The Escape of the Florida

In the course of the Civil War the Confederate States built six naval vessels in England and Scotland. Two of the six reached the high seas, three were seized by the British government, and the sixth was sold to Denmark when it became evident that Great Britain would not permit her to leave port. The first Confederate man-of-war to be built in Great Britain and the first one to put to sea was the Florida, alias Oreto, alias Manassas. She was known to the public as the Oreto during the period of her construction, when any name with Southern implications was to be avoided. Her secret official name at this time was Manassas, in commemoration of the Southern victory at Manassas Junction. The vessel did not become the Florida until she was commissioned in the Confederate service after leaving England.

The Florida was ordered, supervised, and sent to sea by James D. Bulloch, the principal Confederate naval agent in Europe. Bulloch had been dispatched to England as a civilian agent in May, 1861, with orders to buy or, if necessary, build six steam-powered, propeller-driven commerce raiders. On reaching England, Bulloch found that there were no suitable ships for sale—wood had been largely replaced by iron in the British merchant fleet and the iron ships were too light to carry the heavy guns of a cruiser. He therefore turned to the alternative of building the ships his government desired, but here, too, obstacles were encountered. British shipbuilders were loath to commence the construction of vessels on order until a large part of the purchase price had been deposited in the bank. Bulloch was with-

1 A seventh warship, the Alexandra, was built as a gift for the Confederacy by Fraser, Trenholm and Company, bankers for the South in Great Britain. This ship was seized by the British government, but adverse rulings of the British courts finally forced its release in April, 1864. Even then the Alexandra did not engage in hostilities against the United States and, in fact, was seized for a second time in November, 1864, by British officials in the Bahamas and remained in their hands until the end of the war.

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out funds for almost two months after his arrival, but he made preliminary arrangements with two shipyards for the construction of one gunboat in each yard so that work could get under way as soon as money from the Confederacy was received. These two ships were to become the Florida and the Alabama.

The order for the Florida, or the Oreto, was placed with the firm, W. C. Miller and Sons of Liverpool. Bulloch was able to induce this firm to begin operations before his funds arrived when Fraser, Trenholm and Company, bankers for the South in England, agreed to guarantee the first few payments. The vessel was actually laid down in June, 1861. It was modeled after one of Her Majesty's gunboats of which Miller and Sons had a scale drawing. The Oreto was to be a wooden vessel of 695 tons, 185 feet long, 28 feet 4 inches in beam, of 12 feet draft, bark-rigged, and powered by two 200-horsepower engines. It was calculated that she would be able to steam at a speed of 11.5 knots. The ship was designed to cruise under canvas most of the time, so as to be relatively independent of shore bases in her operations. A second Liverpool firm, Fawcett, Preston and Company, was retained to design and build the engines and to furnish the guns. For purposes of convenience and secrecy, this firm was given the contract for the entire ship, and it subcontracted the hull and outfitting to W. C. Miller and Sons. The vessel was to be ready for sea in the second week of December, 1861. In order to avoid as much suspicion as possible, it was mentioned among the workmen that the ship would be sent to a firm doing business in Palermo, and a local representative of that firm undertook, ostensibly, the details of supervising and dispatching her.

After the construction of the ship was well under way, Bulloch, in October, 1861, found that it was necessary for him to return to America to report directly to the Confederate Secretary of the Navy concerning the work in progress and the prospects for future shipbuilding in England. He consequently purchased a fast steamer, loaded it with munitions for the army and the navy, and prepared to leave England. Before leaving, however, he turned over the super-

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3 Mallory to Bulloch, May 9, 1861, ibid., 64-65; Bulloch to Mallory, Aug. 13, 1861, ibid., 83-87.


vision of the *Oreto* to Fraser, Trenholm and Company, and directed that the vessel be delivered to the senior Confederate naval officer in England when completed, if he had not returned to Liverpool by that time. In his directions Bulloch specifically cautioned the Southern agents to prevent any violations of the British Foreign Enlistment Act in building and outfitting the vessel.\(^6\)

Most of these events, needless to say, were unknown to the Federal representatives. It was in October, 1861, that the acting consul in Liverpool, Henry Wilding, first received vague reports that two vessels, perhaps for the South, were under construction in the port.\(^7\) Wilding sent Matthew Maguire, an agent employed by the consulate for the purpose of uncovering information about Confederate activities, to make inquiries. He reported that one vessel was being built by Laird Brothers, the other by W. C. Miller and Sons. No other information about the vessels could be ascertained, and they were temporarily relegated to the background as the date of their completion was still some distance in the future.

The next report about the *Oreto* was received after the regular consul, Thomas H. Dudley, had taken charge of the consulate. Dudley was to become the principal figure in Northern efforts to stop the *Florida* and the other Confederate warships. In January, 1862, the attention of the Northern agents was called to a vessel taking in her machinery under the big crane of the Trafalgar Dock. Maguire was again sent to investigate, and he discovered that the ship in question was the one which he had seen at Miller and Sons. A watch was set over the ship, and it was soon ascertained that the machinery was being supplied by Fawcett, Preston and Company. This was considered suspicious because of the firm’s earlier participation in blockade-running activities. Maguire was able to get on board, and the report of his examination furthered Dudley’s conviction that she was a war vessel and that she was destined for the South.\(^8\)

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\(^6\) *Ibid.*, I, 102, 152.

\(^7\) Affidavit of Henry Wilding, Sept. 8, 1871, Thomas H. Dudley Collection, Huntington Library, San Marino, Calif. In the Dudley Collection, instructions to the Liverpool consulate from the State Department and from the legation in London are copied into two ledger books. Copies of dispatches to the State Department, the legation in London, and to other American officials are bound together year by year. Miscellaneous letters and papers are filed chronologically in numbered boxes.

\(^8\) *Ibid.*
By the end of January Dudley felt that the character of the ship was suspicious enough to justify his calling it to the attention of the State Department. In the dispatch he stated that "the 'Oritis' a screw gun-boat" was fitting out in Liverpool, and despite the fact that she was said to be ordered for the Italian government, he had reason to believe that she was built for the South. Dudley cited the report that her machinery was being supplied by Fawcett, Preston and Company. A short time later this information was communicated to Charles Francis Adams, United States minister in London.⁹ Dudley's suspicions were heightened by the secrecy which surrounded the ship and by the success of his efforts to prove false the story that she was intended for the Italian government. He had sent Wilding to see the Italian consul, and the latter denied that there was any connection between his government and the ship.¹⁰

Dudley set to work his detective force, which by this time consisted of Matthew Maguire and one or two assistants, in collecting information about the gunboat. The consul could also count on reports from Northern sympathizers in Liverpool and from waterfront men with information for sale. As might be expected, many of the rumors that were reported proved to be false, and many of the conjectures that Dudley made were incorrect. The situation was much like a jigsaw puzzle in which each piece of evidence when properly placed helped to establish the total impression. But it sometimes proved difficult to sort out the pieces which applied to the Oreto from those which applied to other Confederate enterprises in England, to say nothing of sorting out the false rumors purposely broadcast by the Confederates to mislead Dudley. At one time Dudley had five different reports from an equal number of sources on the number of guns the Oreto was to carry.¹¹

In the early days of February, 1862, the Oreto was observed taking on coal, and it was feared that she would slip away without her


¹⁰ Affidavit of Wilding, Sept. 8, 1871, Dudley Collection. Adams later sent his assistant secretary of legation, Benjamin Moran, to the Italian embassy to make similar inquiries. There, too, the report was denied. Sarah Agnes Wallace and Frances Elma Gillespie, eds., The Journal of Benjamin Moran, 1857-1865 (Chicago, 1947), II, 560.

¹¹ Dudley to Seward, No. 37, Mar. 22, 1862, Consular Despatches, Liverpool, XX.
armament, which could be picked up at some foreign port, before any action could be taken to detain her. As that month wore on, new details, although rather inconclusive, supported Dudley’s conviction that she was intended for the Confederacy and that she would be a “formidable and dangerous craft.”

Dudley’s dispatches convinced Adams that the ship should be called to the attention of the British government. On February 18, 1862, the minister submitted to Lord Russell, the Foreign Secretary, an extract from a letter which Dudley had addressed to the legation the preceding day, and called for the “interposition” of the government. Dudley’s letter included a brief description of the Oreto and reported the exaggerated estimate of her armament that he had received. He stated that she was ready for her guns, in fact was on a trial trip at that very time, but that it could not be learned whether the armament was to be taken on board in Liverpool or in some other port. He had obtained information from many sources, Dudley continued, all of which showed that the Oreto was a Confederate ship. One report indicated that Fraser, Trenholm and Company had made advances to Fawcett, Preston and Company, the engineers, and to Miller and Sons, the builders. Finally, the consul stated, gun carriages for the ship had been taken on board and stowed below.

This representation caused the British government to undertake official inquiries, the outcome of which, however, was far from reassuring to the United States emissaries. Adams’ note was received by the Foreign Office on February 19. Russell transmitted a copy to the Lords of the Treasury, who controlled the customs department, asking for an immediate investigation and requesting that the Treasury “take such steps in the matter as may be right and proper.” The Treasury in turn passed the protest on to its subordinate agency, the Board of Customs, and this authority directed the collector of customs in Liverpool to look into the matter. A customs officer was de-

12 Dudley to Seward, No. 13, Feb. 4, 1862, ibid.; Dudley to Seward, No. 15, Feb. 12, 1862, ibid.
13 Adams to Lord John Russell, Feb. 18, 1862, Correspondence Concerning Claims Against Great Britain . . . (Washington, 1869–1871), VI, 216.
14 Dudley’s statement concerning the gun carriages was incorrect.
tailed to examine the vessel, and he reported that although the *Oreto* was pierced for guns there were none on board and no gun carriages. The builders were interrogated, and they indicated that the *Oreto* had been built for Fawcett, Preston and Company, agents for Thomas Brothers of Palermo, and that a partner of this firm had visited the ship frequently during its construction. Miller and Sons further stated that they had been paid for the ship and that it had been handed over to Fawcett, Preston and Company. It was the builders' belief that the "present destination" of the vessel was Palermo. On the basis of these reports the collector informed the Board of Customs that he believed that the *Oreto* had been constructed for the Italian government, not the South.16 This information was incorporated into the report of the Board of Customs and transmitted by the Treasury to Lord Russell. He in turn sent a copy of the report to Adams as an answer to the American note. No action to detain the ship was taken by the British government.17

Russell was not completely satisfied with the report from the Board of Customs, and he telegraphed to the British minister in Turin, "Ascertain and report to me whether a vessel called the *Oreto*, now fitting out at Liverpool, is intended for the use of the Italian government."18 The tentative answer, received on March 1, 1862, was in the negative, but the Foreign Office did not consider it proper to take any further action until a conclusive report was received.19

In Liverpool, meantime, Dudley was accumulating bit by bit more information confirming his beliefs about the gunboat. It was learned that a second trial trip had been planned, and the consul was apprehensive lest the vessel go directly to sea and not return to the port.20

16 C. Morgan to [S. Price Edwards], Feb. 21, 1862, *ibid.*, 76; T. Miller to Edwards, Feb. 21, 1862, *ibid.*; Edwards to Commissioners of Customs, Feb. 21, 1862, *ibid.*

17 When the escape of the *Florida* came before the Geneva Tribunal in 1871 and 1872, the Case of the United States and the Argument of the United States severely criticized the "credulity" and "lack of due diligence" of the British government in conducting this investigation. Singled out for special criticism was the failure of the British officials to question Fawcett, Preston and Company, who, as the ostensible owners of the ship, might have been considered important sources of information.


19 Hudson to Russell, Mar. 1, 1862, *ibid.*

20 Dudley to Seward, No. 19, Feb. 21, 1862, *Consular Despatches, Liverpool, XX*; Wilding to Seward, No. 20, Feb. 22, 1862, *ibid.*
A pilot named William Parry was engaged by the Southern representatives and told to prepare for a two- or three-day absence. Dudley was able to induce the pilot to join the Northern interest, and in the espionage expense account for the week appear the entries:

"Paid Mr. P——— £1
Paid Mr. P———'s Man £2”

The total expense account for the next week was higher than usual, but the lack of itemization makes it impossible to determine if similar disbursements were made. On February 24, the pilot informed the consulate that he had received secret orders to be ready to take the Oreto out night or day and that, despite the fact it was said that she was to go to the Mediterranean, there was no doubt but that she was a Confederate warship. Parry soon reported that the ship had her stores and coal on board and was in the process of victualing for a long cruise. Moreover, the owners were attempting to sign up Southern men for the forthcoming voyage. Only the anticipated arrival of a ship from the West Indies delayed her departure.

Much to Dudley's confusion, the Oreto actually did not sail for another month, not until March 22, 1862. The reports that she had been about to sail at the end of February had not been incorrect, however. At one time the Confederate agents planned to dispatch the Oreto on February 25, and when that plan was abandoned, they determined to send her off as soon as the next West Indies steamer arrived with orders from the South. The anxiety of the American consul was increased when twice more before the final sailing the Oreto got under way and twice more returned to her anchorage after brief trial trips.

The unexpected delay of the Oreto permitted the Northern consul to continue his efforts at information gathering and to instigate a series of practical steps against the ship. When it was learned that the crew had been shipped, one of the men was induced by Dudley's detectives to part temporarily with his advance pay note, from which the consul learned that Fawcett, Preston and Company was paying the crew. One of the crew, perhaps the same man, agreed to send in

21 Sheaf of receipts from Maguire, Feb. 22, 1862, Dudley Collection.
22 William Parry to Wilding, Feb. 24, 1862, ibid.; Parry to Wilding, Feb. 27, 1862, ibid.
information concerning the movements of the vessel after it had left Liverpool. This attempt at espionage was apparently unsuccessful, as there is no evidence that any intelligence was received from this source after the Oreto put to sea. At the time of one of the Oreto's false starts from Liverpool a detective was sent out to Holyhead, on the westernmost tip of land below Liverpool, to observe the operations of the vessel in that port and her movements after rounding the point. Since the vessel returned to the Mersey, the report was of little value. The customs house records were checked, and it was found that the Oreto had been registered as an English ship destined for Palermo and Jamaica. Dudley inexplicably reported that the register showed W. C. Miller as her owner, whereas it was John H. Thomas, the agent of the Palermo house, who for purposes of deception, had signed the record. At this time two of the employees of Fawcett, Preston and Company informed Dudley's men that the ship was intended for the South, but they gave conflicting testimony as to the rendezvous where the guns were to be taken aboard. One said Palermo, the other Bermuda.\(^{23}\) Anticipating the imminent departure of the gunboat, Dudley wrote to all American consuls on the Mediterranean, in the Atlantic ports of Spain and Portugal, and at other ports at which the ship might call, giving a description of the vessel and requesting that they report her movements to the State Department. Adams duplicated this effort by warning the United States minister in Turin and the consul in Gibraltar to be on watch for the ship.\(^{24}\)

All of the movements of the Oreto and the developments in her outfitting were faithfully reported to Washington and to Adams in London. The State Department turned Dudley's dispatches over to the Navy Department, and the information they contained was forwarded by Secretary of the Navy Gideon Welles to the commanding officers of the various blockading squadrons so that they might be prepared for her.\(^{25}\)

Dudley's information service soon notified him that Fawcett, Preston and Company was shipping by rail cases of shot and shell and

\(^{23}\) Dudley to Seward, No. 25, Mar. 1, 1862, Consular Despatches, Liverpool, XX; Dudley to Seward, No. 27, Mar. 5, 1862, ibid.

\(^{24}\) Adams to Seward, No. 128, Mar. 7, 1862, Claims Against Great Britain, III, 598.

\(^{25}\) Official Records, I, VI, 653, 666, 683; VII, 107, 142, 217.
cases presumed to contain cannon and rifles to West Hartlepool for a ship named the Bahama, “for Hamburg.” Surprisingly enough, this piece of information was not correctly related to the Oreto, and it was assumed that the shipment was just another blockade-running enterprise, this despite many previous conjectures about the armament of the Oreto. The Bahama actually carried the guns, gun carriages, ammunition, and other equipment of the gunboat to the Bahamas where they were transshipped to the Oreto.

In this period of suspense it was correctly surmised that the Oreto was waiting for some equipment or for some person. The arrival of the Annie Childs from Wilmington, North Carolina, with Captain Bulloch on board, was duly noted on March 12, but it was only as Dudley learned in the next few days that the Oreto had dipped her ensign when the Annie Childs steamed by and that the officers of the blockade-runner were entertained the night of their arrival on board the Oreto, that he began to suspect that this might be the vessel for which the gunboat had been waiting. Finally, on March 22, some of the members of the crew of the Annie Childs were persuaded to give out information. They told Dudley that Bulloch was to command the Oreto, that four other officers came with Bulloch on the Annie Childs, that these officers wore naval uniforms during the voyage, and that it was talked about and understood by all on board that their object in coming to England was to serve on a vessel then building in England for the Confederacy.

This seemingly incriminating evidence was that very day, March 22, 1862, sent to both Seward and Adams. The information was incorrect in that both Bulloch and the officers who accompanied him, although originally assigned to the Oreto, were now assigned to the second gunboat, the Alabama. Nevertheless, the British government might have considered the report sufficiently damaging to warrant intervention. But it was also on March 22 that the Oreto left her anchorage in the Mersey for the last time and finally put to sea. That this was the final departure was, of course, unknown to the Northern representatives. When Adams received Dudley’s dispatch, he made

26 Dudley to Seward, No. 32, Mar. 7, 1862, Consular Despatches, Liverpool, XX.
27 Dudley to Seward, No. 33, Mar. 12, 1862, ibid. Bulloch had actually arrived two days ahead of the ship, as he had left her at Queenstown and hastened to Liverpool via Dublin and Holyhead, Bulloch, I, 151.
28 Dudley to Seward, Mar. 22, 1862, Consular Despatches, Liverpool, XX.
it the basis for his second protest to Lord Russell on the Oreto, in which he expressed his regret at the ineffectiveness of the British neutrality laws.29

Looking behind the scenes it becomes obvious that Dudley’s information had been surprisingly accurate. Bulloch had reached Savannah in November, 1861. After a series of conferences with the Confederate Navy Department, he was directed to return to Liverpool to carry out some additional duties for the Department, and then take command of the Oreto. His departure from the South, however, was so long delayed by the increased effectiveness of the Northern blockade that Bulloch decided that the Oreto, due to have been completed in December, must have sailed from England. He, therefore, requested and was granted an alteration in his orders which gave him command of the second of the two gunboats instead of the Oreto. To get back to Liverpool Bulloch and his staff officers were forced to leave Savannah and journey overland to Wilmington, North Carolina, where they took passage on the blockade-runner Annie Childs for England.30

The Oreto, meanwhile, was completed not in December as scheduled, but in early February. Fraser, Trenholm and Company was anxious to get her out of England as soon as possible, and the firm petitioned Lieutenant James H. North, the senior Confederate naval officer in England, to take charge of her. He demurred, but the company was adamant and turned the ship over to him on February 5, 1862.31 North, an unimaginative, plodding, indecisive officer, was uncertain what to do with the Oreto, and other than giving orders that a crew be shipped and stores and supplies be put aboard, neglected to make plans for her removal.32

On February 20, 1862, Fraser, Trenholm and Company wrote to North that the builders felt that the ship must be taken out of Liverpool. They asked either for North’s orders or a statement that

29 Dudley to Adams, Mar. 22, 1862, Dudley Collection; Adams to Russell, Mar. 25, 1862, Claims Against Great Britain, VI, 227-228.
31 C. K. Prioleau to James H. North, Feb. 3, 1862, ibid., 141; Prioleau to North, Feb. 5, 1862, ibid.; Fraser, Trenholm and Company to North, Feb. 5, 1862, ibid.
32 North to Prioleau, Feb. 6, 1862, ibid., 143-144; North to J. M. Mason, Feb. 6, 1862, ibid., 144; North to Mallory, Feb. 8, 1862, ibid., 144-145.
he declined to act. The next day Major Caleb Huse, the Confederate Army purchasing agent in England, who was working closely with Fraser, Trenholm and Company, telegraphed to North: "... immediate action necessary. ... Ship will sail Tuesday [February 25]. Nothing can stop her but your positive orders to the contrary." It seems probable that the urgency adopted by the Southern representatives in Liverpool at this time was dictated by the activity of the British customs officers which resulted from the complaint lodged by Adams with the Foreign Office on February 18.

North accepted the urgency of the situation and acquiesced in the plans to take the ship out of England. But for some reason, "Circumstances [arose] ... which did away with the imperative necessity of sailing so soon ...," and North shortly decided to await Bulloch's return before dispatching the ship. It is difficult to escape the conclusion that the altered circumstances which enabled the Southern agents to postpone the departure of the gunboat lay in the clean bill of health that the Oreto received from the local British officials, in spite of the fact that it was a matter of common gossip on the docks and in the streets of Liverpool that she was intended for the Confederacy. On March 3, 1862, the Oreto was registered as a British ship, with John H. Thomas, partner of the Palermo firm, listed as sole owner. On the following day the ship was cleared for Palermo and Jamaica.

One week later, on March 10, Bulloch arrived back in Liverpool and immediately took charge of the ship. Within a few days all was in readiness for her departure, although no commanding officer was available in England. Nevertheless, Bulloch decided to send her off to Nassau where a suitable officer could more easily be found. She left the Mersey on March 22, completely unarmed and registered as an English ship, ostensibly owned by an English firm, commanded by a British merchant captain, and manned by a civilian crew. The crew was not mustered into the Confederate service until the ship was actually commissioned in the Confederate Navy in the Bahamas. The ship was unarmed on leaving England, despite, as Bulloch put

33 Fraser, Trenholm and Company to North, Feb. 20, 1862, *ibid.*, 147.
34 Caleb Huse to North, Feb. 21, 1862, *ibid*.
36 Prioleau to North, Feb. 5, 1862, *ibid.*, 141-142.
37 *Case of Great Britain*, I, 243-247.
it, "every ruse" to complete her equipment in Liverpool, because she had been inspected twice for contraband by customs officials and notice had been given the builders that any attempt to smuggle contraband on board would result in her seizure.\(^{38}\)

Adams' second note on the Oreto, forwarding Dudley's letter of March 22 and protesting against England's unfriendly attitude and the ineffectiveness of her neutrality laws, was received by the Foreign Office on March 26. In acknowledging this message, Russell maintained that the laws were effective enough to prevent violations of neutrality if evidence of an offense could be presented.\(^{39}\) Russell's reply was of little consolation to the Northern representatives, because they found it very difficult to find legal evidence about the Confederate ships and because they felt that it was not their duty to provide it. They believed that they should only be required to point out suspicious vessels and that the British government should then take over the investigation. The official inquiry made by the Board of Customs at the request of the Foreign Office led only to a report which maintained that the neutrality laws had not been violated and that Dudley's information, on which Adams' note was based, was, at least in part, incorrect.\(^{40}\) The final report to Russell from the British minister in Turin confirmed the earlier dispatch that the Oreto had not been built for the Italian government. However, it was not received by the Foreign Office until March 29, seven days too late to be of value in preventing the departure of the gunboat from Liverpool.\(^{41}\)

In informing Seward of his exchange of notes with Russell, Adams loosed a vitriolic indictment of British policy, and indicated that a conscious effort would be made by the American government to gain just retribution, an effort that was to end at Geneva ten years later.

I thought it . . . a good opportunity to place upon his lordship the responsibility of the consequences of permitting himself to be deluded by


\(^{40}\) Tho. F. Fremantle and Grenville C. L. Berkeley to Lords Commissioners of the Treasury, Apr. 4, 1862, *ibid.*, 243.

\(^{41}\) Hudson to Russell, Mar. 25, 1862, *ibid.*, 242.
what I cannot help thinking the wilful blindness and credulous partiality of the British authorities at Liverpool. From the experience of the past, I have little or no confidence in the success of any application that may be made of the kind. It is not the less important, for all that, to perpetuate the testimony for future use. That Great Britain did, in the most terrible moment of our domestic trial in struggling with a monstrous social evil she had earnestly professed to abhor, coldly and at once assume our inability to master it, and then become the only foreign nation steadily contributing in every indirect way possible to verify its prejudgment, will probably be the verdict made up against her by posterity on a calm comparison of the evidence.\(^{42}\)

Although Dudley had been unsuccessful in stopping the Oreto, some advantages for the North had been gained. In the first place, the Oreto had been forced to leave Liverpool in a condition less complete than Bulloch had desired. As he wrote to her future commander, "... I have been forced to dispense with all outfit suited to her real character."\(^{43}\) For example, it was necessary to dispatch her without the fittings for the magazine and for the light room, and every effort to put munitions of war on board had been prevented by the inspections of the British officials stirred into action by the Northern protests. The Oreto was to experience difficulty in obtaining her guns and military equipment, and the loss of some of her stores in the process of transshipment from the Bahama was to hamper her military operations.\(^{44}\) Secondly, the Confederate agents had been notified of the vigilance of the Federal officers. The increased secrecy resorted to by the Southerners was a mixed blessing; it became more difficult for Dudley's men to obtain evidence, but it also made the operations of the Confederates, in maintaining secrecy and deception, more costly in time and money.

The entire record of Northern efforts to stop the Florida was reviewed at length by the tribunal at Geneva in 1871 and 1872. The principal criticism of Dudley's action, in fact of the whole first part of the American case concerning the Florida, was embodied in the "Opinions" of Sir Alexander Cockburn, British member of the court, who contended that Great Britain had fulfilled the obligations of

\(^{42}\) Adams to Seward, No. 135, Mar. 27, 1862, Foreign Relations of the United States (Washington, 1862-\(\approx 1862\)), 1862, 53-54.


\(^{44}\) Bulloch to Mallory, Mar. 21, 1862, ibid., 753-755; Maffitt to Bulloch, Aug. 20, 1862, ibid., 760; Bulloch to Mallory, Apr. 11, 1862, ibid., 2, II, 183-185.
neutrality in 1862. Although praising the “indefatigable” Mr. Dudley, “whose untiring industry and zeal in the discharge of his duty is certainly entitled to admiration,” Cockburn stated that little reliance could be placed on the consul’s statements and that he too readily accepted unauthenticated rumors and reports. Cockburn went on to say that Dudley in some instances sent information to Secretary of State Seward which he did not forward to Adams in London where it would do more good, and that in his dispatches to Seward, Dudley implied that he had evidence against the Oreto when actually he had only rumors and conjectures. The reason assigned was that Dudley was anxious to place himself in the most favorable light before his chief in Washington, but he was not concerned with the impression made upon Adams. Cockburn then criticized Dudley for not unlocking his sources of information to the British government or to the local customs and police officers in Liverpool. Finally, a specific criticism of Dudley’s course of action was made when Cockburn stated that on March 22 he should have taken the crew members of the Annie Childs, who had given what appeared to be such damaging testimony against the Oreto, to the collector of customs, instead of merely writing to Adams and Seward about their reports. Adams’ protest to Russell based on this dispatch was received too late to stop the Oreto, whereas direct appeal to the collector might have resulted in the vessel’s seizure.

It is true that Dudley listened to unauthenticated rumors and reports and made conjectures based upon such information. This was the only course of action he could pursue. It was his duty to keep Seward and Adams as fully informed as possible, and when positive evidence could not be obtained, Dudley had to pass on the reports that he had received. Furthermore, the dispatches that Cockburn criticized were, in most instances, meant only for the information of Adams and the State Department and were not intended to be flawless briefs admissible in court. To the charge that Dudley was more disposed to address himself to Seward than to Adams and to boast of evidence which in reality was only conjecture, it must be admitted that Dudley was an ambitious man. Secretary of the Navy Welles had made a statement similar to Cockburn’s, that Dudley in his

dispatches was anxious to place himself and his work in the best possible light. But it would be incorrect to say that this was the reason that more information was forwarded to Washington than to London. This impression developed because some of the dispatches from Dudley to Adams were omitted from the published correspondence available to the tribunal. As for his failure to open his secret sources of information to the British government, it should be noted that no efforts were made to obtain this information from him. But even if such efforts had been made, it would have been impossible for him to comply, since many of the reports had been given to him in confidence. Finally, in answer to the charge that Dudley should have taken the men from the Annie Childs to the customs house on March 22, it can be said that this course of action might recommend itself in reviewing the case many years later, but there was nothing at the time to suggest it. Again, even if such a course had been adopted, it is inconceivable in the light of his subsequent actions that the collector would have acted without conferring with the Board of Customs. In his later dealings with the Alabama, the Alexandra, and the Laird rams, the collector invariably waited for orders from his superiors before taking any decisive step. The time that would have been required to receive instructions from London would have permitted the vessel to have escaped even if the Board of Customs had taken the unlikely course of calling for its detention. In point of fact, when Dudley’s information was conveyed to the British government on March 25, the Foreign Office did not order the seizure of the gunboat even though it was unaware that the vessel had left Liverpool.

The defense of Dudley’s actions was undertaken by Charles Francis Adams, the American member of the court and Dudley’s wartime chief.

His duty was, with such imperfect means as he had in his possession, to exercise due diligence in exposing every trace of an attempt to carry on from that place [Liverpool] hostile operations against his own country; and, I must add, most faithfully and energetically does he seem to me to have performed it. But just in the proportion to the efficacy of his exertions was the attention of those engaged in such enterprises directed to the means of baffling his aim. To this end it appears clear that among the parties to which he was driven to resort for the purpose of gathering information were

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not a few of indifferent character, and probably some employed by his opponents expressly to put him on a false scent. Having no power in his hands to extort unwilling testimony, he was compelled to rely entirely on his own judgment to pick out of the mixed mass before him that which might seem to him most in harmony with the probabilities of the case. That he should have been occasionally misled, and thus have made representations through Mr. Adams to Her Majesty's government which were proved on investigation not to be accurate, ought to be neither surprising nor matter of blame to him. In point of fact, he seems in the present case to have supplied pretty much all the correct information which Her Majesty's government actually received, and which, if they had followed it up with corresponding diligence, would certainly have ended in the detention of the vessel.  

The principal answer to Sir Alexander's arguments is found in the opinion of the three members of the court whose governments were not parties to the dispute, that Great Britain was reprehensible in permitting the escape of the *Florida* and had not used "due diligence" in the performance of her neutral duties.  

As a postscript to this episode, it is of interest to follow briefly the *Oreto's* career after her departure from England.

The *Oreto* made port at Nassau on April 28, 1862, where she was seized by the local British officials and brought to trial in the vice-admiralty court for violation of the Foreign Enlistment Act. On August 2 the gunboat was released for lack of sufficient evidence before information could be obtained from England, the presiding judge ruling that the history of the *Oreto* prior to its arrival in Nassau was not of material significance. The vessel was taken to Green Cay not far from Nassau where her armament was put on board and where she was commissioned as the *Florida* in the Confederate States Navy under the command of Lieutenant J. N. Maffitt. Maffitt was forced by scarcity of men, lack of stores, and sickness among the crew to run the blockade into Mobile.

Escaping from the blockaded port in the middle of January, 1863, the *Florida* commenced her deadly mission. By August, when the condition of the ship required that Maffitt put into Brest for repairs, she had destroyed nineteen Northern merchant vessels and bonded three others. In addition, tenders outfitted by the *Florida* had de-

destroyed sixteen and bonded six more vessels. Returning to sea in February, 1864, the raider cruised through the West Indies, dashed in toward the Delaware coast, ran out to Tenerife, and finally recrossed the Atlantic to Baía. In that port on October 7, 1864, the *Florida* was captured in manifest violation of Brazilian neutrality by the Northern cruiser *Wachusett*. The Confederate gunboat was sent to Hampton Roads and sank there on November 28 under suspicious circumstances after the State Department had acceded to Brazil’s demand that the vessel and her crew be returned to Baía. During her second cruise the *Florida* had captured twelve more Northern merchantmen.

To the Geneva Tribunal of Arbitration the United States presented a list of thirty-eight vessels destroyed by the *Florida* and her tenders for which claims totaling $3,594,030.46 had been filed at the State Department. These claims, together with claims for vessels destroyed by the *Alabama* and a portion of those destroyed by the *Shenandoah*, were implicitly included in the $15,500,000 awarded to the United States by the Tribunal. In appraising the cost to the North of the escape of the *Florida*, it would also be necessary to consider such “indirect damages” as the money spent in her pursuit by Northern naval vessels, the rise in insurance rates on American vessels and their cargoes due to the hazard represented by the *Florida* and other Confederate raiders, and the resultant transference of American shipping to foreign flags. These “national claims” were presented by the United States at Geneva, along with the dubious assertion that the war had been prolonged by the Confederate States after Vicksburg and Gettysburg, in the futile hope that the Southern commerce raiders would involve the United States in war with Great Britain over questions of neutral duties. These “national claims,” however, were not accepted by the Tribunal.

*Merion, Pa.*

DOUGLAS H. MAYNARD