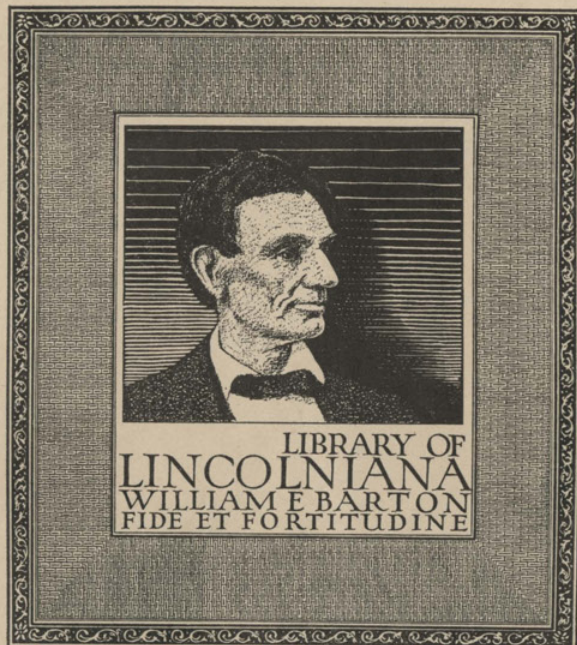


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William E. Barton

LETTERS OF MARQUE

BY

GIDEON WELLES

A MANUSCRIPT

ON THE USE OF PRIVATEERS IN THE NAVY

William C. Burton
Wells Sale 470
Jan 11, 1924

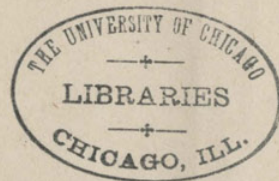
LETTERS OF MARQUE GIDEON WELLES (MANUSCRIPT)



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Lincoln



The ^{subject} question of enlisting private enterprise in aid of the government upon the ocean as well as the land early engaged attention. Vague and ^{wonderfully exaggerated} ~~professed~~ rumors that our commerce and shipping interest ~~were endangered~~ alarmed the merchants and aroused the ~~community~~ ^{fishermen} and stirred up the ^{that there should be} ~~mainmen~~ on our sea coast, who were anxious for counteracting movements against their threatened depredators. Schemes for a volunteer navy, propositions for a militia of the seas, tenders of Garret squadrons, and plans for naval brigades were pressed upon the government by men of position and character as well as by the ^{spirits} ~~spirit~~ of adventurers. It was remembered that in the year of 1812 with the ^{valuable} ~~great~~ ^{important} ~~service~~ ^{great} ~~service~~ rendered by the privateers, and, without considering the difference ^{between} ~~character~~ of the a foreign war with the wealthiest commercial nation

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and ^{that of} a civil conflict with insurgents who
had neither common to be injured, nor booty
to renew private enterprise, it was urged
that the government might be benefited

now as then by a course of reprisals.

The Secretary of State, ^{falling in with the general popular feeling,} favored
these ^{crude} schemes, while the Secretary of the
Navy, who had more especially in charge
the policy of the seas, questioned whether
letters of Marque and reprisals could be
made effective in this conflict with the
rebels, and ^{was apprehensive they might jeopardize} ~~might endanger~~ peaceful relations
with other powers. At the commencement
of difficulties, the ^{government} ~~rebels~~ authorized the
licensing of privateers which aggravated
the ^{existing} hostile feeling, and in the ^{the} ~~the~~ desire to strike
the most effective blows against the rebels,
the demands for using every available means
became ^{almost irresistible} ~~irresistible~~. ~~Some~~ indications of
a willingness by foreign governments, to give
encouragement to the rebels, particularly Great
Britain by the treatment of questions of
international maritime law, had

probably an influence on the Secretary
of State, ~~which increased~~ ^{and more deeply enlisted} his sympathies with
those who were zealous for ^{carrying on upon the high seas} private as well as
public ^{affairs} ~~national~~ war ~~against~~ upon the high seas
No encouragement was given by the administration
against the ~~privateers~~ ^{privateers} upon the high seas.
The pressure from without naturally led
to ^{occasional} discussions in the cabinet, which developed
the ^{or differing} views entertained by the heads of the two
department ^{But} ~~in~~ ^{the} ~~matter~~ ^{of} ~~the~~ ^{the} ~~subject~~ ^{subject} ~~of~~ ^{of} ~~the~~ ^{the} ~~high seas~~ ^{high seas}.
No ^{and} ~~steps~~ ^{steps} were taken, ~~and~~ ^{and} ~~this~~ ^{this} ~~was~~ ^{was} ~~in~~ ⁱⁿ ~~itself~~ ^{itself} the naval policy. At the extra session
of Congress in July, the subject was entertained
by the members ^{and} among the acts passed ^{authority} ~~confering~~ ^{confering} ~~power~~ ^{power}
on the Executive, was one empowering the President
to "authorize the commander the commander
of armed vessels sailing under the
authority of any letters of Marque and reprisal
granted by Congress, to subdue, seize,
take, and if on the high seas to send into port,"
But Congress omitted to authorize the issuing
of letters of Marque. The enactment, however,
seemed to relieve ^{the government administration} ~~in a measure~~ ^{of the} from
the many ~~difficulties~~ ^{difficulties} that had been ~~confronted~~ ^{confronted}.

But, shortly after Congress adjourned, some
 highly respectable Merchants, ^{of Boston} engaged in the
 China Trade, apprehensive that "rebel cruises might
 get into their sea" addressed a communication
 to the Secretary of the Navy, suggesting the
 "expedition of Letters of Marque, or other
 commission" under the provision of the
 recent enactment. ~~At the same time~~ Simultaneously
 with this communication to the Secretary
 of the Navy ~~a letter was~~ an application
 was made to the Secretary of State by some
 of the same parties, for letters of Marque to
 the steamer Tembrooke, which was about
 sailing from Boston to China. Mr. Lincoln,
 in view of ~~the difference between the State & Navy Departments,~~
 instead of answering this letter direct, ~~and to leave~~
~~of our difference~~ referred ^{it} this letter, with an
 enquiry to me. ^{while the President approved what I had in mind,} My reply to him, corresponded
 with my answer to the Merchants, and ~~was~~ ^{sent}
 disposed of the application ^{to the State Department by him} by sending ^{out} ~~these~~
 as publishing my ^{letter to him & this} ~~reply~~ ^{reply} ~~which~~ ^{which} ~~relieved him of~~
 responsibility. (see copy

The letter was ^{unavoidably} ~~very~~ well received and
 had the effect of calming and apparently of
 satisfying, for a ^{time or least} ~~period~~, those who had
 taken the deepest interest in the subject.
 But the ^{which would have been} ~~raucous~~ ^{with friendly feeling in British ports, with} ~~the subsequent depredations~~
 the ^{English built} ~~Alacuma~~ ^{and} ~~Florida~~ ^{and} ~~an~~ ^{chiefly by Englishmen} ~~indigna-~~
 tion of the whole country. This indignation
 was increased and aggravated by the conduct
 of the British government, in excluding all United
 States ~~ships~~ ^{though} ~~coasters~~ from the English ports
 in China, ^{and the whole commercial world was involved in this} ~~while~~ ^{subsequent} ~~the seas of that empire~~
 were infested by pirates. While our national
 ships ^{in British English ports, received only grudging} ~~were refused~~ ^{with no recognized nationality, though} ~~hospitality~~, it was notorious
 that the semi-piratical ~~rovers~~ ^{substantially English vessels sailing under the red flag, were} ~~which were~~
 capturing, plundering and wantonly destroying
 our commerce, ~~were really~~ ^{the} ~~substantially~~ ~~English~~
 vessels, sailing under ~~red~~ ^{the} ~~flag~~, and that
 the injury to us was to the ~~necessary~~ ^{wrong and} ~~benefit~~
 of ~~England~~. Under these ~~outrages~~ ^{wrong and} our whole
 commercial marine became greatly excited,
 and could the country have been united, a
 war with England ^{to her commerce} ~~more calamitous~~ ^{than any}
 she had ever known, would have ^{made known with} ~~devastated~~ ^{her commerce}

But our condition was such that forbearance
 became a duty, ^{while engaged in preventing a war with the rebels} and the government ^{was} subjected
 to a severe trial in restraining the popular
 demand for reprisals, ^{which would have brought a war with England and Britain} ~~the large amount~~
 for though the crown was not unfriendly to the union it was known
^{was largely} of English capital engaged in illicit traffic
 with the rebels, and in running and evading
 the blockade. ^{At the same time} the unneutral and unfriendly
 conduct of her ^{who} ~~private~~ ^{policy} ~~that~~ put forth
 no arm to ^{prevent} ~~restrain~~, but ^{craftily} ~~really~~ convinced
 at schemes against the Union, will be lasting
 memorials against the administration of
 Palmerston and Russell. It is some gratification
 to remember, ^{when} ~~that~~ those dark days are
 over, that in addition to the amount of fifteen
 millions for the criminal ^{we suffered from English} ~~wrong~~ ^{our}
 Navy captured more than thirty millions
 of property, ^{engaged in illicit traffic & running the blockade,} no inconsiderable portion of
 which was English capital, engaged in
^{attempts to} ~~running the blockade~~ ^{comparatively} ~~little credit was given~~
 at the time, by the ^{disregard was} ~~Clashes~~ of the other
 departments for the service of the Navy. Complaints
 from interested and ^{while the public mind was inflamed} ~~mischievous~~ ^{complaints were made}
^{made} ~~in all that time~~ of the want of efficiency

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on the part of the Navy and Navy Department,
Privateers, ~~and~~ letters of Marque and ~~seizure~~
were called for, by men regardless of the
necessities of the case, and the consequences
of committing to ^{greatly as well as} ~~adventuring~~ the highest
and most delicate responsibilities of the government -
~~an abuse of which, would endanger the peace of the Nation,~~
Do not and dispense of these demands, a ~~modest~~
other ~~the~~ duties require ^{decision and} ~~offer~~, ~~ad~~ ~~determination~~,
~~but they were increased by the course of the~~
The Secretary of State ~~who~~ instead of repressing piracy
~~was favorable to this privateering policy, which had its advocates~~
~~encouraged the clamor of privateers,~~
~~in certain waters and circles in New York.~~
Fortunately, the President, ~~with~~ ^{cautious}, but firm
and steady, ~~and~~ maintained a prudent
and wise reserve, and committed ~~himself~~ ^{no} to
none of the projects that ^{was likely to jeopardize} ~~were urged which~~
~~would jeopardize the national welfare.~~
There were also judicious and discreet minds
on this subject ^{in Congress, that} ~~which~~ deprecated the policy of
~~seizing and selling by private~~
~~licensing privateers~~ in this war with rebels.
The subject was, however, ~~very~~ much agitated,
and in July 1862, Mr. Seward wrote to
Mr. Adams

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with impunity, to the injustice carry on this an
indiscreet warfare on our commerce
without retaliatory measures. Mr. Sumner
wrote Mr. Adams in July 1862 "that since
that he might inform Earl Russell,
"since the Oneto ~~Florida~~ and other gunboats
are being received by the insurgents
from Europe to renew demonstrations
on our National Commerce, Congress
is about to authorize the issue of letters
of Marque and reprisal, and that if we
find it necessary to suppress this piracy,
we shall bring privateers into service
for that purpose and of course for that
purpose only." But Congress adjourned
without taking action on the subject. The
war depredations committed by English built
vessels with manned chiefly by
English men, sailing, not under the English
flag nor the flag of any recognized nation,
but the rebel ~~supplies~~ ^{the rebel supplies} continued to increase, and with it increased
the irritation and hostility towards the
government and people who covetly were

This was a qualified and harmless admonition which was
duly appreciated by Earl Russell, particularly when he heard a few
days after, Congress had adjourned, ~~however~~ without
taking action on the subject. ^{In the mean time} the depredations
of the Alabama and ~~rest of her~~ Florida insured
the irritation and hostility against not only the
rebels but ^{mercenary} England.

On the 29th of September, Mr. Seneca
warned me that there were extensive combi-
nations to break the blockade, and to confirm
his admonition brought me ~~with some~~
~~excitement~~ ~~and also~~ a despatch and
documents from ^{Mr. Dudley} our efficient Consul ^{Dudley}
at Liverpool. The despatch ^{was a notification} ~~was a notification~~ ~~proof~~
that eight or ten steamers were nearly ready to
run the blockade; but there was no evidence to
confirm this apprehension. ^{of the sailing of boats} ~~There were~~ ~~no reports~~
^{was made} of any armed vessel, but there was ^{reported} wonderful
activity among the merchant adventurers of Great
Britain, stimulated by the tidings of our disasters
under Gen. Lee at Bull Run which they had
just previously received, and ^{which they} considered conclusive
that the Union cause could not be ^{sustained} ~~maintained~~.
^{My senior} ~~He~~ had mistaken ~~English~~ ^{English} ~~English~~

blockade runner, for ^{public} armed blockade
breaker. Although ^{instructed} ordered, he persisted
in the ^{policy of} ~~class~~ ^{that we must issue letters}
of Marque, ^{advisable} and ^{at the time} prepared that the ^{principal} ~~runner~~ ^{merchant}
Baltic should be commissioned, as ^{commodore}
a very competent ^{somewhat connected with the New York river} Merchant Captain ^{placed}
in command. Such a proceeding ~~would~~
on the part of the government would have
been ~~an~~ ^a ~~correct~~ ^{reflection} on Naval Officers
and could ^{there was no authority to grant letters of Marque, so} not be entertained, for if the
Baltic were ^{commissioned} ~~or~~ ^{by the} Navy, she must ^{I assigned him} be commanded by a
Naval Officer.

The ~~policy of~~ policy of enlisting
private ships for operations against the
rebels who held no commerce, so open
port, ^{certains to be dispersed} and the fact that privateers must
remunerate themselves by capturing neutral
vessels attempting, or ~~committing~~ ^{attempting}
to run the blockade would ~~be~~ ^{was} a
dangerous precedent to commit to others
than ^{properly} ~~proper~~ men educated and trained
in the service - that this was a domestic and not

a foreign power - that we must avoid complications
 even ^{and} satisfactory. The public mind
~~has been~~ influenced against England by reason
 of the ^{that existed} untimely and assistance afforded the
 rebels had an influence on Congress, which
 on the ^{3^d of March 1863} last day of the session passed a brief
 act declaring "that in all domestic &c (see copy)"

^{declared by the President}
 "The President at his ^{by} declaring "that in
 "all domestic and foreign wars the President
 "of the United States is authorized to issue
 "to private armed vessels or vessels of the
 "United States, Commissions, or letters of Marque
 "and general reprisal in such form
 "as he shall think proper, and under the
 "Seal of the United States, and make all
 "needful rules and regulations for the
 "government thereof, as for the adjudication
 "and disposal of the prizes and Salvages made
 "by such Vessels. Provided that the authority
 "conferred by this act shall ^{be} terminate at the end of three
 "years from the passage of this act"

a foreign war - that we must avoid complications
 were not ^{entirely} satisfactory. The public mind
 became inflamed against England by reason
 of the ^{that existed} intimacy and assistance afforded the
 rebels, had an influence on Congress, which
 on the ^{3^d of March 1863} last day of the session passed a brief
 act declaring "that in all domestic ^{&c} (see copy)
~~the~~ ~~was~~ ~~the~~

So long as the subject remained under Executive
 control the prudence and firmness of the President
 insured the ^{national} public safety and welfare to safety.
 But the public mind had become ^{any} highly inflamed,
 in which Congress participated, and on the 3^d of March
 1863, the last day of the session, an act was
 passed declaring "that in all domestic

This action of Congress, ^{though great in its character and} ^{it was anticipated}
^{might} ~~might~~ have a favorable effect abroad. ^{and that} ~~and that~~
 England would be admonished that there
 was a limit to American forbearance.
 Viewing it in this light, and as a warning to
 Great Britain, when the ~~mercenary~~ ^{if not of positive enmity to the Union} spirit of
 unscrupulous greed, ^{of illicit traffic in} ~~had~~ ^{of our best} embarked an immense
 capital in illicit schemes ^{of illicit traffic in} ~~the~~ ^{of our best} blockade,
 the brief and modified enactment was
 acquiesced in. It was moreover felt, that,
 notwithstanding the fear which the project
 received from the Secretary of State, that
 the country would be secure against any
 rash or precipitate measure by the President,
 to whom the whole subject was committed.
 But, unfortunately, the effect of the enactment,
 and the feeling which forced its passage,
 proved a stimulant which brought strength
 and added unexpected recruits to the movement,
 among others, the Secretary of the Treasury
 on whom the more cautious and prudent
 had relied, became a convert, or avowed
 advocate for ~~repression~~ ^{for privateers} ~~and~~ ⁱⁿ

reprisals. The Secretary of State was ~~very~~
 much elated by the ~~passage~~ of enactment,
 and by the acquisition of the Secretary ~~to~~
^{He reported that the Merchants of New York were ready}
^{and anxious to fit out privateers to take the Alabama as Florida}
 of the Treasury, and proposed at once to
 take measures for carrying the law into
 effect. But the President still hesitated, though
 the law, considered as an expression of the
 sentiment of the legislative branch of the
 government, ^{was in with the countenance} ~~and the favor~~ with which
 it ~~seems~~ ^{was} viewed from the Secretary of the
 Treasury who was ~~the~~ understood to be
 the special representative ^{and agent} of the commercial
 interest had such an influence which it was
 difficult successfully ^{to} resist. I have known
 the first maintained that ^{commerce being so vital} intelligent
 merchants and capitalists would not
 engage in such enterprises - that privateers
 were usually incited by the expectation of
 large returns from captured merchantmen -
 - that the plundering crews which they
^{under present circumstances}
^{would} ^{be} ^{commissioned} to undertake would
^{if taken} be found destitute of cargo or merchandise

and that vessels of sufficient magnitude as
 proven to cope successfully with the Albatross
 would require a large investment for so uncertain
 a venture. Without naming ~~particular persons~~ ^{responsible}
 the several invited there were parties
 ready to ~~embark~~ engage in the work so
 soon as they could be licensed, he therefore
 proceeded at once, ~~in conformity with the~~
~~act~~ to prepare forms and make "needful
 rules and regulations" for the government of
^{in conformity with the act} printers. These regulations covering a
 number of pages he submitted to me for
 review, criticism and suggestions. I declined
 As I was wholly opposed to the proceeding I
^{admitted they conform to the legal enactments of 1812}
 declined the labor, but in a free cabinet dinner
 I made some general remarks, excepting
 to the regulations as transcending ^{exceeding} the
 authority, conferred. The subject lingered
 for two or three weeks, during a portion of
 which time I was absent from Washington,
 and the President declined to come to a decision
 whilst I was away. Soon after my return
 the several ^{brought forward the subject on board} ~~expressed~~ the that parties

intention was becoming impatient, ^{He hoped} ~~and suggested~~ ^{that I should} ~~make~~ ^{communicate} my objection ^{in the President's corner in the suggestion} ~~in writing~~ to his rule in writing. I on a day or two addressed to him the following letter.

(see copy.)

While this letter was on my table, Senator Sumner, who had opposed the law when on its passage, called on me, and was very much disturbed by what he had learned ^{from the Senate} ~~would be~~ the probable policy of the administration. From the comment he had ^{objected to} ~~opposed~~ licensing privateers, as was, when he called, a good deal caused at some remarks of ~~the Secretary of State~~ ^{the Secretary of State} whom he had just left. It was something of a triumph over ^{with which when I often spoke in conflict with his views} ~~the Secretary~~ that he was likely to see this

~~Measure~~ and in allusion to whom, when confuted, ^{as he sometimes was by the President} ~~with the Secretary's opinions~~, he remarked

"There were too many Secretaries of State in Washington."

I handed to Mr Sumner my letter ^{to read} which was ~~sent~~ ^{as I did so} ~~and~~ ^{he} ~~replied~~ ^{that I was very} much disappointed at the recent course of Mr Chase, and was discouraged by

arriving just ¹⁶revised from
~~some recent letters of~~ Earl Russell. It
expresses great gratification with my letter,
but before, before I sent it to the State
Department, that I would read it to
the Lincoln
~~the President~~. This near my practice,
and I could not doubt that the General
himself, on its receipt would submit ^dthe
letter to the President.

The evening after this interview, the President came across the square to my house, which was directly opposite the Executive mansion, and said his principal object ^{in calling} was to see a letter ^{that} ~~which~~ I had prepared on the subject of the proposed ^{regulations and} ~~issue~~ of letters of Marque, which Mr Sumner had read and complimented, and ~~had~~ wished him to peruse. I informed him that I ~~had~~ ^{gone} sent the letter had ~~been~~ sent to Mr Sumner, but I would bring him the press copy in the morning. He thought this unnecessary for Mr Sumner would undoubtedly ^{present} ~~bring~~ it to him. He ^{then} ~~had~~ desired this subject, with others of considerable length. The President

met my disbelief that men of character
and intelligence would be induced to
engage in the business of printing, and
that Mr Lincoln was deceiving himself in
that respect, ^{by asking whether} ~~thought~~ the best method of
testing ^{whether or not} the fact would be by giving the
merchants an opportunity ^{to manifest their views}. All we see, said
he, who the men are that are ready and
anxious to aid the government in this way,
perhaps you are mistaken and sincere
right. Chas who knows, or ought to know
the Commercial sentiment has ^{come into} fallen
into Seward's views. It may be well to make
the ^{The State and the Treasury may have more fully the confidence of the merchants than the Navy.} experiment. I thought it might
would be dangerous, ~~and~~ might, should
the merchants, as Mr Seward believes embarked
in the measure ^{with the advantage who would also engage in separately,} involved in a war
with England, ^{which, with the loss of our hands would be disastrous,} therefore
to act deliberately, and with a full and
right appreciation of all the ^{probable} consequences.
He said ^{that was so, and} he had great confidence in my
judgment as my opinions, but I might
be mistaken, - the State and Treasury took a

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deferred view, and if I was right in my
belief that the Merchants would not
engage in privateering, no harm would come
from the trial. ^{Should some mistakes be} If ~~they did not~~ ^{the}
the substantial men of the country held off, the
Credit would be in mind, and all would ^{then} be
satisfied.

At the Cabinet meeting on Friday
the 3rd of April, Mr. Sumner had some side talk with
me in relation to the assignment of a Naval
Officer of Character to the service of the State
Department, on whom he could devote the
labor and details of examining applications and
preparing papers. He had previously requested
that Admiral Foote should be detailed
for that service, but that officer after looking
into the ^{subject} ~~question~~ requested to be excused ~~from~~
~~the duty~~. As all matters relating to ~~letters of~~
privileges and letters of Marque had in former years
been committed to the State Department, and was to
be on this occasion, I objected that the Navy
ought not to be blended with the merchandise.
He very frankly said his purpose in asking for a
Naval Officer of rank, was to be relieved ^{himself} of labor

and details - in other words ^{I heard} the Navy Department
was to share in the responsibility of any
failure or impropriety ^{that might result from a policy which it disapproved}. ~~and~~ He named Rear Admiral
C. H. Davis as acceptable ~~and~~ ^{he was} who was
assigning accordingly.

The President sent for
me ~~on~~ the following ^{morning} day Saturday, and as I
entered the room he remarked that I would
probably be surprised to hear that Seneca
already had an application for letters of marque.
I acknowledged I was disappointed if there were
respectable and responsible parties to engage in
the business. The President said he knew nothing
of the gentleman whom Seneca had brought
him, further than that he had a vessel, and
was anxious to enter upon the service.
Taking up a paper he and looking at a paper
he said the gentleman's name was Seybert.
~~that he was then in the Audien room~~
that he had a vessel of one hundred tons
into which he proposed to put a ^{that this} ~~service~~ ^{gentleman}, and was
then in the Audien room, and he would call
~~him~~ ^{him} in that I might examine him. This I
informed him was unnecessary, for I was familiar

Not that the war could have ~~been~~ prevented
 no human power could have saved us from a
 conflict for which a ~~powerful party combination had been~~
~~preparing and organizing for thirty years.~~
~~Consequently had been preparing for years~~

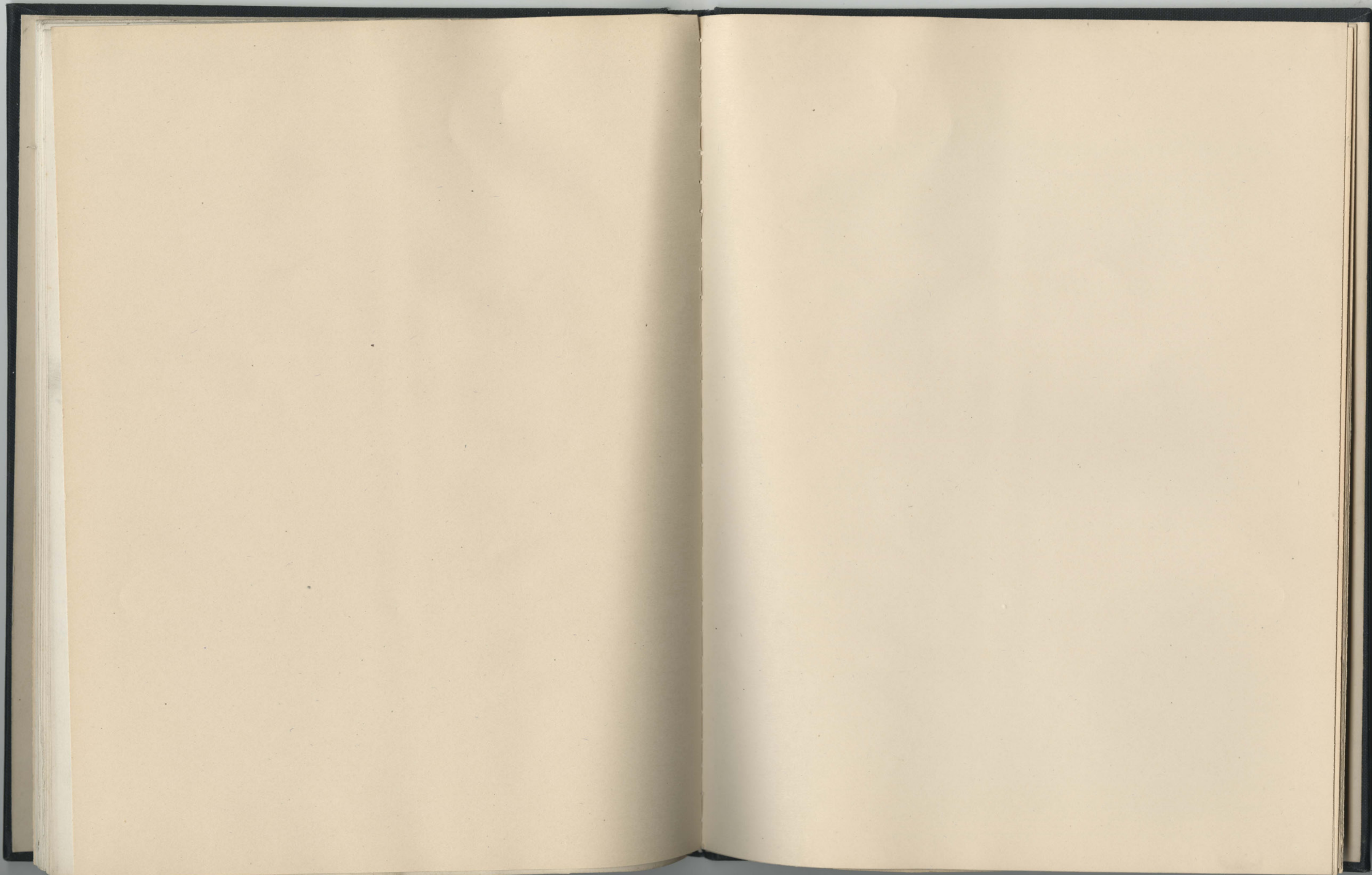
with the case which had been several times
 before you. Then was, I assume the President,
 no New York Merchants or Capital in this
 enterprise. I have heard
 application. Seibert was a Prussian Adventurer

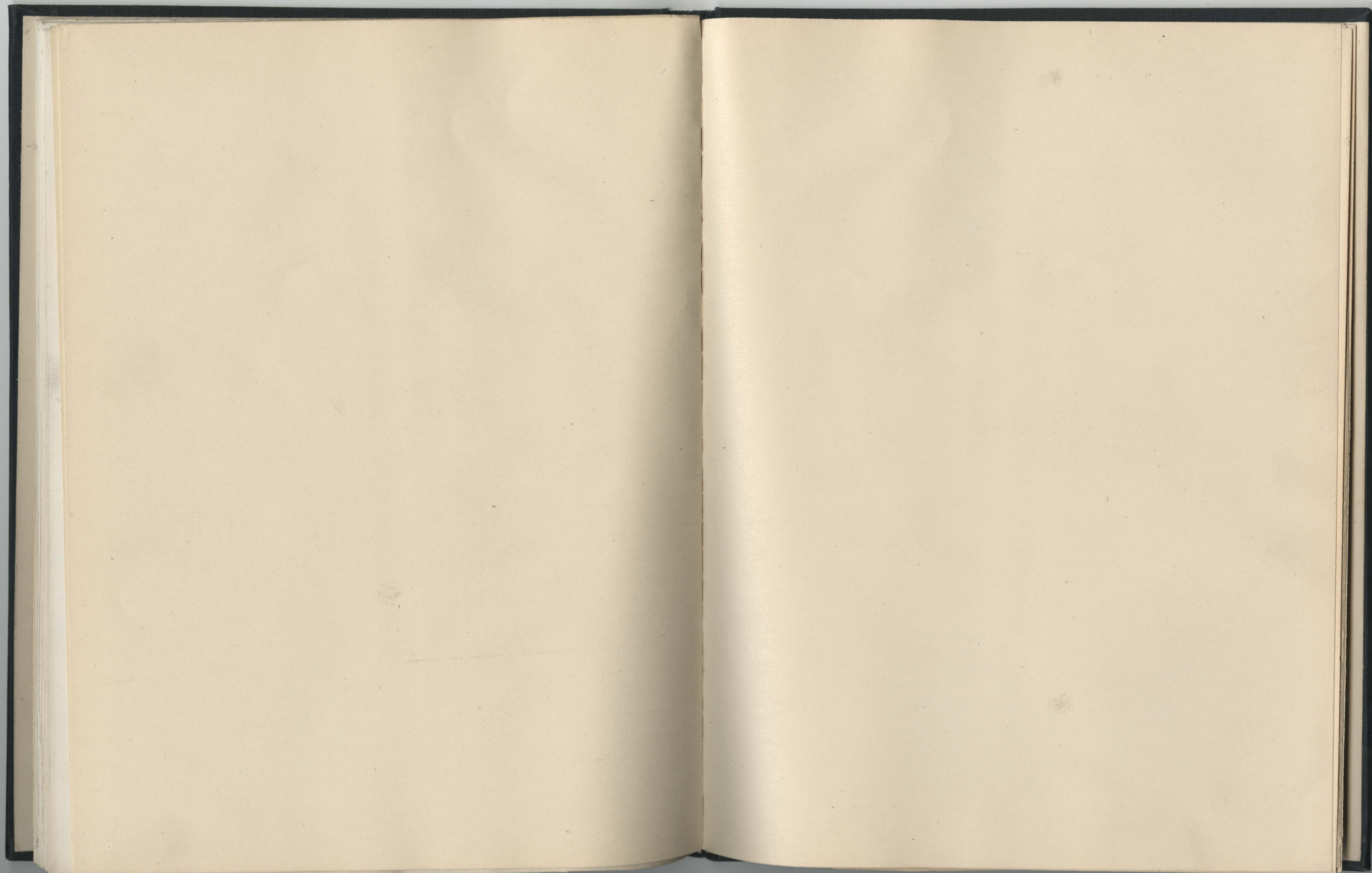
who ~~was~~ or had been a citizen of South America,
 and I presumed that the Secretary of State
 should dispose of this and all other similar
 cases. With a twinkle in his eye the President
 said he ^{certainly} would not trouble me further in this
 instance.

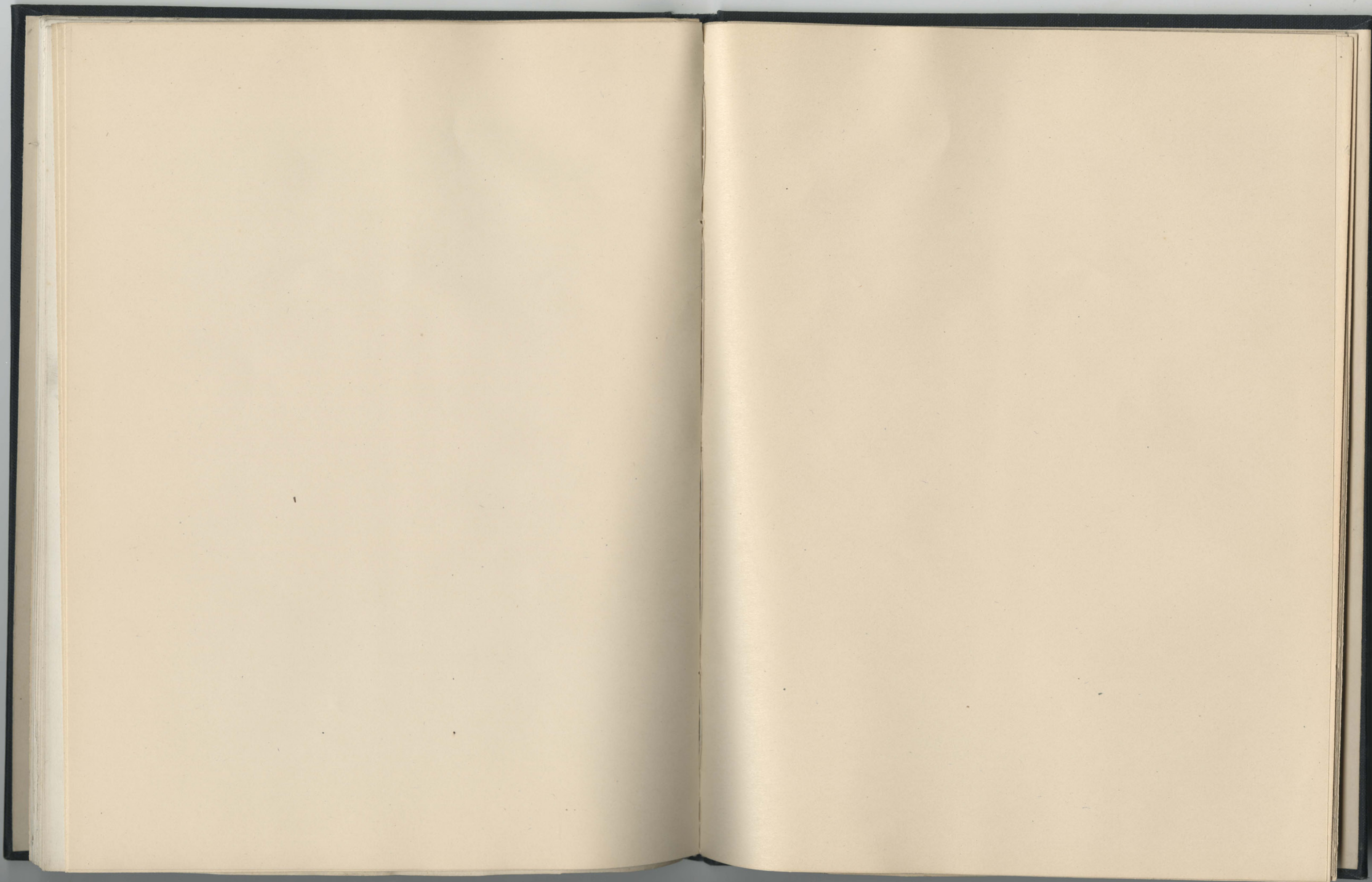
Senator Sumner informed me at the same
 time that the President had experienced great
 difficulty in getting a sight of my letter of
 the 31st of March. Mr. Seward did not bring it
 to his notice as was expected, and when the
 President ^{he} asked for it, one excuse after another
 was given, but the President persisted until it
 was sent him, when he notified the Senator,
 and together they read it, and discussed the
 whole subject of privateering and reprisals.

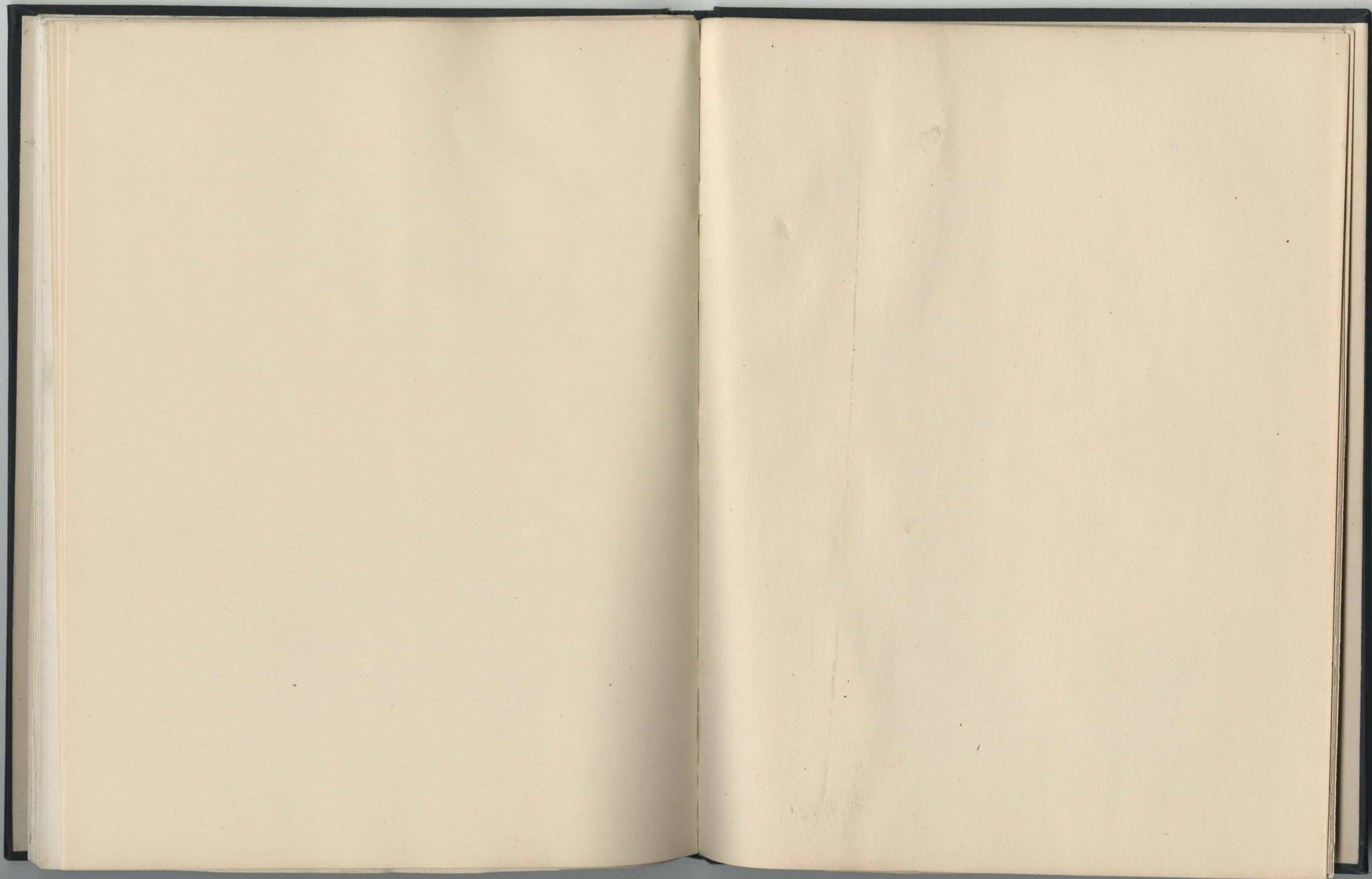
This, with Seibert's application, the only
 one that ^{after} came to my knowledge, closed
 the subject of letters of Marque, ^{as above} against the rebels

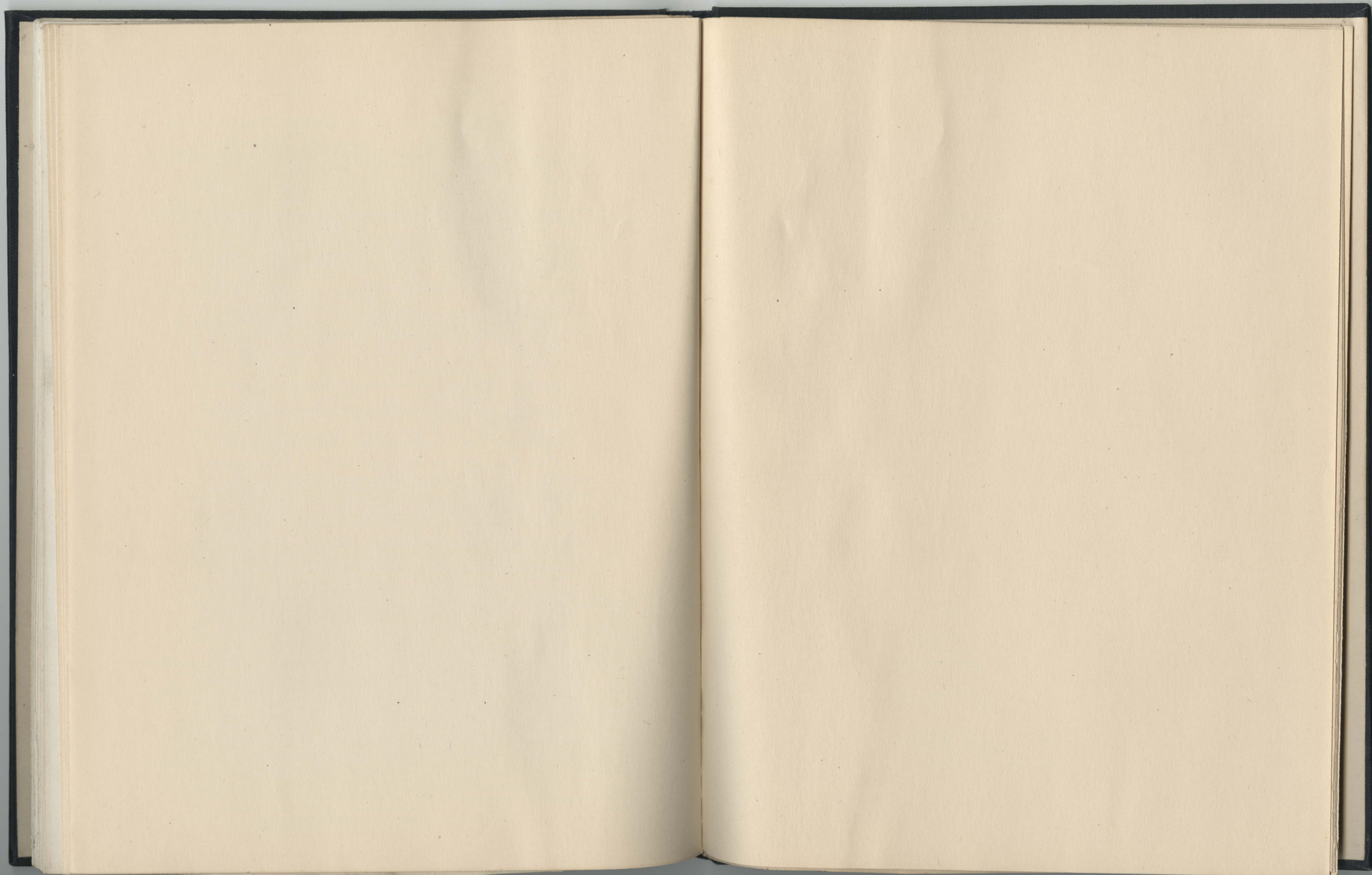
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during the rebellion. I never again ^{see the regulating or} find ~~that regulations~~ alluded to.
That Mr Seward has earned and secured
in his belief that privates might render
efficient service I never doubted, but I esteem
it ^{was} fortunate for the administration and the
Country, that he did not "direct affairs"
for the nation in that instance. Mr Lincoln
proved himself, through that whole
exciting period, the "superior in natural
intellectual power" and ^{in mind & practical} administrative ability.

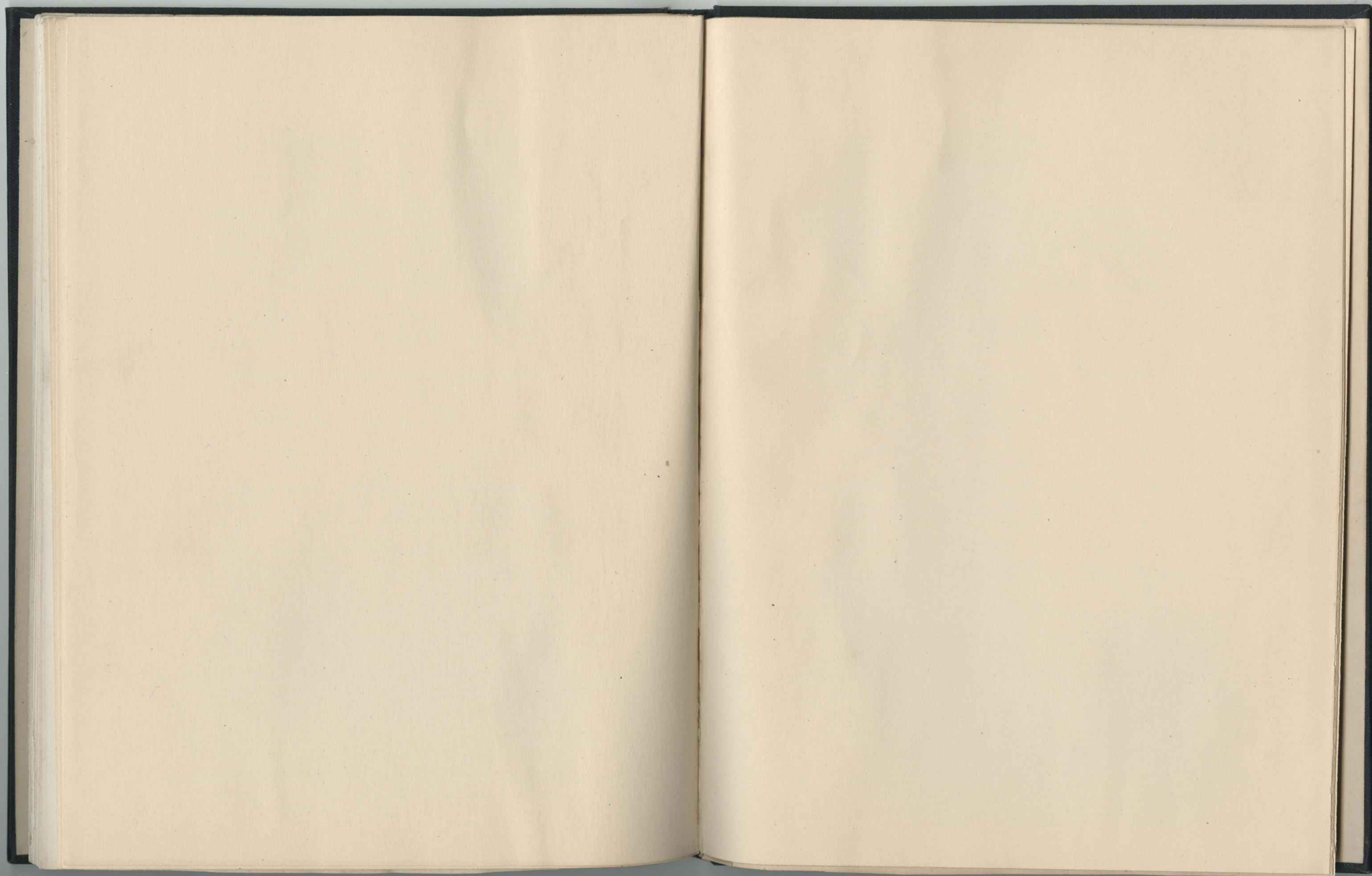


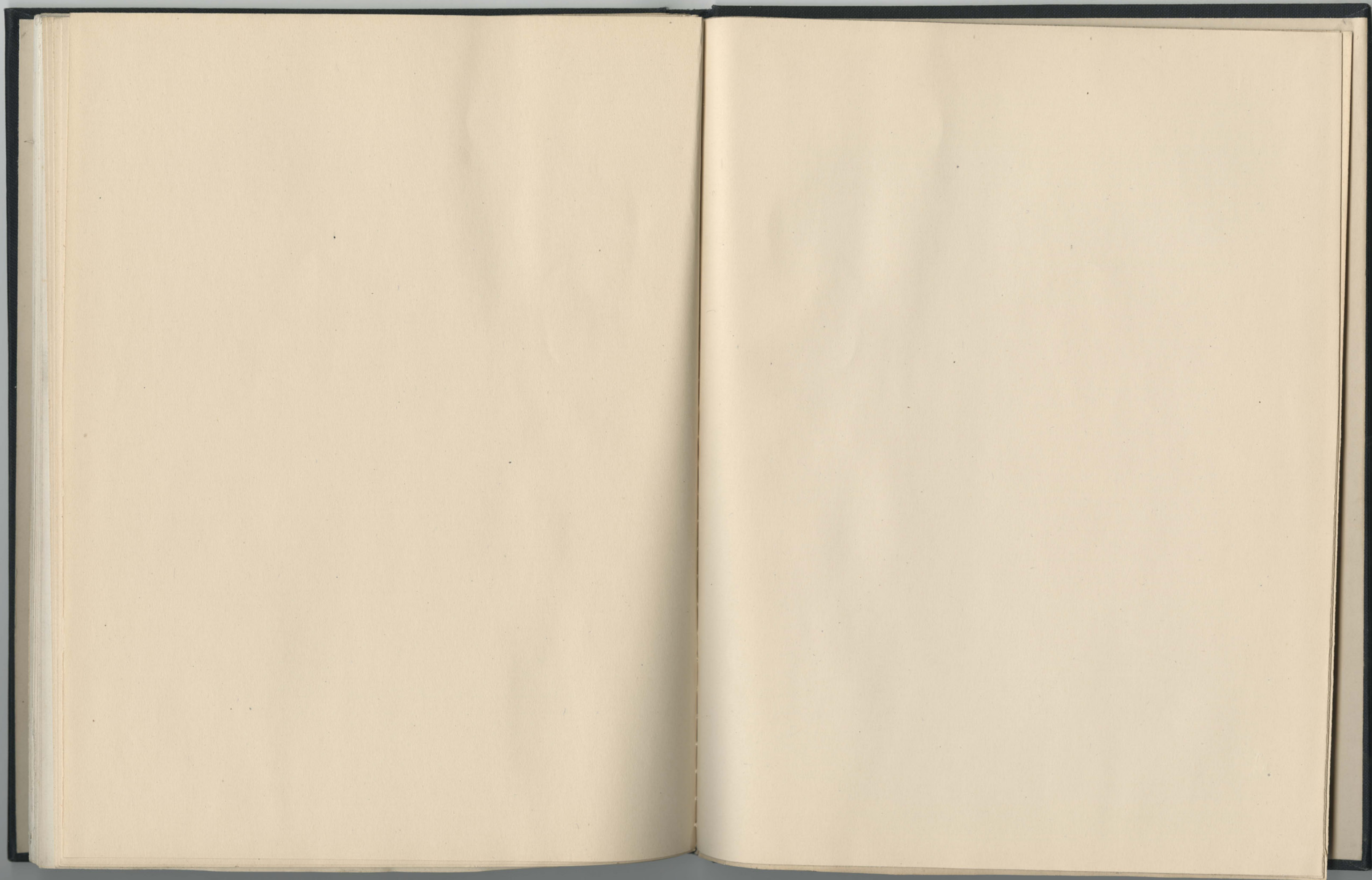


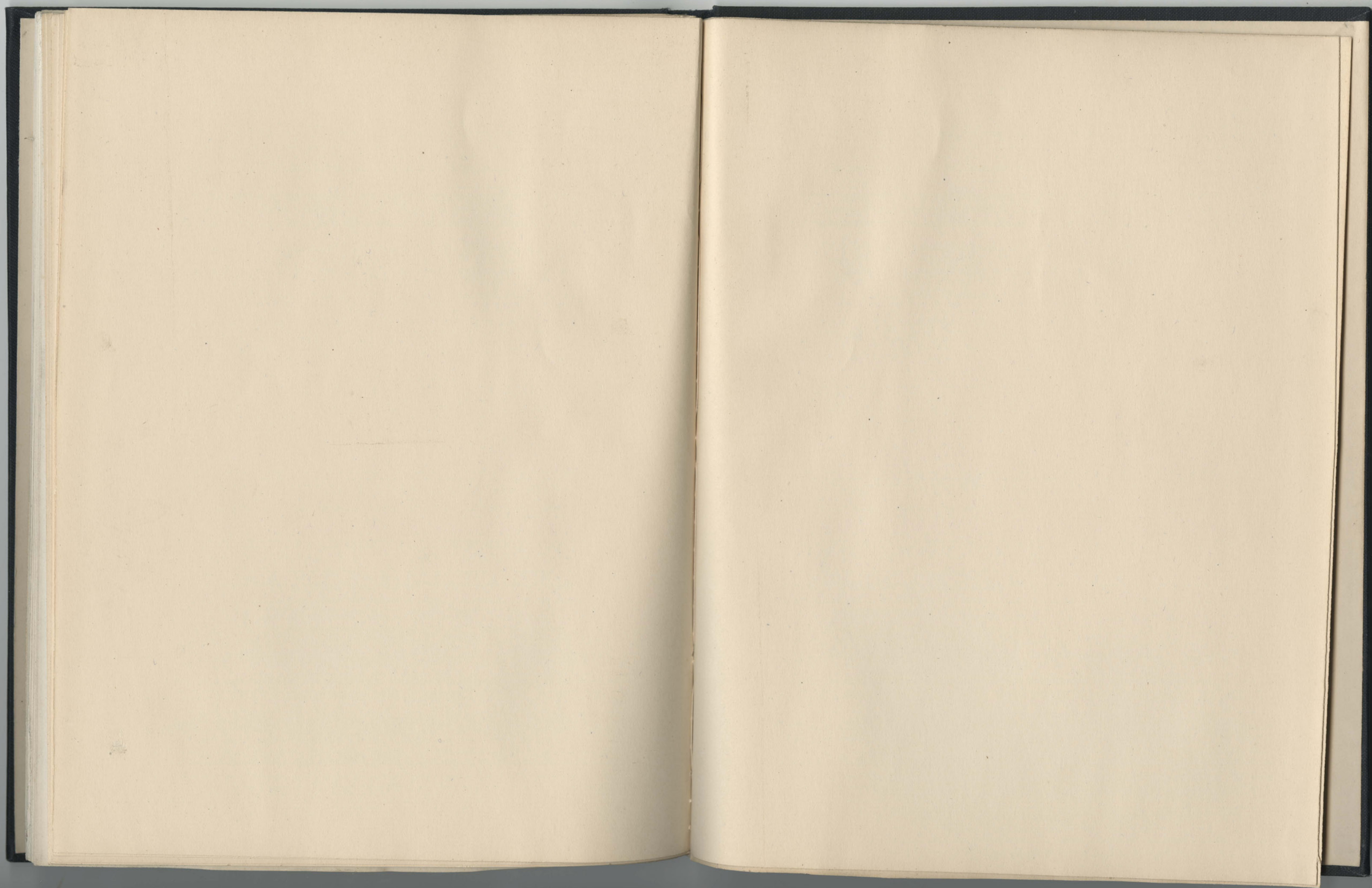


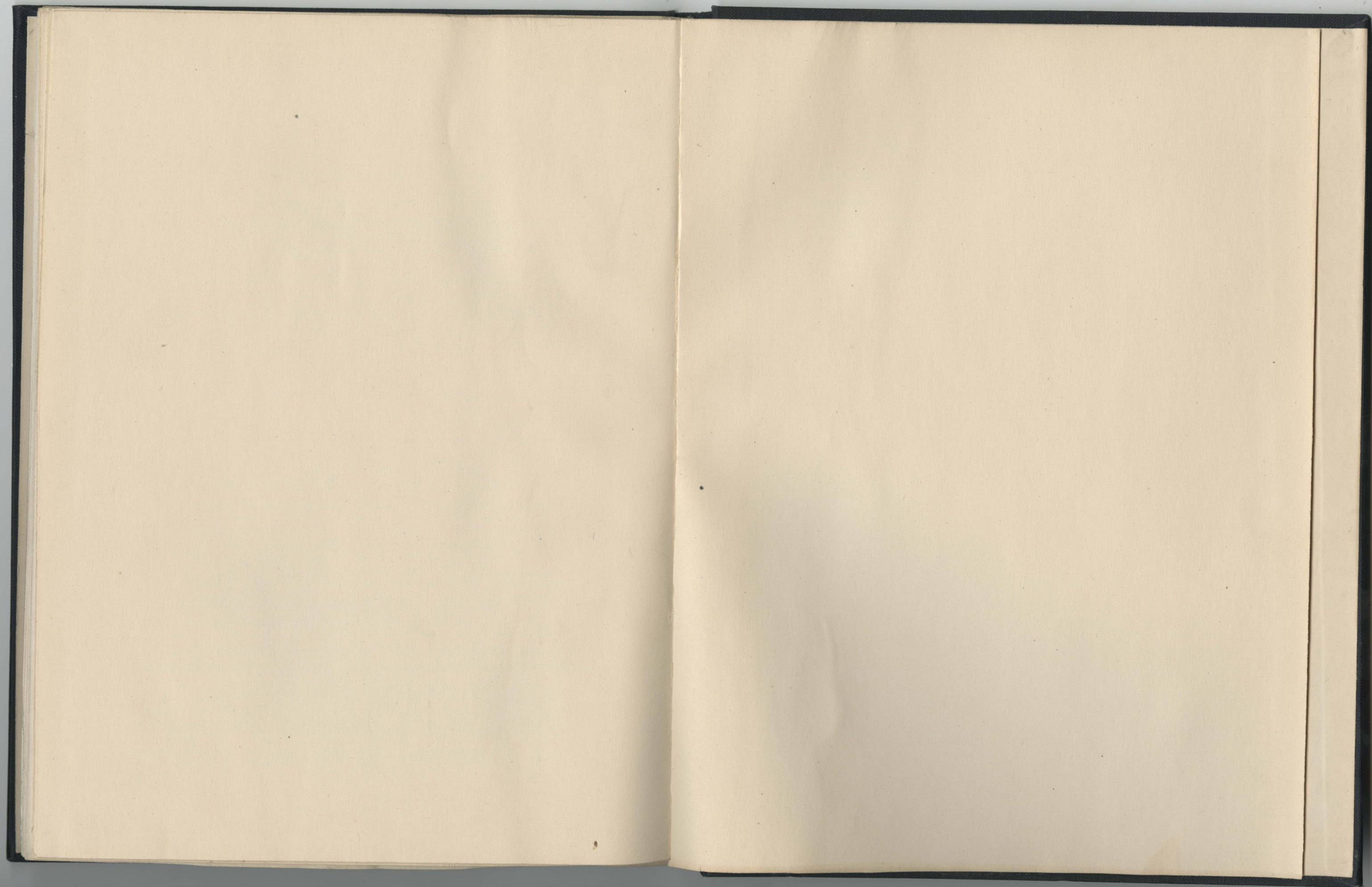


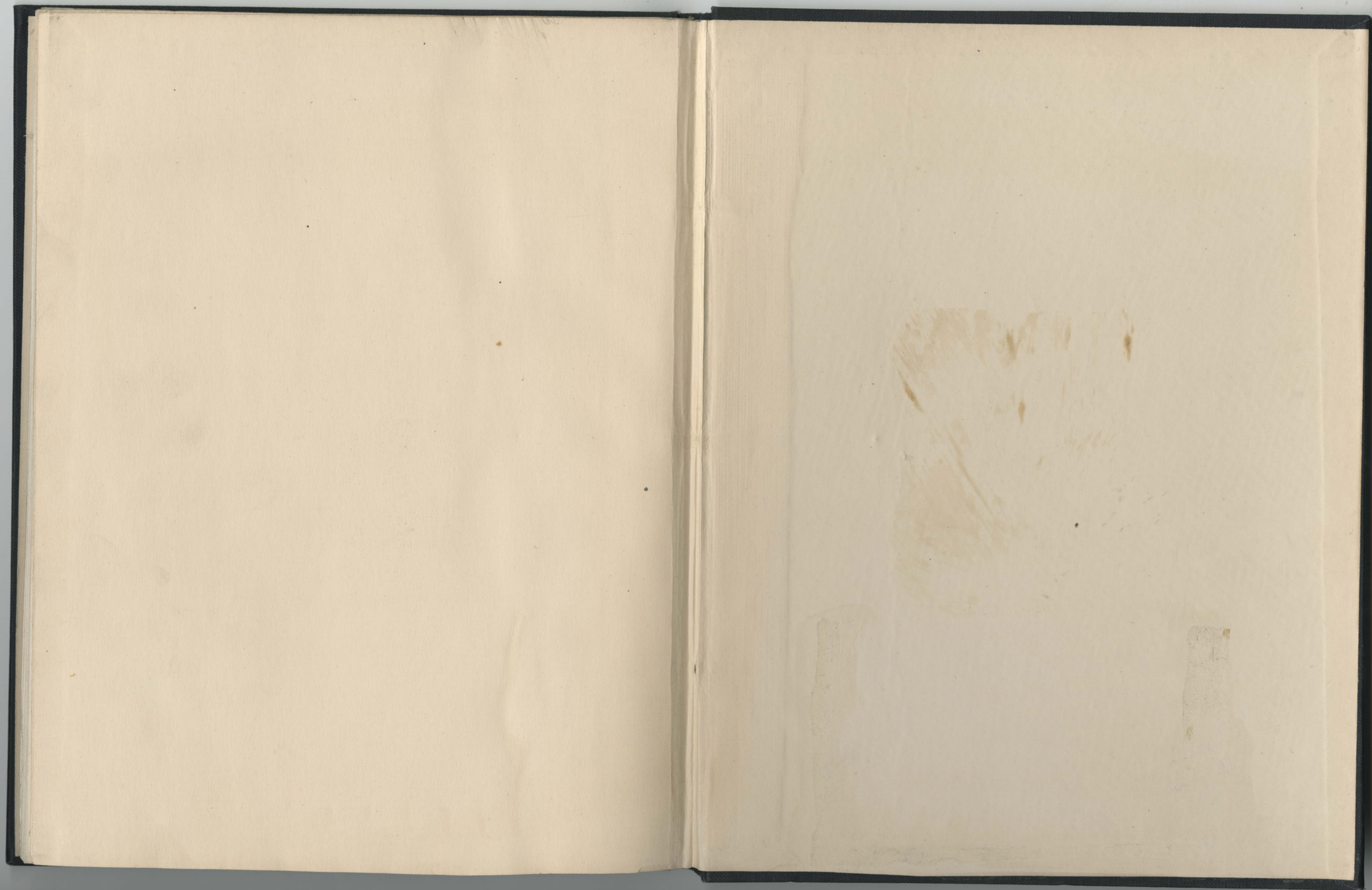


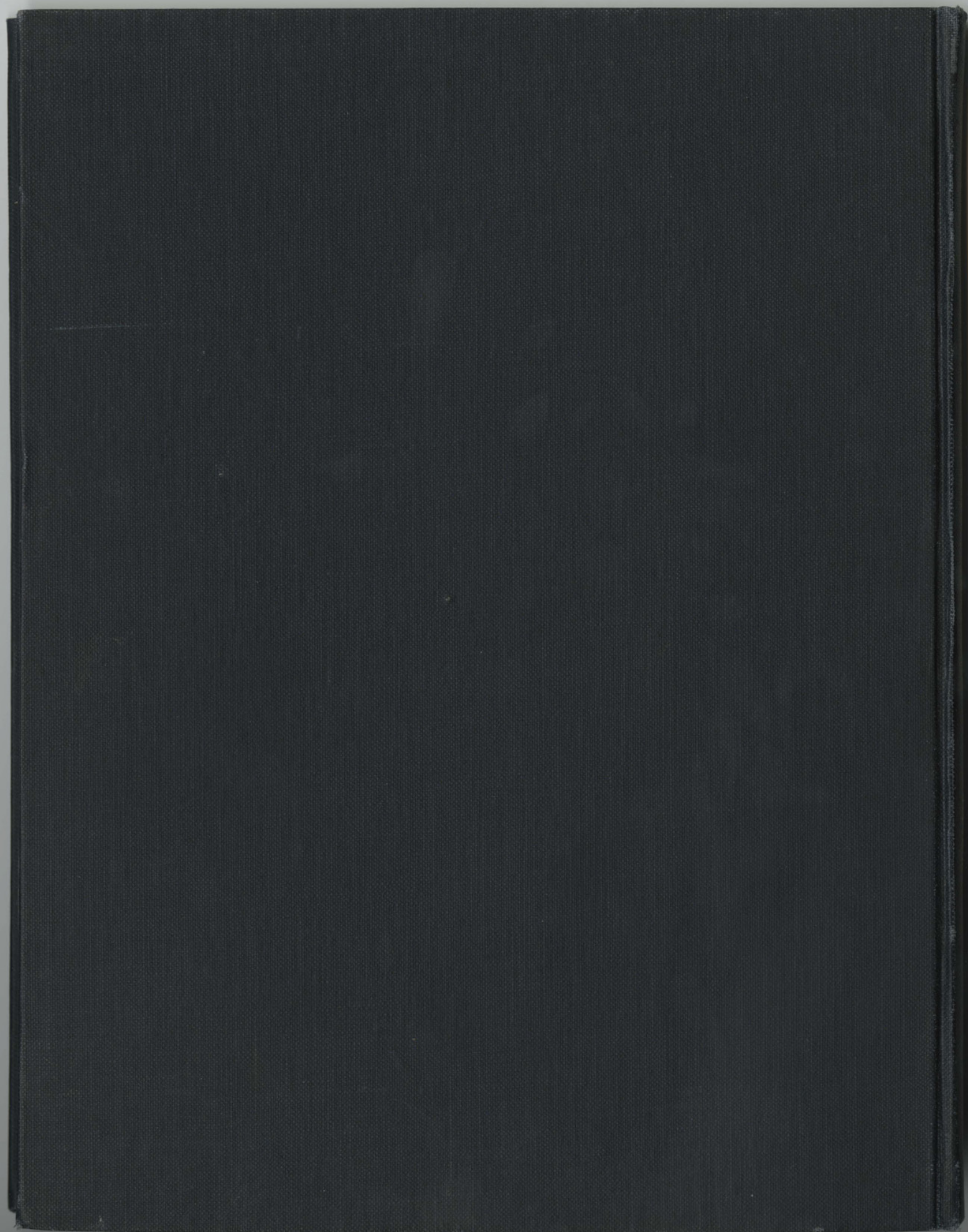








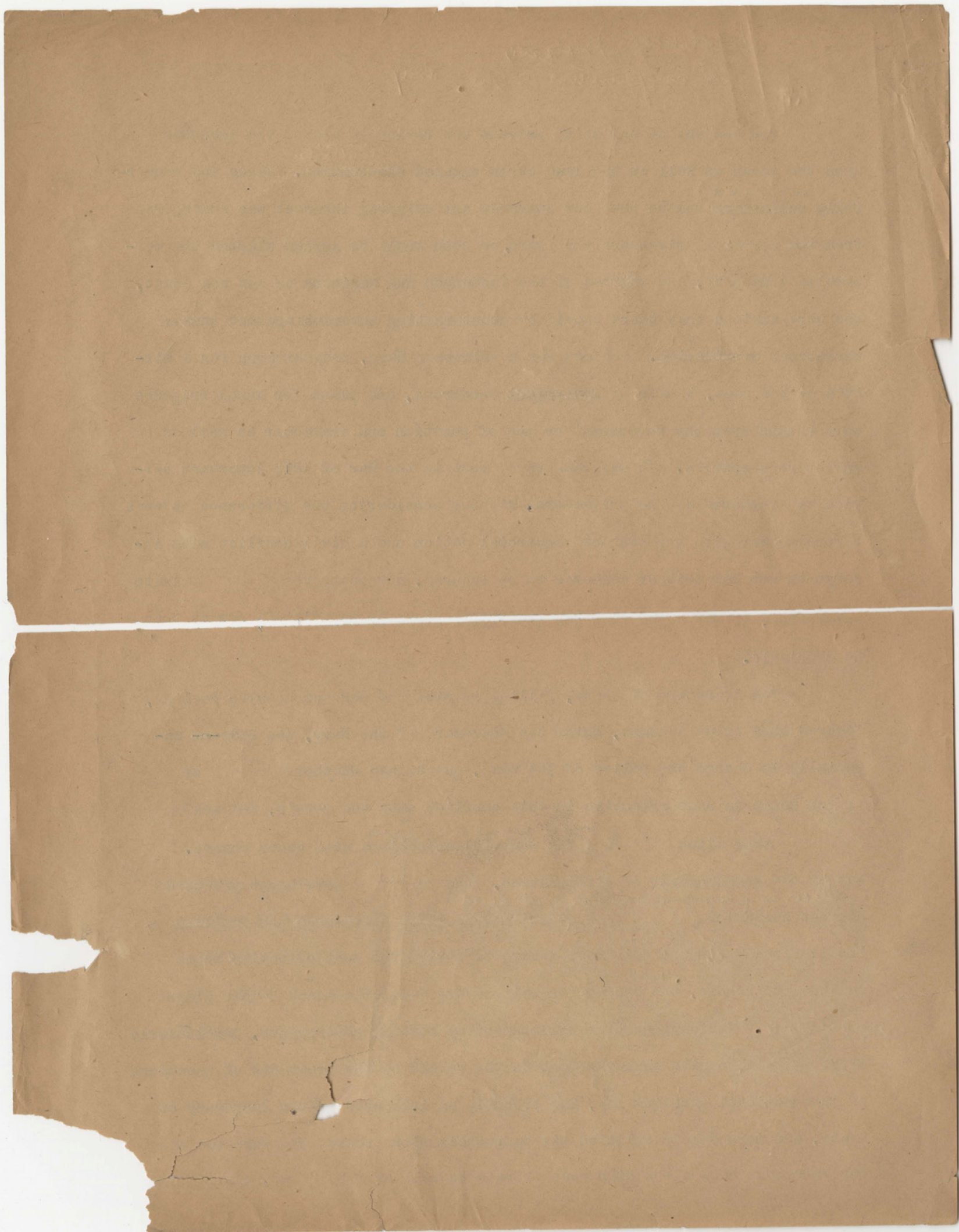




Letters of Marque, 1
the misapprehensions - the navy

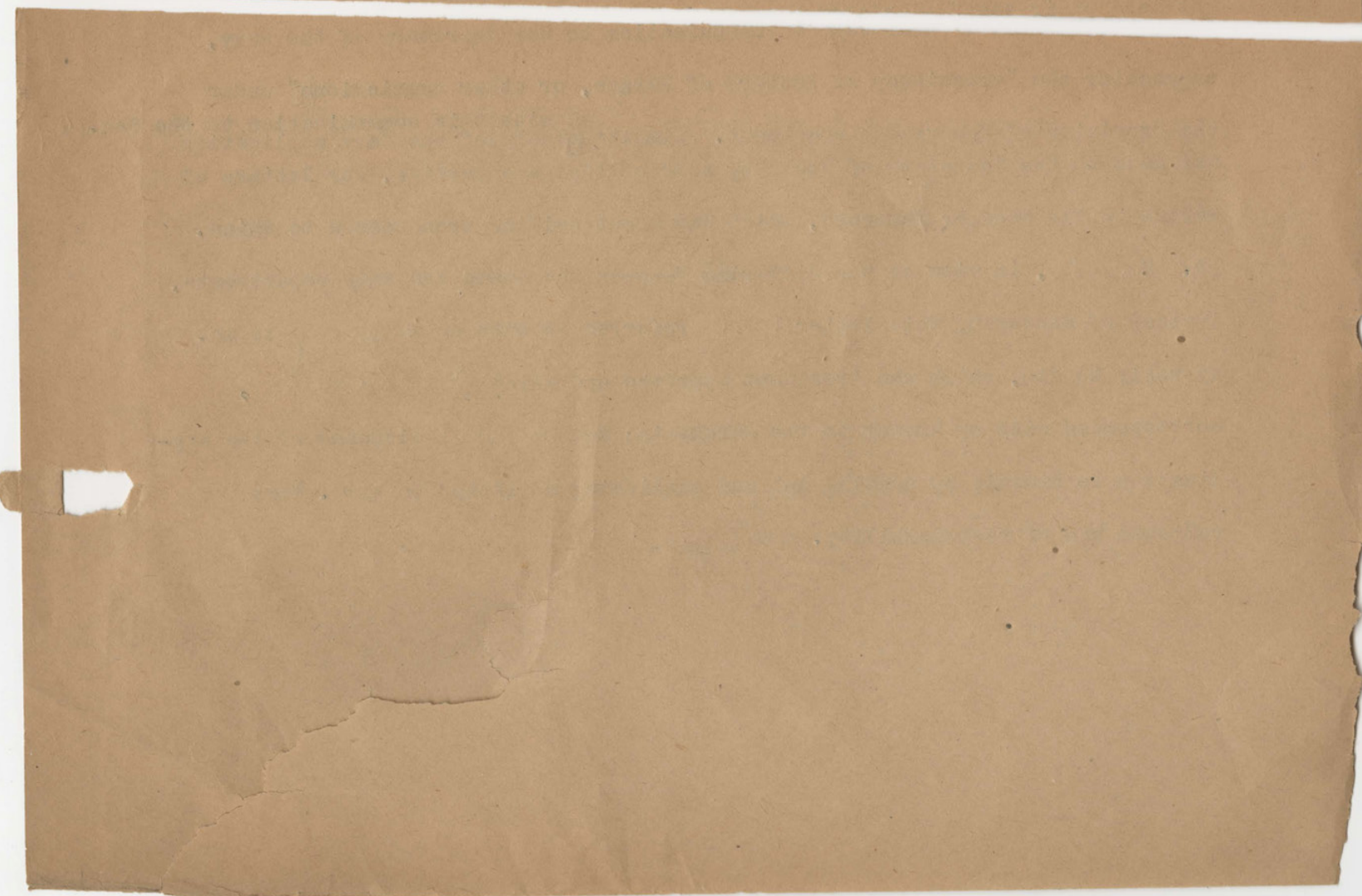
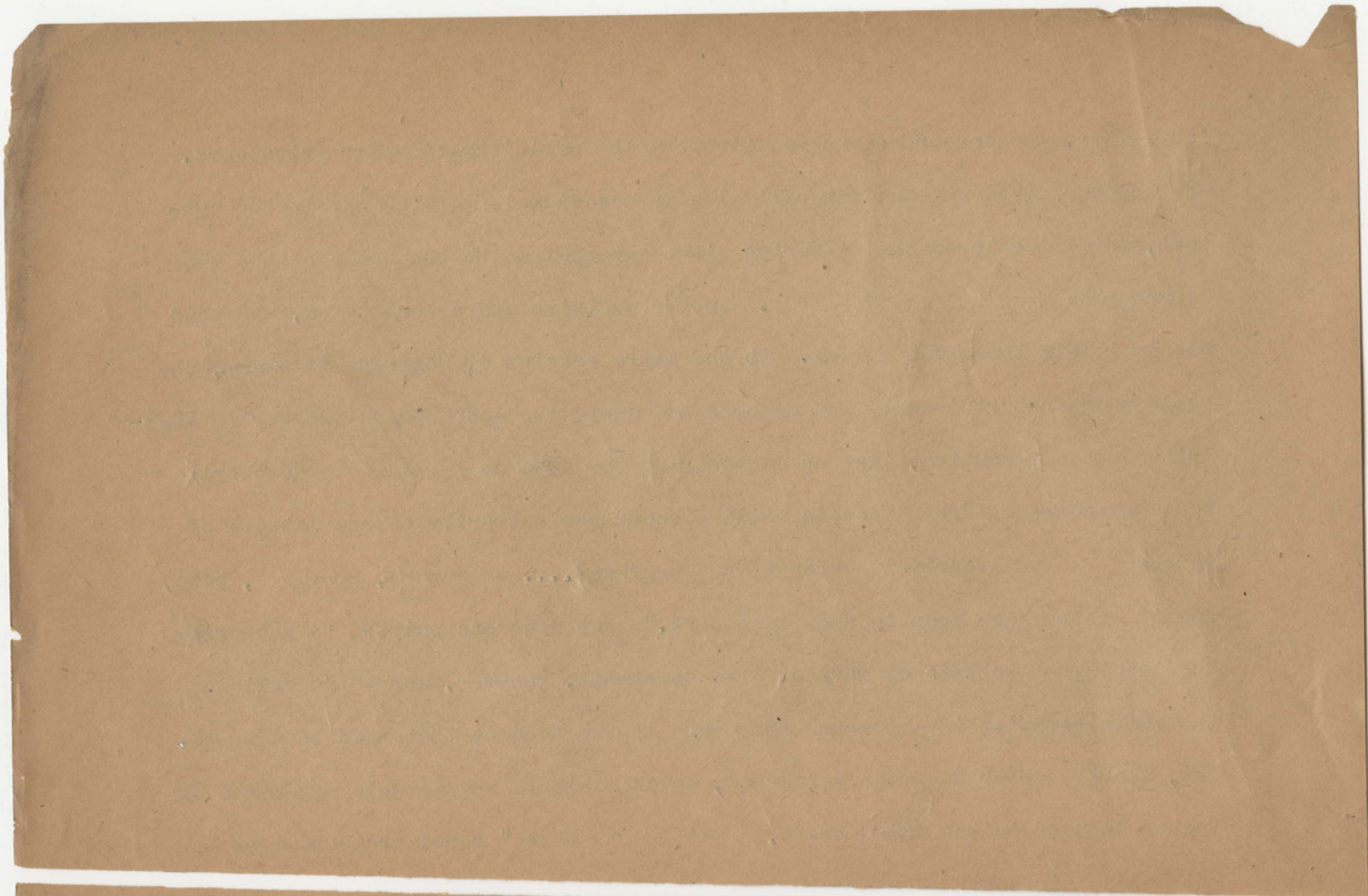
The subject of enlisting private enterprise in aid of the government upon the ocean as well as the land early engaged ^{attention.} ~~alteration.~~ Vague and wonderfully ^{suggested} ~~suggestive~~ rumors that our commerce and shipping interest ~~was~~ endangered from ~~the~~ swarm of privateers that were, or soon would be abroad alarmed the mercantile community, and stirred up the fishermen and mariners on our sea coast, who were anxious that there should be counteracting movements against ~~them~~ ^{these} threatened ^{depredations} ~~degradation~~. Schemes for a volunteer Navy, propositions for a Militia of the seas, tenders of ^{yacht} ~~Government~~ Squadrons, and plans for Naval brigades were ^{pressed} ~~passed~~ upon the government by men of position and character as well as by adventurous spirits. It was remembered that in the War of 1812 important service was rendered by the privateers. Without considering the difference between a foreign war with the ^{wealthiest} ~~weakest~~ commercial nation and a civil conflict with insurgents who had neither commerce to be injured, nor booty to ^{reward} private enterprise, it was urged that the government might be benefitted, now as then, by reprisals.

The Secretary of State, falling in with the current popular feeling, favored ^{these} ~~then~~ crude schemes, ^{while} which the Secretary of the Navy, who had ^{more} ~~been~~ especially in charge the police of the seas, questioned whether ^{Letters} of Marque could be made effective in this conflict with the rebels, and was apprehensive [←] they might ^{jeopardize} ~~the~~ ^{peaceful relations} ~~powerful selections~~ with other powers. But at the commencement of difficulties, the ^{rebel} government produced ^{the licensing of privateers which produced} ~~authorised~~ a great sensation and ^{aggravated} ~~of privateers~~ which aggravates the existing hostile feeling. In the universal desire to strike the most effective blows against the rebels, the demands for using every available means became almost irresistible. Indications of a willingness by foreign governments, particularly ^{by} Great Britain, to give encouragement to the rebels by the treatment of questions of international maritime ^{law} ~~law~~, had probably an influence on the Secretary of State, and more deeply enlisted his sympathies with those who were zealous for carrying on upon the high seas private as well as public war, against the



insurgents. No encouragement was given by the administration for privateers. The pressure from without naturally led to occasional *discussions* in the cabinet, which developed the differing views entertained by the heads of the two departments *most interested*. But *no* decisive steps were taken, and this was in itself the *naval policy*. At the extra session of Congress in *July*, the subject was entertained by the members and among the acts passed conferring *authority* on the Executive, was one empowering the *the President* to "authorize the commanders of armed vessels sailing under the authority of any letters of *marque* → and reprisal granted by Congress,.... to subdue, *seize*, take, and if on the high seas to send into port." But Congress omitted to authorize the issuing of letters of *marque* *and prescribe conditions for the government of privateers*. The enactment, however, served to relieve the administration in a measure from many of the schemes that *had* been urged. But, shortly after Congress adjourned, several highly respectable merchants of Boston engaged in the *China* trade, *apprehensive* that "rebel cruisers might get into *those* seas" addressed a communication to the Secretary of the Navy,

suggesting the "expediency of Letters of Marque, or other commissions" under the provision of the recent enactment. Simultaneously *with this communication to the Secretary* of the Navy application was made to the Secretary of State by some of the same parties, for letters of Marque to the steamer *Tembroke*, which was about sailing from Boston to *China*. Mr. Seward, in view of the *success* differing between the State and Navy Departments, instead of answering this letter *direct* referred it with an *enquiry* to me. My reply to him, which the President approved and which *I now insert*, corresponded with my answer to the Merchants; and *Mr Seward* disposed of the application to himself by sending out and publishing my letter to him. This relieved him of responsibility. *(see copy)*



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The letter had the effect apparently of satisfying, for a time at least, those who had taken the deepest interest in the subject. But the ravages of The Sumter, which vessel ~~was~~ ^{way} hailed with friendly welcome and supplied in British ports, with the subsequent ~~depredations~~ ^{of} the Alabama and Florida, English built and manned chiefly by Englishmen, aroused the indignation of the whole country. This indignation was increased and aggravated by the conduct of the British government, in excluding all United States ~~Cruisers~~ from the English ports in China, though the seas of that empire were infected by pirates, and the whole ~~commercial~~ ^{commercial} world was ~~interested~~ ^{in this} ~~in this~~ ^{suppression}. While our national ships in English ports received only grudging hospitality, it was notorious that the semi-~~piratical~~ ^{piratical} ~~rovers~~, with no recognised nationality, though substantially English vessels sailing under the rebel flag, were capturing, plundering and wantonly destroying our commerce, that the injury to us was to the benefit of England. Under these wrongs and outrages our whole ~~commerce~~ ^{commercial} marine became greatly excited, and could the country have been united, a war with England more calamitous than any ~~she~~ ^{we} had ever known, would have made ~~havoc~~ ^{havoc} with her commerce. But our condition was such that forbearance became a duty, and the government while engaged in ~~prosecuting~~ ^{prosecuting} a war with the rebels was subjected to a severe trial, in restraining the popular demand for reprisals, which would have ~~legitimated~~ ^{legitimated} a war with Great Britain;-- for though the crown was not unfriendly to the Union it was known that English capital was largely engaged in illicit traffic with the rebels, and in ~~running~~ ^{running} and evading the blockade. At the same time the unneutral and unfriendly conduct of her ~~ministry~~ ^{ministry} who put forth no arm to prevent, but craftily connived at schemes against the Union was felt and will be lasting memorials against the administration of Palmerston and Russell. It is some gratification to remember now, when those dark days are over, that in addition to the award of fifteen millions for the criminal wrong we suffered from England, our Navy ~~captains~~ ^{captains} ~~more than~~ ^{more than} thirty millions of property engaged in illicit traffic and running the blockade, no inconsiderable portion of which was English capital. While the

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public mind was influenced by the wrong complaints were made of the want of efficiency on the part of the Navy and Navy Department. Privateers, Letters of Marque were called for, by men regardless of the necessities of the case, and of the consequences of committing to greedy and ^{reckless} ruthless adventurers the highest and most delicate responsibilities of the ~~government~~ - an abuse of which, would endanger the peace of the nation. To meet and dispose of these demands required decision and effort. The Secretary of State instead of repressing quietly favored the privateer policy, which had its advocates in certain presses and circles in New York. Fortunately, the President, cautious, but firm maintained a prudent and wise reserve, and committed himself to no project that was likely to endanger the national welfare. There were also judicious and discreet minds on this subject, in Congress that deprecated the policy of sending out Letters of Marque in this war with rebels. The subject was, however, much agitated, and in July 1862, Mr Seward wrote to Mr Adams

that he might inform Earl Russell, "since the Oreto and other gunboats are being received by the insurgents from Europe to renew demonstrations on our national commerce, Congress is about to authorise the issue of letters of Marque and reprisal, and that if we find it necessary to suppress that piracy, we shall bring privateers into service for that purpose, and of course for that purpose only".

This was a qualified and harmless admonition which was duly appreciated by Earl Russell, particularly when he ^{learned} a few days after, Congress had adjourned, without taking action on the subject. In the mean time the depredations of the Alabama and Florida increased the irritation and hostility against not only the rebels but mercenary England.

[1862]

On the 29th of September, Mr Seward warned me that there were extensive combinations to break the blockade, and to confirm his admonition brought me a dispatch and documents from Mr Dudley our efficient Consul at Liverpool. The dispatches ^{were} was a notification that eight or ten steamers were ^{nearly} ready ready to run the blockade; but there was no evidence to confirm the apprehensions of the Secretary of State. No mention was made of any armed vessel, but there was reported wonderful activity

among the merchant adventurers of Great Britain, stimulated by the tidings of our ~~disaster~~ under Genl Pope at Bull Run which they had just previously received, and which they considered conclusive that the union cause could not be sustained. Mr Seward had mistaken unarmed English blockade runners, for armed blockade breakers. Although relieved, he insisted ~~still that~~ this policy of Letters of Marque advisable and proposed that the powerful merchant steamer Baltic should be commissioned, and Comstock a very competent merchant Captain, somewhat connected with the New York ring - should be placed in command. Such a proceeding on the part of the government would have been a reflection on naval officers and could not be entertained. There was yet no authority to grant letter of Marque, and if the Baltic were chartered or purchased by the Navy, she must, I assured him be commanded by a Naval officer.

So long as the subject remained under Executive control the prudence and firmness of the President insured the national welfare and safety. But the public mind had become angry and highly inflamed, in which Congress participated, and on the 3d of March 1863, the last day of the session, an act was passed declaring "that in all domestic and foreign wars the President of the United States is authorised to issue to private armed vessels of the United States, Commissions, or letters of Marque and general reprisal in such form as he shall think proper, and under the seal of the United States, and make all needful rules and regulations for the government thereof, and for the adjudication and disposal of the prizes and salvages made by such vessels. Provided that the authority conferred by this act shall cease and terminate at the end of three years from the passage of this act"

This action of Congress, though general in its character would have a favorable effect abroad. England would be admonished that there was a limit to American forbearance. Viewing it in this light, and as a warning to Great Britain, where the spirit of unscrupulous greed, if not of positive enmity to the union had embarked an immense capital in schemes of illicit traffic in violation of our ~~views~~ of the blockade, the brief and modified enactment was ~~acquired~~ ^{acquired} in. It was moreover felt, notwithstanding the favor ~~the~~ which the project received from the Secretary of State, that

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the country would be secure against any rash or precipitate measure by the President, to whom the whole subject was committed. But, unfortunately, the effect of the enactment, and the feelings which forced its passage, proved a stimulant which brought strength and added unexpected recruits to the movement. Among others, the Secretary of the Treasury on whom the more cautious and prudent had relied, became a convert to, or avowed advocate for privateers and reprisals.

The Secretary of State was much elated by the enactment, and by the acquisition of the Secretary of the Treasury. He represented that the merchants of New York were ready and anxious to fit out privateers to take the Alabama or Florida, and proposed at once to take measures for carrying the law into effect. But the President still hesitated, though the law, considered as an expression of the sentiment of the legislative branch of the government, together with the *countenance* which it received from the Secretary of the Treasury who was understood to be the special representative and exponent of the commercial interest had each an influence which it was difficult successfully to resist. I had from the first maintained that *Commerce being* intelligent merchants and capitalists would not engage in such enterprises - that privateers were usually incited by the expectation of large returns from captured merchantmen - that the plundering rovers which they would under present circumstances be commissioned to overtake would, if taken be found destitute of cargo or merchandise and that vessels of sufficient magnitude and power to cope successfully with the Alabama would require a large investment for so uncertain a venture. Without naming persons *Mr* Seward insisted there were responsible parties ready to engage in the work so soon as they could be licensed, he therefore proceeded at once to *prepare* propose forms and make "needful rules and regulations" for the government of privateers, in conformity with the act. These regulations covering a number of pages he on the 10th of March, 1863, one week after the enactment, submitted to me for review, criticism and suggestions. As I was wholly opposed to the proceeding I declined the labor, admitted they conformed to the legal enactments of 1862 but in a free cabinet discussion I made some general remarks, excepting to the regulations as transcending Executive authority. The subject lingered for two or three weeks, during a portion of which time I was absent from Wash-

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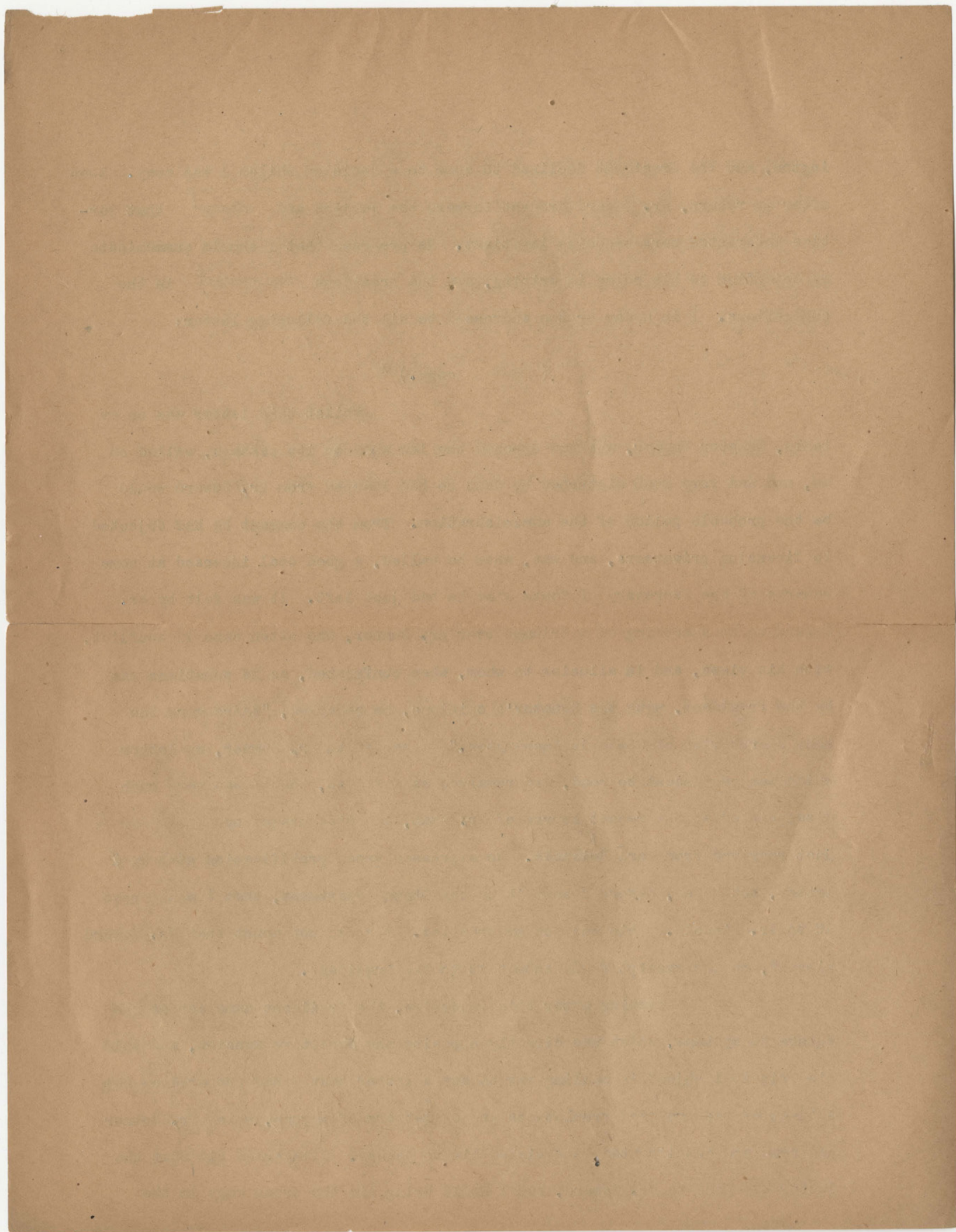
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ington, and the President declined to come to a decision whilst I was away. Soon after my return, Mr. Seward brought forward the subject and *said* that parties interested were becoming impatient. He proposed that I should communicate my objection to his rules in writing, and the President *concurred* in the suggestions. I in a day or two addressed to him the following letter:

** Diary, I, 252-56*
(*all* copy.) *

Whilst this letter was on my table, Senator Sumner, who had opposed the law when ~~an~~ its passage, called on me, and was very much disturbed by what he had learned from Mr. Seward would be the probable policy of the administration. From the comment he had objected to licensing privateers, and was, when he called, a good deal incensed at some remarks of the Secretary of State whom he had just left. It was felt by Mr. Seward to be something of a triumph over Mr. Sumner, who often came in conflict, with his views, and in allusion to whom, when confronted, as he sometimes was by the President, with the Senator's opinions, he remarked, "there were too many Secretaries of State in Washington." I handed to Mr. Sumner, my letter which was yet unsent to read, and remarked as I did so, that I was very much disappointed at the recent course of Mr. ~~Chase~~ *Chase*, and discouraged by *remittance* *(unc)* ~~just~~ *Russell* received from Earl ~~Reisnole~~. He expressed great gratification with my letter, but hoped, before I sent it to the State Department, that I would read it to Mr. Lincoln. This was not my practice. I could not doubt that Mr. Seward himself, on its receipt would submit it to the President.

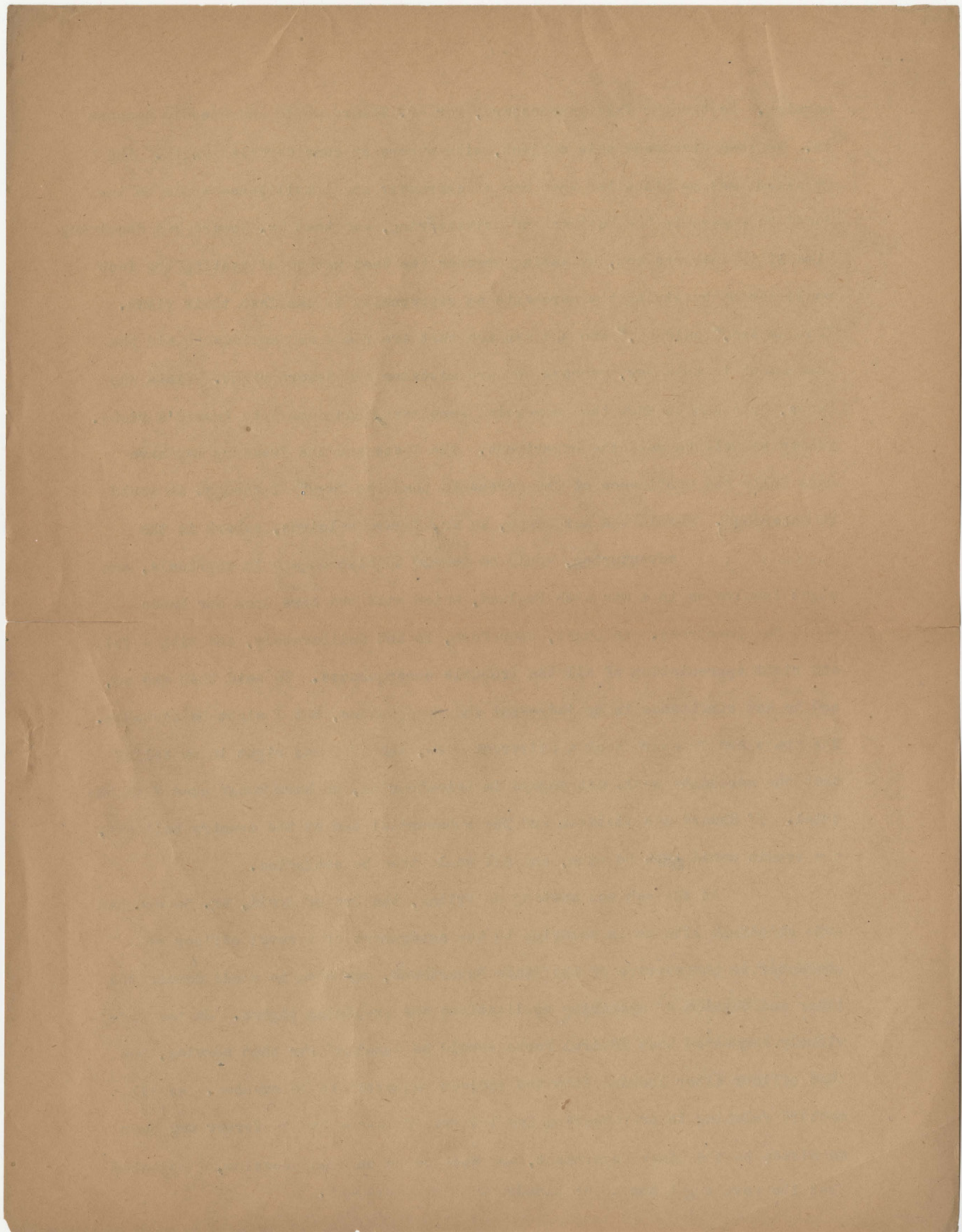
The evening after this interview, the President came across the square to my ~~home~~ *house*, which was directly opposite the Executive mansion, and said his principal object in calling was to see a letter that I had prepared on the subject of the proposed regulations and of ~~Letters of~~ *Letters of* ~~margue~~ *margue*, which Mr. Sumner had read and complimented, and wished him to peruse. I informed him that the letter had gone to Mr. Seward, but I would bring him the press copy in the



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morning. He thought this unnecessary, for Mr. Seward would undoubtedly present it. We then discussed this subject, with others at considerable length. The President met my disbelief that men of character and intelligence would be induced to engage in the business of privateering, and that Mr. Seward was deceiving himself in that respect, by asking whether the best method of testing the fact would not be by giving the merchants an opportunity to manifest their views. "Let us see," said he, "who the men are that are ready and anxious to aid the government in this way, perhaps you are mistaken and Seward right. ^{Chase} ~~Chais~~ who knows, or ought to know the commercial sentiment, has come into Seward's views. It may be well to make the experiment. The State and the Treasury may have more fully the confidence of the merchants than the Navy. I thought it would be hazardous. Should the merchants, as Mr. Seward believes, embark in the ^{measure} ~~adventuring~~ ^{ers} ~~behold~~ ^{likely} to also engage in reprisals, and might involve us in a war with England, which with the ^{load} ~~land~~ upon our hands would be disastrous. We ought, therefore, to act deliberately, and with a full and right appreciation of all the probable consequences. He said that was so, and he had confidence in my judgement and my opinions, but I might be mistaken. The State and Treasury took a different view, and if I was right in my belief that the merchants would not engage in privateering, no harm would come from the trial. If Seward was mistaken and the substantial men of the country held off, the credit would ~~then~~ be mine, and all would then be satisfied.

At the cabinet meeting on Friday, the 3rd of April, Mr. Seward had some side-talk with me in relation to the assignment of a naval officer of character to the service of the State Department, ~~one~~ ^{devolve} whom he could ~~devote~~ the labor and details of examining applications and preparing papers. He had previously requested that Admiral Foote should be detailed for that service, but that officer after looking into the subject requested to be excused. As all matters relating to privateering and letters of marque had in former ^{day [5]} ~~way~~ been committed to the State Department, and ^{was} ~~were~~ to be on this occasion, I objected that the Navy ought not to be blended with the movement.



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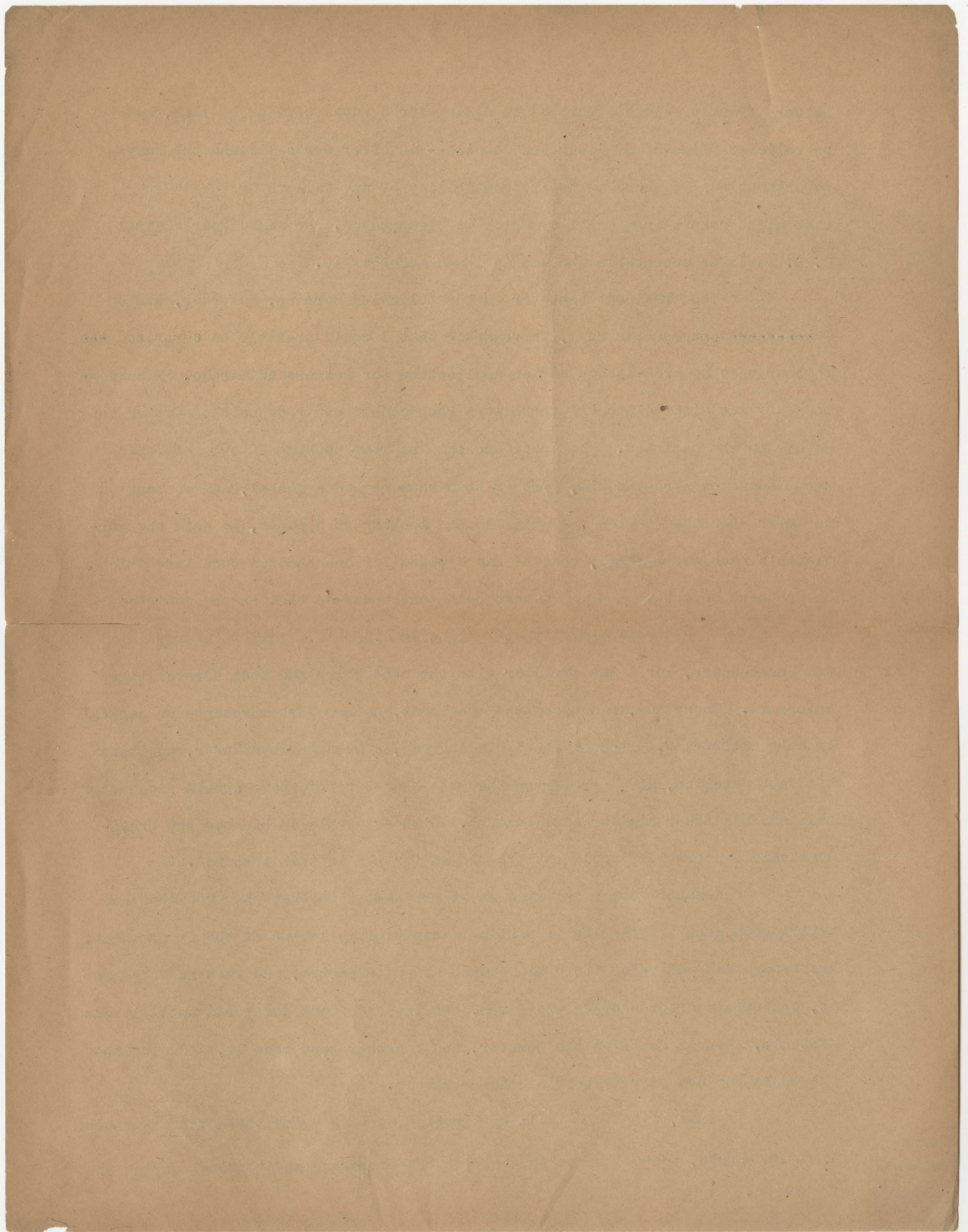
He very frankly said his purpose in asking for a naval officer of rank, was to be relieved himself of labor and details-- in other words I found the Navy Department was to share in the responsibility of any failure or *inability* that might result from a policy which it disapproved. He named Rear Admiral C. H. Davis as acceptable who was assigned accordingly.

** In the diary
the name is
spelled Seybert*

The President sent for me the following morning, Saturday, and as I ~~returned~~ entered the room, he remarked that I would probably be surprised ~~the~~ to hear that Seward already had an application for Letters of Marque. I acknowledged I was disappointed if there were respectable and responsible parties to engage in the business. The President said he knew nothing of the gentleman whom Seward had brought him, farther than that he had a vessel, and was anxious to enter upon the service. Taking up and looking at a paper, he said the gentleman's name was *Seybert* ~~Leybeck~~, that he had a vessel of one hundred tons into which he proposed to put a *service*, -- that this gentleman was then in the audience room, and he would call him in that I might examine him. This I informed him was unnecessary, for I was familiar with the case which had been several times before me. There was, I assured the President, no New York merchants or capital in this enterprise. *Seybert* ~~Leybeck~~ was I had learned, a *P* Russian adventurer, a citizen of South Carolina, and I preferred that the Secretary of State should dispose of this and all other similar applications. With a twinkle in his eye the President said he certainly would not trouble me further in this instance.

Senator Sumner informed me at the same time that the President had experienced great difficulty in getting a sight of my letter of the 31 of March. Mr. Seward did not bring it to his notice as was expected, and when he asked for it, one excuse after another was given, but the President persisted until it was sent him, when he notified the Senator, and together they read it, and discussed the whole subject of privateering and reprisals.

This, with *Seybert's* application, the only one that ~~even~~ *ever* after came to my knowledge, closed the subject of letters of ~~marque~~ and reprisal during the rebellion.



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I never again saw the regulations or heard them alluded to.

That Mr. Seward was earnest and sincere in his belief that privateers might render efficient service I never doubted,* but it was fortunate for the administration and the country that he did not "direct affairs" for the nation in that instance. Mr. Lincoln proved himself, through that whole exciting period, the "superior in native intellectual power" and administrative ability.

* Diary, I, p. 261, Welles sums up ~~the~~ Seward's trickiness and inefficiency and adds "It is a specimen of Seward's management."

