHAPTER II  
CAPTURE OF MASON AND SLIDELL

After the first agents of the South had spent seven months in Europe it became evident that they would not be able to secure the much desired recognition of independence. Davis, therefore, decided upon a second and more formal mission in which the interests of the Confederate government would be represented by men of more ability and force of character than those who had been sent on the first mission; the new representatives were to be duly commissioned as "ambassadors" for the Confederate States. James Murray Mason of Virginia was selected as the Confederate ambassador to England, and John Slidell of Louisiana was to be sent to France to represent the Confederacy.<sup>1</sup>

The Mason family had been distinguished in the history of Virginia from the earliest colonial times. James Murray Mason had represented his state in the United States Senate for a number of years prior to the secession of that state; he had been chairman of the senate committee on foreign affairs and was the author of the fugitive slave law. Mason had been one of the first to advocate the secession of Virginia.<sup>2</sup>

John Slidell had also been known in public life prior

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<sup>1</sup>War Records, II, 11, 1207.

<sup>2</sup>Dumas Malone, Dictionary of American Biography, XII, 364-65.

to the Civil War. He was a native of New York, but had become a citizen of Louisiana in early life. In 1845 he was appointed as commissioner to Mexico to adjust the Texas boundary and the Mexican claims. Slidell had represented his state in the senate at the time of secession, and his withdrawal speech was most extreme in its bitterness.<sup>3</sup>

Little further need be said about the life of these two men; both were ultra secessionists and with sufficient ability to do all that could be done for their cause in Europe. One historian said that these two men were the most hated by the North.<sup>4</sup>

The object of sending Mason and Slidell to Europe was to secure, if possible, the recognition of the independence of the Confederate government by the respective nations to which they were accredited; to effect alliances or to conclude treaties of commerce or amity; to invite the intervention of France and England if their governments so desired; to neutralize and defeat any diplomatic measures of the United States in Europe; to serve the military and financial needs of the insurgent government by securing munitions and foreign loans; and to aid the Confederacy by every other means in their power.<sup>5</sup>

After the necessary arrangements for their departure had been made, Mason and Slidell found it rather difficult

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<sup>3</sup>Ibid., XVII, 209-11.

<sup>4</sup>J. F. Rhodes, History of the United States, III, 521.

<sup>5</sup>War Records, II, ii, 1207-22.



to get out of the country. The blockade of southern ports forced them to wait for a favorable opportunity to escape on some departing blockade-runner. For a time they considered leaving by way of Mexico, but they decided that such a route would cause additional delay.<sup>6</sup> The Confederates possessed a few steamers that were armed for naval service and also served as blockade-runners, carrying cargoes in and out of the blockaded ports as often as they could conveniently do so. These vessels were commissioned as privateers or bore Jefferson Davis's letters of marque, in order that they might capture any Federal merchant ships they could overtake. To this class of vessels belonged the Gordon, later renamed the Theodora, with headquarters at Charleston.<sup>7</sup>

The two commissioners chose Charleston as their point of departure; it was a favorite port for the operations of the blockade-runners as it was more difficult to guard than most of the other ports and was conveniently near the neutral ports of the West Indies.<sup>8</sup> To draw off any Federal attempt to seize the envoys, the Confederate press announced that they would leave on the Nashville, a Confederate steamer, which left Charleston on the night of October 10.<sup>9</sup> The group, however, chartered the Gordon to take them to Nassau or Havana for \$10,000; an importing firm paid half of the

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<sup>6</sup>Ibid., II, ii, 1223-24.

<sup>7</sup>Naval Records, I, i, 148.

<sup>8</sup>Ibid., I, i, 151.

<sup>9</sup>War Records, II, ii, 1225.

charter money for the benefit of the return cargo space.<sup>10</sup> The Gordon left Charleston on the night of October 12; a heavy rain helped her evade the cruisers of the blockading squadron, and they arrived at Nassau, a British port where blockade-runners and Confederate vessels were welcome, on the next day.<sup>11</sup>

At Nassau the envoys learned that there was no connecting line to Saint Thomas, the point of departure of British vessels for Southampton. They continued their journey on board the Gordon to Cardenas in Cuba from where they proceeded overland to Havana to wait for a British steamer.<sup>12</sup> The steamer Gordon, now under her new name Theodora, continued on her way to Havana and then returned to Charleston.<sup>13</sup>

In his report Captain Wilkes states that when the envoys arrived in Havana they were met by Mr. Crawford, the British consul, who presented them to Captain-General Serrano.<sup>14</sup> When Mr. Crawford read in American papers that he had presented the envoys to Serrano as ministers of the Confederate States on their way to Europe, he informed Lord Lyons at Washington that he had neither presented nor accompanied

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<sup>10</sup>War Records, II, 11, 1225.

<sup>11</sup>Naval Records, I, 1, 151.

<sup>12</sup>War Records, II, 11, 1226.

<sup>13</sup>Ibid., II, 11, 1227.

<sup>14</sup>Ibid., II, 11, 1098.

those gentlemen to the captain-general. He said Mr. Slidell had been an acquaintance of his since 1825, and that Mr. Mason's brother was a very intimate friend; he had called on the two men but rendered them no official service.<sup>15</sup>

No attempt was made to conceal the identity of the envoys, and Wilkes emphasized the fact that it was the British consul's son, who was the agent of the steamship company, that allowed them to buy tickets to Southampton.<sup>16</sup> On November 7 the party, made up of Mr. Mason and his secretary, Mr. McFarland, Mr. Slidell, his wife and four children, Mr. Slidell's secretary, Mr. Eustis, and his wife who was the daughter of a prominent Washington banker, boarded the British steamer Trent at Havana, as Wilkes said, with the full knowledge and consent of her captain who afterwards did what he could to conceal their identity by refusing to show his passenger list and papers.<sup>17</sup>

The Trent was a British packet which made regular trips between Vera Cruz and the Danish island of Saint Thomas where direct connection was made with steamers running to Southampton. It was one of a line of steamers that carried the English mails under government contract. The Trent had on board about sixty passengers, a cargo of considerable value, and a large amount of specie; and the departure of the envoys from Havana on this vessel was thought to assure a safe

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<sup>15</sup>War Records, II, ii, 1125-26.

<sup>16</sup>Ibid., II, ii, 1089-99.

<sup>17</sup>Ibid., II, ii, 1081-99.

<sup>18</sup>Frank Moore, Rebellion Record, III, 329; War Records, II, ii, 1156.

voyage since it was to be made under a neutral flag.<sup>18</sup>

Charles Wilkes was not unknown in American naval circles and in the scientific world; he had commanded an exploring expedition to the South Polar Ocean and discovered the land which now bears his name. He had been a student of science and had done some scientific writing.<sup>19</sup> Thomas Harris said that his associates and acquaintances regarded him as eccentric and of independent disposition.<sup>20</sup>

In August, 1861, Captain Wilkes took over the command of the United States Steamer San Jacinto which had been engaged in the blockade against slavers along the western coast of Africa for twenty months. Under Wilkes's command another month was spent cruising along the west African coast in search of Confederate privateers. At Cape Verde, which was reached on September 25, they saw in the newspapers that several Confederate privateers had run the blockade and taken prizes near the West Indies; Captain Wilkes decided to cruise these waters before returning to New York. On October 10, the San Jacinto arrived at Saint Thomas in the West Indies where it joined two other United States war vessels, the Powhatan and the Iroquois. The next day the British brig Spartan arrived, and her commander told of having met the Confederate privateer, Sumter. The three warships immediately put to sea in the hope of

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<sup>18</sup>Frank Moore, Rebellion Record, III, 329; War Records, II, 11, 1156.

<sup>19</sup>Malone, op. cit., XX, 216-17.

<sup>20</sup>Harris, 98.

overtaking the Sumter, but they failed to find her. Ten days later the San Jacinto stopped at Cienfuegos on the south coast of Cuba where it was learned that the Confederate Commissioners were at Havana.

Captain Wilkes and the San Jacinto reached Havana on October 28 and learned that Mason and Slidell were still there waiting for the English steamer, Trent, which would leave on November 7. Wilkes then conceived the idea of intercepting the Trent and taking the envoys as prisoners. In the interim he put to sea with the intention of seizing the Theodora on her return to Charleston. Failing to overtake the Theodora he continued to Key West in the hope of finding the Powhatan or some other vessel to aid in stopping the Trent. At Key West he found that the Powhatan had left the preceding day, and since there was no other warship available Wilkes decided to undertake the enterprise alone.<sup>21</sup>

On the morning of November 5, the San Jacinto left Key West and steamed toward Sagua la Grande on the northern coast of Cuba; here an attempt was made to get information concerning the exact time of the departure of the Trent from the United States consul-general at Havana, Mr. Shufeldt.<sup>22</sup> Failing to get this information the San Jacinto took a position in the Old Bahama Channel about two hundred and fifty miles from Havana where it contracts to a width of about

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<sup>21</sup>Summary of the Journey of the San Jacinto, Moore, op. cit., III, 334-35.

<sup>22</sup>War Records, II, ii, 1080; Moore, op. cit., III, 335.

fifteen miles. Anchoring his ship near the middle of the channel Captain Wilkes decided to wait for the Trent as he was certain that it could not pass without being observed. With battery loaded and everything in readiness the San Jacinto cruised here during the night of November 7, and until about noon on the following day when a vessel was seen approaching from the west. When she was near enough a round shot was fired across her bow from the pivot gun of the San Jacinto and the American flag was raised. The approaching vessel displayed English colors but did not check her speed or show any disposition to heave to; then a shell was fired across her bow which exploded several hundred feet from her. This had the desired effect, and the Trent stopped a few hundred yards away.<sup>23</sup>

The following instructions had been issued to Lieutenant Fairfax who was in charge of the party sent to board the Trent:

Sir: You will have the second and third cutters of this ship fully manned and armed, and be in all respects prepared to board the steamer Trent now hove-to under our guns.

On boarding her you will demand the papers of the steamer, her clearance from Havana, with the list of passengers and crew.

Should Mr. Mason, Mr. Slidell, Mr. Bustis, and Mr. McFarland be on board you will make them prisoners, and send them on board this ship immediately, and take possession of her as a prize.

I do not deem it will be necessary to use force; that the prisoners will have the good sense to avoid any necessity of using it; but if they

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<sup>23</sup>Report of Captain Wilkes, War Records, II, ii, 1080-81,

should, they must be made to understand that it is their own fault. They must be brought on board. All trunks, cases, packages and bags belonging to them you will take possession of, and send on board this ship. Any dispatches found on the persons of the prisoners, or in possession of those on board the steamer, will be taken possession of also, examined, and retained, if necessary.

I have understood that the families of these gentlemen may be with them. If so, I beg you will offer them, in my name, a passage in this ship to the United States, and that all the attention and comforts we can command are tendered them, and will be placed in their service.

In the event of their acceptance, should there be anything which the captain of the steamer can spare to increase the comforts in the way of necessaries or stores, of which a war vessel is deficient, you will please to procure them. The amount will be paid by the paymaster.

Lieut. James A. Greer will take charge of the third cutter which accompanies you and will assist you in these duties.

I trust that all those under your command in executing this important and delicate duty will conduct themselves with all the delicacy and kindness which becomes the character of our naval service.<sup>24</sup>

The reports of the officers who took part in the actual seizure of the envoys are quite detailed; the account which follows will include only a summary since the complete reports may be found in both the naval and war records and other works.

Lieutenant Fairfax went on board the Trent alone and was introduced to Captain Moir who was indignant at what he called the unusual treatment he had received but maintained the outward forms of courtesy. When the captain of the Trent refused to show his passenger list, Lieutenant Fairfax

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<sup>24</sup>Naval Records, I, 1, 131-32.

said he had been informed that the Confederate commissioners and their secretaries had taken passage at Havana, and that the steamer could not proceed until he had investigated their presence.

Mr. Slidell, having heard his name mentioned, stepped forward and introduced himself; the lieutenant was acquainted with Mr. Mason who also stepped forward from among the passengers. After the two secretaries had been pointed out, Lieutenant Fairfax informed Captain Moir that his orders were to arrest the four men and send them aboard the *San Jacinto*. During the excitement the passengers had crowded around on the deck and become very noisy; when the marines came aboard to investigate, Captain Moir protested and Lieutenant Fairfax ordered them back to their boat. Among those on board who were noisiest and most abusive was Commander Richard Williams, an officer on the retired list of the royal navy in charge of Her Majesty's mails. He denounced the whole proceeding in bitter and offensive language, stating that he meant to report the matter at once and that England would break the blockade of southern ports in twenty days. Fairfax says that little attention was paid to Captain Williams or his insults.

Mrs. Slidell inquired who was in charge of the *San Jacinto*, and upon being informed that it was Captain Wilkes she expressed surprise at his playing into Confederate hands by doing a thing that would certainly arouse England and thus accomplish what the southern people most desired.



Both Mrs. Slidell and Mrs. Eustis declined to accept Captain Wilkes offer of his cabin, and declared their intention not to leave the Trent.

Mason and Slidell went to their cabins and arranged their luggage, however, both insisted that force would be necessary to compel them to go. Lieutenant Greer's armed marines were brought aboard and formed outside the cabin on the main deck. Lieutenant Fairfax ordered several of his officers to seize Mr. Mason, and when they had put their hands on his shoulders he yielded, as he put it, to force under protest and was escorted to the waiting boat. Lieutenant Fairfax then returned for Mr. Slidell who insisted that considerable force would be necessary to remove him. Several officers were called in and he was "also taken in charge" and handed over to Mr. Greer. Mr. McFarland and Mr. Eustis entered the boat quietly under protest. All the luggage of the four men was placed in another boat and transferred to the San Jacinto.<sup>25</sup>

Regarding the story which appeared in one of the London papers to the effect that Mr. Slidell's daughter had struck him in the face during the incident Lieutenant Fairfax said:

This was based on the fact that she accidentally touched my shoulder while I was talking to Mrs. Slidell at the door of Mr. Slidell's stateroom. While I was standing there, Miss Slidell, then a girl of 15 or 17 years, was protesting against my taking her father from her, when a little roll of the steamer caused her to lose her balance, and

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<sup>25</sup>War Records, II, 11, 1082-83.

thus she touched me slightly. Mrs. Slidell, writing afterward from Paris to her near relative, and a friend of mine, expressed her mortification that such a story should have been circulated.<sup>26</sup>

It will be noticed that Captain Wilkes's orders to Lieutenant Fairfax instructed him to take possession of the Trent as a prize after having captured the commissioners. When the transfer had been made, Lieutenant Fairfax returned to the San Jacinto and reported that he had not made a prize of the Trent in accordance with his original orders for two reasons. The first was that as the San Jacinto was expecting to move north and co-operate with Admiral Du Pont in the naval attack on Port Royal, their force and efficiency would be greatly weakened if a prize crew should be put aboard the Trent to take her into port. The second reason was that such a procedure would cause great inconvenience and loss to the large number of innocent passengers on the Trent. After some consideration Captain Wilkes approved the action, and Captain Moir was informed that the Trent might continue its voyage. The Trent had been detained about two hours by the San Jacinto.<sup>27</sup>

Lieutenant Fairfax gave an account of a conversation which he had with Captain Moir at St. Thomas after the close of the war. The latter

reverted to an interview he had with the British admiralty on his return to England whither he had been from St. Thomas. They were very much displeased with him for not having thrown the Trent

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<sup>26</sup>Battles and Leaders of the Civil War, II, 139-40.

<sup>27</sup>Moore, op. cit., III, 329.

on our hands, to which he replied (so he said to me) that it had never occurred to him; that, in fact, the officer who had boarded the Trent was so civil and had so closely occupied him in conversation about foreign matters, that he had failed to see what afterward was very plain. He recounted the excitement on 'Change over the affair, and expressed the conviction that all England would have demanded speedy redress had I taken the Trent. He had seen the reports in print in our newspapers, and had read my order to take possession and wondered that I had not.<sup>28</sup>

After leaving the Trent the San Jacinto returned northward by way of the Florida coast, but the ship was too late to take part in the attack on Fort Royal.<sup>29</sup> On the way to Fort Monroe at New York the San Jacinto stopped at Hampton Roads for coal on November 15. Captain Wilkes went ashore and told of having captured the Confederate commissioners. His report of the movements of the ship and the facts in regard to the seizing of the commissioners were forwarded to Washington with Commander A. Taylor of the United States Navy, who had been a passenger on the San Jacinto from Africa and was on his way to the national capitol.<sup>30</sup> On November 16, after having received Captain Wilkes's report, Secretary of the Navy Gideon Welles sent the following telegram to the commandant of the New York navy yard:

You will send the San Jacinto immediately to Boston and direct Captain Wilkes to deliver the prisoners at Fort Warren. Let their baggage be strictly guarded and delivered to the colonel at Fort Warren for examination.<sup>31</sup>

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<sup>28</sup>Battles and Leaders of the Civil War, II, 142.

<sup>29</sup>Moore, op. cit., III, 322.

<sup>30</sup>War Records, II, ii, 1091-92.

<sup>31</sup>Ibid., II, ii, 1092.

On the same day the following telegram was sent to Robert Murray, United States Marshal at New York, by Secretary of State Seward and Secretary of the Navy Welles:

You will proceed in the San Jacinto to Fort Warren, Boston, with Messrs. Mason and Slidell and suite. No persons from shore are to be admitted on board the vessel prior to her departure from New York.<sup>32</sup>

Severe weather and a lack of coal forced Captain Wilkes to stop at Newport, Rhode Island, on November 20. The prisoners expressed a wish to be allowed to remain in custody at Newport "on account of comparative mildness of climate" which they thought would benefit their "delicate health." They offered to pledge themselves "not to make any attempt to escape nor to communicate with any person while there unless permitted to do so."<sup>33</sup> The matter was referred by telegraph to the secretary of the navy who immediately sent the following reply:

The Government has prepared no place for confinement of prisoners at Newport. The Department cannot change the destination of the prisoners.<sup>34</sup>

Two days before the arrival of the San Jacinto at Boston, Captain William Hudson, who was in command of the Boston navy yard, received the following telegram from the secretary of the navy:

Direct Captain Wilkes immediately on his arrival to have the effects of the rebel commissioners on board the San Jacinto thoroughly examined, and whatever papers may be found to send them by special messenger to the Department.<sup>35</sup>

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<sup>32</sup>Ibid., II, ii, 1092.

<sup>33</sup>Ibid., II, ii, 1096.

<sup>34</sup>Ibid., II, ii, 1096.

<sup>35</sup>Ibid., II, ii, 1101.

On November 24 the San Jacinto steamed into the harbor at Boston after having encountered both a heavy fog and a severe storm off the New England coast.<sup>36</sup>

Colonel Dimmick, in command of Fort Warren, took charge of the prisoners and their baggage. A careful examination was made, but no dispatches were found among their effects. None had been asked for and no particular effort had been made to secure them when the Trent was boarded.<sup>37</sup> It was later disclosed that the dispatches had been given to other passengers on the Trent. A Mr. Hanckel of Charleston took them and delivered them to the Confederate agents Yancey, Rost, and Mann in London.<sup>38</sup>

Before the commissioners had left Charleston the facts surrounding their appointment and the nature of their mission to Europe was known in the northern states. When the news of their capture was learned the people received it with the greatest excitement and demonstrations of approval. Rhodes says that when the news of the incident reached New York on November 16 the country went as wild with jubilant delight as if it had won a great victory on the battlefield. The northern people had waited so long for some results from the immense levies of men and money that it was no wonder they gave vent to their feelings as they did.<sup>39</sup>

War times are productive of heroes and hero-worship,

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<sup>36</sup>War Records, II, 11, 1097.

<sup>37</sup>Ibid., II, 11, 1101.

<sup>38</sup>Naval Records, I, 1, 155.

<sup>39</sup>J.F.Rhodes, History of the United States, III, 520-21.

and the name of Captain Charles Wilkes was added to the list of heroes that the war had thus far developed. The captor of the Confederate commissioners was praised throughout the loyal states. Two days after the arrival of Captain Wilkes at Boston, November 26, a banquet was given for him and his officers; even the conservative Bostonians became quite enthusiastic over the capture of the commissioners.<sup>40</sup> At the banquet both Captain Wilkes and Lieutenant Fairfax made speeches in which the incident was explained. In the course of his talk Captain Wilkes repeated a passage from his written report to the secretary of the navy explaining and justifying his action. He said that before carrying out the plan he had adopted he examined all the authorities on international law and the rights of neutrals to which he had access and decided that the "so-called ministers" did not have the rights of properly appointed ministers or ambassadors. He said he knew that he had the right to capture vessels carrying written dispatches, and since he considered the commissioners to be the embodiments of dispatches he decided to arrest them if they did not have passports or papers from the Federal government.<sup>41</sup>

The press throughout the North heartily endorsed the act of Captain Wilkes; the columns of the New York Evening

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<sup>40</sup>Ibid., III, 521.

<sup>41</sup>War Records, II, 11, 1098-99.

Post, the Brooklyn Times, the Indianapolis Journal and other leading newspapers were filled with story and verse praising Captain Wilkes's exploit.<sup>42</sup>

Most of the leaders of the government at Washington approved of the seizure of the commissioners. Gideon Welles, secretary of the navy, was much pleased and sent the following letter to Captain Wilkes:

I congratulate you on your safe arrival, and especially do I congratulate you on the great public service you have rendered in the capture of the rebel commissioners, Messrs. Mason and Slidell, who have been conspicuous in the conspiracy to dissolve the Union, and it is well known that, when seized by you, they were on a mission hostile to the government and the country.

Your conduct in seizing these public enemies was marked by intelligence, ability, decision and firmness, and has the emphatic approval of this department. It is not necessary that I should in this communication, which is intended to be one of congratulation to yourself, officers, and crew, express an opinion on the course pursued in omitting to capture the vessel which had these public enemies aboard, further than to say that the forbearance exercised in this instance must not be permitted to constitute a precedent hereafter for infractions of neutral obligations.<sup>43</sup>

At first "no man was more elated or jubilant over the capture of the emissaries than Mr. Seward, who, for a time, made no attempt to conceal his gratification and approval of the act of Wilkes."<sup>44</sup> The remaining members of the cabinet, with the exception of the postmaster-general whose reactions will be given a little later, also approved and

<sup>42</sup>Harris, 124.

<sup>43</sup>Naval Records, I, 1, 148.

<sup>44</sup>Gideon Welles, Lincoln and Seward, 185; cited in Harris, 120.

endorsed the action which had been taken and felt it was justifiable in international law.<sup>45</sup>

On Monday, December 2, Congress assembled and before the close of the first day's session Mr. Lovejoy of Illinois, by unanimous consent, offered a joint resolution which read as follows:

Resolved, That the thanks of congress are due, and are hereby tendered, to Captain Wilkes, of the United States navy, for his brave, adroit and patriotic conduct in the arrest and detention of the traitors, James M. Mason and John Slidell.<sup>46</sup>

While most of the cabinet, congress, the people and the press were bestowing praises upon Captain Wilkes and his deed there was one thoughtful man who was able to look beyond the mere fact of the capture of two conspirators of the South and see the issues which might be involved in the affair. In the evening of the day when the news of the capture was first received in Washington, Dr. Benson Lossing, the historian, and Elisha Whittlesy, comptroller of the treasury, called at the White House and had a brief interview with the president. To these men President Lincoln said:

I fear the traitors will prove to be white elephants. We must stick to American principles concerning the rights of neutrals. We fought Great Britain for insisting by theory and practice on the right to do precisely what Captain Wilkes has done. If Great Britain shall now protest against the act and demand their release, we must give them up, apologize for the act as a violation of our doctrines, and thus

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<sup>45</sup>Harris, 120.

<sup>46</sup>Congressional Globe, XXXII, pt. 1, 5.



forever bind her over to keep the peace in relation to neutrals, and so acknowledge that she has been wrong for sixty years.<sup>47</sup>

Mr. Blair, the postmaster-general, held more radical views of the matter than did the president or anyone else from the very beginning. He did not publicly discuss the case, but to the other members of the cabinet he denounced the seizure of the commissioners as an outrage to the British flag, which he said the British ministry would take as an opportunity to declare war upon the United States. Not being an admirer of Wilkes, Mr. Blair said that he should be ordered to take the Iroquois with Messrs. Mason and Slidell on board, proceed to England and deliver them to the British government.<sup>48</sup>

After the first wave of universal rejoicing had passed over the country, the legality of the act was publicly discussed at length by the press and many able lawyers. The Baltimore American said that the carrying of the commissioners on a British ship was a violation of the laws of neutrality "strictly considered," and the Washington Evening Star, December 9, 1861, said that the British government should direct Lord Lyons to "return the thanks of Her Majesty to the United States government for its forbearance in not having seized the steamer Trent, brought her into port, and confiscated cargo and ship, for an open and

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<sup>47</sup>I. M. Tarbell, The Life of Abraham Lincoln, II, 72.

<sup>48</sup>Welles, op. cit., 186; cited in Rhodes, op. cit., III, 523.

flagrant breach of international law."<sup>49</sup>

In the Boston Transcript of November 18, 1861, George Sumner, a prominent New England lawyer, said "that the act of Captain Wilkes was in strict accordance with the principles of international law recognized in England, and in strict conformity with English practice."<sup>50</sup>

The Washington correspondent of one of the principal western newspapers said there was another very important view of the case which should be carefully considered. It is rather lengthy but merits inclusion because it shows that western opinion was somewhat different from that expressed in New England, and is quoted directly to lose none of its effectiveness. Among other things he said:

By justifying the act of Captain Wilkes, the United States justifies also that very conduct on the part of England toward this country, our resistance to which caused the war of 1812, namely, the right of search; and we abandon the vantage on this great question on which we have heretofore stood. The question then is simply and absolutely this: Is it expedient for the sake of a mere temporary advantage, and a slight one at that, for us to abandon the position on the right of search which we have heretofore held, and assume England's position on that question? It is by no means certain that the arrest of these gentlemen may not be a positive advantage to the South, as the developments of the next two weeks may show. Besides, and over and above all other considerations, it is always better for nations to maintain such a strong and impregnable position as ours was on the right of search than to abandon it for such a slight advantage as this will be. If we give up the ground we occupy on that question, as we shall have to do if we justify the arrest of Mason and Slidell, we will have to submit tamely to

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<sup>49</sup>Harris, 127.

<sup>50</sup>Francis Wharton, Digest of International Law of the United States, III, 448.

the indignities of having all of our merchant vessels searched by every English cruiser that crosses their path, and of having our seamen impressed again into the British naval service.<sup>51</sup>

The correspondent has wrongly interpreted the problem as one of the right of search, but the idea expressed is different from the common view.

On November 21, at a diplomatic dinner in Washington, there was a full and free discussion of the act of Captain Wilkes. The opinion expressed by most of those present was that the seizure was wholly unauthorized by the principles of international law, and some of the ministers went so far as to say that the act, if not disavowed by the United States government, would be a justifiable cause of war.<sup>52</sup>

Such was the effect of the capture as far as the northern states were concerned. At first there was almost universal rejoicing, then an expression of more or less doubt as to the legality of the act, and finally a discussion of its justification. As time went by anxiety developed over position that England would take. Meanwhile Lord Lyons maintained absolute silence in regard to the matter. He was too discreet to express any opinion when he did not know what his position his government would assume.<sup>53</sup>

The New Orleans Crescent summarized the attitude of the Confederate States toward the capture of its envoys by saying that it was

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<sup>51</sup>Chicago Times, November 21, 1861.

<sup>52</sup>Harris, 129.

<sup>53</sup>War Records, II, ii, 1094-95.

a high-handed interference with a British mail steamer by the Lincoln government, and that it would either arouse John Bull to the highest pitch of indignation or demonstrate that there had been an understanding between the two governments for a long time - that England has been and is assisting the abolition government to the detriment of the South.<sup>54</sup>

The question of the right of a ship to stop the Trent and seize the Confederate commissioners had been discussed in England before it was known that such an incident had actually happened. The reason for such a discussion was that the American cruiser James Adger had put in for coal at Southampton and remained in port there. Rumor soon spread that the cruiser was waiting the arrival of the Trent from which the envoys would be removed when the packet reached the English coast. Ambassador Adams explained that the James Adger had been sent to intercept the Confederate cruiser Nashville which was thought to be on its way to England with the commissioners.<sup>55</sup>

In a letter to J. T. Deland, the Editor of the London Times, on November 11, 1861, three days after the seizure actually occurred but sixteen days before the news reached England, Lord Palmerston, the British prime minister, said that, according to the principles of international law laid down in the English courts by Lord Stowell, the American cruiser (James Adger) could stop the British packet and take the southern men and their dispatches or bring the boat into

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<sup>54</sup>Harris, 131.

<sup>55</sup>War Records, II, 11, 1078-79.

a prize court for trial.<sup>56</sup> Another historian has since then shown that in answer to the question of the right of the Federal man-of-war lying at Southampton to intercept the West Indian mail steamer with a view of obtaining Messrs. Mason and Slidell, the law officers reported,

The United States' ship of war may put a prize crew on board the West India steamer, and carry her off to a port of the United States for adjudication by a Prize Court there; but she would have no right to remove Messrs. Mason and Slidell, and carry them off as prisoners, leaving the ship to pursue her voyage.<sup>57</sup>

It is clear, says Baxter, that either the law officers changed their minds on what proved to be the crucial point between their oral statement of opinion to Lord Palmerston on November 11, and their written opinion dated the following day, or else, as seems more probable, Lord Palmerston misunderstood or misquoted the oral opinion as to the right of removing the Confederate envoys.<sup>58</sup>

Thus it is noticed that the legality of such an act had been determined by British authorities when the news of the Trent affair reached England on November 27 through the arrival of the Trent and the accounts prepared by the purser and a number of the passengers.<sup>59</sup> The account of the purser

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<sup>56</sup>C. F. Adams, "The Trent Affair," American Historical Review, XVII (1912), 551-52.

<sup>57</sup>Law Officers of the Crown to Earl Russell, November 12, 1861, in "Papers Relating to Belligerent and Neutral Rights, 1861-1865," American Historical Review, XXXIV (1928), 85.

<sup>58</sup>J. P. Baxter, "The British Government and Neutral Rights, 1861-1865," American Historical Review, XXXIV (1928), 15-16.

<sup>59</sup>Frank Moore, Rebellion Record, III, 330-31; cited in War Records, II, ii, 1102-03.

of the Trent, a not unbiased eye-witness, was at first the chief source of knowledge of details of the episode; but it was soon supplanted by a more vivid narrative. Soon after his return to England Commander Williams, the retired naval officer in charge of the mails on the Trent, told his story of the seizure at a dinner of the Royal Western Yacht Club in Plymouth, and it was reported in most of the newspapers.<sup>60</sup> His account was particularly lurid, especially the story of how the commander himself had saved Miss Slidell by thrusting himself between the bayonets of the "brutal American marines" and the young girl shouting, "Back, you damned cowardly poltroons."<sup>61</sup>

Both the accounts of the purser and Commander Williams were very sensational and highly colored, and some of the statements were purely fictitious if the reports of the officers who boarded the Trent are at all worthy of credence. With a ministry, parliament and press already more favorable to the Confederate cause, and many complaining because of the hardships resulting from the cotton blockade and embargo and advocating British interference in the American quarrel, it is not difficult to see what reaction would follow an incident of this kind at that moment.

H. W. Temple says that the Trent affair roused to a point of dangerous resentment the distrust of Seward already

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<sup>60</sup>Moore, op. cit., III, 331-34.

<sup>61</sup>Ibid., III, 334.

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prevalent in England, and for a time seemed to confirm suspicion that it was the deliberate intention of the American government to provoke Great Britain to war.<sup>62</sup> Thurlow Weed who was in London at that time as an unofficial, but authorized agent of President Lincoln, wrote to Secretary of State Seward as follows,

It is said that you want to provoke war with England for the purpose of getting Canada. ... I was told yesterday repeatedly that I ought to write the President demanding your dismissal.<sup>63</sup>

In England everyone assumed that the seizure had been entirely illegal, and few doubted that the act of Captain Wilkes had been ordered by his superiors and was the consequence of a direct purpose to insult and defy England. The people felt that England had done nothing to provoke a war, but that war was being forced on her since such action on the part of an American captain demanded ample and prompt reparation.<sup>64</sup> An article in the Wakefield Examiner shows to what extent the public feeling had been aroused:

Whatever the law of nations may be, we are certain that the law of English feeling will be that Lord Palmerston will ill sustain his ancient reputation for courage if he allows us to submit tamely to such indignity. ... Ever since the Union of the States we have allowed the Americans to provoke, insult, and bully us. They have with impunity robbed us of our trade, our territory, and our good name. There is, however, a limit even to an Eng-

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<sup>62</sup>H. W. Temple, "William H. Seward," in S. F. Bemis, ed., American Secretaries of State and Their Diplomacy, VII, 61.

<sup>63</sup>Ibid., VII, 61.

<sup>64</sup>Donaldson Jordan and Edwin J. Pratt, Europe and the American Civil War, 29.

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lishman's patience, and our own opinion is, that had we shown a little more determination in years gone by the present indignity would not have been offered to us. The feeling of the people of England before this happened was decidedly in favor of the Southern States, in spite of the fact that those States are mainly supported by slavery, which we have spent millions of money and oceans of blood to put down. We hope that that feeling will now be allowed to have vent, and that we shall show those Northerners that we are no longer disposed to cripple our commerce and ruin our cotton manufacture for the sake of keeping up what they are pleased to call a blockade. If France and England break the blockade, and protect our merchant ships, there will very soon be an end of the American war, for the Southerners will be able to carry it on as they have hitherto done, vigorously and effectively, and in spite of all their boast and blunder the Northerners must submit. We shall then be fully avenged for the insults they have heaped upon us.<sup>65</sup>

The culmination of such sentiment was found in the preparations for war that were begun on a large scale to vindicate insulted honor and uphold the inviolability of the national flag. On December 4, Queen Victoria issued a royal proclamation forbidding the export of any munitions from all ports of the United Kingdom.<sup>66</sup> Immediate arrangements were made to increase the British naval forces in North American and West Indian waters; munitions plants and naval yards were kept working day and night. A panic prevailed in the stock market, and American securities dropped amazingly in view of the war which seemed at hand. Preparations were also made for placing the military forces on a war footing, and it was arranged to increase the army in

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<sup>65</sup>Ibid., 30-31.

<sup>66</sup>War Records, II, ii, 1119.



Canada at once by the addition of thirty thousand men; it was not long until the flower of the British army had embarked for Halifax.<sup>67</sup>

It seemed very unlikely that war could be avoided - the earnestness of the government's preparations, the actual sailing of troops for Canada, and the great activity in the munitions and naval plants all tended to keep tension at a high pitch. Worst of all was the rejoicing over the incident in America which intensified British anger. Many felt that because of public opinion the American government could not disavow the seizure if it wished.<sup>68</sup>

In writing his father's biography Charles Francis Adams said that "most fortunately there was no Atlantic cable, ... had there been such a means of instantaneous communication in 1861, the Trent affair could hardly have failed to involve the two nations in war."<sup>69</sup> As it was, it required from sixteen to twenty days to send a message from London to Washington and receive a reply; and sixteen days afford a good deal of time in which a popular craze may subside, and there is a good chance that reason may resume its sway.<sup>70</sup>

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<sup>67</sup>Ibid., II, ii, 1123-24.

<sup>68</sup>Jordan and Pratt, op. cit., 35.

<sup>69</sup>C. F. Adams, Charles Francis Adams, 217.

<sup>70</sup>Ibid., 218.

CHAPTER III  
SOLVING THE INCIDENT

As soon as the official report of the incident by Commander Williams was made to the government the crown law officers were asked to consider the legality of the case. The lawyers reported that

we are of the opinion that the conduct of the United States officer commanding the 'San Jacinto' as set forth in Commander Williams' letter, was illegal and unjustifiable by international law. The 'San Jacinto' assumed to act as a belligerent, but the 'Trent' was not captured or carried into a port of the United States for adjudication as a prize, and under the circumstances cannot be considered as having acted in breach of international law.<sup>1</sup>

The case was then considered by the cabinet, and on November 29, only two days after the news of the boarding of the Trent and the seizure of the envoys had reached England, Lord Palmerston prepared a note to the queen saying that the cabinet was of the opinion that the Washington government should be informed that the act was a violation of international law and the rights of Great Britain, and that if the act was not disavowed and the prisoners set free Lord Lyons should be instructed to return to London.<sup>2</sup>

This proposed dispatch was carefully examined by Her Majesty and Prince Albert; they were impressed by the fact

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<sup>1</sup>Law Officers of the Crown to Earl Russell, in "Papers Relating to Belligerent and Neutral Rights, 1861-1865," American Historical Review, XXXIV (1928), 86-87.

<sup>2</sup>Martin, Life of the Prince Consort, V, 420; cited in Harris, 165.

that the communication indicated a crisis in the affairs of the two countries and that war was not improbable. At the queen's request the prince wrote a memorandum stating that the queen preferred the use of less harsh and offensive language.<sup>3</sup> Lord Russell wrote the dispatches to Lord Lyons at Washington after having received the memorandum; the one containing the formal demand of the government reviewed the seizure of the envoys and ended:

Her Majesty's government, therefore, trusts that when this matter shall have been brought under the consideration of the government of the United States that government will, of its own accord, offer to the British government such redress as alone could satisfy the British nation, namely, the liberation of the four gentlemen and their delivery to your lordship, in order that they may again be placed under British protection, and a suitable apology for the aggression which had been committed.<sup>4</sup>

In a private letter on the same day, November 30, Earl Russell instructed Lord Lyons that if Seward should ask for a delay or for more time to consider the demand, he should consent to a delay of not more than seven days, and if no answer had been given by that time the British legation should leave Washington.<sup>5</sup>

The messenger of the British government arrived in Washington and delivered Earl Russell's dispatches to Lord Lyons on December 18;<sup>6</sup> on the afternoon of the following day, in accordance with his instructions, Lord Lyons called

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<sup>3</sup>Harris, 166.

<sup>4</sup>War Records, II, 11, 1111.

<sup>5</sup>Ibid., II, 11, 1111.

<sup>6</sup>Ibid., II, 11, 1134.

on Secretary of State Seward at the state department and acquainted him with the general terms of the dispatches demanding reparation. Mr. Seward asked that he be given until the next day to consider the matter and communicate with the president;<sup>7</sup> and it was not until December 23 that Lord Lyons formally read the Russell dispatch to Seward.<sup>8</sup>

There is no record of the first private conferences to discuss the British demand for the release of the commissioners. A cabinet meeting to consider the demand was set for December 24; but on account of urgent domestic problems it was postponed until Christmas Day.

When the cabinet meeting to discuss the matter was finally held on Christmas Day more than half of the days of grace had elapsed. Something had to be done quickly to avoid adding a foreign war to the one at home, and it seemed that the British demand was in the form of an ultimatum which prevented recourse to arbitration. The principal discussion was devoted to a proposed dispatch to surrender the commissioners which had already been written by Secretary Seward. Senator Sumner, chairman of the senate committee on foreign affairs, was invited in to the meeting and he read letters from John Bright and Richard Cobden, Englishmen sympathetic to the Union cause, urging that for their own sake they must not let the matter grow into

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<sup>7</sup>Ibid., II, 11, 1135.

<sup>8</sup>Ibid., II, 11, 1142.

a war with England, as such a war would be fatal to the restoration of the Union.<sup>9</sup> During the discussion a dispatch from the French Minister of Foreign Affairs, Thouvenel, to Henri Mercier, the French ambassador at Washington, was received which asserted that England had made a just demand and it should be complied with.<sup>10</sup>

There is some record of the various opinions of the members of the cabinet at that time; these sources were not available to the writer and are taken from a secondary source. Extracts from the diary of Attorney-General Bates indicate that there was a frank discussion of the proposed reply of Secretary Seward, and members of the cabinet were impressed with the gravity of the situation. Mr. Bates urged releasing the men; waiving the legal right about which there was much doubt, he favored compliance with the British demand on account of the necessity of the case. The country could not afford to have a war with England, he thought, as that would be giving up hope of subduing the insurrection; it would ruin trade and bankrupt the treasury.<sup>11</sup>

Secretary of the Navy Welles wrote:

The president was from the first willing to make concession. Mr. Blair advocated it. Mr. Seward was at the beginning opposed to any idea of concession which involved giving up the emissaries, but yielded at once and with dexterity to the preemptory demand of Great Britain. ... Mr. Seward

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<sup>9</sup>Pierce-Sumner Papers, MS.; cited in Rhodes, op. cit., III, 536-37.

<sup>10</sup>War Records, II, ii, 1118.

<sup>11</sup>Harris, 191.

should receive credit for the dexterous and skillful dispatch which he prepared on his change of position. It exhibits his readiness and peculiar tact and talent to extricate himself from and to pass over difficulties.<sup>12</sup>

In private correspondence Mr. Seward later said of the matter:

The consideration of the Trent case was crowded out by pressing domestic affairs until Christmas Day. It was considered on my presentation of it on the 25th and 26th of December. The government when it took the subject up had no idea of the grounds upon which it would explain its action nor did it believe that it would concede the case. Yet it was heartily unanimous in the actual result after two days examination in favor of the release. Remember that in a council like ours there are some strong wills to be reconciled.<sup>13</sup>

Secretary Chase recorded his own opinion as he gave it in the discussion. He believed that Great Britain would not have expected the surrender of the commissioners if she had understood all the circumstances of the case. He concluded as follows:

But we cannot afford delays. While the matter hangs in uncertainty the public mind will remain disquieted, our commerce will suffer serious harm, our action against the rebels must be greatly hindered, and the restoration of our prosperity - largely identified with that of all nations - must be delayed. Better, then to make now the sacrifice of feeling involved in the surrender of these rebels, than even avoid it by the delays which explanations must occasion. I give my adhesion, therefore, to the conclusion at which the secretary of state has arrived. It is gall and wormwood to me. Rather than consent to the liberation of these two men I would rather sacrifice everything I possess. But I am consoled by the reflection that, while nothing

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<sup>12</sup>Gideon Welles, Lincoln and Seward, I, 185-88; cited in Harris, 191.

<sup>13</sup>Seward to Weed, Life of Thurlow Weed, II, 409; cited in Harris, 191-92.

but severest retribution is due them, the surrender, under existing circumstances, is but simply doing right - simply proving faithful to our own ideas and traditions under strong temptations to violate them - simply giving to England and the world the most signal proof that the American nation will not under any circumstances, for the sake of inflicting just punishment on rebels, commit even a technical wrong against neutrals.<sup>14</sup>

When the British demand was discussed in the senate on December 26 Senator Hale of New Hampshire said that the surrender of Mason and Slidell on the demand of Great Britain would be a most fatal act and would make the United States a vassal of Europe. He would rather fight and be defeated than to suffer humiliation and fight afterwards.<sup>15</sup> Senator Sumner of Massachusetts answered him by saying that he had spoken too quickly; he said he had a firm conviction that the question would be peaceably and honorably adjusted and did not believe that it was a question to be settled by war.<sup>16</sup>

Fear that surrender of the commissioners would rouse public opinion against the administration in power caused considerable hesitation, but in the end the cabinet un-animously agreed upon the reply which the secretary of state had written and submitted to them.<sup>17</sup>

Secretary Seward's letter of reply was sent to Lord Lyons as soon as the president and cabinet had agreed to

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<sup>14</sup>Warden, Life of Chase, 393-94; cited in Harris, 192-93.

<sup>15</sup>Congressional Globe, XXXII, pt.1, 176-77.

<sup>16</sup>Ibid., XXXII, pt.1, 177.

<sup>17</sup>Harris, 193.

the surrender of the Confederate commissioners. The letter was quite long; it began by summarizing the British note of November 30th asking for immediate reparation.<sup>18</sup> Then follows an explanation that the capture was made without any direction, instruction, or even foreknowledge of the Federal government; that no orders whatever had been issued to Captain Wilkes or to any other naval officer to arrest the four persons taken from the Trent, and that the British government would justly infer from these facts that the United States had no purpose or even thought of forcing into discussion the question that had arisen.<sup>19</sup> The facts concerning the boarding of the Trent as reported by Commander Williams were then reviewed and the errors were corrected.<sup>20</sup>

Secretary Seward said that to determine whether the incident was authorized and conducted according to international law five questions must be considered:

- First. Were the persons named and their supposed dispatches contraband of war?
- Second. Might Captain Wilkes lawfully stop and search the Trent for these contraband persons and dispatches?
- Third. Did he exercise that right in a proper and lawful manner?
- Fourth. Having found the contraband persons on board and in presumed possession of the contraband dispatches had he a right to capture the persons?
- Fifth. Did he exercise that right of capture in the manner allowed and recognized by the law of nations?<sup>21</sup>

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<sup>18</sup>War Records, II, ii, 1145.

<sup>19</sup>Ibid., II, ii, 1146.

<sup>20</sup>Ibid., II, ii, 1146-47.

<sup>21</sup>Ibid., II, ii, 1148.



The first four questions were answered in the affirmative by the secretary's reply; it was the fifth, or the mode of procedure, which had not been carried through in the recognized manner and on which the release of the men was now based; that is, Captain Wilkes should have brought the Trent into port and have the legality of the seizure judged by a prize court to comply with the recognized procedure under international law. Captain Wilkes had given his reasons for not taking the Trent as a prize, and Mr. Seward explained that, although they were satisfactory to the American government, they did not follow international law. For this error the British government had a right to expect the same reparation that we should expect from Great Britain or any other power in a similar case.<sup>22</sup>

Seward concluded that he was relieved of all embarrassment on the subject when he discovered that he was defending not British but American policies, and that had he decided the case in favor of his own government he would be reversing and abandoning an essential American principle. At the very end of the lengthy reply the release of the Confederate commissioners was announced, "The four persons in question are now held in military custody at Fort Warren, in the State of Massachusetts. They will be cheerfully liberated. Your lordship will please indicate a time and place for receiving them."<sup>23</sup>

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<sup>22</sup>War Records, II, ii, 1153.

<sup>23</sup>Ibid., II, ii, 1154.

Mr. Seward's message conceding the British demand was gratifying to Lord Lyons; he acknowledged its receipt on December 27, sent a copy of the communication to Earl Russell, and said that he would arrange to transfer the "four gentlemen" again into British protection.<sup>24</sup> Without waiting to hear from London, Lord Lyons accepted the answer of the Federal government as a final and satisfactory solution of the incident. Three days later he instructed Commander Hewett, of the English sloop-of-war *Rinaldo*, to proceed to Provincetown, a small seaport about forty miles from Boston, to receive the prisoners.<sup>25</sup> He added at the same time:

It is hardly necessary that I should remind you that these gentlemen have no official character. It will be right for you to receive them with all courtesy and respect as gentlemen of distinction, but it would be improper to pay them any of those honors which are paid to official persons.<sup>26</sup>

The four persons and their luggage were conveyed from Fort Warren to Provincetown in the tugboat *Starlight* and out on board the *Rinaldo* on the evening of January 1, 1862. They said they wished to proceed to Europe as soon as possible, and since the northern route by way of Halifax was not being used at that time of the year they were taken to the Danish port of Saint Thomas, to which place they were enroute when taken off the *Trent* by Captain Wilkes. From this port they took passage for Europe and reached their

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<sup>24</sup>Ibid., II, 11, 1155.

<sup>25</sup>Ibid., II, 11, 1160.

<sup>26</sup>Ibid., II, 11, 1161.

destination after a delay of about seventy days caused by a seemingly slight incident which nearly involved two nations in war.<sup>27</sup>

After the surrender of the Confederate envoys, public opinion in the North still upheld the act of Captain Wilkes; people felt that temporary expediency was the only reason for releasing the men and that the British demand in the form of an ultimatum had been unfair coming at the time it did. When the correspondence which had taken place between the secretary of state and the British government relative to the Trent affair was presented to the House of Representatives by the speaker on January 7, 1862, there was a free discussion of the British demand and the subsequent release of the commissioners. Mr. Vallandigham of Ohio thought that a mistake had been made in giving up the men. He said that for the "first time has the American eagle been made to cower before the British lion."<sup>28</sup>

Mr. Thomas of Massachusetts said that complaint of the government would be useless since it was too much to ask that it take another war on its hands when there were more pressing duties nearer at hand. He concluded:

We can wait ... England has done us a great wrong in availing herself of our moment of weakness to make a demand which, accompanied as it was by the pomp and circumstance of war, was insolent in spirit and thoroughly unjust ... But the loss will ultimately be hers. She is treasuring up to herself

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<sup>27</sup>War Records, II, ii, 1164.

<sup>28</sup>Congressional Globe, XXXII, pt.1, 208.

wrath against the day of wrath. She has excited in the hearts of this people a deep and bitter sense of wrong, of injury inflicted at a moment when we could not respond. It is night with us now, but through the watches of the night, even, we shall be girding ourselves to strike the blow of righteous retribution.<sup>29</sup>

Mr. Wright of Pennsylvania said that he justified the act just as it was justified by the rest of the country when public meetings everywhere acclaimed Captain Wilkes and his deed and when the government approved the act; but in the meantime conditions had arisen making it necessary to resort to expediency in the matter to save the country from being involved in a war with Europe. Mr. Wright continued:

I would rather surrender these rebel refugees a thousand times over than to have them the cause of war... If they have to be surrendered then let them be surrendered under a protest, while we shall remember hereafter that there is a matter to be canceled between the British Government and the United States of North America.<sup>30</sup>

Mr. Lovejoy of Illinois, in voting against an appropriation of \$35,000 to pay the expenses of an American exhibit at the London international exposition, said that inasmuch as the United States had submitted to be dishonored by Great Britain he thought America ought to stay home until a time should come when they would be able to whip the British nation. Concerning the surrender of Mason and Slidell he said:

I acknowledge it, I literally wept tears of vexation. I hate it; and I hate the British government. I have never shared in the traditional hostility of many of my countrymen against England. But I

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<sup>29</sup>Ibid., XXXII, pt.1, 209-10.

<sup>30</sup>Ibid., XXXII, pt.1, 211.

now publicly avow and record my inextinguishable hatred of that government. I mean to cherish it while I live, and to bequeath it as a legacy to my children when I die.<sup>31</sup>

When the correspondence of the Trent affair was presented to the senate by the president, Senator Sumner defended the course of the government in surrendering the commissioners. He held that the act of Captain Wilkes could be vindicated by British precedents, but that it became questionable when tried by the liberal principles which the United States had always sought to maintain in regard to the sea. He said that the American government had early adopted a policy that only officers or soldiers could be stopped, which excluded the idea that ambassadors or emissaries of any kind could be stopped while sailing under a neutral flag. In closing Senator Sumner said:

the seizure of the rebel emissaries on board a neutral ship cannot be justified according to our best American precedents and practice... Prison doors are opened, but principles are established which will help to free other men, and to open the gates of the sea.<sup>32</sup>

This speech was timely and effective and was well received throughout the North. The newspapers commented upon it in the most favorable terms, and it did much to influence public opinion in support of the surrender.

The news that the British demand had been complied with was a disappointment to the South. In the words of

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<sup>31</sup>Congressional Globe, XXXII, pt. 1, 333.

<sup>32</sup>Ibid., XXXII, pt. 1, 245.

Edward A. Pollard

the concession of Mr. Seward was a blow to the hopes of the southern people. The contemplation of the spectacle of their enemy's humiliation in it was but little compensation for their disappointment of a European complication in the war. Indeed, the conclusion of the Trent affair gave a sharp check to the long cherished imagination of the interference of England in the war, at least to the extent of her disputing the blockade, which had begun to tell on the war-power and general condition of the Confederacy.<sup>33</sup>

The Richmond Examiner, a representative Confederate newspaper said

Never since the humiliation of the Doge and Senate of Genoa before the footstool of Louis XIV has any nation consented to a degradation so deep. If Lincoln and Seward intended to give them up at a menace why, their people will ask, did they ever capture the ambassadors?<sup>34</sup>

There was much rejoicing over the conclusion of the incident in England, and the reaction was decidedly in favor of the North. Englishmen were disposed to feel kindly toward an antagonist who had provided them with a comparatively costless victory.<sup>35</sup> In the exultation over this victory, as it was called, less attention was given to Mason and Slidell personally. The London Times said:

We do sincerely hope that our countrymen will not give these fellows anything in the shape of an ovation. The civility that is due to a foe in distress is all that they can claim... They are here for their own interests, in order, if possible, to drag us into their quarrel, and, but for the unpleasant contingencies of a prison,

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<sup>33</sup>E. A. Pollard, The Lost Cause; a New Southern History of the War of the Confederates, 197.

<sup>34</sup>Ibid., 197.

<sup>35</sup>Jordan and Pratt, Europe and the American Civil War, 47.

rather disappointed, perhaps, that their detention has not provoked a new war. When they stepped on board the Trent they did not trouble themselves with the thought of the mischief they might be doing an unoffending neutral; and if now, by any less perilous device, they could entangle us in the war, no doubt they would be only too happy. We trust that there is no chance of their doing this, for impartial as the British public is in the matter, it certainly has no prejudice in favor of slavery, which, if anything, these gentlemen represent.<sup>36</sup>

During the entire incident the Canadian press upheld the British demand. After the matter had been settled the Montreal Herald said that the United States would have done the proper thing if they had surrendered Mason and Slidell at once without waiting for the presentation of the British demand for their release.<sup>37</sup>

The forcible seizure of the Confederate commissioners while on board the Trent caused considerable discussion in Europe. Many of the countries felt that such an act tended to weaken the rights and privileges enjoyed by neutral powers. Some of the nations expressed their views to the American government through the customary diplomatic channels, that is, by letters to their ministers at Washington.

In a dispatch to M. Mercier, M. Thouvenel, the French minister for foreign affairs said

The arrest of Messrs. Mason and Slidell, on board the English packet Trent, by an American cruiser, has produced in France, if not the same emotion as in England, at least extreme astonishment and sensation... The fact has appeared so much out

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<sup>36</sup>London Times, January 11, 1862; cited in Harris, 336-37.

<sup>37</sup>Helen G. MacDonald, Canadian Public Opinion on the American Civil War, 123.

of accordance with the ordinary rules of international law that it has chosen to throw the responsibility for it exclusively on the commander of the San Jacinto.<sup>38</sup>

The Austrian ambassador was notified that

according to the notions of international law adopted by all the powers, and which the American government itself has often taken as the rule of its conduct, England could not by any means refrain in the present case from making a representation against the attack made on its flag, and from demanding a just reparation for it.<sup>39</sup>

Count Bernstorff wrote the Prussian minister at Washington that by the act

one of the most essential and generally recognized rights of the neutral flag is placed in question... In Europe public opinion has spoken out with extraordinary unanimity, and in the most decided manner in behalf of the aggrieved party.<sup>40</sup>

In a discussion of the view of the other European nations in regard to the Trent affair one of the English reviews said, "The whole of Europe has pronounced that we were right."<sup>41</sup>

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<sup>38</sup> Senate Executive Document No. 8, 37 Cong., 2 Sess., 13-15.

<sup>39</sup> Senate Executive Document No. 14, 37 Cong., 2 Sess., 1-2.

<sup>40</sup> Senate Executive Document No. 18, 37 Cong., 2 Sess., 2-3.

<sup>41</sup> London Quarterly Review, No. 221, 273; cited in Harris, 206.



### Conclusion.

Captain Wilkes had an undoubted right to stop and search the Trent for contraband of war, and this was neither denied nor complained of by the British government. Authorities on international law are practically unanimous in support of the doctrine that a belligerent cruiser may search neutral vessels in time of war, and if necessary take them into port for adjudication by a prize court. Mr. Seward assumed that the men and their dispatches were contraband, Senator Sumner denied this at the time, and since then students have shown that the men in question were not contraband. In the first treaty made by the United States with a foreign power, the French treaty of 1778, it was provided that no class of persons should be taken out of a ship except "soldiers in the actual service of the enemy," and this policy had been incorporated in other treaties prior to the Civil War period.<sup>42</sup>

It would have been more consistent with American policy if the release of the commissioners had been based on their illegal seizure rather than on the technicality that Captain Wilkes had failed to bring the Trent into port for adjudication.

On the other hand the British demand, coming as it did in the form of an ultimatum, was somewhat unreasonable since the seizure of the commissioners had not been authorized.

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<sup>42</sup>J. B. Moore, A Digest of International Law, VII, 773-78.

Captain Wilkes at the time thought he had the right to take the men from the Trent and certainly had no intention of insulting the British flag.<sup>43</sup>

Similar cases had always been settled through diplomatic channels and without resort to arms as appeared to be the intention of England in this case.<sup>44</sup>

The difficulty of adjustment of the problem was not in the stand taken by either government but in the intense excitement of public opinion in both countries. In the United States there was enthusiastic approval of the act of Captain Wilkes and in England there was an equally vehement demand for immediate reparation by the people at large.<sup>45</sup>

After considering the incident it appears that the United States government could not have refused to surrender Mason and Slidell without disregarding the principles and precedents it had sought to establish for many years in respect to neutral rights on the seas.

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<sup>43</sup>War Records, II, ii, 1098.

<sup>44</sup>Montague Bernard, "Belligerents and Neutrals," Edinburgh Review, CXV (January, 1862), 284.

<sup>45</sup>J. G. Blaine, Twenty Years of Congress, I, 500.

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