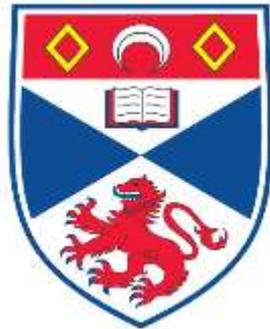


THE SOMERS MUTINY OF 1842

Angus Ephraim Goldberg

**A Thesis Submitted for the Degree of PhD
at the
University of St. Andrews**



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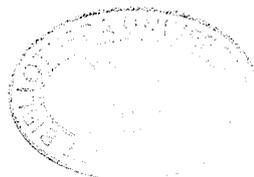
The Somers Mutiny of 1842

By

Angus Ephraim Goldberg

A Thesis Submitted for the degree of
Doctor of Philosophy
in the School of History
of the University of St. Andrews

August 1999



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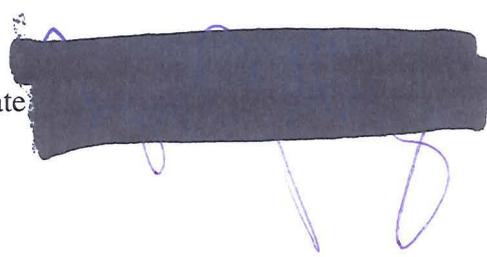
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Abstract

This dissertation presents an analysis of the *Somers* mutiny of 1842 that goes beyond the simple narratives offered by previous studies of the cruise. The mutiny is examined within the context of contemporary American politics and social reform, particularly as they related to naval affairs. These emphases clarify the rationale behind the cruise of the *Somers*, and shed light upon the nature of her crew.

The immediate physical environment of the brig is described in order to reveal the difficulties in its operation, and the destabilising effect that this had on both the functional and social worlds of the vessel. The social environment on board is further defined by examining the daily progress of the cruise with reference to antebellum naval life and practice. When so combined, these factors clarify the officers' perception of the mutiny threat, and go far to explain their actions throughout the crisis.

Finally, the dissertation examines the controversy that arose after the *Somers* returned to the United States. In particular, the military courts convened to investigate the mutiny are subjected to critical analysis since they are fully part of the events that they purported to explain, and because their proceedings remain the primary source material for reconstructing the cruise it is necessary to identify their biases. To conclude, the societal lessons of the *Somers* mutiny are explored, and an alternative reading of the event is posed.

This work is dedicated to my parents, who have always supported me in my endeavours, and indulged me in my pursuits.

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vein. Nadia Afzal, however, deserves special mention, since I probably would not have met any of you but for her. Moreover, her generosity with her printer in times of crisis was crucial.

Introduction

On December 1, 1842, three men were hanged for the crime of mutiny on board the U.S. Brig-of-War *Somers*. The brig itself was a school-ship, sailed almost entirely by apprentices between the ages of thirteen and twenty-one. At the time of the executions, the vessel was returning to the United States from the African coast. Among the hanged was a midshipman named Philip Spencer. He is remembered as the only officer in the history of the United States Navy to have been executed for mutiny. The others executed were both senior members of the crew. Samuel Cromwell was the boatswain's mate, and Elisha Small had been until recently, the quartermaster.

The three men had been imprisoned for much of the week prior to their executions. Over the course of four days, the brig's officers became increasingly convinced that both their command of the vessel and their very lives were in danger. Certain of imminent revolt, the commander, Alexander Slidell MacKenzie, convened an emergency council of officers to determine a course of action. After two days' deliberation, it was decided that the safety of the vessel required the executions. Once the decision was reached it was carried out without delay. The condemned men were informed of their fate just ten minutes before they were to die. At no time had they been made aware of the council or been allowed to speak before it.

The executions were carried out, and the brig continued its homeward journey. After a brief stop at St. Thomas in the Danish West Indies, the *Somers* returned to New York City. Upon her arrival, the

officers were called to justify their actions before a court of inquiry, which in turn was followed by the commander's court-martial. Throughout these trials, the officers faced the implacable hostility of Spencer's father, who was serving in the cabinet of President John Tyler. This bitter controversy in the courts of law and public opinion came to be known as the Somers Mutiny Affair.

Although the *Somers* transfixed the nation for a brief time, it was quickly forgotten. Indeed, the only sustained tradition of interest in it has been maintained by Chi Psi fraternity, a secret society founded by Philip Spencer the year before he was entered in the Navy. Academic scholarship, however, did not address the *Somers* for some fifty years. Then, between 1879 and 1890 various articles, recollections, and memoirs addressed the mutiny, largely in the context of the affair that followed. It is possible that this surge of interest accounted for Herman Melville's decision to begin writing his last work, *Billy Budd*. Certainly, there was a connection. Melville's first cousin, Guert Gansevoort, had been first lieutenant on board the *Somers*, and the author made explicit reference to the mutiny in his book, comparing the officers of the *Bellipotent* to those of the *Somers*.¹ At any rate, from this revival developed a sustained

¹ Modern scholarship has emphasised the impact of the *Somers* on Melville's familial relationships, especially with Gansevoort. At the same time, it has explored the impact of the mutiny on Melville's contemporary writing (*White Jacket*, and *Omoo*), and his return to the subject in *Billy Budd*. Although the relationship between Melville and the *Somers* has been explored with great sophistication in the most recent studies on the author, errors still occur. For instance, Michael Rogin's excellent work misidentifies the rush aft as a rush forward. M. Rogin, *Subversive Genealogy: The Politics and Art of Herman Melville* (Berkeley, CA: University of California Press, 1983), p. 83. Other modern studies include H. Parker, *Reading Billy Budd*, (Evanston, IL: Northwestern University Press, 1990), pp. 73, 141-142; H. Parker, *Herman Melville: A Biography*,

interest in the *Somers*. Unfortunately, most of the literature on the mutiny has only served to increase our misunderstanding of it.

Much of it has simply been inaccurate. For instance, the following account, published in 1946 as part of a naval training program for enlisted men:

Summoning a drumhead court, [MacKenzie] had the three lads grilled to a turn. Cromwell denied any knowledge of a mutiny. Seaman Small said he'd heard Spencer talk a lot about pirates, but so far as he knew there was no mutinous conspiracy. Spencer, himself, declared it had been only a prank. He liked to read pirate stories. He'd written the lists in Greek just to practice the Greek alphabet. He talked of dead men to Wales just to tease him. With upraised hand he swore he'd never meant to start a mutiny.²

In this rather egregious example, statements extrapolated from other conversations have been fashioned into a set of depositions that never took place. Indeed, some of these statements are complete fabrications. Yet, more often than not, misrepresentation of the events on board the *Somers* has not been so severe. Often, names and relationships are confused. Thus, Philip Spencer becomes his father's only son.³ MacKenzie's relatives are misrepresented.⁴ The chronology of events after the mutiny's 'discovery' is incorrect.⁵

Volume I, 1819-1851 (Baltimore: Johns Hopkins University Press, 1996), pp. 241-243, 266-267, 295-298, 314;

² Anon., *Your Navy* (Washington, D.C.: Government Printing Office, 1949), pp. 231-232.

³ W. Armstong, *Mutiny Afloat – A Dramatized Record of Some Famous Sea Mutinies* (London: Frederick Muller, 1956), p. 110.

⁴ I. Anthony, *Revolt at Sea – A Narration of Many Mutinies* (New York: G.P. Putnam's Sons, 1937), p. 171.

⁵ E. Haine, *Mutiny on the High Seas* (New York: Cornwall Books, 1992), p. 65.

Recent scholarship, however, is largely factually correct. Charles Van de Water's *The Captain Called It Mutiny* (1954) was the first major history of the *Somers* to be written from a 'modern' perspective. Nevertheless, it was essentially a popular history. It was soon followed by Harrison Hayford's *The Somers Mutiny Affair* (1959), a source book of primary and secondary documents including the author's own commentary. The only recent monograph has been Phil McFarland's *Sea Dangers* (1985), which focuses upon the subsequent affair rather than the mutiny itself. Besides these, there are a small number of scholarly articles, the best of which are those by Hugh Egan.⁶

Modern scholars have generally been more sympathetic to the executed men than to the brig's officers. The one great exception has been Samuel Eliot Morison. In Morison's biography of Commodore Matthew Calbraith Perry (who was closely associated with the brig's commander), he devoted a chapter to the *Somers*, in which he energetically defended MacKenzie's conduct.⁷ This account, while interesting for its perspective, is not nearly critical enough to justify Morison's conclusions.

Our understanding of the event, therefore, remains incomplete. Contrary to the conclusion of Valle that "the case has been analyzed so

⁶ H. Egan, "Introduction," *Proceedings of the Naval Court Martial in the Case of Alexander Slidell MacKenzie* (Delmar, NY: Scholars' Facsimiles & Reprints, 1992), pp. 3-43; H. Egan, "The MacKenzie Court-Martial Trial: Cooper's Secret Correspondence with William H. Norris," *Studies in the American Renaissance* (1990).

⁷ S. Morison, "*Old Bruin*" *Commodore Matthew Calbraith Perry* (Boston: Little, Brown and Company, 1967), pp. 144-162.

thoroughly that it is unlikely that any new information will surface,” a great amount of documentary evidence relating to mutiny has never been consulted, especially that pertaining to the crew and cruise itself.⁸

For instance, the journal of the brig’s senior midshipman, Henry Rodgers, has been ignored by previous historians. Yet it is crucial to understanding the progress of the cruise, since it daily recapitulated the brig’s log, which is now lost. At the same time, the brig’s payroll provides information on the experience of the crew, including promotions, demotions, and transfers to and from the *Somers*. The ‘saltiness’ of the crew is also illuminated by enlistment papers for the apprentices, and seaman protection certificates. Moreover, these provide data on the social profile of the brig’s complement.

Furthermore, the cruise needs to be examined against the backdrop of the antebellum United States Navy, and the nation that it served. Although the brig was unique, it did not exist in a vacuum. Thus, contemporary descriptions of daily life on board other vessels of war fill out the portrait of the *Somers*.

In order to make sense of commissioning of the *Somers* as a school-ship, and particularly the public response on her return from Africa, Chapter One will focus on civil-naval relations through a detailed reading of the Navy Secretary’s annual report for 1841, and its reception in the Congress. In this report, Navy Secretary Abel Parker Upshur

⁸ J. Valle, *Rocks and Shoals: Order and Discipline in the Old*

presented his vision of a modern navy that entailed extensive expansion and reform. The *Somers* was but one part of this programme, and will be better seen in light of it. Indeed, it will be shown that the *Somers* was a constituent element in a crucial part of Upshur's vision, without which, the remainder of his expansionist plan was jeopardised.

Since the *Somers* was intended to remedy problems that were shaped in part by the service's various internal tensions, the professional state of the Navy must also be assessed. The Navy of 1842 was in transition, afflicted by long-standing concerns detrimental to all its ranks. At the same time, civilian antimilitarism hindered efforts to increase the service's professionalism. Naval reformers had to compete and cooperate with various civilian organisations that were part of the larger movement of reform surging in the United States at the onset of the 1840s. These factors all contributed to the Congressional debate over the Navy's role, and have particular importance for the cruise of the *Somers*. Thus, Chapter Two incorporates a description of the influence of civilian and naval reformers upon the service, and ultimately the *Somers* itself.

Of all the various reforms that affected the Navy, educational reform had the most pronounced impact upon the cruise of the *Somers*, for the brig's very *raison d'être* was the education of her crew. Thus, the second chapter concentrates on the state of naval education at the onset of the cruise, particularly the programme of apprenticeship that the Navy

instituted in 1837. Apart from placing the *Somers* in an operational context, this will illustrate the nature of the brig's crew, and give a greater understanding of the cruise, and the officers' response to the allegations of mutiny. At the same time, the relationship between apprenticeship and midshipmancy will be explored, since most of the officers on board the *Somers* were midshipmen, including Philip Spencer. Finally, the chapter will focus upon the failings of apprenticeship, and the attempt to remedy them with an independent school-ship.

Having understood the nature of the brig's fundamental mission, it is necessary to assess in turn the *Somers*, and her crew. Analysing the physical character of the brig will help explain the course of events on board. Apart from providing a context for the alleged mutiny, this ensures that the vessel's 'silent' part in it is revealed. Too often, the *Somers* has been seen merely as the stage on which the human drama was played out. However, it is clear that the brig's design and operation were crucial in determining the eventual outcome of the cruise.

It is not enough, however, simply to describe the *Somers*. Whatever the characteristics of a ship, it is the crew that brings her to life. Between ship and crew is a reciprocal relationship manifested in the vessel's operation. On board the *Somers*, this relationship was fraught with difficulties, revealed in the daily operation of the vessel. Thus, Chapter Three focuses upon the brig, her crew, the means by which she was sailed, and how life on board was organised.

The remaining chapters conceptualise the alleged mutiny in terms of its origins, the act itself, and its aftermath.⁹ In examining potential origins, Chapter Four describes the progress of the cruise prior to the mutiny itself, beginning with a consideration of why a school-ship was sent to one of the Navy's most perilous stations. Any discussion of the African coast must also include the contemporary trade in slaves, especially relevant to the *Somers'* cruise, since the putative motivation behind the mutiny was the conversion of the brig to a slave ship or pirate. This is also the most appropriate moment to discuss the character and background of Midshipman Spencer.

Chapter Five details the mutiny itself. Beginning with the discovery of Spencer's 'plot,' the mutiny is seen to unfold over the following week with the analysis focusing upon the officers' perception of their situation. While the truth of the mutiny has never been properly established, it is certain that the officers believed in its immediate danger. Thus, throughout the text, I have chosen always to refer to the alleged mutiny as an actual mutiny, since this was what the officers believed to be the case. At any rate, the chapter explores the factors that triggered this certainty. It also examines the process of "looping," by which events on board were seen as confirmation of the officers' worst fears.¹⁰ Indeed, by

⁹ E. Rose, "Anatomy of a Mutiny," *Armed Forces and Society* (Vol. 8, No. 4, Summer 1982), p. 565.

¹⁰ E. Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* (London: Penguin Books, 1971), p. 41.

their own actions, the officers fomented an actual crisis that they resolved only with executions.

The chapter then follows the mutiny to its denouement, the execution of the three ‘ringleaders.’ These executions adhered to established rituals of capital punishment, and carried social messages shaping their conduct and reception. Therefore, the fifth chapter describes the executions with reference to modern scholarship on the functions of an execution ritual. The remainder of the chapter then discusses the final leg of the brig’s voyage to the United States, and the environment on board subsequent to the week of crisis.

The final chapter examines the Somers Mutiny Affair. While the Affair touched many different lives and locales, the focus here is upon the various tribunals that followed the brig’s return. Apart from providing closure to the narrative, such an evaluation is crucial to any responsible study of the *Somers*. Much of their content reflects opinion rather than fact. Furthermore, the opinions expressed demonstrate considerable bias in favour of the officers’ conduct. The portraits produced of the mutineers are akin to the plaster casts of Pompeii’s dead inhabitants. What remains to posterity is an image of the individual left by the cause of his death. A critical analysis of the *Somers*, therefore, must accept and explore the limitations of this documentary evidence. Thus, Chapter Six details the progress of the Affair in terms of its legal development, emphasising the

conflict over civil-military jurisdiction, and the progress of the courts-martial themselves.

While it is known that the affair had a profound impact on the American public, the nature of that impact is less understood. The analysis closes, therefore, with reference to wider societal concerns about American antimilitarism and fears of social unrest, together with the professional lessons of the mutiny. In closing, the chapter briefly discusses the ultimate fate of the brig, as well as the principal actors in the affair.

The conclusion seeks to answer the fundamental question of whether or not there was a mutiny on board. In doing so, it presents a necessarily speculative case based largely upon the proceedings of the court-martial. A critical review of the evidence suggests that there was no mutiny as alleged by the officers. While Spencer and Cromwell were certainly guilty of resistance to military authority, they were more properly insubordinate than mutinous. The final argument, therefore, seeks to refute the accusation of mutiny, and offers an alternative reading of what might actually have been occurring on board the *Somers* at the time that the first allegations of mutiny were made.

Chapter One

The Upshur Vision: Naval Expansion and Reform

On December 4, 1841, Abel Parker Upshur, the Secretary of the Navy, presented his first annual report to the United States Congress. Composed after a month spent consulting with various naval officers and his advisory board of naval commissioners, the twenty-two page report was more comprehensive and insightful than any that had preceded it for some time.¹ That Upshur's predecessors had not paid greater care to their reports is not surprising. Defeated by the Whig party in the 1840 presidential election, the Democratic party had nonetheless commanded the presidency and cabinet secretaryships for the previous sixteen years. Democrats were suspicious of professional armed forces, and under their administration, the United States had become a largely nonmilitary country, indifferent to its military institutions, and hostile to military professionalism.² Although President Andrew Jackson had endorsed naval expansion upon his retirement, the Navy did not benefit.³ His successor, Martin Van Buren, was less concerned with increasing the Navy than he

¹ C.H. Hall, *Abel Parker Upshur - Conservative Virginian 1790 - 1844* (Madison, WI: State Historical Society of Wisconsin, 1963), p. 125.

² R.F. Weigley, *History of the United States Army* (London: B.T. Batsford, 1968), p. 157.

³ H. Sprout, and M. Sprout, *The Rise of American Naval Power, 1776-1918* (Princeton: Princeton University Press, 1939), p. 110.

was with compensating for the diminished revenue and deficits that followed the financial panic of 1837.⁴

At its best, Jacksonian naval policy could be summarised as one of benign neglect. While the service was valued for its successes in the War of 1812, figuring prominently in nationalistic mythology, a large navy was deemed superfluous. Thus, the immediate post-war expansion of the service had been curtailed in favour of a small and inexpensive navy.⁵

⁴ Sprout, *The Rise of American Naval Power*, p. 113. The Panic of 1837 triggered a six year depression in the United States. The failure had its origins in the previous decade's economic expansion, which had been fuelled by widespread financial speculation on public lands. When Jackson removed federal deposits from the Bank of the United States in 1836, he placed them in selected "pet" banks. The Bank of the United States had been an important instrument of credit restraint, however, and the "pet" banks unfortunately launched an inflationary lending spree. Furthermore, they made poor loans. At the same time, Jacksonian policy was not wholly responsible for the inflationary surge and subsequent crash. The increased opium trade to China, French payment of war indemnities, and an unexpected increase in the silver output of Mexican mines all contributed to an increase in the money stock circulating throughout the country. Land values plummeted the following year, however, affecting speculators and banks alike. At the same time, crop failures caused a drop in agricultural exports. The decline in exports reduced the amount of specie entering the country, and when British banking policy led foreign creditors to call in their debts, businesses found themselves unable to pay, leading to a series of bank failures and the Panic. T. Brown, *Politics and Statesmanship: Essays on the American Whig Party* (New York: Columbia University Press, 1985), pp. 34-35; B. Hammond, *Banks and Politics in America from the Revolution to the Civil War* (Princeton: Princeton University Press, 1957), pp. 451-499; G.R. Taylor, *Jackson vs. Biddle's Bank: The Struggle Over the Second Bank of the United States* (Lexington, MA: D.C. Heath, 1972), pp. 1-7; P. Temin, "Economic Consequences of the Bank War," P. Temin, ed., *New Economic History – Selected Readings* (Middlesex: Penguin Books, 1973), pp. 293-310; J. Atack, and P. Passell, *A New Economic View of American History from Colonial Times to the Present* (New York: W.W. Norton, 1984), pp. 100-102.

⁵ L.D. White, *The Jacksonians: A Study in Administrative History, 1829-1861* (New York: MacMillan Company, 1954), p. 216. Ironically, the Navy's decline in size and professionalism was grounded in its 1816

After more or less suppressing West Indian piracy by 1829, the Navy's mission had largely been limited to the protection of American commerce and citizens abroad, the suppression of the African slave trade, and the conduct of scientific expeditions and surveys.⁶

While these were important responsibilities, they did not attract the public's attention, and the Navy lost the prestige it had earlier enjoyed.⁷ Pushed to the margins of public attention, the Navy seemed to many an unnecessary, even dangerous, expense. By 1841, this small navy policy had caused a sharp decline in the service's professionalism and morale. Indeed, that year, Democratic administration of the Navy came under Congressional attack for "allowing our ships of war to rot, [and] to sink into a state of dilapidation."⁸ Notwithstanding the partisan basis for this attack, when Upshur assumed control of the Navy Department, he *had* found it in dismal condition. His report said as much: "I have had but a short experience in this Department; but a short experience is enough to display its defects, even to the most superficial observation. It is, in truth, not organized at all."⁹

expansion. This building programme called for ships that were not commensurate with the service's peacetime role. High operational costs and lack of a mission had doomed these vessels to ordinary. By 1842, they were rotting on the blocks or used as receiving vessels. R.W. Love, *History of the United States Navy, Vol. 1* (Harrisburg, PA: Stackpole Books, 1992), p. 134; Sprout, *The Rise of American Naval Power*, pp. 97-98; C.O. Paullin, "Naval Administration 1842-1861," *United States Naval Institute Proceedings* (Vol. 33, No. 124, 1907), p. 1449.

⁶ Paullin, "Naval Administration 1842-1861," pp. 624-625.

⁷ White, *The Jacksonians*, p. 217.

⁸ *Congressional Globe*, 27th Congress, 1st Session, p. 140.

⁹ Upshur, *Annual Report of the Secretary of the Navy 1841* (hereafter *SNR*), p. 378.

In order to restore the Navy's professionalism, Upshur's report proposed five fundamental reforms. The first of these called for the abolition of the Navy Board of Commissioners whose very members had earlier advised him. The Board had run the administrative bureaucracy of the service since 1815, when the exigencies of war revealed the deficiencies of the Navy Department.¹⁰ Besides relieving the Secretary of routine administrative duties, the Board was intended to provide him with a body of professional advisors.¹¹ By 1842, however, it had outlived its usefulness, something that its members had acknowledged to a certain extent as early as 1829, when they had partially concurred with a Congressional call for its dissolution. No action was taken then, however, and the Board remained in place.¹² The Commissioners did provide a useful service, however, offering the Secretary considered professional advice. Unfortunately, the Board became increasingly conservative over the course of its existence. This is not surprising given the age of commissioners, who were all officers of command rank during the War of 1812. At any rate, they tended to oppose innovation and invention, especially those that threatened the pre-eminence of sail. The Board's conservatism owed much to a single man, Commodore John Rodgers, who had presided over the Board since its inception almost without interruption, and used his authority to impede technological development.¹³

¹⁰ C.O. Paullin, *Commodore John Rodgers* (Cleveland: Arthur H. Clark, 1910), p. 301.

¹¹ White, *The Jacksonians*, p. 218.

¹² White, *The Jacksonians*, p. 217.

¹³ Paullin, *Commodore John Rodgers*, pp. 301, 394. Rodgers commanded the Mediterranean Squadron between 1824 and 1827, but returned to the

Upshur proposed replacing the Board with several naval bureaus similar to those recommended by Secretary of the Navy James Kirke Paulding in 1839.¹⁴ Under this system, the Navy Secretary would be assisted by his own cabinet of administrative officers, each of whom had a portfolio governing a particular aspect of the department, such as ordnance, provisions, naval architecture, or hydrography. While these officers would answer to the Secretary, they were individually responsible for the efficient operation of their departments, freeing their superior for his other duties. Thus, the collective, advisory capacity of the Board would be abandoned in favour of greater individual autonomy and efficiency. Furthermore, the subordinate status of the bureau chiefs ensured that real departmental authority reverted to the Secretary.

Upshur's second proposal requested a new set of naval rules and regulations. The current regulations had been in place since 1832, and were, in fact, based upon the charter regulations of 1800, with an 1815 revision and addendum.¹⁵ Upshur acknowledged that these had been sufficient for the Navy in its "then infant state," but criticised their continued use: "they are too few in number, and enter into too little details, to answer their purpose at the present day."¹⁶ Given the changed circumstances of the Navy and developments in naval technology, these were legitimate grievances.

Board in 1828, and did not resign again until 1837, only a year before his death.

¹⁴ Upshur, *SNR 1841*, p. 378.

¹⁵ Upshur, *SNR 1841*, p. 375.

¹⁶ *Ibid.*

Upshur also sought to improve the officer corps. Of immediate concern was the introduction of higher grades of rank.¹⁷ From its inception, the United States Navy had possessed no ranks above captain. Upshur noted several reasons why this was detrimental to the service. In the first place, it precluded any increase in naval strength because a captain's navy was by necessity a small navy. Sophisticated fleet operations required a well-defined chain of command and subordination if they were to be conducted with any degree of success. The existing system, by which a senior captain was accorded the honorific title of Commodore did not sufficiently address this issue.

In fact, discipline actually suffered in consequence of there being so many officers of equal rank, since this state of affairs encouraged rivalries amongst them.¹⁸ Only by creating a longer chain of command, and easing the congestion of the senior ranks could further status conflicts be averted: "The respect and deference, so necessary to discipline, are rarely felt, except where there is a difference of rank; and they are most strongly felt where that difference is greatest."¹⁹ Furthermore, higher ranks would create vacancies in the promotional ladder. The existing seniority system allowed promotion only after the death of a superior officer. Consequently, the promotional ladder had become literally moribund. In fact, every serving captain was a veteran of 1812, and only one held a commission that did not predate it.²⁰ For the younger officers, promotion was painfully slow. The future of the Navy, therefore, was in the hands of men who better represented its past. Indeed, the conservatism

¹⁷ Upshur, *SNR 1841*, p. 383.

¹⁸ White, *The Jacksonians*, p. 233.

¹⁹ Upshur, *SNR 1841*, p. 384.

²⁰ *1842 Navy Register*, pp. 2-4.

of the Board of Commissioners merely reflected that of the Navy's senior officers.²¹ The younger officers better fit to usher in the transition to steam were prevented from achieving command rank before they too, were too old.²²

Finally, American captains suffered in comparison to their European counterparts. Foreign admirals refused to admit that an American captain was anything but a subordinate officer. Seniority within the American system was of no consequence. Apart from the sensibilities of the officers themselves, this discrepancy had diplomatic repercussions. The Navy had always been an instrument of American foreign policy, and its officers performed various diplomatic functions when on foreign station.²³ Yet captains and commodores acting as the representatives of the United States abroad were forced to defer in their social and diplomatic relations when these involved officers of higher rank, as they often did.²⁴ Upshur maintained that this "anomalous position" led to inconveniences prejudicial to the Navy's capabilities in these circumstances.²⁵

Upshur's remarks touched a popular nerve. As the Navy's officers were representatives of the nation, any slight directed towards them extended to the government of the United States. Republican pride was at stake. Various newspapers that supported higher ranks made this point

²¹ Sprout, *The Rise of American Naval Power*, p. 113.

²² Upshur, *SNR 1841*, p. 385.

²³ R.G. Albion, *Makers of Naval Policy, 1798-1947* (Annapolis: Naval Institute Press, 1980), p. 27.

²⁴ Anon., "American Admirals," *New Orleans Commercial Bulletin*, quoted in *The Army and Navy Chronicle* (Vol. 10, No. 20, 1840), p. 310; Anon., "The Wants of the Navy," *Boston Morning Post*, quoted in *The Army and Navy Chronicle* (Vol. 11, No. 25, 1840), p. 398.

²⁵ *Upshur, SNR 1841*, p. 384.

explicitly, drawing attention to the intolerable position of the heroes of the War of 1812 who languished in captaincies whilst their former antagonists had been promoted above them.²⁶ Thus, the victors of that conflict received less consideration abroad than the men whom they had earlier defeated. Since the republican credentials of the senior officers were impeccable, it was only just that they be permitted their due accolades.

Upshur's fourth reform focused upon the officers at the opposite end of the promotional ladder, the midshipmen. In particular, he drew attention to the propriety of a naval academy.²⁷ Although Upshur provided the sensible rationale that the transition from sail to steam demanded a new approach to naval education, this proposal faced a hard passage. Almost every Secretary of the Navy since 1814 had recommended, without success, a naval academy in his annual report.²⁸ Perhaps recognising this, Upshur mentioned it only in passing.

Upshur's fifth proposal was not so much a reform as it was a call for a rapid and extensive expansion of the service. This was actually the dominant theme of his report. It was Upshur's understanding that naval expansion was the settled policy of the national government.²⁹ In fact, the Congress had overwhelmingly authorised a moderate expansion in a special session that summer. Upshur hoped to build on this success, in the light of which he had already issued orders for the construction of several new vessels, including three steam frigates, a first-class sloop, and three

²⁶ Anon., "The Navy," *The Army and Navy Chronicle* (Vol. 9, No. 2, 1839), p. 168; Anon., "Admirals in Our Navy," *Richmond Courier*, quoted in *The Army and Navy Chronicle* (Vol. 9, No. 4, 1839), p. 55.

²⁷ Upshur, *SNR, 1841*, p. 386.

²⁸ Albion, *Makers of Naval Policy*, p. 193.

²⁹ Upshur, *SNR 1841*, p. 381.

smaller vessels of war.³⁰ Additionally, he had ordered the completion of four frigates already under construction.³¹ Furthermore, he suggested that at least ten sloops of war, brigs, and schooners be built immediately, and that more should follow.³²

Upshur also drew attention to the growing disparity between European and American naval architecture, calling for American frigates to match their European counterparts in quality of construction and design.³³ This demonstrated the importance he placed on modernising the Navy's vessels as well as increasing their number. Thus, he emphasised the Navy's need for steam-ships, suggesting that the Navy supplement its steam squadrons by assisting the private construction of packet-ships so that they might be converted to military purposes.³⁴ At the same time, he proposed that at least one medium-sized steam-ship ought to be constructed entirely of iron, if only for experimental purposes.³⁵ Besides expanding the numbers of steam vessels, Upshur suggested that these should increasingly replace the larger wind-driven line-of-battle ships. He asserted, at least, that no more of the latter needed to be constructed, and that several of those already in commission should be cut down to first-rate frigates.³⁶

³⁰ Upshur, *SNR 1841*, p. 372.

³¹ *Ibid.* The frigates to be completed, *Columbia*, *Savannah*, *Raritan*, and *St. Lawrence*, were part of the original naval expansion of 1816. The *St. Lawrence*, had been under construction since 1826, the others since 1820 and 1825. K.J. Bauer, and S.S. Roberts. *Register of Ships of the U.S. Navy, Major Combatants* (Westport, CT: Greenwood Press, 1991), p. 14.

³² Upshur, *SNR 1841*, p. 382

³³ Upshur, *SNR 1841*, p. 383.

³⁴ Upshur, *SNR 1841*, p. 382.

³⁵ *Ibid.*

³⁶ *Ibid.*

Finally, Upshur also asked for the establishment of two new naval stations in the Pacific, including one at the Sandwich Islands.³⁷ Moreover, the Navy's existing yards were to be improved and expanded, and the Marine Corps increased.³⁸ All of these proposals, however, merely embodied the first steps towards Upshur's ultimate goal, "half the naval force of the strongest maritime power in the world."³⁹ As this was Great Britain, he was asking for the United States Navy to be trebled in size, an unprecedented expansion.⁴⁰ Such an increase would also require additional naval yards, depots, and personnel to maintain the service's operational readiness.

Upshur, therefore, envisioned a larger, modernised, more professional, and more efficient Navy. In order to transform the service a great deal of money was required, and the Secretary did not shy away from requesting exceptionally large increases in naval appropriations. Thus, his annual report for 1842 sought appropriations totalling \$8,213,287.23, against \$5,735,450.59 from the previous year.⁴¹

Although Upshur's vision of a reformed United States Navy was motivated by a genuine desire to increase the service's professionalism and efficiency, his report was primarily intended to make the Navy a far more formidable instrument of American power than it ever had been before. Indeed, more than anything else, he was driven by fundamental issues of foreign policy, notably commercial expansion, territorial

³⁷ Upshur, *SNR 1841*, p. 369.

³⁸ Upshur, *SNR 1841*, pp. 397, 385.

³⁹ Upshur, *SNR 1841*, p. 381.

⁴⁰ C.J. Bartlett, *Great Britain and Sea Power 1815-1853* (Clarendon Press: Oxford, 1963), p. 72.

⁴¹ Upshur, Warrington, and Crane, *SNR 1841, Senate Doc. 1, 27th Congress, 2nd Session*, p. 397.

aggrandisement, and national defence. These emphases were explicit in his report, and marked another departure from his predecessors, who had generally been silent on the Navy's diplomatic role. More to the point, Upshur's naval expansion was directed by, and demonstrated his hostility towards, Great Britain.

Upshur's anglophobia was based upon several factors, not least of which was his personal belief that Great Britain sought to limit the expansion of, if not actually to destroy, the United States.⁴² The Secretary was particularly anxious about British designs on Texas, which had been an independent republic since 1837. In this matter, his views reflected those of other politicians who desired Texas' annexation by the United States. Pro-annexationists argued that Britain sought to draw Texas into her sphere of influence, and thereby destabilise the social order of the Deep South, as well as the economic and political institutions of the United States.⁴³ Upshur said as much two years later, whilst serving as Secretary of State: "[Britain's object is] to destroy, as far as possible, the rivalry and manufactures of the United States."⁴⁴ On another occasion, he

⁴² In 1843, while Secretary of State, Upshur certainly expressed his fear that Britain intended to destabilise the American South, and American commerce in general by intervening in Texas. Upshur to William S. Murphy (U.S. chargé d'affaires in Texas), August 8, 1843, quoted in W.R. Manning, ed., *Diplomatic Correspondence of the United States, 1831-1860: Inter-American Affairs, Venezuela and Texas, Vol. 12* (Washington, D.C.: Carnegie Endowment for International Peace, 1939), pp. 44-49.

⁴³ S.W. Haynes, "Anglophobia and the Annexation of Texas," S.W. Haynes, and C. Morris, eds., *Manifest Destiny and Empire – American Antebellum Expansion* (College Station, TX: Texas A & M Press, 1997), p. 116.

⁴⁴ Upshur to Edward Everett (U.S. Ambassador to Great Britain), September 38, 1843, quoted in T.R. Hietala, *Manifest Design: Anxious Aggrandizement in Late Jacksonian America* (Ithaca, NY: Cornell University Press, 1985), p. 22.

wrote, “the abolition of domestic slavery throughout the continent and islands of America is a leading object in the present policy of England.” Pro-annexationists believed that in exchange for financial compensation, favourable trade agreements, and British-secured Mexican recognition of Texan independence, Texas would accept the abolition of slavery within its borders.⁴⁵ At the same time it would agree to reject union with the United States.⁴⁶

If Britain succeeded in this object, the outcome would be disastrous. An independent Texas, especially one economically dependent on Great Britain, posed a major obstacle to further westward expansion by the United States.⁴⁷ Meanwhile, Texan emancipation would destabilise slavery across the border, and if abolitionism succeeded there as well, enable British colonies in the West Indies to recover from the adverse effects of the Emancipation Act of 1833.⁴⁸ Furthermore, it would break the American monopoly on cotton exports to Europe. As over half of American exports consisted of raw cotton, this would undoubtedly have an adverse effect on the national economy.⁴⁹ Besides this, it would end Britain’s dependence on American cotton, leaving her better able to pursue aggressive commercial policies against the United States.⁵⁰

⁴⁵ Hietala, *Manifest Design*, p. 17; Haynes, “Anglophobia and the Annexation of Texas,” p. 119.

⁴⁶ Hietala, *Manifest Design*, p. 17.

⁴⁷ P. Varg, *United States Foreign Relations, 1820-1850* (Lansing, MI: Michigan State University Press, 1979), p. 125.

⁴⁸ K. Brauer, “1821-1860: Economics and the Development of American Expansionism,” W.H. Becker, ed., *Economics and World Power, An Assessment of American Diplomacy Since 1789* (New York: Columbia University Press, 1984), p. 71; Hietala, *Manifest Design*, p. 22.

⁴⁹ Brauer, “1821-1860: Economics and the Development of American Expansionism,” p. 81.

⁵⁰ Haynes, “Anglophobia and the Annexation of Texas,” p. 125.

More dangerously, if Britain *were* to wage war against the United States, the loss of Texas would leave the South dangerously exposed. Control of Texan seaports would ensure British naval supremacy in the Gulf of Mexico.⁵¹ This would, in turn, open the southern and western states to a two-pronged attack. A free-soil Texas would have already provided a haven for escaped slaves and free blacks, but in wartime would also become the staging ground for military actions along the frontier with the express purpose of instigating a slave revolt.⁵² Meanwhile, British forces in the West Indies could be landed on the southern coast with the same results.⁵³ That this would be the mode of a future war, Upshur was certain:

A war between the United States and any considerable maritime Power, would not be conducted at this day as it would have been even twenty years ago. It would be a war of incursions, aiming at revolution. The first blow would be struck at us through our institutions. No nation, it is presumed, would expect to be successful over us, for any length of time, in a fair contest of arms upon our own soil; and no *wise* nation would attempt it. A more promising expedient would be sought, in arraying what are supposed to be the hostile elements of our social system against one another...The effect of these incursions would be terrible everywhere; but in the southern portions of our country they might, and probably would be disastrous in the extreme.⁵⁴

⁵¹ Haynes, "Anglophobia and the Annexation of Texas," p. 126. At the same time, American control of Texas would deliver this supremacy to the United States' navy and merchant marine.

⁵² Haynes, "Anglophobia and the Annexation of Texas," pp. 119, 127.

⁵³ Great Britain's ability to strike from the West Indies was limited by the insignificant number of troops actually stationed in the Bahamas and Jamaica. Bermuda and Halifax, however, were both formidable naval bases close to the United States. In fact, anticipating defeat along the Canadian border, British war planners intended to use the stations for attacks on America's Atlantic cities and merchant marine. K. Bourne, *Britain and the Balance of Power in North America 1815-1908* (London: Longmans, 1967), pp. 47, 51, 88.

⁵⁴ Upshur, *SNR 1841*, p. 380.

Although anti-slavery forces opposed to annexation derided such fears, they had some substance. Both Great Britain and France preferred friendly relations with the United States, but also saw the nation as a rival, and preferred an independent Texas.⁵⁵ Nor did Britain disguise its commitment to worldwide abolition. Notwithstanding this fact, Britain's commitment to a free-soil Texas was neither as strong nor as fundamental to its foreign policy as the pro-annexationists believed it to be.⁵⁶

Upshur's fears were not limited to Texas, however, which he simply regarded as the linch-pin of a larger British policy designed to encircle the United States. Indeed, he made it clear that the threat of invasion extended to all sections of the country, and not only the South:

Steamboats of light draught, and which may be easily transported across the ocean in vessels of a larger class, may invade us at almost any point of our extended coast, may penetrate the interior through our shallow rivers, and thus expose half our country to hostile attacks. The celerity with which such movements could be made, the facility with which such vessels could escape, and the promptness with which they could change the point of attack, would enable an enemy, with a comparatively inconsiderable force, to harass our whole seaboard, and to carry the horrors of war into the securest retreats of our people.⁵⁷

Apart from the brewing storm over the Oregon territory, recent crises along the Canadian border appeared to justify Upshur's fears. Anglo-American tensions had risen earlier during Van Buren's presidency when American citizens joined a Canadian rebellion against Crown authority. The situation might not have escalated further, except for a raid made in late 1837 by several naval officers and Canadian militiamen on the steamship *Caroline*, which had been ferrying supplies to American

⁵⁵ Varg, *United States Foreign Relations*, p. 120; Bourne, *Britain and the Balance of Power in North America*, p. 77.

⁵⁶ Haynes, "Anglophobia and the Annexation of Texas," p. 119.

⁵⁷ Upshur, *SNR 1841*, p. 380.

“Patriot” rebels ensconced on Navy Island, just across the border. The raid, which was successful, unfortunately took place on American territory, and inflamed public opinion there.⁵⁸ The American government quickly proclaimed its non-involvement, but the population along the frontier strongly supported continued action against Canada. The threat of war only emerged in 1841, however, following the arrest of a Canadian sheriff, Alexander McLeod, for his alleged part in the *Caroline* Raid. Britain made it clear that McLeod’s conviction would constitute a *causus belli*, and as the United States was ill prepared for war, the newly elected Whig government wisely chose a conciliatory path. After extensive legal manoeuvring, the Canadian was finally acquitted of all charges in September 1841. At the same time as the New York disturbances, another more serious dispute arose along the borders of Maine and New Brunswick.⁵⁹ The Maine boundary controversy centred upon the Aroostook Valley, the status of which had been left unresolved by the peace treaty of 1783. Renewed contention over ownership of the valley region in 1837 and 1838, led Maine to occupy the area with 10,000 armed men backed by \$800,000 appropriated for defensive measures.⁶⁰ Not

⁵⁸ During the raid, at least one American was killed. In response, secret societies calling themselves ‘Sons of Liberty,’ or ‘Hunters’ Lodges,’ spread throughout New York and the frontier states with the intention of fomenting revolt in Canada. Bourne, *Britain and the Balance of Power in North America*, p. 76; E.E. Mahant, and G.S. Mount, *An Introduction to Canadian-American Relations* (Toronto: Metheun, 1984), pp. 34-37. For a detailed monograph on the subsequent McLeod Affair, see K. Stevens, *Border Diplomacy: The Caroline and McLeod affairs in Anglo-American-Canadian Relations, 1837-1842* (Tuscaloosa, AL: University of Alabama Press, 1989).

⁵⁹ P. Varg, *New England and Foreign Relations, 1782-1850* (Hannover, NJ: University Press of New England, 1983), p. 134.

⁶⁰ Varg, *New England and Foreign Relations*, p. 137.

surprisingly, New Brunswick responded in kind. Relations between Great Britain and the United States were precarious enough already, and the two nations decided to resolve the issue as best they could through arbitration and negotiation. Despite a truce, neither side showed a willingness to compromise, and accusations of ill intent were made by all parties. When Upshur made his report, the issue remained unresolved.

War appeared to have been averted, but the crises had shown the precarious state of the United States' military establishment. Throughout the crises, both nations had prepared for the worst. As British dockyards and arsenals were put on a war footing, the United States Navy's Mediterranean Squadron was ordered to take a position outside of the British-controlled Strait of Gibraltar.⁶¹ Meanwhile, the British minister to the United States, Henry S. Fox, advised the commander of naval forces in North America to position his squadron "as to render it most available in the event of war breaking out suddenly..."⁶² The British consul at Norfolk, Virginia was also ordered to prepare confidential reports on the status of American naval vessels there.⁶³ Furthermore, four British warships were ordered to Bermuda in preparation for any conflict.⁶⁴ In fact, between January and November 1838, the squadron in Bermuda was increased from 27 warships to 41, before returning to 28 by the beginning of 1840.⁶⁵ Finally, in violation of previous treaty agreements, British naval forces remilitarised the Great Lakes.⁶⁶

⁶¹ Stevens, *Border Diplomacy*, p. 98.

⁶² Stevens, *Border Diplomacy*, p. 50.

⁶³ Stevens, *Border Diplomacy*, p. 51.

⁶⁴ Varg, *New England and Foreign Relations*, p. 134.

⁶⁵ Bourne, *Britain and the Balance of Power in North America*, pp. 79, 88.

⁶⁶ Stevens, *Border Diplomacy*, p. 51.

The gravity of the perceived threat was echoed in President Tyler's statement to the Congress in support of Upshur's proposals, which declared that "inducements of the weightiest character exist for adoption of this course of policy."⁶⁷ In light of these events, Upshur's proposed expansion was designed primarily to improve the nation's defensive capability. "Our policy is peace, and we do not propose to ourselves a war of aggression in any case, except so far as may be necessary as a measure of defence."⁶⁸ Notwithstanding this pacific assurance, Upshur's programme was unmistakably anglophobic, and while this would have appealed to Southerners and Democrats, it would have worried Northeasterners and Whigs.

After the 1820s, the economies of North, South, and West had become increasingly distinctive, and since internal commerce varied between the sections, each evaluated foreign policies primarily in terms of sectional advantage.⁶⁹ Whereas the Southern economy was increasingly dominated by cotton exports, the 1830s and 1840s was the golden age of the American shipping industry. Since the United States' merchant marine sailed for the most part, out of New England, Northeasterners sought to cultivate amicable relations with Great Britain. There was good reason for them to do so. America's reliance on overseas markets and foreign manufactured goods, as well as its dependence on foreign sources of credit made its commerce vulnerable to external forces.⁷⁰ Thus, a war

⁶⁷ *Congressional Globe*, 27th Congress, 2nd Session, p. 7.

⁶⁸ Upshur, *SNR 1841*, p. 381.

⁶⁹ Brauer, "1821-1860: Economics and the Development of American Expansionism," p. 60.

⁷⁰ Brauer, "1821-1860: Economics and the Development of American Expansionism," p. 65.

would be catastrophic for New England since her shipping would be attacked on the high seas, her financiers would be the enemy, and her ports subjected to blockade.⁷¹

This reluctance to aggressively engage, or even consider engaging, Great Britain, was shared by the Whig party, which not surprisingly, dominated New England's mercantile communities. The Whigs' foreign policy reflected the ideological divide that separated them from the Democrats. Whereas the latter advocated an aggressive foreign policy and a passive domestic stance, Whigs sought an assertive national government with a diminished role in international affairs.⁷² Moreover, most Whigs and New Englanders strongly opposed the annexation of Texas since this would assure the continued growth of slavery and make them morally responsible for its extension.⁷³ Thus, if Upshur's vision was to have any hopes of passage through the Congress, he had to present it in terms that were palatable to all sections and political parties. In order to reconcile the Northeast and the Whigs to expansion, Upshur chose, therefore, to emphasise the commercial benefits of a powerful navy.

This was a thoughtful approach. Commercial rivalry with Great Britain appealed to all parties and sections. The Democrats had long pursued an aggressive commercial diplomacy, demanding the acquisition of strategic ports and trade routes.⁷⁴ The Whigs, although they admired Britain, also envied her successes, and sought to replace the parent country

⁷¹ Varg, *American Foreign Relations*, p. 122.

⁷² Hietala, *Manifest Design*, p. 56.

⁷³ Varg, *New England and Foreign Relations*, p. 169. Notwithstanding this fact, there were also "cotton Whigs" who tolerated slavery on account of its economic benefits.

⁷⁴ Brauer, "1821-1860: Economics and the Development of American Expansionism," p. 83.

as a commercial hegemon.⁷⁵ In fact, widening old markets and promoting industry was a central concern of American diplomats and statesmen regardless of party affiliation.⁷⁶

Upshur began by reiterating the ways in which the navy had been able to assist American mercantile interests abroad. Besides successfully negotiating trading agreements with the principal chiefs of the Fiji Islands, the Wilkes exploring expedition had charted various reefs and harbours in the islands, which Upshur declared would “be of great value to our citizens trading with that group, and particularly to whalers.”⁷⁷ At the same time, surveys had been conducted of the southern coast of the United States, and the south shoals of Nantucket, the results of which would certainly assist coastal traffic.⁷⁸

Upshur drew particular attention to the Pacific, where he estimated there was at least forty million dollars worth of shipping in the whaling trade alone, most of it American.⁷⁹ Additionally, American merchants were established along the entire continental coast, and there was an increasing American presence in Upper California. Notwithstanding these interests, the United States naval presence there was insufficient.

Protection cannot be afforded in a proper degree, and with suitable promptness, by so small a squadron...To cruise along so extensive a coast, calling at all necessary points, and at the same time to visit those parts of the Pacific in which the presence of our ships is necessary for the protection of and assistance of our whale-fisheries, requires twice the number of vessels now employed in that service.⁸⁰

⁷⁵ D.W. Howe, *The Political Culture of the American Whigs* (Chicago: University of Chicago Press, 1979), p. 223.

⁷⁶ Brauer, “1821-1860: Economics and the Development of American Expansionism,” p. 59.

⁷⁷ *Ibid.*

⁷⁸ Upshur, *SNR 1841*, p. 369.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

Apart from doubling the squadron, Upshur recommended the establishment of naval depots along the continental coast as well as in the Sandwich Islands. The stations would allow the squadron to remain in the Pacific for extended cruises, and would be of “incalculable value as a place of refuge and refreshment to our commercial marine.”⁸¹ The naval depots would also promote American expansion into the region. A Californian station would have obvious benefits in any disputes with Mexico over California, or with Great Britain over Oregon. Furthermore, the station in the Sandwich Islands was required in order to maintain American influence in the mid-Pacific. In fact, the islands were crucial to American commerce there. Hawaii served as the base for the American Pacific whaling fleet, and besides its own lucrative sandalwood trade, provided a stopping point for fur traders en route to China from Oregon.⁸² British interest in the island group, and the temporary seizure of Honolulu by the French navy two years earlier, highlighted the need for a sustained American naval presence.⁸³

⁸¹ *Ibid.*

⁸² Varg, *American Foreign Relations, 1820-1860*, p. 257.

⁸³ B. Gough, *The Royal Navy and the North West Coast of North America 1810-1914 – A Study of British Maritime Ascendancy* (Vancouver: University of British Columbia Press, 1971), pp. 39-40; Varg, *American Foreign Relations, 1820-1860*, p. 259. Moreover, American aspirations for the China trade demanded an increased Pacific flotilla. Of all the foreign markets, none excited the American imagination more than this one. Although imports from China were not nearly as substantial as those from Great Britain and France, it was an article of faith amongst American merchants that trade across the Pacific would eventually surpass all others. The outbreak of the Opium War, however, foreshadowed another market closed by British warships, and dominated by British merchants. It was necessary, therefore, that the United States maintain a naval commitment along the Chinese coast. In fact, an American fleet was despatched to Canton in March 1842, where it secured for American traders many of the concessions granted to the British through the Treaty of Nanking, excepting the establishment of a

Upshur also referred to the developing trade along the African coast. In doing so, he differentiated between the legitimate trade in palmwood, and the illegal traffic in slaves. The United States had a treaty obligation to interdict the latter, which according to Upshur, it was doing “actively and efficiently.”⁸⁴ Although the nation’s efforts to meet its treaty obligations were considerably less pronounced than Upshur reported, he did not call for an increase in the squadron on these grounds. Rather, the Africa station demanded more cruisers in order to protect lawful commerce: “The presence of national vessels is absolutely necessary to protect [merchants] in their just rights, and to prevent those outrages, unfriendly to the harmony of nations, to which men are often driven by the thirst of gain.”⁸⁵

Finally, Upshur evoked once more the spectre of war and the consequences for an American commerce afforded only the dubious protection of a minuscule navy. A navy barely able to protect itself would do even less for American commerce, which would be effectively “surrendered to the enemy.”⁸⁶ In any circumstance, trade was never secure without an effective navy to prevent its abuse, and both Great Britain and France had navies much larger in proportion to their merchant marine than did the United States.⁸⁷ In fact, the relationship between trade, rivalry and war was such that an effective navy actually helped maintain peace: “The

colonial enclave. Brauer, “1821-1860: Economics and the Development of American Expansionism,” p. 85; Varg, *New England and Foreign Relations*, pp. 154-155; J. Goldstein, *Philadelphia and the China Trade, 1682-1846, Commercial, Cultural, and Attitudinal Effects* (University Park, PA: Pennsylvania State University Press, 1976), p. 65.

⁸⁴ Upshur, *SNR 1841*, p. 371.

⁸⁵ *Ibid.*

⁸⁶ Upshur, *SNR 1841*, p. 381.

⁸⁷ Upshur, *SNR 1841*, p. 379.

presence of an adequate naval force, to protect commerce...is one of the best means of preventing those disputes and collisions which are so apt to interrupt the peace and harmony of nations."⁸⁸

This then was the Upshur Vision: a navy that would promote American commerce, and by its very size, maintain international peace. Dominance in the Western Hemisphere would allow the United State to uphold the Monroe Doctrine, preventing further European interference. Meanwhile, this regional dominance would allow the United States to pursue its own expansionist policies in North America. In the event of war, the nation would be shielded from foreign invasion, and its commerce abroad protected and sustained. Aware of the costs, Upshur closed the report with a demand for action that broadly expressed his strategic beliefs:

The saving which exposes the country, in a defenceless condition, to hostile attacks, will not be recommended by me...An efficient navy cannot be built and supported without very great expense; but this expense is more than repaid, even in time of peace, by the services which such a navy can render. In war, it will be worth to us all the value which we place on the safety of our exposed seacoast, on the security of our people, and on the well-earned glory of our naval flag. It is enough that a *necessity* for this expenditure can be shown; the *amount* of it will be a secondary consideration with a people who truly love their country and properly value its institutions.⁸⁹

Despite Upshur's attempt to achieve balance between commercial expansion and territorial defence, when the Navy Appropriations Bill first reached the House of Representatives on May 2, 1842, its reception was certain to be controversial. There were several reasons for this, including the character of the Secretary himself and the administration in which he served. Upshur, a state judge from Virginia, had only recently replaced

⁸⁸ *Ibid.*

⁸⁹ Upshur, *SNR 1841*, pp. 388-389.

George E. Badger, who had resigned on September 11, 1841 after serving for only seven months.⁹⁰ Badger's resignation was in protest over the policies, indeed, the entire Presidency, of John Tyler.

Tyler, after all, had been elected as Vice-President, and had assumed the Presidency only after the death of William Henry Harrison. Tyler's ascendancy had created a schism in the Whig party, since the new President was really a former Democrat who had joined the party less out of sympathy with its principles than from his own opposition to Andrew Jackson.⁹¹ A Virginian, he had been included on the ticket in the interest of sectional balance.⁹² Among other things, his support of states' rights, and dubious Whig credentials soon brought him into conflict with Henry Clay, the party leader in the Senate. The Senator from Kentucky saw himself as the natural successor to Harrison, and aspired to control Tyler's Presidency.

Most critically, the two men disagreed on fundamental issues of financial policy. The Whigs had been elected on the promise that they would bring renewed prosperity to the country in the aftermath of two recent depressions. Central to their recovery plan was the determination to re-charter a national bank. The subject of bitter disputes during Jackson's presidency, there had been no Bank of the United States since the charter of the second Bank of the United States had been allowed to expire in 1836.

⁹⁰ P.E. Coletta, "George E. Badger," P.E. Coletta, ed., *American Secretaries of the Navy, Vol. I 1775-1913* (Annapolis: Naval Institute Press, 1980), p. 175.

⁹¹ N.R. Peterson, *The Presidencies of William Henry Harrison and John Tyler* (Lawrence, KA: University of Kansas Press, 1989), p. 20.

⁹² Peterson, *The Presidencies of William Henry Harrison and John Tyler*, pp. 26-27.

The battle over a national bank had dominated the politics of the 1830s, and was actually the catalyst for the emergence of both the Whig Party and the “second party system.”⁹³ With their electoral success, the Whigs expected to restore the institution, but Tyler did not want to force the issue without adequate consideration.⁹⁴ Clay had staked his leadership on the issue, however, and would brook no delay.⁹⁵ At a special session of Congress, various bills and amendments were presented that sought to create some form of national bank. When one was finally passed, Tyler exercised his veto.

The Whig platform, indeed their electoral victory, was threatened by Tyler’s intransigence. Clay accused the President of executive usurpation, and suggested he resign. Despite calls for restraint from his congressional colleagues, Clay refused to postpone a second bank bill.⁹⁶ On September 3, 1841, the Senate approved a bill calling for a national bank. Less than a week later, it was also vetoed. On September 11, two

⁹³ Brown, *Politics and Statesmanship*, pp. 29-31; R.P. Formisano, *The Birth of Mass Political Parties: Michigan, 1827-1861* (Princeton: Princeton University Press, 1971), p. 59; M. Holt, *Political Parties and American Political Development from the Age of Jackson to the Age of Lincoln* (Baton Rouge, LA: Louisiana State University Press, 1992), pp. 152-154; R.P. McCormick, *The Second American Party System: Party Formation in the Jacksonian Era* (Chapel Hill, NC: University of North Carolina Press, 1966), pp. 340-341; R.F. Nichols, *The Invention of the American Political Parties* (New York: MacMillan Company, 1967), p. 337; R.V. Remini, *Andrew Jackson and the Course of American Democracy, 1833-1845, Vol. 3* (New York: Harper & Row, 1984), pp. 136-137; J.H. Silbey, *The American Political Nation, 1838-1893* (Stanford: Stanford University Press, 1991), p. 26.

⁹⁴ Peterson, *The Presidencies of William Henry Harrison and John Tyler*, pp. 58-59.

⁹⁵ Peterson, *The Presidencies of William Henry Harrison and John Tyler*, p. 60.

⁹⁶ Peterson, *The Presidencies of William Henry Harrison and John Tyler*, p. 80.

days after the veto, and two days before the session adjourned, Tyler's cabinet, which he had inherited from Harrison, resigned *en masse*. Only Daniel Webster remained at his post. As Secretary of State, he could not afford to disrupt the ongoing negotiations over the Canadian border.

Looking for a new Secretary of the Navy, Tyler turned first to Commodore Robert F. Stockton.⁹⁷ When Stockton declined, he asked Upshur, who was an old friend.⁹⁸ Upshur was already one of Tyler's closest advisors, and according to the national press, the actual power behind the President. The selection was a good one, both professionally and politically. Upshur was obviously close to the President, and his brother, George P. Upshur, was a lieutenant with twenty four years service in the Navy. Through him, Upshur was familiar with its problems.⁹⁹

Nevertheless, Upshur remained deeply unpopular with Congress. His close association with the President made him intolerable to the Clay Whigs, with whom his own political beliefs set him even more at odds. Upshur advocated states-rights, and was a slave-owner.¹⁰⁰ He had openly supported nullification, and even advocated secession as a last resort.¹⁰¹ Thus, when the appropriations bill was debated in the House, Upshur was clearly identified with Southern interests, and the pro-annexationist fold.

This political hostility cannot be overestimated. The Congress that met in deliberation of his appropriations request was overwhelmingly partisan. Party loyalty was fundamental to political life. More than any

⁹⁷ J.H. Schroeder, *Shaping a Maritime Empire: The Commercial and Diplomatic Role of the American Navy, 1829-1861* (Westport, CT: Greenwood Press, 1985), p. 59.

⁹⁸ Hall, *Abel Parker Upshur*, p. 117.

⁹⁹ Schroeder, *Shaping a Maritime Empire*, p. 59.

¹⁰⁰ Hall, *Abel Parker Upshur*, p. 135.

¹⁰¹ *Ibid.*

other factor, it affected the way legislatures acted.¹⁰² The disciple of an apostate president, Upshur was a committed heretic whose hawkish anglophobia was contrary to his party's agenda, besides which, his own sectional beliefs alienated the New England shipping interests that stood to gain the most from his expansionism. This was all especially unfortunate for the Navy since the Whig party was considerably more comfortable with the service than were the Democrats. Under normal circumstances it would have been the party more likely to support his increases.

At issue were the fundamental ways in which the two parties viewed society. Indeed, the divide went to the core of their respective ideologies. Democrats firmly believed in the equality of all men, and opposed barriers of class.¹⁰³ The Navy, on the other hand, reinforced its command hierarchy with a traditional system of deference.¹⁰⁴ Critics of the service, therefore, demanded that the service better represent the mores and institutions of the entire nation:

The dependence of any country upon military establishments and consequently, the importance of their existence, are governed by the external relations, and internal political and social character of that country, and therefore, each particular military system, should be adapted to the circumstances of the nation, for whose benefit it is established.¹⁰⁵

¹⁰² Silbey, *The American Political Nation*, p. 187.

¹⁰³ J. Ashworth, *'Aristocrats and Agrarians' Party Political Ideology in the United States, 1837-1846* (Atlantic Highlands, NJ: Humanities Press, 1983), p. 25.

¹⁰⁴ C. McKee, *A Gentlemanly and Honorable Profession – The Creation of the U.S. Naval Officer Corps, 1794-1815* (Annapolis: Naval Institute Press, 1991), p. 28.

¹⁰⁵ J. Murphy, *An Inquiry into the Necessity and General Principles of Reorganization in the United States Navy, with an Examination of the True Causes of Subordination by an Observer* (Baltimore: John Murphy, 1842), p. 6.

The Navy's defenders were well aware of these concerns, but maintained the necessity of military hierarchy. On the one hand, they argued that the environment of a cruising ship-of-war was not analogous to that of terrestrial society, and that its crew could not be governed according to the values of that society.¹⁰⁶ At the same time, they asserted that deference within a military context was not incompatible with republicanism:

Unlike the seafaring man of any country is the American sailor. He never forgets the proud circumstance of his right birth. He is never a fawning, cringing sycophantic creature, but *always is a man!* True, he takes off his hat and smoothes down his forelock, when he addresses a superior officer upon any important occasion - but this is the custom of discipline, and like a sensible man, knowing the necessity of military authority, he merges so much of his republicanism as would interfere with; but by so doing [does] no violence on his feelings as a freeman.¹⁰⁷

The Whigs, for their part, repudiated Jacksonian egalitarianism, promoting instead a natural aristocracy. According to this belief, talent and virtue were not evenly distributed amongst men.¹⁰⁸ Thus, it was only appropriate

¹⁰⁶ W. Bryan, *A Plea in Favor of Maintaining Flogging in the Navy* (n.p., n.d.), p. 5.

¹⁰⁷ Anon., "The Boatswain's Mate," *The Sailor's Magazine* (Vol. 8, No. 10, November 1836), p. 519

¹⁰⁸ Ashworth, *Agrarians and Aristocrats*, p. 53. This statement has occasioned some argument. Richard McCormick maintained that the Democratic and Whig parties were not driven by ideology, but by function. Rather than the propagation of values, their greatest concern, indeed their purpose, was the national struggle for the Presidency. It has also been shown that class interests made little impact on voting patterns, and that men of all 'ranks' voted for both parties. Nevertheless, the Whigs clearly identified themselves as the party of "regulated liberty," believing that men needed to practice thrift, moderation, and self-discipline. More explicitly, they considered themselves the heirs of traditional Jeffersonian leadership. Thus, they believed that talent should rule, and that national politics was the business of gentlemen. McCormick, *The Second American Party System*, pp. 329, 356; Silbey, *The American Political Nation*, pp. 166-167; Brown, *Politics and Statesmanship*, pp. 45, 184; S. Nathans,

that there be a division in the navy between the officers and the men they led.

The Whigs were also largely unconcerned by the occasional charge that the Navy maintained inappropriately close ties with Great Britain, the nation most closely associated with deference and the *bete noir* of American society. In truth, the two navies were most familiar, even cordial. In the first twenty years of its existence, the U.S. Navy had absorbed much of the culture and professionalism of the Royal Navy.¹⁰⁹ Indeed, the U.S. Navy's *Articles of War* were actually based upon their pre-Revolutionary British equivalent, the *Articles for the Government of the British Navy*.¹¹⁰ While the two services enjoyed a healthy rivalry, they balanced it with shared respect. As one British officer wrote:

...It must be confessed, that these republicans have carried with them their full share of "Old Albion's Spirit of the sea..." I must say, that in an officer of the United States' Navy, I have uniformly found, not only a well-informed gentleman, but a person on whose kindness and good offices to a stranger I might with confidence reply. They betray nothing of that silly spirit of bluster and bravado so prevalent among other classes of their countrymen...¹¹¹

In light of such back-handed conviviality, it was feared that besides British professionalism, the U.S Navy had become infected with un-American traditions and sensibilities: "and like most imitators, we have succeeded in imitating the defects, rather than the merits of our model..."¹¹²

Daniel Webster and Jacksonian Democracy (Baltimore: Johns Hopkins University Press, 1973), pp. 41-42.

¹⁰⁹ McKee, *A Gentlemanly and Honorable Profession*, pp. 210-215.

¹¹⁰ C.R. Williams, "On the History of Discipline in the Navy," *United States Naval Institute Proceedings* (Vol. 45, No. 3, March 1919), p. 365.

¹¹¹ Anon., "American Naval Officers," *Blackwood's Magazine*, quoted in *The Sailor's Magazine* (Vol. 6, No. 10, June 1834), p. 147.

¹¹² Murphy, *An Inquiry into the Necessity...*, p. 7.

Central to Democratic concerns was the perceived social status of the officer corps, and their attachment to personal honour, both of which were antithetical to egalitarianism. The officers considered theirs to be an honourable and gentlemanly profession with a place in society's upper echelons. As they understood it, they belonged to that class of men who did not engage in labour, and whose conduct was governed by a code of behaviour peculiar to their status.¹¹³

This code of behaviour reflected the inter-relationship between personal and professional honour. The one was dependent on the other, and failures in either opened an officer to condemnation. The importance of honour to these officers cannot be underestimated. To many, it represented the principal award of national service. “[The naval profession] is not a calling in which to earn money, but honor.”¹¹⁴ Furthermore, the stagnant promotional ladder and a long period of peace had heightened this importance. Officers in peacetime had limited opportunities to win honour through combat, and so made it a function of rank and behaviour.

Within their own company, officers were quick to take insult at any perceived slight. Apart from damaging morale and service efficiency, these rivalries were accompanied by a long history of duelling. By 1842, however, it largely persisted only in the ranks of the midshipmen. These, who had the least status of any line officer, guarded what they had with the most ferocity. Of eighty-two duels recorded between 1798 and 1850, midshipmen participated in fifty-two. The practice was nonetheless in

¹¹³ McKee, *A Gentlemanly and Honorable Profession*, p. 34.

¹¹⁴ Anon., “Character and Duties of the Naval Profession,” *The Naval Magazine* (Vol. 2, No. 3, March 1837), p. 242.

decline. Despite a resurgence in 1842, when three duels were fought, there were no fatal encounters after 1836.¹¹⁵

Although it was indicative of their wider concerns with the Navy, the Jacksonians did not attack duelling. Indeed, Jackson himself had been an accomplished duellist. The only effort that he had made to curtail the practice was in 1830, when he forbade duels between officers and civilians on the grounds that they were acceptable only between members of the martial professions.¹¹⁶ This is not to say that the Democrats condoned duelling, as it was deplored across a broad spectrum of society. Rather, the practice lent credence to their other ideological attacks.

In fact, these attacks proved effective, and the two proposed reforms that were most closely associated with them – the creation of admirals' ranks and the establishment of a naval academy – went unrealised. The latter did not even survive long enough to be debated, and was rejected out of hand.¹¹⁷ As for the former, it failed without much controversy and not much more debate.

It was felt that an institution whose sole purpose was naval education introduced too great a measure of professionalism into the service. The military academy at West Point had been under constant attack for the past decade for precisely this reason.¹¹⁸ Professionalism, in

¹¹⁵ C.O. Paullin, "Duelling in the Old Navy," *United States Naval Institute Proceedings* (Vol. 35, No. 4, 1909), pp. 1192-1196.

¹¹⁶ Paullin, "Duelling in the Old Navy," p. 1155-1156.

¹¹⁷ *Congressional Globe*, 27th Congress, 2nd Session, p. 250. These measures were debated separately from the larger appropriations bill. The admirals' bill was defeated on February 18, 1842, and the proposed system of academies was debated in August.

¹¹⁸ Weigley, *History of the United States Army*, p. 193. In fact, West Point aroused further Democratic concerns since many of its graduates, either officially or as civilians, were involved with internal improvements programmes directly contrary to Jacksonian constitutional scruples. For

this context was taken to mean elitism as well. Military institutions inculcated anti-Republican, European values in the cadets, and fostered an exclusive self-perpetuating military aristocracy. Thus, the academy was attacked as a means of political patronage where “the sons of the rich, and those able to educate them, would obtain commissions, instead of those of humbler, but equally worthy parentage.”¹¹⁹ Although the challenges to West Point were too weak to pose a threat to the survival of that already-established school, they were more than enough to prevent another one like it from being founded.¹²⁰ Besides this, conventional wisdom held that the only place to teach a midshipman was on board a sea-going vessel.¹²¹ “The deck of the vessel...was the best school-house or academy to begin with, and there to mingle explanations and reading with actual experiment.”¹²²

At the same time, Upshur’s administrative reforms were passed with comparative ease.¹²³ Economy and efficiency appealed to everyone alike, so Upshur had stressed the savings that these would bring to the

this and other Democratic objections to the Academy, see M. Cunliffe, *Soldiers and Civilians: The Martial Spirit in America 1775-1865* (New York: The Free Press, 1968), pp. 107-110.

¹¹⁹ Allen, Elisha (Dem. – ME), *Congressional Globe*, 27th Congress, 2nd Session, p. 359. For this and all other legislators subsequently listed, see the *Biographical Dictionary of the American Congress, 1774-1961* (Washington, D.C.: Government Printing Office, 1961).

¹²⁰ E. Coffman, *The Old Army: A Portrait of the American Army in Peacetime, 1784-1898* (New York: Oxford University Press, 1986), pp. 154-155.

¹²¹ G.S. Smith, “An Uncertain Passage,” K.J. Hagan, ed., *In War and Peace: Interpretations of American Naval History, 1775-1978* (Westport, CT: Greenwood Press, 1978), p. 86.

¹²² Woodbury, Levi (Dem. - NH), *Congressional Globe*, 27th Congress, 2nd Session, p. 364.

¹²³ These were also debated apart from the appropriations bill, and were passed in a joint resolution by the Congress on May 24, 1842.

Navy Department.¹²⁴ What debate there was on the subject discussed the propriety of naval officers drafting the regulations by which their conduct was governed.¹²⁵ In the end, it was decided that authority lay with the Secretary of the Navy and the attorney general, and permission was granted for the preparation of a new naval code.¹²⁶ The bill also called for five naval bureaus to replace the Navy Board of Commissioners.

It was on May 13, when the House of Representatives began debating the appropriations bill for Upshur's proposed expansion that partisan and sectional controversy arose. In fact, the bill was quickly attacked through an amendment offered by James Meriwether, a Whig from Georgia. He proposed that the most substantial increase in the bill, \$3,195,342.25 for the pay of officers and men, be reduced to \$2,335,000.¹²⁷ Since an expanded navy demanded more personnel, this amendment provided the focus for the larger debate on the necessity of naval expansion. As such, it provided the legislators with an opportunity to pursue their own sectional and ideological interests in relation to the Navy's larger societal role.

Thus, Northern legislators immediately attacked what they saw as sectional imbalances in the officer corps. Horace Everett of Vermont announced that 101 of 223 appointees in 1841 were residents of Maryland, the District, and Virginia.¹²⁸ While Charles Brown of Massachusetts provided figures for 164 appointments from the previous year,

¹²⁴ Upshur, *SNR 1841*, p. 378.

¹²⁵ *Congressional Globe*, 27th Congress, 2nd Session, p. 222.

¹²⁶ *Congressional Globe*, 27th Congress, 2nd Session, p. 526.

¹²⁷ Meriwether, James (Whig - GA), *Congressional Globe*, 27th Congress, 2nd Session, p. 498.

¹²⁸ Everett, Horace (Whig - VT), *Congressional Globe*, 27th Congress, 2nd Session, p. 498.

demonstrating that just under half of them came from these three places.¹²⁹ This brought a counter-charge from Isaac Holmes of South Carolina that they were reducing a matter of national interest to a “question of party spoils,” and that abolitionists sought control of the Navy for themselves.¹³⁰

For twenty years Southern Secretaries had controlled the Navy Department.¹³¹ Northern legislators feared that these Secretaries had abused their patronage authority and issued an overwhelming number of midshipmans’ warrants to applicants from Southern states, especially Virginia, Maryland, and the District of Columbia. It was feared that nullifying officers intent on pursuing Southern policies, notably war with Mexico and the annexation of Texas, would eventually control the Navy.¹³² The great size of the previous year’s class of midshipmen, and his own sectional politics made Upshur's appointments particularly suspect. That Maryland, Virginia, and the District of Columbia were singled out reflects the strength of their maritime heritage. Only the mid-Atlantic states, and more latterly, Louisiana, could claim anything like the maritime traditions of New England.¹³³

¹²⁹ Brown, Charles (Dem. - PA), *Congressional Globe*, 27th Congress, 2nd Session, p. 499.

¹³⁰ Holmes, Isaac (Dem. - SC), *Ibid.*

¹³¹ Paullin, *Naval Administration, 1842-1861*, p. 1435.

¹³² Schroeder, *Shaping a Maritime Empire*, p. 63.

¹³³ New Orleans had been for the previous decade, the nation’s fastest growing city in wealth and trade, but this had not yet brought naval commissions. There were only six Floridians in the service: two lieutenants, two passed midshipmen, and two midshipmen. This is not to say that Florida had no stake in the Navy, which it obviously did through the Pensacola Navy Yard. K.J. Bauer, *A Maritime History of the United States: The Role of America’s Seas and Waterways* (Columbia, SC: University of South Carolina Press, 1988), p. 128; *1842 Navy Register*, pp. 15, 17, 33, 40, 43.

In fact, Virginia's 31 appointees gave it the largest representation in the 1841 class.¹³⁴ New York, which had traditionally dominated the commissioned ranks, came second with 30 appointees. Pennsylvania, with twenty-one new midshipmen had also been supplanted by twenty-seven Marylanders. Washington, D.C. came fifth with nineteen appointees. Altogether, 105 new midshipmen came from Southern states, and another sixteen came from Western slave-states. 86 appointees came from Northern states, and fifteen more from Western free-states. Thus, the South enjoyed an advantage of 121 new midshipmen against 101 from the North.¹³⁵ The class of 1841, however, was hardly a threat to the sectional balance of the Navy. Besides the most recent appointees, there were 236 other midshipmen, bringing the total to 459. Here, as in all other levels of commissioned rank, the North held a slight advantage.¹³⁶ 235 midshipmen came from free states, while 219 came from the South. Even had the midshipmen posed a threat to the Navy's integrity, it would be decades before they could exert any real influence over the conduct of the service.

Far more reasonable were the objections raised by the Western states. The interior could not expect to gain from the proposed expansion, and had no reason to support it. Crucial to sectional balance, there were precious few naval officers from the Western states. Ohio, Kentucky and

¹³⁴ This and all other references to the sectional balance of the Navy come from the *1842 Navy Register*.

¹³⁵ The missing midshipman is Robert B. Storer, a midshipman at-large, whose place of birth and state of residence is unlisted.

¹³⁶ There were 56 Northern passed midshipman against 47 Southerners; 170 Northern lieutenants against 156 Southerners; 54 Northern commanders against 42 Southerners, and 38 Northern captains against 27 Southerners. For the sake of clarity, officers from Western states have been deemed Northern or Southern according to the status of slavery therein.

Tennessee each had moderate contingents, but together, Illinois, Arkansas, Iowa, Michigan, Missouri, Wisconsin, and Indiana contributed only thirty-six officers, none ranked higher than lieutenant.¹³⁷

More importantly, the Western states were burdened with enormous debts, the legacy of the canal and road-building programmes of the previous decade. Since 1841, nine of them had halted interest payments, while Michigan and Indiana had actually repudiated portions of their debt.¹³⁸ Western representatives asserted that money spent on the Navy would be better spent on internal improvements and state assistance. Samson Mason of Ohio objected to the vast amount to be spent on the Navy “while Western commerce was languishing for want of the fostering care of the Government.”¹³⁹ John Reynolds of Illinois actually characterised the expansion as an improvement designed to benefit the coastal states at the expense of the interior.¹⁴⁰

These arguments appealed as well to fiscal conservatives from both parties who were more intent on rebuilding the post-1837 economy

¹³⁷ *1842 Navy Register*. Ohio, Kentucky, and Tennessee contributed eighty-five officers, a number that likely reflected their shared maritime heritage along the Mississippi and Missouri rivers. Notwithstanding Kentucky's exceptionally large contingent of midshipmen (22), Ohio had the largest number of officers (25), and with two commanders and thirteen lieutenants, the greatest achievement.

¹³⁸ Bauer, *A Maritime History of the United States*, p. 148. For discussions of the Western canal-building programmes, and the impact of the panic on those states, see Atack and Passell, *A New Economic View of American History*, pp. 154-155; D.C. North, *The Economic Growth of the United States, 1790-1860* (New York: W.W. Norton, 1966), p. 207.

¹³⁹ Mason, Samson (Whig - OH), *Congressional Globe*, 27th Congress, 2nd Session, p. 512.

¹⁴⁰ Reynolds, John (Dem. - IL), *Congressional Globe*, 27th Congress, 2nd Session, p. 508.

than increasing military spending.¹⁴¹ Not surprisingly, therefore, numerous legislators opposed the appropriations on fiscal grounds:

[Mr. McClellan] asked from what source these disbursements were to come, when there was not a single dollar in the treasury? The public finances were bankrupt almost beyond remedy...And yet when bankruptcy and ruin stared them in the face, they were called upon...to swell the public expenses, and to add to the burdens of the people.¹⁴²

Likewise, other representatives said that they could not vote for any appropriations until they knew where the government would find the money for the expansion.¹⁴³

At the same time, economic conservatism gave rise to partisanship. James Sprigg of Kentucky wanted to curtail appropriations in order to limit executive authority.¹⁴⁴ John Reynolds, on the other hand, accused the Whigs of duplicity since they had condemned Van Buren's administration for its profligate naval spending, but now proposed even greater expenditures.¹⁴⁵ Questions of economy also led to attacks on the Navy's officers, particularly those on furlough or otherwise waiting orders. According to Congressional opponents these men provided no benefit to the service, clogged the promotional ladder, and wastefully increased the required appropriations.¹⁴⁶ It was also alleged that were appropriations drastically increased, the result would be a public backlash against the

¹⁴¹ Schroeder, *Shaping a Maritime Empire*, p. 63.

¹⁴² McClellan, Abraham (Dem. - TN), *Congressional Globe*, 27th Congress, 2nd Session, p. 520.

¹⁴³ Johnson, William (Whig - MD), and Caldwell, Green (States' Rights Dem. - NC), *Congressional Globe*, 27th Congress, 2nd Session, p. 500.

¹⁴⁴ Sprigg, James (Whig - KY), *Congressional Globe*, 27th Congress, 2nd Session, p. 511.

¹⁴⁵ Reynolds, John (Dem. - IL), *Congressional Globe*, 27th Congress, 2nd Session, p. 507; Smith, William (Dem. - VA), *Congressional Globe*, 27th Congress, 2nd Session, p. 499.

¹⁴⁶ Brown, Charles (Dem. - PA), *Congressional Globe*, 27th Congress, 2nd Session, p. 500.

service.¹⁴⁷ This concern evoked the expressed belief that republican simplicity would not tolerate a large navy.¹⁴⁸ Underlying such declarations was the long-standing suspicion of professional armed forces, a point made explicitly by Joseph Fornance of Pennsylvania: “Liberty cannot live where bayonets bristle in time of peace.”¹⁴⁹

Finally, the very basis for the expansion was questioned and even denied. There had been a change in government in Britain, and the ministry of Lord Aberdeen promised to be more conciliatory in its relations with the United States. In fact, a special envoy, Lord Ashburton, had been despatched to America in January 1842 with the express intent of negotiating a settlement of the two nations’ foreign policy disputes. These negotiations were taking place even as the Congress debated the appropriations bill. Thus, it was argued that the threat of war had passed.¹⁵⁰

The expansion programme had its defenders, however, who raised counter-arguments against each of these claims. In the first place, they denied that the nation could not afford a large navy. Indeed, Whig plans for a protective tariff would make the investment possible:

It was true, the country was in debt, and its Treasury exhausted, but what was that to a young and vibrant nation like ours? The

¹⁴⁷ Parmenter, William (Dem. - MA), *Congressional Globe*, 27th Congress, 2nd Session, p. 522.

¹⁴⁸ Cooper, Mark (States’ Rights Whig - GA), *Congressional Globe*, 27th Congress, 2nd Session, p. 501.

¹⁴⁹ Fornance, Joseph (Dem. - PA), *Congressional Globe*, 27th Congress, 2nd Session, p. 498.

¹⁵⁰ Johnson, Cave (Dem. - TN), *Congressional Globe*, 27th Congress, 2nd Session, p. 505; Cooper, Mark (States’ Rights Whig - GA), Reynolds, John (Dem. - IL), and Wood, Fernando (Dem. - NY), *Congressional Globe*, 27th Congress, 2nd Session, pp. 501, 508, 519.

energies of the people would soon replenish the Treasury. They would willingly submit to a tariff, in order to have their country protected.¹⁵¹

Furthermore, expansion would actually increase the economic responsibility of the navy since it cost more to keep ships on the blocks than on active service.¹⁵² Besides this, an expanded navy would give officers awaiting orders the opportunity for active service that they certainly desired.¹⁵³

Democratic anti-militarism was rejected out of hand. The Navy's nature precluded its use as a tool of domestic oppression. As it served only on the ocean, the service was purely an instrument of defence, "and could not be employed in purging a refractory legislature, or shooting down assemblages of the people."¹⁵⁴ Indeed, history had shown that republics such as Athens, Carthage, and Venice had maintained strong navies as a check on the army's power. Furthermore, the Navy's national

¹⁵¹ Gamble, Rodger (Whig - GA), *Congressional Globe*, 27th Congress, 2nd Session, p. 513; Cushing, Caleb (Whig - MA), *Congressional Globe*, 27th Congress, 2nd Session, p. 507. Caleb Cushing was a brilliant politician whose renegade support of Tyler cost him his seat in the following elections. Throughout his career he was an ardent expansionist and arch anglophobe, sentiments more or less apparent in his defence of Upshur's expansion. J.M. Behlohlavek, "Race, Progress, and Destiny: Caleb Cushing and the Quest for American Empire," Haynes and Morris, eds., *Manifest Destiny and Empire*, pp. 21-47.

¹⁵² Wise, Henry (Whig - VA), *Congressional Globe*, 27th Congress, 2nd Session, p. 500. Henry Wise was the chairman of the House Committee on Naval Affairs, and a personal friend of both Upshur and Tyler. As such, he was the leader of the President's "corporal's guard" of allies in the Congress. With Cushing, he was the most ardent supporter of Upshur's programme. A powerful man, he would eventually serve as governor of Virginia from 1856-1860.

¹⁵³ Cushing, Caleb (Whig - MA), *Congressional Globe*, 27th Congress, 2nd Session, p. 508.

¹⁵⁴ Cushing, Caleb (Whig - MA), *Congressional Globe*, 27th Congress, 2nd Session, p. 522.

character made it the “best safety – the common property and the common glory of [the] country.”¹⁵⁵

Finally, expansionists argued that the threat of war had not yet receded. The negotiations between Webster and Ashburton were not resolved, and until they were, it was necessary to prepare for the worst.¹⁵⁶ Other representatives deplored the exposed state of America’s coast, especially along the South. Thus, Richard Habersham of Georgia declared that “it was all important to [the Southern] section of country, since it lacked stationary forts, that it should have moving defences.”¹⁵⁷ William Johnson of Maryland combined these arguments, drawing attention to the British naval depot at Bermuda, which was a “perfect Gibraltar, within forty-eight hours’ run of our principal Southern Atlantic cities.”¹⁵⁸ Moreover, the exposed circumstances of American commerce demanded that the Navy be strengthened.¹⁵⁹

Despite the cogency of these arguments, the expansionists were clearly losing the debate over appropriations, which were further threatened by a proviso introduced by Philip Triplet of Kentucky. Triplet was resolutely opposed to naval expansion, and had reiterated all of the arguments against it.¹⁶⁰ His proviso essentially froze any further increase

¹⁵⁵ Wise, Henry (Whig – VA), *Congressional Globe*, 27th Congress, 2nd Session, p. 500.

¹⁵⁶ Gamble, Richard (Whig – GA), *Congressional Globe*, 27th Congress, 2nd Session, p. 513.

¹⁵⁷ Habersham, Richard (States’ Rights Dem. – GA), *Congressional Globe*, 27th Congress, 2nd Session, p. 505.

¹⁵⁸ Johnson, William (Whig – MD), *Congressional Globe*, 27th Congress, 2nd Session, p. 500.

¹⁵⁹ Wise, Henry (Whig – VA), *Congressional Globe*, 27th Congress, 2nd Session, p. 500.

¹⁶⁰ Triplet, Philip (Whig - KY), *Congressional Globe*, 27th Congress, 2nd Session, p. 516.

in the Navy's officer corps by denying salaries to any appointments beyond the number serving in January 1841, ensuring that the excessive number of officers already present would be reduced through the natural processes of death and resignation.¹⁶¹

The political forces at work against Upshur's programme were enough to frustrate it. On June 13, Meriwether's amendment, and the Triplett proviso were passed by votes of 113-89, and 100-94 respectively.¹⁶² The vote had been largely upon party lines, but there were significant defections on either side. Fifteen Democrats opposed the Meriwether Amendment, while thirty-eight Whigs had voted in its favour. The vote reflected the sectional divide between the interior and the seaboard. Thus, the fifteen Democrats were mostly from the Northeast, and almost all of the thirty-eight Whigs came from the West.¹⁶³ Sectional alignments had also prevailed in the vote on the Triplett proviso. Although enough Democrats defected to ensure a closer vote, none of the thirty-eight Whigs gave way, ensuring its passage. Several other, more limited amendments were subsequently passed in rapid order.

Upshur was not to be thwarted so easily, however, and retaliated by reducing the operations of the principal navy yards at New York, Philadelphia, Boston, and Norfolk, as well as at many smaller yards, leading them to discharge over half of their work force.¹⁶⁴ The Secretary maintained that without sufficient appropriations to support ships after their construction, he could not justify the work. This placed enormous

¹⁶¹ *Congressional Globe*, 27th Congress, 2nd Session, p. 525.

¹⁶² *Ibid.*

¹⁶³ Hall, *Abel Parker Upshur*, p. 140.

¹⁶⁴ Hall, *Abel Parker Upshur*, p. 141. Upshur's move was directed against those eastern representatives who had voted against him.

pressure on the representatives from these districts, who were roundly denounced in the popular press as enemies of the Navy and the workingman.¹⁶⁵

Meanwhile, the Senate had begun debate over the amended appropriations bill. Less volatile and more conservative than the representatives, Whig senators immediately sought to overturn the Triplett proviso and Meriwether's amendment. The proviso was deemed inappropriate for an appropriations bill since it proposed legislation that belonged in an independent bill.¹⁶⁶ It was, in fact, an effort to supersede the wishes of the Senate, and to usurp the President's control over the armed forces.¹⁶⁷ Democrats attempted to justify the actions of the lower house, but could not muster majority support on their behalf. The debate centred upon the necessity of naval expansion, and while the arguments were essentially the same as those in the House, the supporters of expansion prevailed.¹⁶⁸

Nevertheless, when the vote was held on June 15, the proviso was removed from the appropriations bill only by the narrowest of margins: 23 votes in favour and 22 opposed.¹⁶⁹ Again, the vote had largely followed party lines, with only three Whigs voting against the motion, and one Democrat voting in its favour.¹⁷⁰ The next day, Upshur's expansion

¹⁶⁵ *Ibid.*

¹⁶⁶ Evans, George (Whig - ME), *Congressional Globe*, 27th Congress, 2nd Session, p. 624.

¹⁶⁷ Bayard, Richard (Whig - DE), *Congressional Globe*, 27th Congress, 2nd Session, p. 625.

¹⁶⁸ The arguments focused upon questions of economy, republican liberty, and anti-aristocracy. *The Congressional Globe*, 27th Congress, 2nd Congress, 2nd Session, pp. 631-635, 638-642, 644-648, 777-783.

¹⁶⁹ *Congressional Globe*, 27th Congress, 2nd Session, p. 639.

¹⁷⁰ The one dissenting Democrat was Nathaniel Tallmadge of New York, an ally of the President.

programme continued to recover its momentum with the passage of a second amendment restoring \$445,000 to the Navy's payrolls, providing it with a total of \$2,800,000. Once again, partisanship governed the vote. 23 senators had favoured the amendment against 19 opposed; only one, Nathaniel Tallmadge, who once more voted with the Whigs in support of the amendment, crossed party lines. At the same time, the Senate offered the lower house a compromise by attaching a rider to the bill that would freeze the number of officers by the end of the year.¹⁷¹

The House was in no mood for compromise however. Upshur's opponents delayed consideration of the bill by placing it as far down the calendar as possible, allowing the partisan press time to launch a vigorous counter-attack against the Secretary and his programme.¹⁷² Nevertheless, when they began debate once more in July, the representatives were clearly sensitive to the fact that they had also been excoriated in the press.¹⁷³ Notwithstanding this fact, they rejected the Senate's deletions of the proviso and Meriwether's amendment as well as other appropriations increases.¹⁷⁴

Once again, the Senate was presented with an unacceptable appropriations bill. Although it retreated from increasing appropriations for the Navy's payrolls, the upper house refused to accept the limitation on officers' appointments.¹⁷⁵ This issue threatened to derail the entire appropriations bill since the House also refused to abandon its position. Fearful of a public backlash and anxious to resolve the stalemate,

¹⁷¹ *Congressional Globe*, 27th Congress, 2nd Session, p. 648.

¹⁷² Hall, *Abel Parker Upshur*, pp. 143, 144.

¹⁷³ Brown, *Congressional Globe*, 27th Congress, 2nd Session, p. 681.

¹⁷⁴ *Congressional Globe*, 27th Congress, 2nd Session, p. 780.

¹⁷⁵ *Congressional Globe*, 27th Congress, 2nd Session, p. 797.

congressional leaders convened a conference committee of the House and Senate to draw up a compromise bill.¹⁷⁶ The bill that they reported upheld Meriwether's amendment, but abandoned Triplett's proviso.¹⁷⁷ Thus, while Upshur was allowed to appoint and promote more officers, he was ultimately forced to limit their numbers.

Despite this mixed result, when the appropriations bill was finally passed on August 4, 1842, Upshur had actually succeeded in achieving most of his aims.¹⁷⁸ Some of his reforms had been rejected out of hand, but on the whole, the Congress treated him with considerable generosity. Naval appropriations were increased to \$6,588,894, of which \$2,000,000 was reserved for the increase and repair of warships.¹⁷⁹ Additionally, special appropriations of \$250,000 and the previous year's surplus made Upshur's budget the largest ever spent in peacetime, a total of \$8,397,000 in fiscal 1842, about one third of total federal expenditures for the year.¹⁸⁰ In fact, Upshur actually had more money at his disposal than he had originally requested.

Upshur's expansion had money to fuel it, but any increase in its squadrons would have exposed another crucial failing of the Navy: it had not adequately met its recruiting mission for twenty years.¹⁸¹ Upshur mentioned this in his report, but could not offer any explanation for the cause, and declined to suggest a remedy.¹⁸² It was crucial that men be had,

¹⁷⁶ *Congressional Globe*, 27th Congress, 2nd Session, pp. 803-804.

¹⁷⁷ *Congressional Globe*, 27th Congress, 2nd Session, p. 816.

¹⁷⁸ Albion, *Makers of Naval Policy*, p. 123.

¹⁷⁹ Schroeder, *Shaping a Maritime Empire*, p. 64.

¹⁸⁰ *Historical Statistics of the United States; Colonial Times to 1970*, Vol. II, p. 1115, quoted in Schroeder, *Shaping a Maritime Empire*, p. 64.

¹⁸¹ H. Langley, *Social Reform in the United States Navy, 1798-1862* (Urbana, IL: University of Illinois Press, 1967), pp. 71-72.

¹⁸² Upshur, *SNR 1841*, p. 373.

however, since the expansion would be wasted if there were no crews for the new vessels. As it was, the Navy had trouble manning the ships it already possessed. At one point, the *Constitution* had been held up in New York for want of fifty men, while the *Concord* was left in Charleston with a full hold, but no crew; meanwhile, several of the Navy's schooners went unmanned.¹⁸³

In 1840, the Navy Department was forced to issue a circular order compensating for the depressed enlistment returns.¹⁸⁴ The circular did four things. First, it allowed lower ranked grades of enlisted men to be substituted for one third of the crew of the next higher rank. Thus, one third of the seamen might actually be ordinary seaman, or one third of the landsmen, 1st class apprentices. Warships were also allowed to depart with only nine tenths of their required complement. In exceptional cases "if the Department [found] necessary," a vessel ready for sea could disregard its established minimum complement if there were not already enough men on board. Finally, officers were allowed to recruit crew members at any port of call.

These measures were desperately needed. Two years later the Navy was still running at half its operational strength. There were a total of sixty-five vessels in the service, ranging from a single 120-gun ship-of-the line to five small schooners.¹⁸⁵ According to the established

¹⁸³ Anon., "Scarcity of Seamen," uncited newspaper, quoted in T. Goin, *Remarks on the Home Squadron and Naval School*, New York: J.P. Wright (1840), p. 20.

¹⁸⁴ *Navy Department Circular Order*, October 12, 1840.

¹⁸⁵ Upshur, *SNR 1841*, p. 367. Their composition was as follows: Eleven Ships-of-the-line, fifteen 1st class frigates, two 2nd class frigates, eleven 1st class sloops, two 2nd class sloops, five 3rd class sloops, two brigs, four schooners, four steamers, three store-ships, three receiving ships, and five small schooners.

complements for these vessels, 20,299 men were required to man them.¹⁸⁶ Additionally, Upshur's immediate expansion programme would necessitate another 12,477 sailors. Yet in 1842, there were only 9,867 men, not including marines, on board U.S. warships.¹⁸⁷

The situation was further complicated by the need to recruit not only more men, but also more 'native American' men. The Navy had always been heavily dependent on European sailors. During the War of 1812, it had been stung by British taunts that the celebrated American victories at sea owed more to the British crews of their vessels than to their American officers.¹⁸⁸ Since then, the service had failed to attract Americans, maintaining its reliance on foreign-born sailors.

Reports varied on how many foreign-born sailors were in the Navy, but by all estimates they amounted to at least half the service, with many estimates ranging as high as seven men out of eight.¹⁸⁹ Since most of these sailors came from the United Kingdom or its dominions, their loyalty had been called into question, particularly following the recent war scare.¹⁹⁰ Issues of national pride and security demanded that the United States Navy become more properly a navy of Americans.

¹⁸⁶ *1842 Naval Rules and Regulations*, pp. 63-65. The figure of 20,299 was reached by applying the approved complements from the 1842 Regulations to the vessels listed in Upshur's annual report. Line and staff officers were not included, nor were marines of any rank. Furthermore, no effort was made to calculate the crews of the store-ships, steamers, or small schooners.

¹⁸⁷ Upshur, *SNR 1841*, p. 412.

¹⁸⁸ Goin, *Remarks on the Home Squadron and Naval School*, p. vi.

¹⁸⁹ Goin, *Remarks on the Home Squadron and Naval School*, p. vii, *et al.*; "Report of the Committee on Naval Affairs Regarding Enlistments in the Navy," Senate Doc. No. 497, 26th Congress, 1st Session, May 27, 1840.

¹⁹⁰ Anon., "Thomas Goin," *New York Sunday Morning News*, quoted in Goin, *Remarks on the Home Squadron and Naval School*, p. 16.

Driven to ascertain how severe the problem had become, Upshur ordered a census of the Navy's enlisted men, focusing upon their places of birth, naturalisation, and places of citizenship. Although the document was not comprehensive, it was thorough, including information on 5,780 enlisted men, over half of the Navy's strength.¹⁹¹

Out of that number, 975 admitted to being foreign born, with 297 having become naturalised citizens. This latter figure seems reliable since naturalised citizens had no reason to conceal their national origins. The former amount, however, cannot reflect the actual numbers of foreign-born sailors. If it were the case, around one in six sailors would have been foreign-born, as opposed to the contemporary belief that only one in eight actually were American! More likely, the document confirms a contemporary claim that foreign-born sailors simply lied about their nationality:

If he is a Frenchman, he will say that he belongs to Louisiana; if he is a Spaniard, that he belongs to Florida; If a Dutchman, that he was born in Pennsylvania, or somewhere about Albany; - and there is so little a difference between the dialect of an American and an Englishman, that it is difficult to perceive the difference.¹⁹²

Nonetheless, if the sailors who admitted to being foreign-born are representative of the greater whole, than the census makes it possible to analyse their proportional representation. British sailors were deemed the greatest threat, and in fact, they did account for the majority of foreign-born sailors. England, Ireland, Scotland, and Wales together contributed

¹⁹¹ "Letter from the Secretary of the Navy Regarding Petty Officers, Seamen, &c., in the National Service," House Document No. 132, 27th Congress, 3rd Session, February 9, 1843.

¹⁹² W. McNally, *Evils and Abuses in the Naval and Merchant Service Exposed; with Proposals for their Remedy and Redress* (Boston: Cassady and March, 1839), p. 44.

526 men.¹⁹³ Another 66 came from such places as Canada, Barbados, New Zealand, and Jamaica. Out of that total, 189 were naturalised Americans. If the census was proportionally accurate, than it is safe to estimate that the actual number of British sailors in the Navy was around 3,000 men, of whom at least 500 would have been naturalised citizens.

The British sailors were obviously not all English, however, and the better part of them actually came from Ireland. A total of 264 Irishmen were listed, 93 of whom were naturalised. The number of Irish is not surprising. Immigration had been growing continuously over the past twenty years, and there had been two major surges since 1837.¹⁹⁴ Although the Panic temporarily affected immigration, between 1838 and 1844 approximately 130,000 Irish arrived in the United States.¹⁹⁵ Moreover, the immigrants were primarily young men, concentrated in the major ports of entry where the Navy had its largest rendezvous.¹⁹⁶ While they might have been targeted by racists, their loyalty to the crown should not have been a major concern. The Scottish contribution was substantial, but not great. There were fifty-five Scots enlisted, but only 11 were naturalised. Wales was hardly represented at all, with only five sailors,

¹⁹³ This figure includes one man from Shetland, three from the Western Isles, and one from the Isle of Man.

¹⁹⁴ D. Fitzpatrick, *Irish Immigration, 1801-1921* (Dublin: Dundalgan Press, 1984), p. 27.

¹⁹⁵ K.A. Miller, *Emigrants and Exiles: Ireland and the Irish Exodus to North America* (Oxford: Oxford University Press, 1985), pp. 197, 199. These figures must be used carefully since estimates of immigration numbers are necessarily inaccurate due to inefficient recording methods, clandestine immigration, and unrecorded return immigration. D. Baines, *Emigration from Europe 1815-1836* (London: MacMillan, 1991), pp. 17-20.

¹⁹⁶ Fitzpatrick, *Irish Immigration*, p. 33. The "rendezvous" was a recruiting station.

and one naturalised citizen. England's contribution, however, at 197 men was not much less than Ireland. Never mind that 51 of them were naturalised, the issue of divided loyalties remained. Assuming that the figure of 3,000 Britons is accurate, than around 1,500 of them were English, some fifteen percent of the Navy's total strength.

It was one thing to identify and admit that problems of recruitment existed, and another thing entirely to actually solve them. If naval service was not popular with Americans, there were good reasons for it. In the first place, it had to compete with the interior, which drew away considerable numbers of men who might otherwise have followed a career at sea. Furthermore, it had to contend with the merchant marine for the sailors who remained. Commercial vessels offered powerful incentives: better pay, shorter cruises, a personal profit motive, and perhaps most importantly of all, easier discipline.

Upshur's Report had not commented on any of these personnel issues, except to say that he could not explain them.¹⁹⁷ Instead of taking a proactive stance, he simply accepted a policy instituted by a predecessor, Mahlon Dickerson (Secretary of the Navy, 1834-1838). This was a programme of naval apprenticeship that was intended to remedy the Navy's internal and external problems in one deft swoop. Besides addressing the crisis of recruitment, apprenticeship had the exceptional result of changing the character of midshipmancy, which it ostensibly made somewhat more egalitarian. If midshipmancy could be made more popular, it might make naval education, that is, a naval academy, acceptable as well. More to the point, with no suggestions of his own for

¹⁹⁷ *SNR 1841*, p. 373.

increasing the numbers of the Navy's enlisted men, Upshur's expansion was largely dependent on the future corps of sailors that apprenticeship sought to provide. This raises the question of how Upshur proposed to man for the time being his expanded Navy. Apprenticeship was designed to produce long-term results, while the Secretary's concerns were immediate. Simply put, the apprentices were intended to establish support for the service and its growth until such time as they could effectively remedy its personnel shortage. If the Navy's expansion was to be sustained, it would take years not months. As the threat of war receded, so too would support for military spending. It was necessary, therefore, to give the nation an alternative reason to support the Navy. Furthermore, the problems encountered in the Congress made it clear that the Navy would have to change its image if its growth was to be assured. The apprentices gave cause for continued support, while providing very favourable public relations. Ideally, the boy sailors made the service more representative of the nation it served. Since these sailors of the future represented the service of the future, the Navy would be transformed as they grew into adulthood. Through their success, Upshur might still realise his vision.

Chapter Two

Naval Education: Apprentices and Midshipmen

On March 2, 1837, the United States Congress had passed a bill designated, “An Act to provide for the enlistment of boys for the naval service, and to extend the term of enlistment for seamen.” That portion which related to the enlistment of minors read:

1. Boys may be enlisted. Other persons may be enlisted for five years...

SEC. 1. That it shall be lawful to enlist (a) boys for the navy, with the consent of their parents or guardians, not being under thirteen nor over eighteen years of age, to serve until they shall arrive at the age of twenty-one years; and it shall be lawful to enlist other persons for the navy to serve a period not exceeding five years.¹

The new law was not the Navy's first attempt to enlist minors for service on board its vessels. Indeed, there had been boys in the English Navy since at least the fourteenth century, and boys had served in the United States Navy since its inception.² This was, however, the first occasion on which they had done so with the express sanction of the Congress, and for the specific purpose of remedying the Navy's particular recruiting problems.

Jackson's first Secretary of the Navy, Samuel Southard, had initially proposed the current apprenticeship programme in his report of 1828. In 1834, when no longer Secretary but a Whig Senator from New Jersey, Southard introduced a bill to provide for the enlistment of minors

¹ J.F. Callan, and A.W. Russell, “Regulations for the Enlistment of Boys who may be entered to serve in the Navy until they arrive at the age of twenty-one years,” *Laws of the United States, Relating to the Navy and Marine Corps from the Formation of the Government to 1859* (Baltimore: John Murphy & Company, 1859), p. 301.

² N.A.M. Rodger, *The Safeguard of the Sea: A Naval History of Britain 660-1649* (New York: W.W. Norton & Company, 1998), p. 141.

in the naval service.³ Although it languished for three years in Congress, the eventual passage of this bill began the apprenticeship programme that Upshur had inherited.

By the close of 1840, the apprenticeship program was well under way, and Secretary of the Navy James Kirke Paulding had drawn particular attention to it in his annual reports for the past two years, remarking that it was “a source of great and lasting benefit to the navy.”⁴ Indeed, the programme was designed to do more than reverse the manpower shortage. It was the means by which the Navy would safeguard its future. The apprentices ensured that there would not be another recruiting deficit in the coming decade. Moreover, many of them would assume crucial positions in the service. It took many years to acquire the skills needed to fill the ranks of the Navy’s petty and forward officers. Their early enlistments meant that the apprentices would have acquired these skills by the time they reached adulthood. Already, it was claimed that captains preferred older apprentices to adult sailors.⁵ Furthermore, inculcated with the values of the service, their patriotism would be unquestionable.⁶

Something of this optimism is reflected in Jacob Hazen's assessment of popular attitudes towards apprenticeship. A veteran of the Navy, he had experienced apprenticeship first-hand, and concluded that it was unworkable. It was with some derision, therefore, that he wrote:

...Everybody believed it was a grand scheme, and tried to persuade everybody else to believe so too. It was the general impression that the world was about beginning its regeneration, and that contrary to the

³ Langley, *Social Reform in the United States Navy*, p. 103.

⁴ Paulding, *SNR 1839*, p. 537.

⁵ Paulding, *SNR 1840*, p. 406.

⁶ Paulding, *SNR 1839*, p. 537.

usual origin of reformations, the first movement had started up at sea. It was wonderful to hear what talking there was - to see the running and visiting of ships - to witness the bowing, scrapping, cutting, shuffling, and smiling of citizens in their congratulations of lieutenants and captains, on the supposed approach of the happy millennium. An entirely new order of men were to be ushered into existence; the character of the navy was to be elevated to an unprecedented standard of respectability; the old order of discipline was all to be knocked into a cocked hat, while superannuated old salts were to be turned over to a life pension in the hospital of oblivion, and their places occupied by the hopeful progeny of the apprentice system.⁷

Hazen's references to millennialism reflect the fact that apprenticeship was not only a professional reform, but also an epitome of social reformist thinking. In the years preceding the establishment of the Navy's apprenticeship program, the service's enlisted men had become the object of a social campaign dedicated to their moral improvement. Behind this movement was the American Seaman's Friend Society, which was in turn, part of a larger and more diverse spirit of reform that had grown for thirty years in the United States. Reform was concentrated in the Northeast, but whatever their section, most reformers belonged to a common background, and shared the same influences and motives.⁸ Indeed, reform had assumed a national character and vision, reflected in the names of such organisations as the *American Society for the Promotion of Temperance*, the *American Anti-Slavery Society*, the *American Colonization Society*, and the *American Peace Society*.⁹

The reformers were profoundly influenced by evangelicalism, which had surged most recently during the "Second Great Awakening," a sustained religious revival lasting broadly from the mid-1790s to the late

⁷ Hazen, *Five Years Before the Mast*, pp. 228-229.

⁸ R.G. Walters, *American Reformers 1815-1860* (New York: Hill and Wang, 1978), p. 30.

⁹ C. Griffin, *The Ferment of Reform 1830-1860* (New York: Thomas Y. Crowell Company, 1967), p. 33.

1830s.¹⁰ Evangelicalism encouraged missionary behaviour, and instilled a desire to change the conditions of the present. This had much to do with the millennial tendencies of the evangelicals. The imminence of the Kingdom of God mandated that first, the kingdoms (and republics) of man be worthy of His arrival.¹¹ The desire to reform reflected another evangelical belief, the perfectibility of mankind. Reformers rejected the Calvinist belief in pre-determination, believing instead that it was possible to become sanctified while on earth.¹²

Reformers were also reacting against the broad and radical transformations that were occurring in the United States.¹³ In fact, they sought through moral suasion and uplift, to maintain a social order which privileged their own position. The urban population had surged, and increasing immigration swelled the cities even further. As the population grew, so too did the numbers of the poor, which were bolstered by the Panic of 1837. At the same time, mob violence swept the nation. Early nineteenth century reformers feared further social upheaval resulting from the perceived crime, disease, and intemperance of the slum dwellers. Furthermore, they identified a wide range of degenerative practices, and uncorrected evils that beset society. In response, the reformers formed voluntary organisations whose purpose was to combat the various ills that threatened the nation.

¹⁰ Walters, *American Reformers*, p. 21.

¹¹ Walters, *American Reformers*, pp. 25-26.

¹² Walters, *American Reformers*, p. 28.

¹³ R.J. Carwadiene, *Evangelicals and Politics in Antebellum America* (New Haven: Yale University Press, 1993), pp. 109-111; R. Mennel, *Thorns and Thistles: Juvenile Delinquents in the United States 1825-1940* (Hanover: University of New Hampshire Press, 1973), p. 6.

One such organisation was the American Seaman's Friend Society. Founded on January 11, 1826, its antecedents can be traced back to 1819, and the Bethel Union Society.¹⁴ The Bethel Union was a multi-denominational movement that encouraged church service on board of ships, and the establishment of chapels in port cities. The American Seaman's Friend Society was itself an offshoot of the Bethel Union of New York and the Society for Promoting the Gospel Among Seaman.¹⁵

Like other voluntary organisations, the Society had its own propaganda machine. A periodical, *The Sailor's Magazine*, which was dedicated to expressing the reformers' views, began publication in 1828.¹⁶ At the same time, like-minded periodicals were issued by other organisations of reform's 'Benevolent Empire.' Finally, there were a considerable number of sailor-authors whose accounts of naval life described many of the problems that the Society sought to remedy. Not all of these authors were friendly, however, and at least two of them criticised directly the Society and the *Sailor's Magazine*.¹⁷

Sailors were a likely object for the reformers. They were notoriously irreligious.¹⁸ Indeed, their blasphemies and cursing were legendary, triggering the missionary impulse of the reformers. Furthermore, the social profile of the service contributed to the reformers'

¹⁴ Langley, *Social Reform in the United States Navy*, p. 49, 54.

¹⁵ Langley, *Social Reform in the United States Navy*, p. 53.

¹⁶ Langley, *Social Reform in the United States Navy*, p. 56.

¹⁷ M. Glenn, *Campaigns Against Corporal Punishment: Prisoners, Sailors, Women, and Children in Antebellum America* (Albany, NY: State University Press of New York, 1984), p. 90.

¹⁸ "...There is one reflection associated with this proud banner (the Stars and Stripes) painful to the pious heart; the thought that flag waves over so many unchristian hearts." Anon., "Our Navy," *The Sailor's Magazine*, (Vol. 15, No. 10, July 1843), p. 341.

concerns. Dominated by foreign-born sailors, especially Irishmen, it aroused nativist concerns about the degeneration of the country, especially since sailors were already seen as a hapless and degraded portion of society. In fact, the civilian reformers' opposition to such well-established naval practices as flogging and grog was grounded in these concerns for the sailors' general well-being. Flogging was just part of a wider range of practices that contributed to sailors' low moral standing. It debased its victims, stunting their moral development.¹⁹ According to the reformers, it was better to prevent sin than to punish it. Flogging only attacked the symptoms of immorality, and not its causes.²⁰ Besides this, it contributed to anti-social behaviour, and was condemned for being barbaric.²¹ The practice also had strong connotations of slavery, and was considered wholly inappropriate for a free republic.²²

While a wide range of disciplinary measures were available to naval officers, including stoppage of leave, curtailment of rations, 'shame badges,' and confinement, these appeared rarely, and most often on board ships commanded by officers opposed to flogging. Of them, there were precious few.²³ Sanguinary punishments, remained, therefore, the primary means of naval discipline.

¹⁹ Glenn, *Campaigns Against Corporal Punishment*, p. 91.

²⁰ Glenn, *Campaigns Against Corporal Punishment*, p. 58.

²¹ Glenn, *Campaigns Against Corporal Punishment*, pp. 39-40.

²² Glenn, *Campaigns Against Corporal Punishment*, pp. 54-57. This is not to imply there was any great alliance between the reformers and the Jacksonians. Had there been, it would not have been a comfortable one. Jacksonian Democrats had earlier condemned the repressive tendencies of evangelicalism, and temperance reformers attacked Jacksonian demagoguery, notably its appeals to "the people" and attacks on the "aristocracy." In fact, most of the reformers were themselves Whigs. Walters, *American Reformers*, pp. 34, 137.

²³ On January 29, 1850, Secretary of the Navy William Ballard solicited

Two instruments were used for administering corporal punishment, the cat-of-nine-tails, and the colt. The cat-of-nine-tails consisted of nine hard-twisted pieces of cotton or flax cord, with three twists in each, fixed on a short, thick rope handle.²⁴ There was no set standard, but they were usually eighteen inches in length.²⁵ The colt was a small, hard twisted rope about the diameter of a man's forefinger, and up to three feet in length.²⁶ The 'cats' were officially sanctioned by the *Articles of War*, which in Article I limited the severity of their use; "No commanding officer shall... inflict punishments on any private beyond twelve lashes with a cat-of-nine-tails."²⁷ While this made the colt technically illegal, its use was widespread, justified "according to the usage of the sea service."²⁸

their views on corporal punishment. Only seven out of eighty-eight replies favoured its abolition. Langley, *Social Reform in the United States Navy*, p. 181.

²⁴ Paullin, *Naval Administration 1841-1861*, p. 1462.

²⁵ L.F.S. Horan, "Flogging in the United States Navy: Unfamiliar Facts Regarding Its Origin and Abolition," *United States Naval Institute Proceedings* (Vol. 76, No. 4, September 1950), pp. 969-970.

²⁶ Langley, *Social Reform in the United States Navy*, p. 140.

²⁷ Although the *Articles of War* forbade more than twelve strikes of the cats without court-martial, charging an individual with multiple offences, and punishing them each in turn easily circumvented this. Furthermore, courts-martial could order up to three hundred blows with the cats, although this severity was reserved for the most serious offences. By way of example, ordinary seaman Clark Burns received this sentence and a dishonourable discharge in February 1840 for the combined offences of drunkenness, fighting, and mutiny. The United States Army, on the other hand, had abolished flogging during the War of 1812, and had maintained the prohibition until 1833. In that year, it had reinstated corporal punishment, if only for the crime of desertion. "Index to the Naval Courts-Martial, 1798-1860," National Archives Record Group 273 (hereafter NA RG), Records of the Judge Advocate General of the Navy; Coffman, *The Old Army*, pp. 196-197.

²⁸ *Articles of War, Rules and Regulations of the Government of the United States Navy – An Act for the Better Government of the Navy of the United States* (1800), Article I, reprinted in Valle, *Rocks and Shoals*, pp. 285-296.

An elaborate ritual designed to illustrate the legitimacy of the act accompanied any flogging with the cats. First, the charges were read at a 'captain's mast hearing,' whereupon the captain rendered his verdict and pronounced any punishment. This would often be carried out immediately, once the crew had been assembled on the gangways or by the mainmast to bear witness. The charges would then be read, accompanied by an appropriate recitation from the *Articles of War*, and the number of strikes to be delivered. The prisoner was then tied to a grating, and the boatswain's mate, whose duty it was, would begin flogging him. Throughout, the officers would stand together - in dress uniform if time allowed - behind a cordon of armed marines.

Most accounts describe flogging as a torture for both the victim and the assembled spectators. Each strike of the cats was really nine blows across the back:

As the boatswain's mates cannot always strike in one place, [the victim's] whole back is cut with the lash, including under his arms and upon the ribs, etc., which is extremely painful, as any seaman can testify who has ever been flogged.²⁹

One account of a flogging described the pain as "more excruciating than if molten metal had been poured upon me, seething and scorching my flesh to the very marrow."³⁰

Colting, or starting, was more commonplace than flogging with the cats. It was used as a spontaneous, *ad hoc* measure intended as much to increase efficiency as to enforce discipline. As such, it was used constantly:

²⁹ McNally, *Evils and Abuses in the Naval and Merchant Service*, p. 106.

³⁰ J. Hazen, *Five Years Before the Mast, or Life in the Forecastle aboard a Whaler and Man-of-War* (Philadelphia: Willis P. Hazard, 1854), p. 223.

I do not believe that a single day elapsed that punishment by flogging, did not take place - at least for the nine months that I was on board [the *Delaware*]... This was not punishment with the cat, which the law directs to be their instrument of punishment, but with what is termed a colt³¹

That the colt was used to promote efficiency is demonstrated by its informal nature. Indeed, it was often kept by boatswain's mates in the brims of their hats for rapid use.³² Less terrible than the cats, the colt remained a powerfully violent instrument. Most often used on a clothed back, it could still inflict such trauma that "often left the flesh black for two or three weeks, and then yellow for many more, before it healed properly."³³

Apart from their opposition to such institutionalised violence, reformers believed that in the last resort, most sailors were not always responsible for their own actions. Indeed, the ultimate blame for this lay with the officers who flogged the seamen, for at issue here was the Navy's dispensation of a daily spirit ration. Since the Navy encouraged drinking, it should be prepared for drunkenness. For officers to punish their men for crimes relating to drunkenness was disingenuous, even hypocritical. Flogging closed a circle of degradation that began with sanctioned liquor.

The Navy had issued a spirit ration since 1794, and before this, the Continental Navy had made it a custom.³⁴ Grog had been inherited from

³¹ McNally, *Evils and Abuses in the Naval and Merchant Service Exposed*, pp. 87-88.

³² H. Melville, *White Jacket, or the World in a Man-of-War* (New York: Oxford University Press, 1990) p. 141. In *White Jacket*, first published in 1850, Melville lent his voice to the anti-flogging campaign, which by that time, had amassed considerable strength.

³³ W.M. Murrell, *Cruise of the Frigate Columbia Around the World Under the Command of Commodore George C. Read, in 1838, 1839, and 1840* (Boston: Benjamin B. Mussey, 1840), p. 88.

³⁴ C. Lathrop, "Grog: Its Origin and Usage in the United States Navy," *United States Naval Institute Proceedings* (Vol. 61, No. 3, March 1935), p. 378.

Great Britain, and originally consisted of rum mixed with water, but after 1806 the Navy substituted diluted whiskey.³⁵ It was distributed twice a day, a half pint at a time, and by all accounts, was revered by the ratings. Indeed, many considered it a fundamental part of naval life and tradition.

Yet the reformers were right. There certainly was a connection between flogging and grog. Many of the offences for which sailors were flogged were explicitly related to alcohol. This fact was not lost on the Navy's officers, and many of them supported the abolition of the spirit ration. At the same time, very few of them supported any effort to reform corporal punishment. The latter was deemed necessary for the effective operation of a ship-of-war. Whilst the spirit ration was certainly responsible for disciplinary problems, it did not follow that its abolition would do away with the need for sanguinary punishments. Besides this, the peculiar circumstances of a warship demanded strong measures.

The ship of war, with her crew composed of the most discordant material, banded together in a highly unnatural state of association not very much inclined to habits of docility, and possessing a physical majority sufficient to throw off and defy all control, with her position often isolated upon a treacherous element, entirely cut off from any appeal to other human aid, and always remote from the protecting influences which surround more happily balanced communities on shore - must inevitably be governed on principles peculiar to her anomalous condition.³⁶

Additionally, the low quality of the Navy's enlisted men demanded that the officers have recourse to flogging. The public perception of sailors did not contradict the officers' assessment of their crews. Although the reformers had no basis for ascertaining the character of a sailor at sea they had decided views on his conduct ashore. One rather long-winded

³⁵ Langley, *Social Reform in the United States Navy*, pp. 210-211.

³⁶ Bryan, *A Plea in Favor of Maintaining Flogging in the Navy*, p. 5.

editorial reprinted in *The Sailor's Magazine* managed to incorporate almost every stereotype of the enlisted man:

[Sailors] seem to have no thought beyond the present moment - and they often seek pleasure in the indulgence of the sensual appetites, at the expense of all that is moral or intellectual.

The sailor too frequently divides his time between his boarding house, which is often kept by a sharper or pickpocket, a grog shop, and a brothel. He associates with the vilest of the vile, and sacrifices alternatively at the shrine of intemperance and licentiousness, until the landlord, and other kindred spirits, have possessed themselves of his last dollar, when a ship is provided for him, and with hardly a suit of clothes upon his back - with little in his chest, save a bottle of rum, which his compassionate landlord had given him in lieu of a wardrobe and other necessaries - with nerves unstrung, and a frame debilitated with debauchery, he is conveyed in a carriage or a handcart, unable to walk, on board the ship - and not infrequently by violent hands up the gangway.³⁷

In short, sailors were profligate, drunken wretches who consorted with prostitutes and other intemperates, whilst being preyed upon by unscrupulous harbour-side characters. The reformers had not only to save the sailor from himself and the officers that abused him, but also from his erstwhile friends.

Apprenticeship was intended to eliminate forever the stereotypical sailor, and the cycles of degradation that produced him. While the reformers would continue to evangelise towards older seamen, they also anticipated an imminent generation of boy-sailors raised free from vice. Devout, temperate, obedient and able, the apprentices would ultimately make grog and the lash redundant. At the same time, apprenticeship provided a solution for another problem, the perceived delinquency of the young, urban, poor.

The first organised treatment of juvenile delinquency as a distinct social problem entailed the founding and development of houses of refuge

³⁷ Anon., "Sailors on Shore," *Boston Mercantile Journal*, quoted in *The Sailor's Magazine* (Vol. 10, No. 3, November 1837), p. 35.

in New York, Boston and Philadelphia in the 1820s.³⁸ These houses of refuge were total institutions whose purpose was to compensate for the supposed break-down of the urban family.³⁹ The houses of refuges were “prisons for juvenile offenders...[that] should [also] be schools for instruction rather than places of punishment...”⁴⁰ Notwithstanding the presence of some juvenile criminals, most of their inmates were pauperised children and orphans

There was already an established connection between these houses of refuge and traditional apprenticeship. In the first place, the houses sought to replace the failed old system of familial apprenticeship as a form of disciplinary control; and furthermore, they maintained their own system of apprenticeship which occasionally sent older inmates to work in the whaling trade or merchant marine on the condition that the voyages last at least a couple of years.⁴¹ Indeed, in 1827, Thomas Goin arranged for about 150 boys and young men, from ten to twenty years old, to be taken from the New York House of Refuge, and shipped out of Nantucket on whaling voyages.⁴²

³⁸ Mennel, *Thorns and Thistles*, p. 3.

³⁹ *Ibid.*

⁴⁰ Anon., “Report on the Penitentiary System in the United States,” *Society for the Prevention of Pauperism* (New York, n.p., 1822), quoted in Mennel, *Thorns and Thistles*, p. 11.

⁴¹ Mennel, *Thorns and Thistles*, pp. xxvii, 21.

⁴² Goin, *Remarks on the Home Squadron and Naval School*, p. 1. Goin was in civilian life, a notary and shipping broker with the firm of Goin, Poole, and Pentz of New York, who had long been engaged in the hiring of seamen. It also seems likely that he was the same Thomas Goin who appeared in the *1842 Navy Register* as one of seven unwarranted masters in the service. Langley, *Social Reform in the United States Navy*, p. 112; *1842 Navy Register*, p. 52.

The creators of the Navy's apprenticeship program had these precedents in mind. Theirs was to be an adjunct to the houses of refuge, and would serve as an avenue through which delinquents could be sent from the houses into the Navy, or more immediately, from the streets themselves to men-of-war. In effect, the service was incorporated into the larger 'kingdom of reform.'

As the Navy Secretary reported in 1839:

If, instead of permitting them to live in idleness, exposed to every temptation, and plunging prematurely into every vice, [delinquents] were apprenticed to their country, they could receive such an education as befits their station, and acquire these habits of sobriety, honesty, order, and industry, which would go far to render those who are so apt to become the bane of society, efficient supporters of the honor and interests of their country.⁴³

Interestingly enough, this statement directly contradicted the regulations for the recruitment of apprentices which emphasised that "no boy is to be entered who shall have been convicted of any criminal or disgraceful offence, or who shall have been sent to any house of correction or refuge, or other place of punishment."⁴⁴ Charles Rockwell described the boys serving on board the man-of-war in which he had his chaplaincy as being the "sweepings of the street," many of whom were taken from the houses of refuge.⁴⁵ Moreover, the *Sailor's Magazine*, in its description of the anniversary meeting of the Sabbath School on board of the *U.S.S.*

⁴³ Paulding, *SNR 1839*, p. 537.

⁴⁴ Callan and Russell, "Regulations for the Enlistment of Boys who may be entered to serve in the Navy until they arrive at the age of twenty-one years," *Laws of the United States, Relating to the Navy and Marine Corps*, p. 301.

⁴⁵ C. Rockwell, *Sketches of Foreign Travel and Life at Sea; Including a Cruise on Board a Man-of-War...., Vol. 1* (Boston: Tappan and Dennet, 1842), p. 384.

North Carolina referred to half-a-dozen orphan boys, four of whom had recently been taken from the Asylum at Bloomingdale.⁴⁶

Not all of the apprentices were taken from the houses of refuge. Some came from good families, while many more were the children of impoverished parents.⁴⁷ Several of the surviving certificates of consent for minors to enter the naval service demonstrate the relationship between poverty and apprenticeship. Four such cases are explicit, and many others are implied. The four notable documents read similarly: “We the selectmen of the town of Bremen, and overseers of the poor of said Bremen in the State of Maine do hereby consent and agree that John Martin who has been under our care several years be duly enlisted...”; “Henry Edward Cloutiman, enlisted by I.C. Phillips, Mayor, on behalf of the overseers of the poor of the city of Salem (Massachusetts);” “William Blodgett, enlisted by the overseers of the poor of the city of Lexington, Massachusetts;” and “William Wright, ‘a town pauper’ of Fairfield, Connecticut.”⁴⁸

These families were casualties of the Panic of 1837. Many of the middle-class, under economic pressure, withdrew their support from charitable organisations just when the ranks of the paupers swelled.⁴⁹ Into this vacuum stepped the United States Navy. Besides accepting children from the houses of refuge, apprenticeship was seen as the means by which impoverished children might be saved from such a fate in the first place.

⁴⁶ Anon., “The Naval Apprentices,” *The Sailor’s Magazine* (Vol. 14, No. 8, April 1842), p. 243.

⁴⁷ Rockwell, *Sketches of Foreign Travel*, p. 384.

⁴⁸ “Certificates of Consent for Minors to Enter the Naval Service,” Vol. 1, 1838-1840, NA RG 24.

⁴⁹ Walters, *American Reformers*, p. 177.

[Naval apprenticeship is] not only the means of furnishing our navy with excellent and capable seamen, but it takes many boys from a course of idleness and crime, and places them in a situation of interest and respectability. There are thousands of boys in this city alone who spend their days and nights around the wharves in petty thieving, or become the hangers-on of some favorite engine, and who, after generally a brief career in this initiatory step, become the occupants of the House of Refuge, or a prison.⁵⁰

Goin cited numerous other newspaper editorials that made similar remarks, and himself wrote that children “now in want and destitution, would spring forward with warm hearts and able hands...”⁵¹ Another advocate spoke of 300 apprentices at the Brooklyn Navy Yard, who otherwise would be “running the streets, ragged and noisy, dragging fire engines, or stealing at every turn.”⁵²

Crucial to the salvation of the apprentices was the education that they would receive. Enlistment would get them off the streets, but it was through learning that they would become useful members of society. Such sentiments echoed the concerns of the Society for the Prevention of Pauperism, which had already asserted that “thousands of children are growing up in this city (New York), destitute of that superintendence over their minds and morals, so indispensable to render them a valuable acquisition to society.”⁵³ Thus, the Navy established a comprehensive educational programme to accompany the apprentices’ professional

⁵⁰ Anon., “Naval Apprentices,” *New York Transcript*, n.d., quoted in Goin, *Remarks on the Home Squadron and Naval School*, p. 19.

⁵¹ Goin, *Remarks on the Home Squadron and Naval School*, p. 2.

⁵² Anon., “The Naval School,” *New York Herald*, January 14, 1840, quoted in Goin, *Remarks on the Home Squadron and Naval School*, pp. 35-36; Anon., *New York Courier and Enquirer*, January 4, 1840; Anon., “The Home Squadron! Where is it? The American Boys’ Naval School! How does it progress?,” *New York Herald*, n.d., both quoted in Goin, *Remarks on the Home Squadron and Naval School*, pp. 25, 38-39.

⁵³ *4th Annual Report of the Society for the Prevention of Pauperism*, p. 11, quoted in Mennel, *Thorns and Thistles*, p. 11.

training. This system was designed to offer scholastic, professional, and moral teaching. In doing so, it adhered to the tripartite programme of intellectual, physical, and moral instruction that contemporary educational reformers considered the bulwark of state-sponsored education.⁵⁴

The Navy, therefore, instituted a system of school-ships for its apprentices. The core of the system was the *U.S.S. Hudson*, stationed at the Brooklyn Navy Yard. This was designated as a receiving ship for apprentices, of whom there were approximately one hundred on board at any given time. Besides the students, only the officers and a select group of petty officers were allowed on board. The boys attended classes in reading, writing, and arithmetic, and were also taught the rudiments of seamanship. When another vessel was ready for sea service, as many apprentices as were necessary would then be transferred to her.⁵⁵ The constant movement of the apprentices is reflected in the varying estimates of their numbers.

The *Hudson* had been selected because its small size made it more practical as a school. A sloop-of-war, it was lightly fitted with masts, spars, and sails, which the apprentices were able to handle themselves.⁵⁶ The skills that they learned there were also applied to certain other vessels

⁵⁴ M.B. Katz, *The Irony of Early School Reform – Educational Innovation in Mid-Nineteenth Century Massachusetts* (Cambridge, MA: Harvard University Press, 1968), p. 124.

⁵⁵ Anon., “Home Squadron and Naval School,” *New York Evening Post*, June 29, 1839, quoted in Goin, *Remarks on the Home Squadron and Naval School*, p. 6.

⁵⁶ Anon., “Naval Apprentices,” *New York American*, quoted in Goin *Remarks on the Home Squadron and Naval School*, p. 26.

in the Yard. On one occasion, they fully rigged the sloop-of-war *St. Louis*.⁵⁷

Besides the *Hudson*, schools were established on board the primary receiving ships at the major navy yards in Charleston, New York, and Norfolk.⁵⁸ These were, respectively, the *Columbus*, the *North Carolina*, and the *Java*. The Secretary of the Navy optimistically planned to man the *North Carolina* with 2,000 apprentices and to eventually give her over entirely to their training.⁵⁹ The crew of the *Columbus*, approximately four hundred men and some two hundred apprentices, gives a better idea of the number of apprentices on board these vessels, the crews of which usually numbered three hundred officers and men.⁶⁰

The apprentices on each were treated in much the same way as those on board the *Hudson*. The primary difference between them was that the three larger receiving ships were also used as clearing-houses for adult sailors. On board these ships, the apprentices messed by themselves, in groups of ten. Each mess was presided over by a petty officer, who was also responsible for looking after their clothing and personal hygiene. Probably, the petty officer was also meant to act as a mentor for the mess-mates.

A number of smaller vessels were also incorporated into the school system. Matthew Calbraith Perry had ordered fifteen to twenty

⁵⁷ Anon., "Home Squadron and Naval School," *New York Evening Post*, June 29, 1839, quoted in Goin, *Remarks on the Home Squadron and Naval School*, p. 10.

⁵⁸ Anon., "Naval School Ships," *Army and Navy Chronicle* (Vol. 10, No. 22, 1840), p. 346.

⁵⁹ Goin, *Remarks on the Home Squadron and Naval School*, p. 7. The *North Carolina* would normally have had a crew of 260.

⁶⁰ Hazen, *Five Years Before the Mast*, p. 209.

apprentices to the steam-ship *Fulton*, where they were instructed in engineering as well as seamanship.⁶¹ A clipper, the *Paulding*, was rigged as a brig and sailed along the Mid-Atlantic coast by a crew of apprentices.⁶² Finally, the revenue cutter *Washington*, also manned largely by apprentices, was sailed along the coast of Massachusetts and New York where it provided valuable service aiding vessels in distress.⁶³

Furthermore, all sea-going vessels were assigned a complement of apprentices. By way of example, the *Ohio*, attached to the Mediterranean Squadron, had on board 54 apprentices out of a crew of 820 men.⁶⁴ At sea, the routine of the apprentices changed to accommodate their watch responsibilities. Whilst one group of apprentices was on duty, the other was to be in class.⁶⁵ Attendance was mandatory and regular. The lessons were missed only in case of emergency. When on watch, the apprentices were stationed aloft, under the care of the captains of the top. Those who could not actually assist in the heavier work would at least be learning the work of topmen. They were also organised into their own gun crews, and exercised when the “metal of the vessel [rendered] it practicable.” All of this was supervised by the first lieutenant, who was

⁶¹ Anon., “Home Squadron and Naval School,” *New York Evening Post*, June 29, 1839, quoted in Goin, *Remarks on the Home Squadron and Naval School*, p. 10.

⁶² Anon., “The Delaware 74 - The Clipper Paulding - The Naval Apprentices,” *Army and Navy Chronicle* (Vol. 11, No. 5, 1840), p. 76.

⁶³ *New York Herald*, “Our Revenue Cutters,” February 8, 1839, quoted in Goin, *Remarks on the Home Squadron and Naval School*, pp. 20-21.

⁶⁴ Anon., “Home Squadron and Naval School,” *New York Evening Post*, June 29, 1839, quoted in Goin, *Remarks on the Home Squadron and Naval School*, p. 6; Bauer, and Roberts, *Register of Ships of the U.S. Navy*, p. 4.

⁶⁵ Regulations for Apprentice Boys in the Navy - At Sea, NA RG 45, Navy Subject file 1770-1910, NE 0-1837. This document provides the basis for the following four paragraphs.

assigned to examine the apprentices once a day, and “to consider them entitled to his particular attention.”

Great care was taken in the professional training of the boys. While apprenticeship had many aims, the Navy's first priority was the creation of experienced sailors. On board the receiving ships, apprentices were taught to reef and furl sails, as well as to send a yard up or down. On board larger vessels, a topgallant mast, light enough for the apprentices to handle, was rigged athwart the mizzen mast and below the cross-jack yard. The apprentices were also divided into boat-crews and exercised at their oars. Lessons in gunnery were to be given regularly on light guns or carronades.

Furthermore, the apprentices were divided into three separate divisions which were to meet “alternatively and daily after dinner.” Each division was supervised by warrant officer, either the gunner, the sailmaker, or the boatswain. The first taught how to quill grape shot, make musket cartridges, wads and tubes, and the “other mechanical branches of a gunner's duty.” The second taught how to sew a seam, rope a sail, and stick a cringle. The last gave instruction on how to knot, splice, fit rigging, and use a marlinspike.

At the end of the day, the apprentices were encouraged to exercise aloft, and “indulged in such sports and amusements as are not incompatible with discipline and subordination.” Anyone overstepping these boundaries was punished, as transgressors were subject to corporal punishment “in moderation.” Additionally, the weekly progress and behaviour of the apprentices was registered and reviewed by the captain.

Their scholastic standing was also reported to the captain. According to the Regulations, the apprentices were to be “well-instructed

in reading, writing, and arithmetic by some person to be selected from [their] vessel, and to be employed on all such duties which they may be competent to perform...”⁶⁶ Apprentices were required to attend class “according to their several acquirements and capacities,” from nine in the morning until the crew was piped down to dinner. Their curriculum consisted of reading, writing, arithmetic, and navigation, “when it did not interfere with their other duties (these being their lessons in seamanship and gunnery).” At the same time, the class room was used to convey particular moral lessons.

The general purpose of the reformers was to save children from delinquency by indoctrinating them with middle-class values - temperance, neatness, diligence, punctuality, and thrift.⁶⁷ In this aim, they had the support of the Navy. “[The apprentices will] receive such an education as befits their station, and acquire these habits of sobriety, honesty, order, and industry...”⁶⁸

These moral lessons were reinforced with divine services or Sunday school. Attendance at the Sabbath School on board the *North Carolina* was mandatory, and given that attendance at divine services was also mandatory for enlisted men, this was certainly the case for the apprentices.⁶⁹ The Sabbath School on board the *North Carolina* included a Bible class, which was also attended by adult members of the ship’s

⁶⁶ Callan and Russell, “Regulations for the Enlistment of Boys who may be entered to serve in the Navy until they arrive at the age of twenty-one years,” *Laws of the United States, Relating to the Navy and Marine Corps*, p. 301.

⁶⁷ Mennel, *Thorns and Thistles*, p. 18.

⁶⁸ Paulding, *SNR 1839*, p. 537.

⁶⁹ Finch to Goin, November 11, 1842, quoted in Goin, *Remarks on the Home Squadron and Naval School*, p. 16.

crew.⁷⁰ Furthermore, every apprentice who was transferred from the *North Carolina* was provided with his own copy of the Bible.⁷¹

That the function of their moral education was also social control is implicit in the values that were being taught to the apprentices. From *The Sailor's Magazine*:

In [their] course of preparation, nothing is of minor importance. Minute cleanliness; untiring industry; *the most undeviating fulfillment of orders* (author's italics), undaunted courage, and a jealous regard for [their] own flag: these virtues - for with [them] they become such - adorn the character of the true seaman.⁷²

The purpose of the apprenticeship program was to create enlisted men for the Navy, and as such, the apprentices were taught to *obey* the commands of their officers. Subordination, above all else, was to be the focus of their education. The naval hierarchy of command provided the perfect basis for imposing restraints upon the apprentices, which would then extend to their civilian lives. In achieving this, the officers had recourse to the Bible, the tendency of which, "thus used in common schools, upon those who should afterwards follow the sea, would be to promote and secure, subordination, sobriety, and good morals, both in our merchant and naval service..."⁷³

The social restraint intended by the program is also demonstrated by the limitation of opportunities presented to the apprentices for promotion to higher rank. According to the regulations governing the recruitment of apprentices they were not to be promoted beyond the ranks

⁷⁰ Anon., "Naval Apprentices," *The Sailor's Magazine* (Vol. 14, No. 8, April 1842), p. 244.

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ J. Haslett, C. Tunis, and W. Hudson, "Report of the U.S. Naval Lyceum," *Naval Magazine* (Vol.1, No. 4, July 1836), p. 392.

of the petty officers.⁷⁴ Although clearly stipulated, it is apparent that many parents were unaware of this, and were angry to discover that their children had been entered into a program to create sailors, and not midshipmen.⁷⁵ Nevertheless, a select few among the apprentices were in fact annually promoted to midshipmancy.⁷⁶ Such upward mobility must be regarded as particularly rare in the Navy. There seem to have been only ten examples of such promotions occurring between 1794 and 1815, and of these ten, only two might have come from truly humble origins.⁷⁷ But however small their numbers were, the promoted apprentices were exceptionally important for the Navy.

At first glance, apprenticeship seemed to make the Navy more acceptable to Jacksonian egalitarianism. Prior to this the Army, although plagued by many of the Navy's problems, could at least claim to be somewhat more representative of American institutions on the basis of its partial abolition of flogging. The opportunity for enlisted apprentices to become officers, however, had little equivalent in the Army. Between 1815 and 1860, the Mexican-American War notwithstanding, only 19 out of 2,930 commissioned army officers had been promoted from the ranks.⁷⁸

⁷⁴ Callan and Russell, "Regulations for the Enlistment and Employment of Boys who may be entered to serve in the Navy until they arrive at the age of twenty-one years," *Laws of the United States, Relating to the Navy and Marine Corps*, p. 301.

⁷⁵ Langley, *Social Reform in the United States Navy*, pp. 106-107.

⁷⁶ Hazen, *Five Years Before the Mast*, p. 287. Charles Rockwell mentioned that one of the boys on board his vessel had been so promoted, and that several others were studying intently with the hopes of becoming officers on board of merchant vessels. Rockwell, *Sketches of Foreign Travel*, p. 385.

⁷⁷ McKee, *A Gentlemanly and Honorable Profession*, p. 102.

⁷⁸ Coffman, *The Old Army*, p. 202. During the Mexican-American War, 69 officers were promoted from the ranks.

At no time in the past fourteen years had any effort been made to realise Secretary of War John H. Eaton's suggestion that lieutenancies be made available to noncommissioned officers.⁷⁹

Thus, naval education seemed to become more acceptable: "Unlike candidates for admission to that rank, aristocratic, and anti-republican military seminary at West Point, the applicants to [the apprentice schools] are received without reference to rank in society, or the influence of politicians."⁸⁰ Another, unattributed newspaper article commented that the apprenticeship program would lead eventually to a more egalitarian corps of officers in the Navy: "It is proposed that the Government guarantee to them such an education as will render...[them] with the prospect of rising by their merit from this *naval seminary*...to the highest command and rank in their profession."⁸¹ That some observers considered the Navy to be the more egalitarian of the two services is seen in these comparisons.

Notwithstanding these claims, Democratic legislators expressed profound dissatisfaction with apprenticeship during the congressional debates over the 1842 navy appropriations bill. In fact, rarely did the legislators' rhetoric so clearly express the ideological divide between the parties as it did in this matter. Democrats saw apprenticeship as the means by which the Navy could best represent the nation's egalitarian values. They preferred that officers "should come through the hawse-hole rather

⁷⁹ Coffman, *The Old Army*, p. 203. Eaton was Secretary under Jackson.

⁸⁰ Anon., "The Naval School," *New York Herald*, n.d., quoted in Goin, *Remarks on the Home Squadron and Naval School*, pp. 19-20.

⁸¹ Unattributed newspaper article, quoted in Goin, *Remarks on the Home Squadron and Naval School*, p. 21. "The omission to preserve the name of the paper from which this article was taken, was unintentional." Goin, p. 22.

than the cabin window...The best men in the service were those who had served before the mast, and who had risen from thence without anybody's recommendation."⁸² As it was operated, however, apprenticeship merely perpetuated class inequalities. The few apprentices that managed to earn midshipman's warrants only drew attention to the vast majority who were denied them.

Furthermore, the schooling of midshipmen and apprentices "drew a distinction between poor and rich" in which midshipmen were instructed in foreign language, mathematics, and diplomacy, while apprentices learnt splicing ropes and obedience.⁸³ Complementary to these allegations was the charge that the Navy's officers had created their own military aristocracy. Critics maintained that the *de facto* rule of the Navy Department was to give preferential consideration to midshipman's applications from the sons and relations of navy officers, and the "descendants of patriots who had rendered patriotic service to their country in military or civil life."⁸⁴

Such unmerited distinction and assistance evoked a classic Democratic definition of aristocracy: "any body of men raised above their fellows by the possession of privileges which others do not enjoy..."⁸⁵ In this context, the Navy was considered the bastion of influential families, who sought to control it for themselves:

⁸² Brown, Charles (Dem. – PA), *Congressional Globe*, 27th Congress, 2nd Session, p. 499.

⁸³ Brown, Charles (Dem. – PA), *Congressional Globe*, 27th Congress, 2nd Session, p. 652.

⁸⁴ Brown, Charles (Dem. – PA), *Congressional Globe*, 27th Congress, 2nd Session, p. 520.

⁸⁵ *The Globe*, September 20, 1839, quoted in Ashworth, *Agrarians and Aristocrats*, pp. 128-129.

All the institutions of an aristocratic government are made to contribute to the benefit of the privileged classes, more than to that of the people, and thus the navy, like the church, becomes the refuge of the portionless younger branches of noble families; and to adapt it to their social rank, the station of command is surrounded by a monopoly of privilege, luxury, and display, corresponding to that of the other privileged institutions of the nation...⁸⁶

Especially galling were the claims that a midshipman's warrant was the means by which prominent citizens controlled their wayward sons. "While some scions of respectable families were made officers, as a choice between the navy and the penitentiary; it was too often a last resort for the worthless, while humble merit languished in obscurity."⁸⁷ Thus, appointees with no personal credit were accorded the prerogatives of naval rank on account of their father's achievements, while the more deserving sons of common men were denied positions reserved for these scapegraces. The quality of these midshipmen was actually an acute concern for the Navy, and Upshur criticised this practice in his second annual report.⁸⁸ Moreover, it brought the preferential treatment of naval legacies into disrepute, which was unfortunate since this policy made some sense. In an age when officers had to begin their training in their early teens, naval families provided better-prepared applicants. If naval service were dynastic, these young boys would have come to the service more familiar

⁸⁶ Murphy, *An Inquiry into the Necessity...*, p. 9.

⁸⁷ Brown, Charles (Dem. – PA), *Congressional Globe*, 27th Congress, 2nd Session, p. 681.

⁸⁸ Upshur, *SNR 1842*, p. 545. "Hence it is of the utmost importance that none should be appointed [midshipmen], who are not duly qualified, and suited in all respects to that peculiar service. And yet, to this great and fundamental truth, no attention had hitherto been paid...It is a notorious fact, that wayward and incorrigible boys, whom even parental authority cannot control, are often sent into the navy as a mere school of discipline, or to save them the reproach to which their conduct exposes them on shore." These remarks were made just a week before the return of the *Somers* from Africa.

with sail and the sea than someone whose father practiced a civilian occupation.

Thus, particular names did appear repeatedly throughout the *Navy Register*. Bainbridges, Decatur, Biddles, Barrons, and Warringtons were all to be found on the navy list, although there were rarely more than two of each serving at any time. One such family, or combination of families, that represented this naval aristocracy was the Rodgers-Perry-Slidell clan.

The Rodgers family had been led by the late Commodore John Rodgers who first entered the Navy as a lieutenant in 1798. Since then, several other Rodgers' had also served. One of his sons, Frederick, had been appointed a midshipman, but been drowned in a boating accident in 1828.⁸⁹ Two of Rodgers' surviving sons still served in the Navy. One, John Rodgers, Jr., was a lieutenant, and the other, Henry Rodgers, was a midshipman. The Commodore's youngest brother, George Washington Rodgers had also served throughout the War of 1812, and remained in the service until his death in 1832.⁹⁰ George Washington Rodgers' sons had also entered the Navy. The elder son, Christopher Raymond Perry Rodgers was a passed midshipman, and the younger, George Washington Rodgers, had been warranted in 1839.⁹¹ What is more, their mother was Anna Maria Perry, one of Christopher Raymond Perry's eight children.

The first naval Perry, Christopher Raymond Perry, had served on privateers during the Revolution, and commanded the *U.S.S. General*

⁸⁹ Paullin, *Commodore John Rodgers*, p. 382-384. Drowned with Rodgers was a midshipman named Slidell, who may or may not have been a relation of the Slidells discussed later in the text.

⁹⁰ E.H. Callahan, *List of Officers of the Navy of the United States and of the Marine Corps from 1775 to 1900* (New York: Haskell House, 1969), p. 469.

⁹¹ *Ibid.*

Greene during the Quasi-War with France.⁹² Retired from naval service in 1801, he later encouraged his sons to follow his example. In 1813, four Perrys held commissions or warrants.⁹³ It was the eldest son, Oliver Hazard Perry, who belonged to the national pantheon of heroes, and whose service in the War of 1812 had given the family name its great prominence.⁹⁴

Perry's incorporation into Republican mythology was not surprising. Apart from being crucial to the American cause, his victory was the first of the war. The battle itself was steeped in symbolism. Perry's flagship took its name from James Lawrence, another naval hero, who had been killed whilst commanding the *U.S.S. Chesapeake* earlier that same year. Furthermore, the *Lawrence* had flown a flag on which was written Lawrence's final command, "Don't give up the ship." If Perry's transfer of his flag to the *Niagara* did not entirely honour that injunction, it demonstrated, at least, his determination not to surrender. Moreover, in his message to his own commander, "We have met the enemy and they are ours," Perry had given the Navy a watchword to rival Lawrence's

⁹² Morison, *Old Bruin*, pp. 8-25.

⁹³ Morison, *Old Bruin*, p. 41.

⁹⁴ On September 10, 1813, whilst still a Master Commandant, he had led the victorious American flotilla at the Battle of Lake Erie. During the course of the battle, Perry's own flagship *Lawrence* was closely engaged on all sides by three British vessels, while Perry's second-in-command, Jesse D. Elliott, remained out of cannon shot on board the *Niagara*. By the time Elliott moved to engage, almost every officer on board the *Lawrence* had been wounded, including Perry. Unable to sustain the fight any longer, Perry transferred his command to the *Niagara*, which he reached following a hazardous crossing in an uncovered cutter. Under Perry's command, the *Niagara* split the British line and in conjunction with the remaining American schooners, delivered several devastating broadsides, and won the day. D. Haws, and A.A. Hurst, *The Maritime History of the World, Vol. 1* (Brighton: Teredo Books, 1985), p. 471.

command. Finally, he was a fallen hero, having succumbed to yellow fever in 1819. The nation's enduring affection for Perry was manifest in the various histories of the War written between 1815 and 1842, in which his courage and qualities of character were almost always commented upon.⁹⁵

In 1842, three Perrys remained in the Navy. The senior was Commodore Matthew Calbraith Perry, Oliver Hazard Perry's younger brother. Forty-eight years old, he commanded the Brooklyn Navy Yard. Next in rank was Oliver Hazard Perry's son, Lieutenant Oliver Hazard Perry, assigned to the Wilkes Exploring Expedition, then in its fourth year. Finally, Matthew Calbraith Perry's own son, Matthew Calbraith Perry, Jr., was a passed midshipman on board the *U.S.S. Missouri*, one of the two new steam-frigates launched in 1842.

Commodore Perry was married to Jane Slidell, the sister of Lieutenant Commander Alexander Slidell MacKenzie (Figures 1 and 2).⁹⁶ MacKenzie's remaining sister, Julia, would later marry Christopher Raymond Perry Rodgers, completing the family connections. The Slidells had no naval tradition, however, as their father, John Slidell, was a New York merchant.⁹⁷ MacKenzie's two brothers were to become prominent men in political life. One older brother, John (Figure 3), had moved from

⁹⁵ A. Bowen, *The Naval Monument...* (Boston: George Clark, 1840), p. viii.

⁹⁶ Morison, *Old Bruin*, p. 50. Perry and Slidell were married December 24, 1818. Alexander Slidell MacKenzie did not take the name "MacKenzie" until his late thirties when he did so on behalf of an uncle who was dying without heirs.

⁹⁷ W. Barnett, *The Old Merchants of New York City (Second Series)* (New York: Carleton, 1864), pp. 257-260.

New York to Louisiana following a duel.⁹⁸ He succeeded there as a maritime lawyer, and was elected to the House of Representatives as a Democrat in 1842. The remaining brother, Thomas, also moved south, and by 1847 was a Justice of the State Supreme Court of Louisiana.⁹⁹

Alexander Slidell MacKenzie was exceptionally close to the Perrys in his own right, however. As an eleven-year old, he had served as a midshipman under Oliver Hazard Perry, of whom he later wrote an adoring biography.¹⁰⁰ Whilst waiting for sea duty, he had stayed with Perry's parents and younger siblings, who had done their best to “amuse [the] homesick child.”¹⁰¹

The Whigs, as opposed to the Democrats, were perfectly comfortable with such naval clans, which reinforced their ideas of natural hierarchies. Indeed, the same was true of apprenticeship, which they freely admitted was not to create officers, but sailors, “the bone and the sinew of war.”¹⁰² The provision that enabled a few apprentices to become midshipmen was intended to encourage the elite amongst them, since “intelligence and daring would rise, place it where you will.”¹⁰³ This declaration reflected the meritocratic perceptions of the Whigs, who argued that individual progress reflected innate talents, ability, and

⁹⁸ A.L. Diket, *Senator Slidell and the Community he Represented in Washington 1853-1861* (Washington, D.C.: University Press of America, 1982), p. 5. Slidell was later elected to the Senate, but his name is forever associated with Charles Wilkes, James Mason, and the Trent Affair.

⁹⁹ Barnett, *The Old Merchants of New York City*, p. 279.

¹⁰⁰ A.S. MacKenzie, *Oliver Hazard Perry: His Life and Achievements* (Akron, Ohio: J.K. Richard & Sons, 1910, originally published 1840), p. 315.

¹⁰¹ MacKenzie, *Oliver Hazard Perry*, p. 316.

¹⁰² Wise, Henry (Whig – VA), *Congressional Globe*, 27th Congress, 2nd Session, p. 500.

¹⁰³ *Ibid.*

intelligence.¹⁰⁴ Besides which, in a moment of partisan triumph Henry Wise had reminded the Democrats that the apprenticeship programme they attacked with such fervor had been implemented during Jackson's administration.¹⁰⁵

Notwithstanding this criticism, the Democratic arguments had a basis in fact. That midshipmancy and apprenticeship perpetuated class inequalities is demonstrated by the case of James Matthew Turner, a midshipman appointed from the ranks of the apprentices. An orphan sailor on board the *North Carolina*, Turner's "surpassing scholarship and behavior had secured him this mark of distinction from the general government."¹⁰⁶ Unfortunately, his change in fortune was accompanied by peculiar difficulties.

His midshipman's warrant, which had at first awakened such pleasing anticipations in his fancy, was now in reality become a source of torment to him. It had given him an additional importance in the estimation of the officers, while at the same time it cut him off from the society of his former associates. Discipline had interposed a bar between him and the other boys of the ship's company, beyond which it became him not to pass. His only chance, then, for social converse, was among those of his own messmates of the steerage; and these... were in open hostility against him. He was, therefore, a lone boy among a ship's crew of over two hundred souls.¹⁰⁷

Turner encountered a violent class reaction from the other steerage officers that ultimately led to his dismissal from the service. Whilst the *Fairfield* was at Port Mahon, Minorca, he was sent ashore with a party of men to load provisions from the naval stores house. As they were waiting

¹⁰⁴ Ashworth, *Agrarians and Aristocrats*, p. 68.

¹⁰⁵ Wise, Henry (Whig – VA), *Congressional Globe*, 27th Congress, 2nd Session, p. 775.

¹⁰⁶ Hazen, *Five Years Before the Mast*, p. 287.

¹⁰⁷ Hazen, *Five Years Before the Mast*, pp. 287-289. Turner appeared in the *Navy Register* of 1842, which noted that he was from New Jersey, and a resident of New York who had entered the service on February 18, 1841, and was then stationed on board of the *U.S.S. Fairfield*.

to complete the assignment, another midshipman, John Murphy McLeod, prevailed upon Turner to allow two members of the boat crew an unauthorised liberty. When the two men drank themselves into a stupor, McLeod turned upon his companion. In fact, his testimony was crucial to the case against Turner, who was cashiered.¹⁰⁸ Without any connections to protect him, Turner was forced from the service. This perhaps isolated injustice still demonstrated that the ranks of the midshipmen continued to foster the social prejudices with which naval education was most closely associated.

These midshipmen were the future leaders of the Navy. On the lowest rung of the promotion ladder, their warrants nevertheless made them officers and gentlemen. Turner's presence in the steerage was considered an affront to its collective dignity. When he was promoted to midshipmancy, he cheapened their position as gentleman. The midshipmen were already very jealous of their status, and these feelings were exaggerated by certain fundamental similarities between themselves and the apprentices. Although the former were taught to lead, and the latter were taught to be led, all were wards of the Navy, and their educational programmes shared much in common. Furthermore, and perhaps most importantly, they were more or less the same age.

In order to command a naval vessel - to be an officer - it was necessary for any aspirant to begin his career while young. Navigation,

¹⁰⁸ Hazen, *Five Years Before the Mast*, p. 391. The court martial's report makes no mention of McLeod having persuaded Turner to grant the short liberty. There is good reason to believe Hazen's assertion that this was the case, however, since he was a member of the boat crew. McLeod, John Murphy. Signed affidavit, November 18, 1841, "Turner Court-Martial Proceedings," NA RG 273, Records of the Judge Advocate General of the Navy.

seamanship, and command required years to master. In 1841, a midshipman's career had to begin between the ages of fourteen and seventeen years of age.¹⁰⁹ This early start usually made formal education considerably more difficult and created an additional problem since the officers had to learn more than just their profession. They were to be trained as gentlemen, worthy of representing the United States. Any loss of schooling made it harder for an officer to comport himself as such when he had achieved command rank.

[Naval officers] are taken from the poor who have not the means of a good education, as well as the rich who have. They enter from the nature of the duties at so early an age that they cannot be accomplished, or even moderately accurate scholars. They are constantly employed on shipboard or in our navy yards where much advancement in learning cannot be expected. Their pay will afford them a support, but no means of literary improvement. The consequence necessarily is, and such is well known to be the fact, that very many advance in age and rise in grade much less cultivated and informed than their own reputation and that of the country require.¹¹⁰

Professional concerns came first, and the midshipmen's studies reflected their priorities. Apart from keeping regular journals, they were to study naval tactics, navigation, mathematics, and seamanship.¹¹¹ The importance of study was re-affirmed in the 1842 Regulations, which further defined the responsibilities of the midshipmen. Among other

¹⁰⁹ *Rules and Regulations for the Governance of the United States Navy* (1842), p. 12, quoted in H. Bury, *Education in the Old Navy* (Unpublished Dissertation, Temple University, 1939), p. 46.

¹¹⁰ Southard, January 1, 1825, *American State Papers, Naval Affairs, Volume 4*, p. 44, quoted in J.R. Soley, *Historical Sketch of the United States Naval Academy* (Washington, D.C.: Government Printing Office, 1876), pp. 15-16.

¹¹¹ *Rules and Regulations for the Better Governance of the Navy of the United States*, quoted in Bury, *Education in the Old Navy*, p. 81.

duties they were to "attend regularly to the means of instruction which may be provided for them."¹¹²

It was universally held that the best place to acquire an officer's skills was where they were exercised in the first place, the man-of-war.¹¹³ This view did not fail with the passing of time, as seen in Upshur's annual report:

It is to be borne in mind, that, although we can *build a* good ship in a few weeks, it requires twenty years of arduous service, of active instruction, and of strict discipline, to qualify an officer to command her... There is no school for the sea-officer but the ship itself..¹¹⁴

While the midshipmen were expected to learn their way by following the example of their superior officers, and by watching the more experienced seamen, they were also entrusted to the care of schoolmasters assigned to naval vessels with the specific task of conducting a school on board. The naval law of March 2, 1799 gave implicit recognition to these teachers by assigning them a share in prize money.¹¹⁵ For most of the nineteenth century, these teachers had been the Navy's chaplains, but by 1835, they had been replaced.¹¹⁶ Even so, they continued to provide additional instruction to the young officers:

As the scientific knowledge necessary for promotion in the navy is much less than is commonly acquired in college, and as, in foreign countries, questions connected with the natural sciences and ancient history often arise on ship board, a well-educated chaplain, if not vain, forward, and obtrusive, may secure much respect for himself, his office, and his religious efforts, by rightly using his superior

¹¹² Bury, *Education in the Old Navy*, pp. 82-83.

¹¹³ McKee, *A Gentlemanly and Honorable Profession*, p. 155.

¹¹⁴ Upshur, *SNR 1841*, p. 385.

¹¹⁵ Bury, *Education in the Old Navy*, p. 113.

¹¹⁶ C.M. Drury, *The History of the Chaplain Corps, United States Navy, Volume I: 1778-1939* (Washington, D.C.: Bureau of Naval Personnel, 1984), p. 49.

attainments. He may also do much in wisely guiding the reading and personal researches of the younger officers...¹¹⁷

Although the chaplains had been replaced by formal school-teachers in order to increase the professionalism of naval education, the system remained a rather haphazard affair. It was the prerogative of the captain to select a school-teacher, who could be a needy relative or family acquaintance. This is not altogether surprising. Naval education on board a vessel was largely determined by the feelings of the captain on the subject, and the comprehensiveness of any such program was subject to their discretion.

At the same time, the Navy Department's policy after the War of 1812 mandated the presence of teachers on board most vessels. By 1831, all ships larger than a sloop-of-war were required to sail with a school-master on board, assuming that one could be found.¹¹⁸ Even so, it was not until four years later that the school-teachers were considered significant enough for inclusion in the annual *Naval Register*, and then only as "teachers," and not with the more formal title of Professor of Mathematics or Language.¹¹⁹

¹¹⁷ Rockwell, *Sketches of Foreign Travel*, p. 428.

¹¹⁸ *1832 Naval Regulations*, p. 58, quoted in Bury, *Education in the Old Navy*, p. 118.

¹¹⁹ Bury, *Education in the Old Navy*, p. 116. Analysis of the registers is difficult, however, as they do not appear to be entirely accurate. They do provide the names of many of the teachers, but it is clear that there were many more in the temporary employment of the Navy whose names are not recorded. This exclusion is probably the consequence of the *ad hoc* nature of their employment. When a teacher was needed, one would be hired for the duration of the cruise, and at its conclusion, be paid off and released. Only those teachers who were continuously employed by the Navy would have received mention in the Register, and it is notable that many of these were actually not on active service. Bury, *Education in the Old Navy*, p. 116-122.

In practice, a teacher's responsibilities varied from ship to ship, but the 1841 Regulations described them as follows:

379. He is to give attendance regularly, at such times as shall be directed by his commanding officer, and to instruct the midshipmen and others, who may be directed to attend; and report weekly to the commanding officer the attendance which they may give, and the proficiency they may make.

380. He shall also make and present to his commanding officer, similar reports, made up to the last day of March, June, September, and December, for transmission to the Secretary of the Navy.¹²⁰

At sea, the school-teachers conducted classes in algebra, geometry, trigonometry, and when they were able, history and languages.¹²¹ Education on board, however, met with only mixed results, and attracted a number of criticisms. The most serious was that the ship, so indispensable in training an officer, was no place to offer him schooling. In the first place, the ship was rife with distractions, and the duties of the midshipman often conflicted with their obligation to study.¹²² What is more, the midshipmen themselves were often loathe to spend their time in a classroom, considering it unmanly.¹²³ Indeed, these lessons were occasionally the cause of tension between the midshipmen and apprentices since the former objected to being taught in the company of their subordinates.¹²⁴

By 1842, it was clear that the on board educational programme, which had provided an effective basis for the apprentice schools, was failing the midshipmen for whom it was originally intended. Part of this

¹²⁰ *1841 Naval Regulations*, pp. 132-133, quoted in Bury, *Education in the Old Navy*, p. 55.

¹²¹ Bury, *Education in the Old Navy*, p. 131.

¹²² Bury, *Education in the Old Navy*, p. 135.

¹²³ Jones, *Sketches of Naval Life, Vol. I*, pp. 93-94, quoted in Bury, *Education in the Old Navy*, p. 136.

¹²⁴ Anon., "School Room On Board Ship," *The Army and Navy Chronicle* (Vol. 11, No. 20, 1840), p. 308.

failure lay in the poor quality of the teachers. While they were more than good enough for the wants of the apprentices, who were often taught by a literate seaman, the teachers seemed inadequate for the task of preparing leaders. In truth, the teacher's position was not enviable. Only "an inferior class of men could be obtained for the service," because in 1842 their wages remained pitifully small, just \$480 per annum, making them the worst paid officers in the Navy.¹²⁵ The difficulty created by low wages is described in the Secretary of the Navy's Annual Report of 1841:

It is to be presumed that men, whose talents and attainments qualify them to be teachers in the navy, are equally justified to be teachers on land; and, as the latter is the less precarious position, the *best qualified* will be the most apt to seek it.¹²⁶

Furthermore, the school-masters were handicapped by their ill-defined, but decidedly low position in the Navy's hierarchy of staff officers.¹²⁷ Indeed, they were forced to mess and quarter with their students, the midshipmen, and this created serious disciplinary problems.¹²⁸ This situation was not remedied until August 31, 1842, when Congress passed a law declaring "that professors of mathematics in the navy of the United States shall be entitled to live and mess with the lieutenants of sea-going and receiving vessels, and shall receive such rations as lieutenants of the same ship or station shall receive."¹²⁹

Even before this, the professors of mathematics remained the mainstays of naval education. Nor were their efforts confined to classrooms at sea, as midshipmen were to continue their studies when they

¹²⁵ *1842 Navy Register*, p. ii.

¹²⁶ Upshur, *SNR 1841*, p. 386.

¹²⁷ Soley, *Historical Sketch of the United States Naval Academy*, pp. 10 - 11.

¹²⁸ *Ibid.*

¹²⁹ Callan, *Laws of the United States*, p. 322.

were not on active service aboard a vessel. The midshipmen's educational responsibilities took on additional weight when on shore. Here, they had none of the distractions of active service, and probably studied with greater fervour since their classes were likely to be in final preparation for the Naval Examining Board.

The examining boards had been established in 1802, and consisted of at least two officers of captain's rank, whose purpose was to test the readiness and aptitude of the midshipmen for higher rank.¹³⁰ Only those midshipmen over the age of twenty who had served for five years, three of which had to have been at sea, were eligible for examination.¹³¹ The most important subject was obviously seamanship, although the examinations included sections on naval gunnery and navigation.¹³² Interestingly, it seems that there were no questions on the subject of command and leadership.

At any rate, the formality of the examination was belied by the dearth of official support for shore-based education. These schools did not reflect a concerted naval policy so much as the individual initiative of educationally-minded officers in the Navy. As such, they sprang up without much regard for one another, and it was not until the late 1830s that they began to resemble a concerted or cohesive educational system.

The first effort to provide formal instruction ashore occurred in 1803 when Chaplain Robert Thomas established a school of navigation

¹³⁰ Bury, *Education in the Old Navy*, p. 180. The examinations were individual and oral, and included only occasional blackboard work, with questions being put to the midshipmen by every officer of the board.

¹³¹ *1832 Naval Regulations*, p. 42.

¹³² P. Benjamin, *The United States Naval Academy* (New York: G.P. Putnam's Sons, 1900), p. 115.

and mathematics at the Washington Navy Yard.¹³³ There is no other mention of the Washington school after its foundation, and it appears to have been short-lived.

It was not until 1814 that another rose in its place. This was the school founded by Captain Isaac Chauncy at Sackett's Harbor, New York in 1814.¹³⁴ Other schools followed; at Boston in 1815,¹³⁵ Norfolk in 1821,¹³⁶ New York City in 1825,¹³⁷ a second school at Boston to replace its predecessor in 1833,¹³⁸ and finally a school attached to the Naval Asylum at Philadelphia in 1839.¹³⁹ Finally, a short-lived school was established at Fortress Monroe, New York.¹⁴⁰

Even as schools afloat were subjected to criticism, so too were the naval schools on shore. While naval officers generally felt that the schools were acceptable, they also vigorously maintained the supremacy of education afloat. "The best school for the instruction of youth in the [naval] profession is the deck of a ship...The pride of command, the sensitiveness of rank, and the high bearing so essential to a gallant officer must necessarily become impaired by employment on shore..."¹⁴¹

¹³³ J. Crane, and J.F. Kieley, *The United States Naval Academy: The First Hundred Years* (New York: McGraw-Hill Book Company, 1945), p. 6.

¹³⁴ McKee, *A Gentlemanly and Honorable Profession*, p. 207.

¹³⁵ Bury, *Education in the Old Navy*, p. 151.

¹³⁶ Park, *The United States Naval Academy*, p. 108.

¹³⁷ Bury, *Education in the Old Navy*, p. 153.

¹³⁸ Bury, *Education in the Old Navy*, p. 152.

¹³⁹ Bury, *Education in the Old Navy*, p. 156.

¹⁴⁰ Soley, *Historical Sketch of the United States Naval Academy*, p. 34.

¹⁴¹ Unattributed Officer, NA RG 45, "Captain's Letters," quoted in W.D. Puleston, *Annapolis: Gangway to the Quarterdeck* (New York: D. Appleton-Century Company, 1942), pp. 32-33.

The existing schools had no set curriculum and varied according to the whims of their founders and appointed instructors. A letter written by Commodore John Rodgers about the second Boston Naval School is worth quoting in full to show the course of studies, and the value placed on them by the Navy's officers.

...When any unusual or important work is to be performed, all the Midshipmen should be required to attend, such as docking or undocking vessels, preparing others for heaving down and righting them; hauling up or launching them, getting masts out or in &c., &c., and some person should be directed to explain to them the object and reason for the respective operations, and subsequently to examine them, to ascertain the degree of attention, they may have paid to them. When the Midshipmen shall not be thus employed, they should be required to attend regularly for a certain number of hour each day, Sundays excepted, to study.

Upon the presumption that every Midshipman will be prepared to enter upon the study of the subjects in Bowditch's Navigation, it is recommended that they should first make themselves thoroughly acquainted with them, as comprising a minimum mathematical course, with which every officer should be familiar. With these studies should be combined daily observations of the sun, by the moon and polar star; the longitude by lunar distances and chronometer, variations of the compass, and the effect of local attraction upon it, and the best means of connecting it.

Whenever a proper knowledge shall have been obtained upon the foregoing and indispensable subjects, they might then divide the hours of study between the French and Spanish languages, other and higher mathematical studies, Natural philosophy and mechanics, giving a preference to those branches connected with their profession, Gunnery, Naval Tactics, and descriptions of Naval battles, the construction and management of steam engines and vessels, Maritime and Naval Law, History and general reading.

During the hours when they are not engaged in study or upon social duty, they should be thoroughly, minutely and practically instructed in the exercise of the cannon and cannonades, and of lower gun deck ports, the proper mode of wading and pointing the guns for objects at different distances, and under various circumstances of mounting and dismantling them, and of shifting carriages when disabled in action, of housing or otherwise securing them in bad weather. They should also be well acquainted with the exercise of the musquet [sic], pistol and cutless [sic].

They should be encouraged, and if necessary required to visit vessels building or under repairs, to ascertain the names and use of the different parts of the hull, the manner in which they are combined and inform themselves of the mode of making masts, spars, sails, cordage and other objects belonging to or used in Vessels, and of the manner in

which they are filled for service, for such information is always useful and frequently necessary.¹⁴²

Notwithstanding the attacks made against a naval academy, it is clear that by 1842, a number of similar institutions were in operation, though because of professional uninterest and egalitarian criticisms of martial education, these were ill-funded, unorganised, and under-utilised. Until the Naval Academy was realised, the service had to rely on what programmes it could afford, and the willingness of its own officers to support them.

One such independent program, more successful than most, was the Naval Lyceum.¹⁴³ Founded by Matthew Calbraith Perry at the Brooklyn Navy Yard in 1833, the Naval Lyceum was an offshoot of the civilian lyceum movement initiated by Josiah Holbrook of Massachusetts eight years earlier.¹⁴⁴ Essentially, it was a professional society for naval officers intended “to promote the diffusion of useful knowledge, to foster a spirit of harmony and a community of interest in the service; and to cement the lines which unite us as professional brethren.”¹⁴⁵

The Naval Lyceum encouraged the recruitment of members from within and without the service, with particular emphasis on those resident in the vicinity of New York City.¹⁴⁶ Furthermore, a library and a museum were established which contained the donations of members, and for two

¹⁴² G. Preble, *History of the Boston Navy Yard in Charlestown, Mass., from 1797 to 1875*, Manuscript in the Navy Department, quoted in Bury, *Education in the Old Navy*, pp. 151-152.

¹⁴³ S. De Christofaro, “The Naval Lyceum,” *United States Naval Institute Proceedings* (Vol. 77, No. 8, July 1951), p. 869.

¹⁴⁴ *Ibid.*

¹⁴⁵ Anon., “Naval Lyceum Constitution,” *Naval Magazine*, (Vol. 1, No. 1, January 1836), p. i.

¹⁴⁶ *Ibid.*

years, from 1836, the Naval Lyceum published its own periodical, *The Naval Magazine*.¹⁴⁷

Although the founders of the Naval Lyceum hoped that its holdings would be of benefit to all men of science, they were particularly interested in the aid which it could render to junior officers:

We would impress upon the younger officers of the Navy, especially, the advantages they may derive from a diligent cultivation of the means of advancement in professional and general information, presented by the Naval Lyceum. They can render important aid in the promotion of its plans, and by an active interest in its progress, will insensibly confirm in themselves a taste for pursuits and studies of the most satisfactory and profitable character; and which will not only give them protection from the seductions of pleasure, and from dissipation, too often the profligate companion of the indolent and the uninformed.¹⁴⁸

In furtherance of this policy, they granted all midshipmen who had not yet passed their examination board special access to the “rooms, Cabinet, and Library” of the Naval Lyceum.¹⁴⁹

Perry’s involvement with the Lyceum reflected his wider interest in reform. He was, with his brother-in-law, Alexander Slidell MacKenzie, part of an informal group of reformers within the Navy. The movement was spear-headed by Lieutenant Matthew F. Maury who wrote a series of widely-publicised articles on the Navy’s deficiencies in the *Southern Literary Messenger*, which subsequently became a “recognized [sic], but unofficial organ for naval officers and personnel.”¹⁵⁰ Other officers, such

¹⁴⁷ De Christofaro, “The Naval Lyceum,” p. 870.

¹⁴⁸ Anon., “The Naval Lyceum,” *Naval Magazine* (Vol. 1, No. 1, 1836), p. 15.

¹⁴⁹ *Ibid.*

¹⁵⁰ F.L. Mott, *A History of American Magazines, 1741-1850* (Cambridge, MA: Harvard University Press, 1939), p. 643. The relationship between the Navy’s reformers and this periodical might have aroused the suspicions of Northern legislators. The *Southern Literary Review* was associated with slavery and sectionalism, and had been the vehicle for an article on

as Robert F. Stockton, and Uriah P. Levy were also associated with reform.¹⁵¹

The success of the Lyceum had established Perry's credentials as an educational reformer. His brother-in-law MacKenzie was also identified with the institution, being one of the seven officers comprising its advisory board.¹⁵² Perhaps buoyed by their recent success, on April 30, 1842, MacKenzie proposed to Navy Secretary Upshur a unique educational programme for the apprentices: a free-sailing school ship whose crew learned their trade as they went. This would be naval education in its purest sense.

I respectfully submit that one of the new brigs, the Somers, for instance, now fitting at New York or the one which has succeeded her on the stocks should be selected for the purpose [of a school-ship] and manned with... 100 apprentices. The brig thus equipped might be employed in running along our whole coast, visiting our rivers and minor ports, and if in higher order so as to be attractive to visitors at points where our Navy is now comparatively unknown...¹⁵³

The idea of a school-ship was not new, but had hitherto received little attention from the Navy. The first official school-ship appears to

states' rights by Upshur which was the cause of a dispute between him and representative John Minor Botts of Virginia (Whig -VA).

¹⁵¹ Stockton and Levy were each experienced officers known for their dedication to reforming the Navy's disciplinary practices. Levy, it should be noted, also had to combat anti-Semitism in his efforts, and fought several duels in defence of his name. Neither officer has been the subject of an adequate bibliography, but for an idea of their ideas on reform, see S. Bayard, *A Sketch of the Life of Com. Robert Stockton; with an Appendix, Comprising His Correspondence with the Navy Department Respecting His Conquest of California; and Extracts from the Defence of Co. J.C. Fremont, in Relation to the Same Subject; Together with his Speeches in the Senate of the United States, and His Political Letters* (New York: Derby and Jackson, 1856); U.P. Levy, *Manual of Rules for Men-of-War* (New York: Appleton & Companies, 1850).

¹⁵² Anon., "Additional Bylaws," *The Naval Magazine*, (Vol. 1, No. 1, January 1836), p. 39.

¹⁵³ MacKenzie to Upshur, April 30, 1842, NA RG 45.

have been the *U.S.S. Prometheus*, which was manned principally by midshipmen during a summer cruise along the Atlantic coast of the United States in 1817.¹⁵⁴ Between the cruise of the *Prometheus* and the development of the apprentice program the only school-ships to appear were the *Guerriere*, which was the site of the naval school at Norfolk,¹⁵⁵ and on board the *Alert*, at Portsmouth, Virginia, some five years later in 1826.¹⁵⁶ Excepting the *Prometheus*, however, these schools were really classrooms maintained on board a working naval vessel, and as such constitute school-ships only in a loose sense. Closer to MacKenzie's vision was a programme described in the *Sailor's Magazine*:

The vessel on which they were aboard, would, of course, occasionally make a short cruise along the coast, with the view of practicing the boys in seamanship, and giving them a practical knowledge of their business. The school and ship should be placed under the charge of some judicious officer of the navy who would take pride in training these juvenile sailors, and in making them worthy defenders of their country...¹⁵⁷

MacKenzie's proposal accomplished two things. In the first place, it expanded the apprentices' educational opportunities. Such a course of action could only increase the programme's popularity with the general public. At the same time, it addressed a critical failure of apprenticeship as it then stood. Excepting the *Hudson*, all of the apprentice-schools were held on board regularly ordered naval vessels. Thus, the apprentices were in daily contact with the crew, and exposed to their worst habits, as Jacob Hazen wrote:

¹⁵⁴ Benjamin, *The United States Naval Academy*, p. 39.

¹⁵⁵ Bury, *Education in the Old Navy*, p. 161.

¹⁵⁶ Langley, *Social Reform in the United States Navy*, p. 101. It is worth noting that the school on board the *Alert* was established for the use of apprentice seamen.

¹⁵⁷ Anon., "Naval Apprentices," *The Sailor's Magazine* (Vol. 14, No. 7, March 1842), p. 228.

I have already hinted that the Columbus was a school-ship. That is, if a den where some two hundred boys are collected together, exposed to every kind of sinful vice - where swearing, gambling, cheating, lying, and stealing, are the continual order of the day; where drunkenness, obscenity, and self-pollution, stalk unrestrained; and where crimes abound of even so deep and black a dye that it fires the cheek with shame to name them, and which yet escape the just punishment their heinousness deserves, [sic] if, I say, such a place constitutes a school-ship, then was the Columbus, like the North Carolina, emphatically a school-ship.¹⁵⁸

Far from improving the morality and character of the boys, apprenticeship threatened to increase their incorrigibility! In light of these unwholesome developments, it was believed that the only way to salvage the programme was to sequester the apprentices from the older sailors, just as it was thought necessary to separate juvenile delinquents from adult offenders in state prisons, characterised by John Pintard as “the present place of promiscuous intercourse where little Devils are instructed to become great ones and at the expiration of their terms turn out accomplished Villains.”¹⁵⁹ The same was held true of the apprentices. Succinctly put, the need to sequester them from the sailors was not merely on account of the boys' endangered innocence. Rather, the reformers were concerned that the apprentices were themselves already pre-disposed towards vice in consequence of their own delinquency, and that it was necessary to maintain complete control of their upbringing in order to save them from their own natures:

...for surely, a boy must be a dull scholar, who, in such a place, would not learn far more evil than good. These boys were from ten to sixteen or seventeen years of age, and some of them having been familiar, from the earliest years, with vice and crime, in almost every form, were among the most hardened, hopeless, vagabonds in the world...¹⁶⁰

¹⁵⁸ Hazen, *Five Years Before the Mast*, p. 227.

¹⁵⁹ “Letters of John Pintard” II, p. 338, quoted in Mennel, *Thorns and Thistles*, p. 8.

¹⁶⁰ Rockwell, *Sketches of Foreign Travel*, p. 384.

Concerns for the future of apprenticeship were certainly on Upshur's mind when he received MacKenzie's proposal. He had already expressed doubts over the number of enlisted apprentices, and suggested that the programme be extended inland.¹⁶¹ If enlistments were faltering, then it was crucial to resolve the problems of interaction between the Navy's enlisted men and boys. After all, what parents would willingly expose their child to an education in vice? "It may be doubted whether parents and guardians could be induced to place their children and wards in such a situation, and whether a sufficient number of boys could be obtained to warrant the expense of keeping up the [naval] school."¹⁶²

Furthermore, MacKenzie seemed an excellent choice for command of a school ship. He had an established reputation as one of the nation's foremost naval historians and travel writers, and what better candidate could there be to inculcate a crew of boys with the values of naval service?¹⁶³ Moreover, MacKenzie's transfer would free a valuable assignment, since he had just been made the first lieutenant on board the *U.S.S. Missouri*. Upshur quickly approved MacKenzie's plan. On May 7, 1842, just eight days after MacKenzie wrote his proposal, the Navy Secretary wrote back to the Commander:

Sir, your letter of the 30th instant has been received. - Your suggestion that one of the new brigs now fitting, be manned with apprentices, and employed as a school ship and a cruizer [sic], falls in with a design long since entertained and expressed, and which the Department intended to execute, as soon as a vessel could be had. - The

¹⁶¹ Upshur, *SNR 1842*, p. 412.

¹⁶² Anon., "School Ships, Philadelphia Herald, n.d., quoted in *The Sailor's Magazine* (Vol. 10, No. 5, January 1838), p. 153.

¹⁶³ MacKenzie's books included: *A Year in Spain* (1831), *Popular Essays on Naval Subjects* (1833), *The American in England* (1835), *Spain Revisited* (1836), *Oliver Hazard Perry* (1840), and *John Paul Jones*. (1841).

necessary orders will be immediately given to prepare the Somers for this purpose, and you will be ordered to the command of her.¹⁶⁴

Within the week, MacKenzie began preparing his new command for sea.

¹⁶⁴ Upshur to MacKenzie, May 7, 1842, NA RG 45.

Chapter Three

The Brig-of-War *Somers*: The Vessel and Her Crew

The *Somers* was one of two new brigs, never before sailed. The new class took its name from the *Bainbridge*, built at the Boston Navy Yard.¹ The *Somers*, her sistership, came off the blocks at the Yard in Brooklyn, New York, also in 1842.² She was named for Richard Somers, who had sacrificed his own life while preventing Barbary corsairs from seizing possession of his command. The brigs were among the last solely wind driven American warships,³ and their construction reflected refinement rather than innovation.

The brig's physical characteristics were fundamental to her operation, and to the establishment of the daily routine of duty on board. The *Somers* was, in the best of circumstances, a difficult vessel to sail. MacKenzie's crew was largely inexperienced, and the commander had to assume a regimen on board that would enable them to handle the brig. The means by which he did so complicated his command, and ultimately affected the social dynamics on board. Furthermore, the characteristics of the brig would have a direct impact on the officers' perception of the mutiny threat, and their reactions to specific events during the week of crisis.

The *Somers* was not large: her spar deck ran 103 feet, and was just 25 feet at the beam. Unburdened, the brig displaced 266 tons. By all

¹ H. Chapelle, *The American Sailing Navy: The Ships and Their Development* (New York: W.W. Norton and Company, 1949), p. 430.

² *Ibid.*

³ Morison, *Old Bruin*, p. 144.

accounts she had a fine hull.⁴ Her designer, Samuel Humphreys, modelled her on his brigantines of 1834, *Dolphin* and *Porpoise*.⁵ Her lines resembled the Baltimore clippers, with a wineglass cross-section, and sharp ends, both signs that she was built for speed.⁶ She had no gundeck as such, her upper bulwarks being pierced with fourteen gunports, though there were only ten pieces of ordnance on board. These were 32-pounder carronades, capable of throwing their shot around 150 yards.⁷ Not actually cannon, these were still large weapons, each gun and carriage extending five feet from its station onto the spardeck. The shot for the guns was stowed in lockers situated about the masts.⁸

The bulwarks, apart from offering protection to the crew, provided storage for hammocks and small arms. It was standard practice in the United States Navy that on top of the bulwarks would be placed square casings, known as “hammock nettings,” which held the seamen’s and midshipmen’s hammocks.⁹ Such a system provided additional rudimentary protection in battle, and was an effective space-saving

⁴ [Testimony of] Joshua Sands, *Somers Mutiny Court of Inquiry* (hereafter COI), p. 44; Morison, *Old Bruin*, p. 181. All citations from the court of inquiry and court-martial include the full name of the witness if their testimony has not been cited before. Thereafter, however, only the last name is recorded unless it is shared with another member of the crew, in which case the full name is always used.

⁵ Chapelle, *History of the American Sailing Navy*, p. 430.

⁶ Morison, *Old Bruin*, p. 145. For reference to her speed, Sands, COI, p. 44; [Testimony of] Guert Gansevoort, *Court-Martial Proceedings of Alexander Slidell MacKenzie* (hereafter CMP), p. 56.

⁷ Chapelle, *Old Bruin*, p. 433; Melville, *White Jacket*, p. 67.

⁸ Sands, COI, p. 43.

⁹ C. Nordhoff, *Man-of-War Life: A Boy’s Experience in the United States Navy* (New York: Dodd, Mead, and Company, 1895), p. 46. Charles Nordhoff was a prominent nineteenth century journalist who enlisted in the Navy as an apprentice during Upshur’s expansion. His account of naval life, written some time afterwards, is considered a classic of its kind.

measure. Battle-axes for use in boarding actions were kept in racks running along the sides of the quarter-deck, apparently between the aft arms chests and the rearmost guns.¹⁰

Additional small arms were kept in two arms chests port and starboard just forward of the vessel's roundhouse. The starboard chest contained cutlasses, and the port chest, muskets, pistols, and cartridges.¹¹ Between the two arms chests was the ship's wheel.

Forward of the wheel was the trunk-house, beneath which were the officers' quarters, accessed by two hatches. One led to the captain's cabin and opened to the aft, directly before the wheel. The second faced forward and led through the steerage with its ladder terminating at the entrance to the wardroom. Skylights above the wardroom and captain's cabin provided additional light and ventilation. The trunk-house itself was eight feet in length, tapering from eight feet in width over the steerage hatch to four feet in width nearer to the stern.¹² Between the steerage hatch and the mainmast were the pumps.

Amidships, at least one of the two cutters and launch were stacked atop one another on the boat-skids. Just beneath the launch's stern, a scuttle was bored in the deck to provide light and ventilation for the after-part of the berth deck. The launch was large relative to the size of the *Somers*: 24 feet in length, 3 feet in depth, and 6 feet and 10 inches in

¹⁰ Gansevoort, CMP, p. 57; Matthew C. Perry, Jr., CMP, p. 64; Michael Garty, CMP, p. 124.

¹¹ Garty, CMP, pp. 120 & 124. This testimony gives the number of pistols as 23, and muskets as 28.

¹² Joseph Sears, COI, p. 43.

beam.¹³ The cutters were slightly smaller at 22 feet in length, 2 feet and six inches in depth, and 6 feet in beam.¹⁴

As usual, the first cutter was placed within the launch (the inboard profile of the *Somers* depicts the cutter stowed this way. See Figure 4). It is most likely that the second cutter was placed within the other cutter and launch while the *Somers* was out at sea.¹⁵ In harbour or near land, it would probably have been hung from two boat-hooks on the star board aft. The 1843 Currier & Ives print, “The U.S. Brig-Of-War *Somers*,” depicts them there (Figure 5).

The top deck itself was crowded and constricted along the booms, where the spare spars were stowed.¹⁶ Sails and other stores were also placed here.¹⁷ Just forward of the booms, a spare anchor was stowed by the mainmast.¹⁸ All of these cluttered the area. What is more, the passage here was only one foot across on either side:

When the launch and the booms are in there will be about 6 feet between them and the sides of the vessel on each side. The guns and gun carriages will occupy about 5 feet of that space.¹⁹

This divided the *Somers*' spar deck amidships. Visibility and contact from bow to aft would have been reduced, and movement inhibited: “I don't know that [men in the forecutter] can be observed from the quarter-deck very well, on account of the booms.”²⁰ This

¹³ Chapelle, *History of the United States Sailing Navy*, p. 507.

¹⁴ *Ibid.*

¹⁵ Henry King, CMP, p. 140.

¹⁶ B.J. Totten, *The Naval Text-Book. Letters to the Midshipmen of the United States Navy on Mastng, Rigging, and Managing Vessels of War* (Boston: Charles C. Little and James Brown, 1841), p. 297.

¹⁷ Sands, COI, p. 45.

¹⁸ King, CMP, p. 141.

¹⁹ Sands, COI, p. 44.

²⁰ Edward English, CMP, p. 85.

obstruction can be seen in the diagram of the spar deck found in the published account of the Court of Inquiry (Figure 6).

Primary access to the berth deck below was from the main-hatch located just forward of the launch and cutters. There were two scuttles immediately in front of this hatch, one on either side of the foremast. The one nearest the hatch was designated for the use of the galley stove, which lay directly beneath it. The second scuttle provided secondary access to the berth deck, and was equipped with a ladder.²¹ The forecastle beyond held the step of the bowsprit, and access to the ship's head. It also contained a hencoop, and probably, any other livestock kept on board.²²

The berth deck was approximately seventy-five feet in length including, from bow to stern: the storerooms, galley, crewmen's quarters, and officers' quarters. A bulkhead separating it from the rest of the deck defined the first store. The second was open to the deck, but the large galley stove provided some degree of separation from the main living space. This was the probable location of the additional anchor and stores that could not be stowed within the hold.²³ Space here was further limited by the foremast, which passed through the deck at this point.

The greater portion of the deck where the crew bunked and messed followed the galley. The enlisted men and petty officers kept their chests and seaman's bags here, and swung their hammocks along both sides of the deck. It was not spacious with only 4 feet and 10 inches of headroom beneath the beams.²⁴ The berth deck's floor consisted of

²¹ William Neville, CMP, p. 82

²² Neville, CMP, p. 79; William Conger, CMP, p. 127.

²³ MacKenzie, COI, p. 43.

²⁴ Sands, CMP, p. 150.

moveable hatches designed to facilitate access to the hold.²⁵ Several stanchions were situated at points along the length of the deck in support of the spar deck. Two permanent scuttles led below to the hold; one immediately aft of the galley, the other, just forward of where the main mast passed through the deck. The berth-deck ran around 50 feet before ending in the bulkhead which separated the officers from their men.

The bulkheads themselves were around an inch and a quarter in depth, and while not fragile, were hardly substantial.²⁶ Those surrounding the steerage were made of common white pine, and had been grooved and tongued so they could be dismantled when required. A door on the starboard side forward bulkhead led to the berth deck beyond.

The steerage itself was cramped, just nine feet long, and never more than fourteen feet in width. Additionally, the ship's pumps took up around three feet of space, and the dining table and deck-ladder further reduced the available room. Hammocks swung across the steerage further constricted the available space. Lockers took up the forward bulkhead, while the starboard and port sides of the steerage were given over to the sail-room and the bread-room. The deck ladder, which broached the spar deck from the steerage hatch, crossed the entirety of the steerage, and landed at the entrance to the wardroom from the junior officers' quarters. This ladder was five feet in length from top to bottom.

The bulkheads around the wardroom were also made of white pine, but were less secure than those of the steerage. In the floor of the wardroom floor was a scuttle that provided the only immediate access to the ship's magazine. Along the bulkhead closest to the stern was the

²⁵ *Ibid.*

²⁶ Sands, COI, p. 44. The next two paragraphs follow Sands' testimony.

wardroom mess locker.²⁷ There were bunks and beds on either side of the cabin for the use of the senior line and staff officers on board, whereas their more junior associates had to swing hammocks. Sternmost was the captain's cabin, which was tapered towards the stern where his personal hatch and pantry were located.²⁸

Beneath the berth deck was the ship's hold, which was eleven feet in depth.²⁹ Its capacity was 137 and 1/35 tons, but the brig usually carried only 120 tons of ballast and stores.³⁰ When the *Somers* set sail, "[it] was filled to its utmost capacity by ballast, water tanks, ammunition, stores, and other necessities of a vessel in actual service."³¹

The remaining structures of note were the vessel's 'top hamper,' the rigging, masts, and sails.³² The *Somers* was a brig, with two masts, and a square-rig.³³ MacKenzie had overseen her rigging, which was his responsibility as her commander, but his rigging was somewhat unorthodox, his own first lieutenant remarking that the shrouds were "fitted differently than any I have ever known."³⁴ The *Somers'* masts were steeply raked, something seen in all depictions of the ship, and according to some of her crew, "rather too much for their fancy..."³⁵ The sharp rake increased the masts' resistance to the forward pressure exerted by the wind caught in the sails. Thus, a more sharply raked mast drove the ship to

²⁷ Morison, *Old Bruin*, p. 152.

²⁸ Morison, *Old Bruin*, p. 151.

²⁹ Sands, COI, p. 44.

³⁰ MacKenzie, COI, p. 43.

³¹ MacKenzie, CMP, p. 232.

³² Nordhoff, *Man-of-War Life*, p. 49.

³³ K. Weibust, *Deep Sea Sailors: A Study in Maritime Ethnology* (Stockholm: Nordiska Museet, 1969), p. 14.

³⁴ Gansevoort, COI, p. 20.

³⁵ Peter Tyson, CMP, p. 113.

higher speeds. Such masts were a feature of slaving vessels, and the *Somers*' were so sharply raked they resembled those of a slaver or pirate.³⁶ The resemblance is worth noting, since like the *Somers*, slaver-brigs were based on the Baltimore clipper-ships.³⁷

Each of the masts was constructed of four separate pieces of timber: the lower-mast, top-mast, top-gallant-mast, royal-top-gallant mast, and pole.³⁸ Each section of mast was supported by its own shrouds and stays, which together formed a cohesive unit.³⁹ On the *Somers*, the mainmast rose a total of 130 feet and 6 inches above the deck, and the foremast, 120 feet and 9 inches.⁴⁰ Furthermore, each mast incorporated a large platform, called the foretop and maintop respectively. These were "securely fixed to wooden braces or trustle-trees, and [were] used... as a place where a portion of the watch [remained] in readiness to cast loose or take in the lighter sails..."⁴¹

Each mast was crossed by four yards: "The yards are long pieces of timber, suspended by the centre, or slings to the masts, [designed] to spread the heads of the square sails upon."⁴² The names of the yards related to their respective sails and the portion of the mast to which they were affixed. On the *Somers*, therefore, were lower-yards, top-sail yards, top-gallant yards, and royal yards. Above the royal sails, sky sails could also be set upon the pole. In addition to this press of sail, the *Somers* could set studdingsails, which were set beyond the outer leeches (borders)

³⁶ Billinger Scott, CMP, p. 91; Neville, CMP, p. 109; Sears, CMP, p. 116.

³⁷ Chapelle, *History of the United States Sailing Navy*, p. 164.

³⁸ Sands, COI, p. 44.

³⁹ Totten, *Naval Text Book*, p. 361.

⁴⁰ Sands, COI, p. 44.

⁴¹ Nordhoff, *Man-of-War Life*, p. 50.

⁴² Totten, *Naval Text Book*, p. 48.

of the square sails in order to catch more wind in both light and fair weather. Additionally, the vessel was equipped with a spencer and a spanker sail, both of which were rigged fore-and-aft. The spanker was the aft sail, and the spencer was set abaft the fore and main masts.

Finally, the *Somers* had what has been characterised as a “monstrous long bowsprit.”⁴³ Although three separate elements actually comprised the bowsprit, such a description is accurate. The bowsprit consisted of the bowsprit outboard, the jib-boom, and the flying jib.⁴⁴ Its total length was 48 feet and 9 inches, or just under a third of the *Somers*’ deck. The great size of the bowsprit is well-illustrated in the Currier & Ives print of the vessel. Up to four jibs could be set upon it, greatly increasing the ship’s maneuverability under sail.

Yet the *Somers* was a difficult vessel to sail. Quick and maneuverable she might have been, but she was also over-rigged and unstable.⁴⁵ Indeed, later commanders found the *Somers* and her sistership problematic to command, and ultimately each vessel would be lost at sea. The *Somers* was lost first, off Vera Cruz during the Mexican-American War, and the *Bainbridge* in 1863, when she was lost off Cape Hatteras with all hands save one. The lighter spars on the *Somers* might have been more manageable for the smaller boys to handle, but the brig was ill-suited to an untrained crew.

This then was MacKenzie’s command. It was his responsibility to draw her complement from the sailors on board the *U.S.S. North Carolina*. In doing so, he was faced with conflicting demands: he had to manage her

⁴³ Morison, *Old Bruin*, p. 144.

⁴⁴ Sands, COI, p. 44.

⁴⁵ Chapelle, *History of the United States Sailing Navy*, p. 430.

as a functional vessel-of-war, which demanded a competent crew, but she was designated a school-ship, which required the selection of inexperienced naval apprentices. The problem this created for MacKenzie was one of balance. He had to have on board boys whose purpose was to learn seamanship, but not so many that he could not sail the brig. At the same time, he had to have enough seamen on board to sail, but not so many as to defeat the educational basis for his command.

In his original proposal to the Secretary of the Navy, MacKenzie had suggested that the *Somers*' crew consist exclusively of a core group of officers and petty officers, and a larger mass of apprentices.

[The *Somers* should be] manned with the following complement: 1 Commander, 1 lieutenant, 1 master, 1 assistant surgeon, 3 passed midshipmen, 3 midshipmen, 1 school master, 1 purser's steward, 2 boatswainmates, [sic] 2 gunners mates, 1 carpenter's mate, 1 sailmaker [sic] mate, 2 quartermasters, 2 captains of the forecabin, and 100 apprentices; the petty officers to be selected as far as possible from the older apprentices, of which a sufficient number of competent ones could be found, or from young native seamen chosen with great care as to character, so as to avoid all mixture of the degraded class of man of war sailors.⁴⁶

The officers and petty officers would be initially responsible for the greater part of the *Somers*' operation, and as the apprentices' expertise increased, so too would their share of the vessel's handling. In this proposal, MacKenzie made no allowance for the presence of enlisted men such as landsmen, ordinary seamen, and able seamen.

On July 7, 1842, the *Somers* departed on her first cruise.⁴⁷ It was a straight run to Puerto Rico, and then back to New York. Twenty days after setting sail, the brig arrived at St. John, where the American consul came

⁴⁶ MacKenzie to Upshur, April 30, 1842, NA RG 45 "Commander's Letters."

⁴⁷ *Logbook of the Brig of War Somers*, July 7, 1842, NA RG 24, "Ship's Logs."

on board.⁴⁸ After two days spent at the island, the *Somers* weighed anchor, and began her homeward voyage. On August 10, 1842, she arrived at New York. The cruise had been with one exception, uneventful. On July 23, one of the apprentices, John Farmer, fell overboard while acting as look-out.⁴⁹ Another apprentice, Daniel McKinley jumped overboard in an effort to save him, a life buoy was thrown, and the second cutter was lowered as quickly as possible to assist in the rescue.⁵⁰ Unfortunately, Farmer was drowned, and the cutter was only able to retrieve McKinley. Accordingly, when MacKenzie submitted his report on the cruise, he requested a superior type of life preserver.⁵¹ The request was denied, however, on the grounds that brigs were not allotted this particular type of safety equipment.

The first cruise had been a shake-down voyage. Mackenzie used it both to test the *Somers'* sailing qualities, and to train her crew.⁵² He reported to the Secretary of the Navy his dissatisfaction with some of the apprentices, who had proven themselves "far below mediocrity [in constitution and intellect]."⁵³ MacKenzie blamed their limited intelligence and poor constitutions on the urban environment from which the apprentices were recruited:

Most of them are drawn from our large cities, and in many cases, as their names and phylogeny denote, they are the children of foreigners of the lowest class, brought up precariously in confined situations, their constitutions in many instances impaired by...diseases.⁵⁴

⁴⁸ *Logbook of the Brig of War Somers*, July, 27-29, 1842.

⁴⁹ *Logbook of the Brig of War Somers*, July 23, 1842.

⁵⁰ McKinley, CMP, p. 183.

⁵¹ MacKenzie to Upshur, August 10, 1842, NA RG 45.

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ *Ibid.*

This assessment, and MacKenzie's solution, that the Navy "procure apprentices from the country, from among the children of our vigorous, hardy, and independent citizens... Healthy, robust, accustomed from their infancy to serve, and without that inveterate disposition to sulk, and those vicious properties conspicuous in many of our present crew" fundamentally contradicted apprenticeship's intended reform of urban delinquents. It is apparent that MacKenzie had come to the conclusion that this was unrealisable, or at least beyond his abilities, and that the apprentice program would better serve the Navy by providing boys who needed only vocational, and not moral education.

MacKenzie used the month between the *Somers'* return to New York on August 10, 1842, and her departure on September 13, to remove as many as possible of the deficient apprentices, replacing about sixty with others drawn from the *North Carolina*.⁵⁵ In addition, three seamen were transferred to the receiving ship, and another deserted.⁵⁶ On September 8, and 11, MacKenzie also made changes among his petty officers, transferring four of them, and replacing them with seamen brought on board the *Somers*.⁵⁷ Another petty officer, the boatswain's mate, James Fairbanks, had deserted on September 4, and was duly replaced by a promoted seaman.⁵⁸ When the *Somers* set sail, she had on board eleven

⁵⁵ MacKenzie, CMP, p. 162.

⁵⁶ "Muster Returns From the U.S. Brig-of-War *Somers*, September 1, 1842 to September 30, 1846," NA RG 217 Musters and Personnel Records (hereafter MPR), Book 1424.

⁵⁷ *Ibid.* The promoted seamen were: Thomas Dickerson, Carpenter's Mate; William Collins, Gunner's Mate; Andrew Anderson, Captain of the Forecastle; Charles Stewart, Captain of the Forecastle.

⁵⁸ *Ibid.* Oliver Browning replaced Fairbanks the day before the *Somers* set sail.

petty officers, six of whom had been on board for the first cruise: the senior boatswain's mate, Samuel Cromwell, a gunner's mate, Henry King, the sailmaker's mate, Charles Wilson, Michael Garty, the master-at-arms, and both quartermasters, Charles Rodgers and Elisha Small.⁵⁹

Finally, there was some turn-over among the officers on board. Norman Stoughton, the professor of languages responsible for running the school was discharged without replacement, and one of the midshipmen, J.M. Wainwright was transferred to the Naval School at Philadelphia on September 7. On to the *Somers* came two midshipmen, Henry Rodgers and Egbert Thompson, and two acting midshipmen, John Tillotson and Philip Spencer. This influx of officers could not have been wholly pleasing to MacKenzie, who had unsuccessfully asked for a second lieutenant.⁶⁰

The four new arrivals were a decidedly mixed bag. Rodgers and Thompson were fairly experienced officers, both of them having been warranted in 1837.⁶¹ In fact, Rodgers was the senior midshipman on the *Somers*.⁶² The presence of these two served to mitigate the dearth of passed midshipmen on board the brig, a deficiency carried over from the first cruise. At no time was MacKenzie allowed the three passed midshipmen he had suggested in his original proposal. The presence on board of Spencer and Tillotson, moreover, placed two inexperienced midshipmen in the Commander's care. Spencer was the more senior of the

⁵⁹ *Ibid.*

⁶⁰ MacKenzie to Upshur, September 7, 1842, NA RG 45.

⁶¹ Callahan, *List of Officers of the Navy*, pp. 469, 541.

⁶² Henry Rodgers, COI, p. 30.

two, having been in the service almost a year, while Tillotson had entered the Navy barely two months before the cruise.⁶³

MacKenzie was only marginally successful, therefore, in achieving a balanced crew. Despite the experience gained by the shake-down cruise, the composition of the men and boys on board was ill-suited to the vessel's intended function as a cruising school-ship. The problem remained the disparity between experienced and inexperienced personnel, with the latter far outnumbering the former. This instability came to affect both the discipline and operations on board.

In order to better understand this imbalance, however, it is necessary to examine the operational structure, which it reciprocally, was shaped by, shaped, and ultimately, disrupted. The *Somers* remained, despite her educational function, a fighting vessel of the United States Navy, and was run according to the standards of the service. The basis of any vessel's organization, commercial or naval, was the watch system. Watches were intended to ensure that the division of labour on board was apportioned in the most efficient manner by establishing both a temporal and functional discipline, enabling a ship to be manned and sailed at all hours.

Each day's routine of duty was divided into a series of watches that delineated the passage of time. Thus, "every twenty-four hour [were] arranged into five watches, of four hours each, and two shorter ones of two hours each, called the *dog-watches*."⁶⁴ Within each four-hour watch, ringing the ship's bell marked time. This was done every half hour, the number of chimes increasing with the passage of time. "At the end of the

⁶³ Callahan, *List of Officers of the Navy*, pp. 514, 546.

⁶⁴ Nordhoff, *Man-of-War Life*, p. 46.

first half hour of a watch, the ship's bell is struck one; at the end of the second half hour, two, and so on until eight bells, which marks the expiration of four hours...when the series is recommenced."⁶⁵

Even as the ship's day was divided into hourly watches, the ship's crew was divided into complementary working watches.

For the general purposes of working ship and daily routine [the crew] was divided primarily into two watches, called the starboard and larboard, one half being in each watch; and secondarily, into six portions or divisions, called from the parts of the vessel to which they are respectively attached, the forecastlemen, foretopmen, maintopmen, mizzentopmen, afterguard, and waisters.⁶⁶

Each of these functional watches was assigned to be on duty throughout each alternating temporal watch. Thus, the larboard watch might be on duty from midnight until four a.m., the starboard watch would take its place on deck until eight a.m., and the larboard watch would resume its duties until the next four hours had ended, and so on. The shorter dog-watches introduced an odd number of watches into the day, and ensured that neither the starboard nor the larboard watch would have to suffer the same watches on a continual basis. Instead, watches would be replicated every other day.

The sexpartite division of the watch encompassed the working parts of the vessel. Every section had its particular duties and characteristics, the nature of the work assigned affecting each one's composition. It was standard practice that forecastlemen included crewmen from all levels of experience.⁶⁷ The topmen, however, were always the most experienced sailors: "Active able-bodied men; and with a few boys of the first class to

⁶⁵ Nordhoff, *Man-of-War Life*, p. 47.

⁶⁶ Nordhoff, *Man-of-War Life*, p. 61.

⁶⁷ W. Brady, *The Naval Apprentice's Kedge Anchor* (New York: Taylor and Clement, 1841), p. 146; Totten, *Naval Text Book*, p. 193.

handle the light sails.”⁶⁸ The afterguard, which included those sailors called mastmen, were generally elderly seamen, “who though incapable of performing the rough work of a forecandle or top, [would] fill [their] stations well.”⁶⁹

As the *Somers* was a single-decked brig, she was too small to have any waisters or mizzen-topmen. In addition, there was a final group of men on board, the idlers, who were not required to take part in a regular watch, as their duties required their attention throughout the day, or kept them belowdecks.⁷⁰ They were the master-at-arms, cooks, officers’ servants, surgeons, yeomen, and pursers.⁷¹ Furthermore, the captain or commander, first lieutenant, and staff officers could be designated idlers as their duties required them to work throughout the entire day outside the watch structure.⁷²

On board the *Somers*, Commander MacKenzie had established a routine of duty that was peculiar to the brig. This was posted throughout the vessel to ensure its accessibility to the crew and their familiarity with its contents. Additionally, each midshipman was required to copy it into a journal for his own edification. The bill of duty was a weekly calendar listing the specific tasks (mainly training and cleaning) to be performed by the watches on any given day whether at sea or in port.⁷³ Also posted were the established times for waking, eating, quarters and inspection.

⁶⁸ Totten, *Naval Text Book*, p. 193.

⁶⁹ *Ibid*; Brady, *Naval Apprentice’s Kedge Anchor*, p. 146.

⁷⁰ Gansevoort, CMP, p. 41.

⁷¹ Brady, *Naval Apprentice’s Kedge Anchor*, p. 147; Totten, *Naval Text Book*, p. 194; Nordhoff, *Man-of-War Life*, p. 60.

⁷² Totten, *Naval Text Book*, p. 194.

⁷³ MacKenzie to Upshur, August 10, 1842, NA RG 45; *Journal of the U.S. Brig Somers September-November 1842*, Historical Society of Pennsylvania,” John Rodgers Papers E-89 (hereafter “Rodgers Journal.”)

Thus, each day would always proceed along the following lines:

When in port call all hands at 5 a.m. Stow the hammocks in 10 minutes. Pipe to breakfast at 5.15 Turn the hands to [at] 5.45.... At sea...call all hands at 7:30 a.m. And go to breakfast at eight... In port and at sea beat to quarters at 9 a.m. For inspection after the retreat perform divine service... Pipe to dinner always at meridian and turn to at 1 p.m. At 1 send the watch below to school for 2 hours. Serve provisions at 3 p.m. Go to supper at 5. Quarters and inspection of crew and battery at 5.30 in winter and 6 in summer, after quarters divine service. At sunset reeve the boats up and pipe the hammocks down.⁷⁴

Within this framework, each of the *Somers'* days contained a different set of tasks. The training schedule adhered to the guidelines set out in the 1841 regulations: "On Monday general exercise of the guns. On Tuesday exercise with small arms. On Wednesday with cutlasses. On Thursday at making sail, Reefing, and Furling. On Friday working at the rigging and squaring rattlings."⁷⁵

The mending and cleaning schedule varied according to whether the vessel was in harbour or at sea. For the former, it was: "Holystone the decks on Sunday. Scrub hammocks on Monday, Holystone the decks on Tuesday. Scrub clothes on Wednesday. Holystone the decks on Thursday. Scrape slush and varnish masts and booms and scrub the spar deck on Friday."⁷⁶ If the brig was at sea, however, the routine of duty read: "Holystone decks with the watch on Sunday and Thursday, scrub clothes on Monday, Tuesday, Friday, and Saturday... At 1 p.m., air bedding 1 hour and sling clean hammocks."⁷⁷ Whenever the deck was holystoned, the sails were to be mended and the yards squared. The day's chores would come to

⁷⁴ "John Rodgers Journal."

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

⁷⁷ *Ibid.* Only one hour was ever allowed for scrubbing hammocks or washing yards. These were to hang until dry, and were piped down at 11:30 a.m., 1 p.m., or 3:30 p.m.

an end after sunset when the clotheslines or girtlines would be reeved, or holystones picked up.

Each watch would begin by being piped on deck by the boatswain's mate for muster, or roll-call. Once the muster was completed, the crew would take their assigned stations, and the watch that they replaced was released. Although each watch was considered on duty until relieved, it did not necessarily follow that they would be continually kept busy. Indeed, on board the *Somers* most of the crew slept during night watches.⁷⁸ When not called on to perform their immediate duties, the crew might also occupy themselves in any number of pursuits such as sewing, whittling, yarning (story-telling), skylarking (horseplay), dancing and singing, or reading.

This apparent laxity did not mean that the vessel was left to its own devices. The watch was always ready to do as commanded, and a group of its seamen remained on alert at all times. In addition to their working divisions, each watch was again split into halves, called "quarter watches."⁷⁹ When on duty, one of the quarter watches maintained its topmen at their stations at all times in readiness to go aloft or take in sail.⁸⁰ Also, the lookouts were required to pay absolute attention to their duties. Thus, the continual cycle of duty did not disrupt the sleep and efficiency of the crew.

At the same time, specific watch bills would be established for those duties requiring all hands. In such cases each crew member, including even the idlers, had a designated station and duty to perform.⁸¹

⁷⁸ Henry Stremmels, CMP, p. 28; Tyson, CMP, p. 114.

⁷⁹ Brady, *Naval Apprentice's Kedge Anchor*, p. 147; Nordhoff, *Man-of-War Life*, p. 61.

⁸⁰ Nordhoff, *Man-of-War Life*, p. 62.

⁸¹ Nordhoff, *Man-of-War Life*, p. 64.

These specific watch bills governed such activities as “tacking and wearing, reefing and hoisting, making and shortening sail, mooring and unmooring, getting underway, and coming to anchor.”⁸² This system demanded immediate and absolute attention, as an individual failure could have catastrophic results.

The focus required of the crew was achieved through a relentless programme of drill. Crew members were mustered at their individual stations, or quarters, and “by dint of continued drilling, even the most persistently stupid were taught their places and duties.”⁸³ Additionally, crew members would be assigned a place at one of the guns on board. It was here that they would be mustered at quarters in order to answer the roll call.⁸⁴ Special attention was paid to the responsibilities of the crew in case of battle. This exercise entailed ‘mustering at “general quarters,”’ which included the division of the men and boys at their guns and as sail trimmers. The later group were those men whose job it was to make, take in, and trim sails during combat.⁸⁵ During general quarters, the vessel would be cleared for action, the powder magazine opened, preparations made for battle, and combat maneuvers practiced.

Fundamental to the watch structure was its hierarchical system of officers, petty officers, and men. This compartmentalised responsibility, and established the proper chain of command. “Thus, should the captain, coming on deck, wish a pull on the main brace, naval etiquette requires that he inform the officer of the deck, who in turn tells the midshipmen of

⁸² Totten, *Naval Text Book*, p. 194.

⁸³ Nordhoff, *Man-of-War Life*, p. 73.

⁸⁴ Nordhoff, *Man-of-War Life*, p. 64.

⁸⁵ Nordhoff, *Man-of-War Life*, p. 63.

the watch who passes word to the boatswain's mate."⁸⁶ In turn, "orders... are communicated to the crew through [the boatswain's mates]."⁸⁷ The means by which orders were relayed demanded an unbroken chain of communication through the ranks. This was reinforced by the hierarchy of officers and men which gave each successive stage of the relay titular authority over the rank beneath it.

At its top on board the *Somers* was Alexander Slidell MacKenzie, the brig's Commander. His duties were manifold, best captured in David Porter's adage, "A man-of-war is a petty kingdom, and is governed by a petty despot."⁸⁸ As the senior officer on board he was ultimately responsible for all aspects of the brig's operation and the welfare of the crew. This absolutism was addressed by the Navy Regulations as follows: "After assuming command [the captain] will be responsible for the good government of the officers and others belonging to the vessel according to the laws and regulations of the Navy."⁸⁹ Furthermore, the commander was "to prepare such internal regulations for the general police of the vessel under his command as he may think necessary."⁹⁰

Second to Mackenzie was Guert Gansevoort, the first lieutenant. He kept no watch, but was on duty throughout the day. As executive officer his duties were considerable. The Commander's voice and ears, all communications to his superior were to be relayed through him.⁹¹

⁸⁶ Nordhoff, *Man-of-War Life*, p. 60.

⁸⁷ *Ibid.*

⁸⁸ Porter, *Constantinople and its Environs, Vol. II*, New York (1835), p. 10, quoted in Valle, *Rocks and Shoals*, p. 36.

⁸⁹ *1843 Regulations*, Chapter 3, "Commanders of Vessels," Article II, p. 8.

⁹⁰ *1843 Regulations*, Chapter 3, "Commanders of Vessels," Article III, p. 8.

⁹¹ Nordhoff, *Man-of-War Life*, p. 53.

Likewise, he conveyed all of MacKenzie's commands to the sailing master and midshipmen of the watch. In the Commander's absence he had charge of the deck.

Gansevoort was well-acquainted with the crew as disciplinary reports were made to him, and he was responsible for drawing up the watch, station, and quarter bills, "a matter for which [was] needed a thorough knowledge of the requirements of the ship, a judgement quick and secure, to decide upon the capabilities of the individuals composing the crew, and great patience and foresight."⁹² Furthermore, all petty officers made weekly reports to him concerning expenditure and stores. His familiarity with the crew was matched by his knowledge of the vessel, as he was required to make a daily inspection and to report his findings to the Commander. In short, the first lieutenant's role required great professional competence and demanded his constant attention.

Next in rank was the sailing master, Matthew Calbraith Perry, Jr. This station was honorific as well as functional, bestowed upon passed midshipmen awaiting promotion to lieutenantcy. He was the primary agent of the first lieutenant in keeping the vessel well-provisioned and ensuring that her rigging and sails were kept in good order. Additionally, he was responsible for keeping note of the ship's bearing and position, information that he was to report to the captain, besides entering it into the ship's log. As the only passed midshipman on board he was senior amongst the junior officers, and was one of the officers of the watch.

Usually, a second lieutenant was assigned to command one of the watches from his station on the quarterdeck. These watch officers were

⁹² Nordhoff, *Man-of-War Life*, p. 54.

“to see that the ship is properly steered, the sails properly set and trimmed, the log regularly hove, proper lookouts placed; and all necessary remarks duly entered upon the log slate, which he shall examine and sign at the expiration of his watch.”⁹³ Nonetheless, except in time of need, they were not to change course, alter the set of sails, or make signals without the express authority of their superior officers. Caretakers of authority, their power derived from being the immediate representatives of their seniors.

As there were no second lieutenants on board the *Somers*, the responsibilities of the watch officers devolved upon the sailing master and the two senior midshipmen, Henry Rogers and Charles Hays. This was extraordinary, and under normal circumstances would have been in violation of naval regulations, as “the deck or watch [was] never to be left in charge of an officer of less rank than a lieutenant, except by permission of the commanding officer.”⁹⁴ As it was, the lack of any second lieutenants on board meant that there was no alternative to leaving the watches under the control of officers who had not yet attained command rank. This is not to say that these men were inexperienced: Perry had seven years naval experience, Rogers, five, and Hays, four.⁹⁵ Nevertheless, it did mean that two of the three watch officers were men whose rank designated them as students of leadership, rather than as leaders themselves. Indeed, Hays had not yet fulfilled the requirement that all midshipmen serve three years at sea before being allowed to sit their examinations.⁹⁶

⁹³ 1843 *Naval Regulations*, Chapter 4, “Officer of the Watch,” Article III, p. 17.

⁹⁴ *Ibid.*

⁹⁵ Callahan, *List of Officers of the Navy*, p. 256.

⁹⁶ Hays to Upshur, June 15, 1841, NA RG 45, “Officers’ Letters.”

The least of the line officers on board were the remaining midshipmen, Philip Spencer, Egbert Thompson, John Tillotson, and Oliver Hazard Perry, Jr., who was MacKenzie's clerk, as well as an acting midshipman. It is already clear that their primary responsibility was to become familiar with the fundamentals of leadership and seamanship. This was to be accomplished through obedience and observation. As to their place in the actual operation of a vessel, the regulations were ambiguous, "midshipmen are to be respectful and obedient to their superiors, and prompt in the execution of their orders."⁹⁷

The midshipmen on board the *Somers* were each designated "midshipman of the watch," or "midshipman of the forecastle," and placed beneath the command of the officer of the deck.⁹⁸ Thus, for each officer of the deck there was a corresponding midshipman of the deck. The junior midshipmen were stationed forward where they would best be able to issue commands to the boatswain's mates. They were the last 'gentlemen' in the chain of command.

Beneath the line and staff officers, but above the enlisted men, were the petty officers. These were the boatswain's mates, gunner's mates, carpenter's mates, sailmaker's mates, captains of the forecastles and tops, master-at-arms, and quartermasters. Excepting the master-at-arms, these individuals owed their positions to the commander, who was responsible every three months for reviewing them.⁹⁹ They were all chosen by him from the enlisted men on the basis of their experience and

⁹⁷ *1843 Naval Regulations*, Chapter 9, "Midshipmen," Article I, p. 28.

⁹⁸ James Wales, *CMP*, p. 25.

⁹⁹ *1843 Naval Regulations*, Chapter 11, "Petty Officers," Articles I-IV, pp. 31-32.

character,¹⁰⁰ and if they were deficient in carrying out their duties, they could be demoted to the ranks. Apart from the boatswain's mates, the petty officers did not have as such a direct place in the brig's relay of command, but performed specialized tasks on board that gave them greater status and responsibility than the general enlisted men.

Since brigs were not allowed boatswains, the mates on board the *Somers* operated as if they were such. The two boatswain's mates were Samuel Cromwell and Oliver Browning. Cromwell was senior of the two, and as such was the chief sailor in the crew. The boatswain's mates were the penultimate element in the relay of command. "They [carried] a silver whistle, or *call*, with which they *pipe*, either to call attention to what is about to be ordered, or to give the order itself."¹⁰¹ In addition, they were expected to conduct, with the assistance of the sailmaker's mates and carpenter's mates, a daily inspection of the vessel.¹⁰² The boatswain's mates were responsible for examining each morning and evening, "the state and condition of the standing and running rigging, and to report the result of this examination."¹⁰³

Most of the mates' duties went unsaid, however. As the most experienced sailors on board, their wide range of experience mandated a great number of daily tasks:

This officer holds a station in the ship of the greatest possible utility. To all other inferior officers a specified duty is assigned, but with the boatswain it is otherwise, and consequently his vigilance should ever be on the alert, and his eyes should be everywhere. He ought for example to be a thorough seaman, and a good rigger, he should be active of limb, quick of sight, and ready in the exercise of his

¹⁰⁰ Totten, *Naval Text Book*, p. 193.

¹⁰¹ Nordhoff, *Man-of-War Life*, p. 60.

¹⁰² Nordhoff, *Man-of-War Life*, p. 58.

¹⁰³ Totten, *Naval Text Book*, pp. 251-252.

mental facilities, but possessed of good temper and be of sober habits.¹⁰⁴

The captains of the forecandle, afterguard, and the fore and main tops were the ranking members of each watch. There were two of each to a watch, or one to each quarter watch. Thus, there should have been four captains, two first captains, and two second captains, in each principal division of the watch. The captains were selected according to experience and should have been among the most experienced of the seamen. They “[carried out orders given to [their] department, [exercised] a general oversight, and [were], to some extent, responsible for the good order of everything in [their] particular portion of the vessel.”¹⁰⁵

The quartermasters were meant to supplement the captains as the most experienced men in a watch.¹⁰⁶ Their most important duties related to steering the vessel. “At sea one of their number [conned] the ship; that is, watches the helmsmen, and, standing in an elevated position, aids him in meeting the helm with the motions of the vessel.”¹⁰⁷ When the ship was in action or at quarters, they actually assumed the role of helmsmen. There were initially two quartermasters on board the *Somers*, Charles Rodgers and Elisha Small. Less than a month into the second cruise, however, on October 10, 1842, Small was demoted to seaman, and no replacement was made for him.¹⁰⁸

The gunner’s mates, sailmaker’s mates, and carpenter’s mates had tasks relating to the maintenance and supervision of their parts of the

¹⁰⁴ Totten, *Naval Text Book*, p. 247.

¹⁰⁵ Nordhoff, *Man-of-War Life*, p. 61.

¹⁰⁶ Nordhoff, *Man-of-War Life*, p. 69.

¹⁰⁷ Nordhoff, *Man-of-War Life*, p. 59.

¹⁰⁸ “Muster Returns from the U.S. Brig-of-War *Somers*, September 1, 1842 to September 30, 1846,” NA RG 217, MPR, Book 1424.

vessel. Thus, the gunner's mates, Henry King and William Collins, oversaw the brig's ordnance, whereas Charles Wilson, the sailmaker's mate was responsible for all the canvas on board.¹⁰⁹ Thomas Dickerson, who was the carpenter's mate, was in turn responsible for making repairs to the brig.

The remaining petty officer was the master-at-arms, Michael Garty, the brig's policeman. It was his duty to prevent smuggling, and to see to it that "no improprieties are committed by the men below."¹¹⁰ Furthermore, he was in charge of the brig's small arms and was to oversee all training in their use. Garty was actually a marine who had been promoted to sergeant for the express purpose of holding this position on board the *Somers*.¹¹¹

Finally, there were the enlisted men who constituted the majority of the crew. These men were divided into four basic ranks according to their age and ability: seaman, ordinary seaman, landsman, and apprentice boy. They were the bottom of the chain of command, beholden to all, responsible for executing those orders that originated from above. In the performance of their duties the entire weight of naval custom and law fell upon them.

Seamen and ordinary seamen were the most senior of the enlisted ranks, and had the greatest experience and ability. These were the crew from whom the mastmen were selected. The landsmen were those whose experience was least and whose competence most questionable. They were assigned rudimentary tasks, usually involving the ship's maintenance

¹⁰⁹ The sailmaker's mate was therefore responsible for hammocks as well as the brig's sails.

¹¹⁰ *1843 Naval Regulations*, p. 32.

¹¹¹ Garty, *CMP*, p. 78.

and cleaning. Least amongst the naval hierarchy were the boys, who were themselves divided into three classes (first through third) according to their experience and size.

According to the testimony of the brig's purser, who kept the ship's muster, there were 120 men and boys on board the *Somers*. His description of the complement does not, however, quite agree with this sum: "seven were officers in the steerage...four in the ward-room, and the Commander. There were eight petty officers, and four rated as seamen, making twelve, nine ordinary seamen, six landsmen, and seventy-four apprentices."¹¹²

Thus, the crew can be broken down as follows: two line officers (the Commander and first lieutenant), two staff officers (the assistant surgeon and purser), one sailing master, seven junior officers, nine petty officers, twenty-one enlisted men, and seventy-eight boys. The professional imbalance of the crew is apparent, even painfully so when it

¹¹² Horace Heiskill, COI, p. 28. The muster roll reveals that while the purser's account is accurate in its final tally, it is incorrect in detail. The officers are correctly enumerated, but the enlisted men demand closer scrutiny. Including the master-at-arms, there were nine petty officers. The four listed seamen were actually five, including the two rated as captains of the forecastle who were technically petty officers. These seamen were Henry Waltham, Henry Garribrandts, Mathias Gedney, Andrew Anderson (captain of the forecastle), and Charles Stewart (captain of the forecastle). There were nine ordinary seamen, although a landsman, Squire Godfrey, would be promoted on September 18, 1842. The landsmen, if one includes the cooks and stewards, numbered six. The boys numbered 78, but were really 77, as one would be promoted to landsman to take the place of the newly made ordinary seaman. Assuming the accuracy of the muster, and that the purser's steward ranked as a landsman, making their number seven, there would have then been 120 officers and men on board. "Muster Returns from the U.S. Brig-of-War *Somers*, September 1, 1842 to 1846," NA RG 217, MPR, Book 1424.

is understood that 96 *officers and men* was the recommended complement for a brig-of-war.¹¹³

A useful comparison can be made between the complements of the *Somers* and her sistership. The *Bainbridge* sailed with ninety-three officers and men onboard.¹¹⁴ She was commanded by a first lieutenant, who was assisted by two second lieutenants, a passed midshipman, and five other midshipman, as well as three staff officers. She had fourteen petty officers, in addition to a marine contingent of fifteen men, something entirely absent on board of the *Somers*. There were only three designated idlers, one cook and two stewards. Finally, the crew was larger and more experienced, with ten ordinary seamen, nineteen seamen, eleven landsmen, and just nine boys. Thus, the *Bainbridge* sailed with three more petty officers than the *Somers*, and almost twice as many enlisted men.

The *Somers* was overmanned, but not with the right sort of sailors, having on board not enough lieutenants, passed midshipmen, petty officers and sailors, and too many midshipmen and boys. In fact, she had one-quarter more boys and men than her accepted complement. This was the most drastic consequence of MacKenzie selecting an overwhelmingly young crew, a characteristic that extended to all ranks on board. It has become commonly accepted that over one third of the brig's crew were aged sixteen or less: "Forty-five of the crew were between thirteen and sixteen years of age."¹¹⁵ There were in fact, only thirty-five crew members

¹¹³ *1842 Navy Regulations*, pp. 61-63. The *1842 Regulations* give the number as 96, whereas Totten writing two years earlier gives the number as 71, pp. 196, 204.

¹¹⁴ "Muster Returns from the U.S. Brig-of-War *Bainbridge*," December 20, 1842 to October 21, 1847, NA RG 217, MPR, Book 2487.

¹¹⁵ P. McFarland, *Sea Dangers – The Affair of the Somers* (New York: Schocken Books, 1985), p. 49.

answering this criterion, closer to one-quarter of the complement. Most of the remaining apprentices were aged seventeen, eighteen, or nineteen. There were forty-eight of these older boys, about two-fifths of the crew. Together, these older and younger teenagers represented just over two-thirds of the entire crew. A handful of the oldest apprentices aged twenty and twenty-one completed the class of naval students.

While several of the landsmen and seamen on board were older than the apprentices, there were more still in their teens and early twenties. The remaining ratings were not much older. Indeed, at twenty-four, William Celsor was the eldest of them. The youth of the sailors is notable, but hardly exceptional. Seafaring was a young man's profession, and many sailors began their careers while still in their teens.¹¹⁶

The petty-officers represented the core group of adult sailors on board. They were markedly older than the remainder of the crew, possessing authority commensurate not only with their position but also their age.

The brig's officers were also young. Commander MacKenzie, at thirty-nine, was the oldest man on board. Although he was old relative to his crew, MacKenzie was one of the most junior officers of his grade in the Navy, ranked ninety-fifth out of ninety-six on the navy lists.¹¹⁷ Indeed, there were only six other commanders whose entry into the service post-dated his own.¹¹⁸ The *Somers* was his first independent command. His lieutenant, the only other senior line officer on board, possessed greater

¹¹⁶ I. Dye, "Early American Merchant Seafarers," *Proceedings of the American Philosophical Society* (Vol. 120, No. 5, October 1976), p. 357.

¹¹⁷ *1842 Navy Register*, p. 7.

¹¹⁸ *1842 Navy Register*, pp. 4-7.

seniority within his rank, being the 161st out of 328.¹¹⁹ Nevertheless, at thirty-two, he was also young. As for the midshipmen, youth was a corollary of their rank.

Examining the watch structure on board, the impact of the crew's youthfulness, especially that of the apprentices, is clear. Although the *Somers'* watch-bill has not survived, it is possible to reconstruct the division of the crew into the starboard and larboard watches. The watches were intended to be symmetrical.¹²⁰ Thus, each watch on board the *Somers* would have included one watch officer (out of three on board), one midshipman of the watch (out of four on board), one boatswain's mate, one gunner's mate, two additional petty officers, no more than three seamen, five ordinary seamen, three landsmen, and thirty-eight boys, not including the commander, first lieutenant and staff officers.

The *Bainbridge's* watches would likely have consisted of one watch lieutenant, three midshipmen, one boatswain's mate, one gunner's mate, at least one quartermaster (out of three onboard), one quarter gunner, one captain of the forecastle, either a carpenter's mate or a sailmaker's mate, five ordinary seamen, ten or eleven seamen, five or six landsmen, and four or five boys, which again does not include the lieutenant commanding, staff officers, or idlers. The disparity between the numbers of experienced crew in the watches on each brig is easy to comprehend.

¹¹⁹ *1842 Navy Register*, p. 16.

¹²⁰ "Care should be taken that the physical force is as equally distributed as possible, and there should be as many seamen, ordinary seamen, landsmen, boys, and marines, in one watch, as in the other." Brady, *Naval Apprentice's Kedge Anchor*, p. 146.

That the *Somers* had insufficient men for each watch can be further discerned by comparing these numbers to those suggested in *Totten's Naval Text-Book* "for watching the officers and crew of a brig or schooner of war."¹²¹ The manual suggests that there be seven watch officers (three lieutenants and four passed midshipmen and midshipmen) between the two watches, which are in turn commanded by the first lieutenant and another passed midshipmen. The listed officers also include the idlers, two of whom are listed as belonging to both the starboard and larboard. Each watch is assigned six petty officers, including one boatswain's mate, one gunner's mate, two quartermasters, one quarter gunner, and a captain of the forecastle. Eight enlisted men are assigned to the forecastle, ten to the foretop, twelve to the maintop, and six more in an undesignated capacity, but probably the afterguard. These enlisted men were to include eight seamen, six ordinary seamen, four landsmen, and three boys. In all, each of the projected watches consisted of thirty-five officers and men.

Two primary points of instability have emerged: the paucity of senior officers relative to the excessive number of midshipmen, and the dearth of petty officers and crew relative to the preponderance of the apprentices. In each circumstance youth and inexperience predominated over maturity and knowledge. Thus, the *Somers* was at once overcrowded and undercrewed. Her complement was akin to her design, over-rigged and unstable.

These twin disparities had immediate consequences for the brig's operation, which manifested themselves at each level of the chain of command. To appreciate these repercussions, it must be understood that in

¹²¹ Totten, *Naval Text Book*, p. 204.

addition to sailing the *Somers*, the officers and for that matter, the men, had to teach a large number of inexperienced boys the rudiments of seamanship. The few experienced sailors on board had their attention divided between two complex tasks. MacKenzie's line of command, thin to begin with, was dangerously over-extended.

First, the line officers were subjected to an increased burden of responsibility and authority. This exaggerated burden began with the first lieutenant and devolved downwards through to the midshipmen. The crux of the problem was the lack of junior lieutenants on board. Gansevoort was the only lieutenant where there should have been at least four. As the brig's penultimate commander his responsibilities must have markedly increased as he presided over a cadre of officers, most of whom were still students of their trade.

This problem extended further to the sailing master and senior midshipmen. They were substituted for the missing lieutenants, and assumed duties as watch officers. Although this was not unprecedented, it was out of the ordinary, and however competently they conducted themselves, the fact remains that they were acting in a capacity above their station.¹²² Given that he was the only passed midshipman on board, and thereby qualified for the role, Matthew Calbraith Perry, Jr., would have acted in a dual capacity, as sailing master and semi-official second lieutenant. Rodgers and Hays would have turned to him and Gansevoort in place of the second lieutenants to whom midshipmen acting as officers of the deck would normally have had recourse.

¹²² B. Sands, *From Reefer to Rear-Admiral* (New York: Frederick A. Stokes, 1899), pp. 41, 58.

The three remaining midshipmen, alone of the junior officers, were acting in their official capacity in the forecastle. Nevertheless, they had above them none of the passed midshipmen who would have been expected on board a brig. Also, it is reasonable to assume that as there was a shortage of officers on board, the attendant increase in responsibility would have extended to them, if only because there was no other choice. These most junior officers, because of this increased responsibility, were actually rather unfit for their positions. None of them had substantial naval experience, and they would have been better suited to the duties of observation and study that were the norm for their rank. Instead, they found themselves in positions of considerable importance.

The shortage of qualified personnel also affected the petty officers. Once again, the dearth of experienced men had the additional effect of making those who were present far more important than would normally have been the case. The petty officers, vital to the operation of the vessel in any circumstances became even more so on board the *Somers*. For instance, despite repeated insubordination, Cromwell was never punished except by reproof since his services were crucial to the operation of the vessel: "We had not one to fill his place without crippling some other part of the vessel..."¹²³

The lack of petty officers had another consequence, the disruption of discipline. As experienced crewmen their importance was inflated, and thereby they assumed an extraordinary stature that ran counter to the rigid hierarchy demanded of the vessel. This increased prestige came at the expense of the brig's officers, whose authority was compromised by their

¹²³ Gansevoort, CMP, p. 56.

reliance on the senior crewmen. Indispensable to a large degree, the petty officers became exempted from many of the normal workings of naval discipline.

This disruption of discipline extended to the ranks of the seamen and boys. This is not to say that the enlisted ranks all benefited from the perquisites of the petty officers. Rather, they were liable to be exposed to any insubordinate behavior and attitudes of their immediate superiors, and while insubordinate language might go unpunished, it did not go unheard. Furthermore, the importance accredited to the petty officers underscored any criticism they might make of their superiors. Their words carried an authority that came at the expense of men whose power over the crew those very words diminished. Thus, the shortage of men led to unpunished insubordination, which in turn disrupted the chain of command by allowing enlisted men the opportunity to denigrate their superiors without fear of the retribution such actions might normally elicit.

Additionally, such insubordinate behavior could make an impression on the least experienced portion of the crew, the apprentice boys. Many of them had no naval experience whatsoever, and looked to the more experienced in order to determine what was the appropriate behavior of a sailor. Indeed, as a sequestered training environment, the *Somers* was an experiment in naval socialisation. Boys who witnessed insubordinate behavior would be more likely to imitate it, thinking it made them 'salty.' Nordhoff remarked on exactly this imitation of drinking and chewing tobacco:

Most of the old tars make it a point to keep constantly about half drunk, and many of the beginners eagerly follow and even exceed them in this pet vice. In fact, I had occasion to notice among the green hands a very general and prevalent impression, that the easiest and quickest way to become a thorough sailor was to drink rum and chew

tobacco...Many of our boys, in the beginning of the cruise, labored under the hallucination already mentioned, as common to tyros in sailor craft, that to be a true sailor, one *must* chew tobacco.¹²⁴

Finally, several of the enlisted men on board were quite inexperienced. William Neville, with only one year's naval experience was made second captain of the foretop.¹²⁵ Meanwhile, William Celsor was an ordinary seaman with only seven months experience.¹²⁶ Edmund Storms, who had enlisted as an apprentice in August 1841, was made a landsman on September 18, 1842, and served throughout much of the cruise as an ordinary seaman.¹²⁷

Although Commander MacKenzie had selected the crew, it was Lieutenant Gansevoort's duty to determine how the complement would be divided into watches. In doing so, his primary objective must have been to compensate for the lack of experienced sailors on board. He attempted to meet this task by drawing from the ranks of the apprentice boys the most experienced and oldest amongst them. These boys would serve in the tops as mastmen, and on deck as the after guard and forecastle hands, taking the place of the absent seamen.

Indeed, at least two of the oldest boys were placed in positions of considerable importance. George Warner and Charles Van Velsor, aged twenty-one and eighteen, were each acting as captains of the foretop.¹²⁸ This is not altogether surprising as Warner had been in the service for five years, and Van Velsor, four.¹²⁹ Other apprentices such as Mathias Gedney

¹²⁴ Nordhoff, *Man-of-War Life*, pp. 31-32, 76.

¹²⁵ Matthew C. Perry, Jr., *CMP*, p. 80.

¹²⁶ William Celsor, *COI*, p. 40.

¹²⁷ Edward Storms, *COI*, p. 40; "Muster Returns of the U.S. Brig-of-War *Somers*, September 1, 1842 to September 30, 1846," NA RG 217, MPR, Book 1424.

¹²⁸ Charles Van Velsor, *COI*, p. 38; George Warner, *COI*, p. 39.

¹²⁹ Warner, *COI*, pp. 38, 39.

(aged twenty with five years experience) had long service records.¹³⁰ William Houghland, 2nd class boy, aged seventeen, was a mastman of the forecastle.¹³¹ It is also clear from the court-martial records and punishment logs that other apprentices were employed in the tops. Able-bodied, and essentially adults, these older boys would have been substituted for the required seamen. This only made sense as more than forty of the apprentices on board were aged seventeen or more.

Although some of the sixteen year-olds, and a few of the fifteen year-olds were possibly employed in place of seamen, it is highly unlikely that the majority of the boys aged thirteen to fifteen could have been very useful in this capacity. MacKenzie himself had criticised the abilities of very young boy sailors after the *Somers'* first cruise, remarking that they were "wholly useless from their diminutive size."¹³²

While there is evidence that the smaller apprentices were not entirely inactive, their services were tolerated at the commander's discretion:

A short time after we left Mesurado, we were struck by a squall, and some of the little boys sprung up in the rigging to take in sail; the commander ordered some of the smallest down, told them not to go up; Cromwell remarked that the commander was too damned afraid of the boys, would not suffer them to go into any danger.¹³³

Thus, the *Somers'* crew, and more directly, her apprentices, could additionally be classified, apart from all the other formalised divisions on board, into those who sailed and those who studied how to sail. Apprentices in the former category compensated for the lack of a proper crew, and in doing so, realized the ideal of a functioning school-ship. The

¹³⁰ Mathias Gedney, COI, p. 38.

¹³¹ William Houghland, COI, p. 41; Henry Corny, CMP, p. 99.

¹³² MacKenzie to Upshur, August 10, 1842, NA RG 45.

¹³³ Wales, CMP, p. 15.

remaining apprentices increased the size of the crew but did not effectively contribute to its operation, probably decreasing overall efficiency. In effect then, the *Somers* had a core group of enlisted men and older apprentices who were entrusted with the greater part of responsibility for the brig, as well as a periphery of younger apprentices, the “small fry who eat a lot of biscuit...[and] were a useless article on board a vessel.”¹³⁴

Although MacKenzie did not succeed in establishing a balance between age and inexperience, he did achieve national homogeneity. Whereas most American naval vessels carried a large number of foreign sailors, if not an actual majority, the *Somers*' crewmen were by-and-large native-born sailors. This is not to say that there were no foreign-born sailors on board. Ordinary seaman Edmund Gallia came from Malta, and apprentice Alexander McKee, and the master-at-arms, Michael Garty, came from Ireland.¹³⁵ Almost entirely native-born Americans, it seems likely that the crew would have consisted of English speakers, or at least, persons whose first language was English. This was remarkable as the preponderance of foreign-born sailors in the Navy made its ships polyglot environments. There were, however several Spanish-speakers on board the *Somers*, notably Spencer, Cromwell, Small, and Gallia.¹³⁶

Apprenticeship itself dictated that the greatest part of the *Somers*' crew be American. After all, the programme was intended, among other

¹³⁴ *Ibid.*

¹³⁵ There were probably more foreign-born sailors on board than these three, but there is no other documentation to prove the point.

¹³⁶ Wales, CMP, p. 11; Corney, CMP, p. 97; Thomas Dickerson, CMP, p.148. MacKenzie could speak Spanish as well, although there is no evidence that he ever did so on board the *Somers*.

things, to end the Navy's dependency on foreign-born sailors.¹³⁷ Notwithstanding this fact, many of the apprentices were actually alleged to have been the children of foreigners if not foreigners themselves.¹³⁸ But since the former qualify as 'native-born' citizens anyway, these allegations need not be taken with much seriousness. In 1842 only 89, or less than 9% of some 1,086 apprentices and boys in the United States Navy were certainly foreign-born.¹³⁹ Furthermore, on board the *Somers*, the only mention of foreign boys was MacKenzie's reference to those born of foreign parents, whom he probably replaced following the shake-down cruise.¹⁴⁰ What is certain is that the *Somers'* crew was almost entirely American.

Apart from being homogeneous in nation and language, the crew appears to have consisted of men and boys drawn mainly from New England and the Middle Atlantic states. The apprentices on board had been selected from the *North Carolina*, the receiving ship for the New York Rendezvous, which drew half of the Navy's enlisted men.¹⁴¹ Furthermore, three of the Navy's remaining six rendezvous were in the region.¹⁴² There were boys from Boston, Portland, and Providence, who

¹³⁷ "The American Marine," *The New Era*, August 7, 1839, quoted in Goin, *Remarks on the Home Squadron and Naval School*, p. 15.

¹³⁸ Langley, *Social Reform in the United States Navy*, pp. 110-11.

¹³⁹ "Letter from the Secretary of the Navy Regarding Petty Officers, Seamen, &c., in the Naval Service," House Document 132, 27th Congress, 3rd Session, February 9, 1843.

¹⁴⁰ MacKenzie to Upshur, August 10, 1842, NA RG 45.

¹⁴¹ W.E. Griffis, *Matthew Calbraith Perry - A Typical Naval Officer* (Boston: Cupples and Hurd, 1887), p. 437.

¹⁴² The remaining rendezvous were at Portsmouth, Boston, Philadelphia, Baltimore, Norfolk, and Pensacola.

were likely to have enlisted at one of these stations.¹⁴³ Another ten are known to have entered the service at the Philadelphia Rendezvous.¹⁴⁴

The *Somers'* complement also included a group of individuals whose race set them apart. These were the brig's stewards and cooks, all of whom were African-American or of mixed ancestry. There were five of them onboard: Justin Mundon (the captain's cook), James Dunn (the captain's steward), Henry Garrabrandts (the wardroom cook), Henry Waltham (the wardroom steward), and Manuel Howard (the steerage steward).¹⁴⁵

The presence of African-Americans on board was not uncommon in 1842, as the Navy had been integrated since its establishment.¹⁴⁶ Indeed, in 1839 it was stipulated that no more than five percent of a ship's crew could be African-American, and that such recruits could only be entered into the service with the "approbation of the Commander of the station."¹⁴⁷ This was presumably a reform designed to improve the stature of the Navy by reducing its reliance on African-American enlistments.¹⁴⁸

¹⁴³ "Prisoner's List," COI, p. 6.

¹⁴⁴ Enlistment papers survive for Charles R. Lambert, Thomas Bywater, John Cavanaugh, Alexander McKee, Absalom Taylor, John Finnecy, John Reershardt, Frederick Snyder, Jeremiah Cory (all Philadelphia), as well as Charles Van Velsor, George Kneavels, and Charles Golderman (all New York).

¹⁴⁵ "Muster Returns from the U.S. Brig-of-War *Somers*, September 1, 1842 to September 30, 1846," NA RG 217, MPR, Book 1424.

¹⁴⁶ Langley, *Social Reform in the United States Navy*, p. 92

¹⁴⁷ T. Moebs, *Black Soldiers - Black Sailors - Black Ink: Research Guide on African-Americans in U.S. Military History, 1526-1900* (Chesapeake Bay: Moebs Publishing Company, 1994), p. 349.

¹⁴⁸ Congressional interest in the subject was demonstrated by the passage of a resolution in 1842 by the House of Representatives requesting to know the number of African-Americans in the naval service; "Letter from the Secretary of the Navy Regarding Colored Persons in the Navy of the United States," House Document No. 282, 27th Congress, 2nd Session, August 10, 1842.

Furthermore, in 1842, Senator John C. Calhoun of South Carolina made an unsuccessful attempt to limit African-Americans to those positions which they held on board the *Somers*, stewardships and ships' cooks.¹⁴⁹

By avoiding heterogeneity in his crew, MacKenzie also eliminated a primary reason for a severe disciplinary regime, since it was argued that:

Men are here congregated together from almost every country under heaven. They bring with them no natural principles of amalgamation, but on the contrary almost as many apples of discord as there are individuals in the crew. Nothing but necessity can bind into one harmonious whole so many discordant elements, and that necessity must result from a system of discipline, stern in its nature, and prompt in the execution of its penalties.¹⁵⁰

Although this was not the case on board the *Somers*, MacKenzie did operate a rigorous disciplinary system. In the broadest sense it consisted of two parts: one moral, the other physical. The former was intended to prevent his wards from misbehaving, and the latter was to punish them if they did.

The youth and professional inexperience of the apprentices was mirrored by a belief in their social inexperience and attendant vulnerability. It was, after all, in order to sequester them from older, more dissolute sailors, that they had been assigned to the *Somers*. Concern for their moral development affected the daily routine of the vessel and resulted in a social regimen that was on the one hand, an intensification of naval practice, and on the other hand, anomalous in the service.

The U.S. Navy had long maintained that it was the duty of its officers to maintain the moral well-being of their crews. This tenet was

¹⁴⁹ Langley, *Social Reform in the United States Navy*, p. 93.

¹⁵⁰ E. Wines, *Two Years and a Half in the Navy; or, Journal of a Cruise in the Mediterranean and Levant, on board the U.S. Frigate Constellation in the Years 1829, 1830, and 1831, Vol. 1* (Philadelphia: Carey and Lea, 1832), p. 26.

enshrined in the very first passages of the *Articles of War*, which stated explicitly:

Section I) Article I. The commanders of all ships and vessels of war belonging to the navy, are strictly enjoined and required to show in themselves a good example of virtue, honour, patriotism and subordination; and be vigilant in inspecting the conduct of all such as are placed under their command; and to guard against, and suppress, all dissolute and immoral practices, and to correct all such as are guilty of them, according to the usage of the sea service.

Article II. The commanders of all ships and vessels in the navy, having chaplains on board, shall take care that divine service be performed in a solemn, orderly, and reverent manner twice a day, and a sermon preached on Sunday, unless bad weather, or other extraordinary accidents may prevent it; and that they cause all, or as many if the ship's company as can be spared from duty, to attend to every performance of the worship of Almighty [sic] God.¹⁵¹

The *Somers* was too small a vessel to be assigned a chaplain.¹⁵²

Pastoral authority therefore devolved upon MacKenzie. In cases such as this, the temper of the vessel's devotion depended greatly on the piety of the commanding officer. On board the *Somers*, religious observance would be a fundamental part of shipboard life. Divine service was performed each Saturday before the assembled crew, at which time the *Articles of War* were also read.¹⁵³ Prayers were recited each day during the muster and inspection of the watches.¹⁵⁴ Indeed, a prayer book was distributed to each member of the crew for study and worship.¹⁵⁵ Given the importance of religion in the proposed educational schemes for naval apprentices, it is likely that the naval school on board involved some form of Bible study besides reading, writing, and arithmetic.

¹⁵¹ *Articles of War - Rules and Regulations for the Government of the United States Navy, 23 April 1800, Sixth Congress, 1st Session, 1800.*

¹⁵² *1842 Naval Regulations*, p. 61.

¹⁵³ "Log Book of the U.S. Brig-of-War *Somers*," NA RG 24; "Rodgers Journal."

¹⁵⁴ "Rodgers Journal."

¹⁵⁵ MacKenzie, CMP, p. 118; "Logbook of the Brig of War *Somers*," June 4, 1842, NA RG 24.

Even as it was necessary to expose the crew to good morals through Christian worship, it was felt necessary to shield them from vice, especially those most commonly associated with naval life: cursing, tobacco usage, and above all, drinking. Religious observance was therefore reinforced by orders that either banned these things, or limited their use. It was not enough to teach the apprentices what was right, they were to be given no opportunity to stray from these lessons.

Swearing, as well as drunkenness and other offences were already proscribed by the *Articles of War*:

Article III. Any officer, or other person in the navy, who shall be guilty of oppression, cruelty, fraud, profane swearing, or any other scandalous conduct, tending to the destruction of good morals, shall, if an officer, be cashiered, or suffer such other punishment as a court martial shall adjudge; if a private, shall be put in irons, or flogged, at the discretion of the captain, not exceeding twelve lashes...¹⁵⁶

Although the ban on cursing was often honoured in the breach, MacKenzie was determined to enforce these regulations:

Swearing, which is specifically forbidden by the act of Congress for the Government of the Navy must not be tolerated by the officers and they will exert themselves on all occasions to enforce silence which is essential to the official and creditable appearance of the vessel.¹⁵⁷

At the same time, the Navy's regulations for apprentices refused them a tobacco ration, but did not necessarily prohibit its use: "Apprentices are not to be allowed to draw the spirit part of their ration, nor receive tobacco, but, on the contrary, they are to be encouraged, and

¹⁵⁶*Articles of War - Rules and Regulations for the Government of the United States Navy, 23 April 1800, Sixth Congress, 1st Session, 1800, Article III.*

¹⁵⁷ MacKenzie to Upshur, August 10, 1842, NA RG 45.

required, if possible, to abstain from the use of both.”¹⁵⁸ MacKenzie determined to enforce this regulation as well, and placed tobacco restrictions on all ranks. The apprentices, however, were subjected to an unconditional ban.¹⁵⁹

Finally, alcohol was absolutely forbidden to the crew. The decision to make the *Somers* dry reflected MacKenzie's belief in temperance. In 1837, he had proposed in the *Naval Magazine* that for naval apprentices, “small stores would be substituted for their spirit rations.”¹⁶⁰ At the time of his court-martial, he made a statement to the effect that he considered malaria to be preferable to the drinking of brandy.¹⁶¹ Furthermore, a year later, having been made a life-member of the American Seaman's Friend Society, he wrote the *Sailor's Magazine* that “intemperance is called in as the most efficient ally in completing [the sailor's] ruin.”¹⁶²

The influx of apprentices into the Navy had given rise to new concerns about the pernicious effects of grog on the service's enlisted men. This concern manifested itself in a resurgence of support for

¹⁵⁸ Callan, “Act of Congress providing for the enlistment of boys for the naval service of the United States, approved March 2, 1837,” *Laws of the United States, Relating to the Navy and Marine Corps*, p. 301.

¹⁵⁹ MacKenzie to Upshur, August 10, 1842, NA RG. The regulations governed the places where smoking was permitted: “The petty officers, seamen, and ordinary men can smoke forward of the foremast during meals, and from quarters until gunfire; at sea until 8 o'clock. The officers, anywhere forward of the mainmast until the lights are doused in their respective apartments.”

¹⁶⁰ A. Slidell, “Thoughts on the Navy,” *The Naval Magazine* (Vol. 2, No. 1, January 1837), p. 23.

¹⁶¹ MacKenzie, CMP, p. 196.

¹⁶² Mackenzie, “Letter to Captain Edward Richardson, President of the American Seaman's Friend Society,” *The Sailor's Magazine* (Vol. 15, No. 12, August 1843), p. 382.

temperance measures, especially those intended to protect the young sailors. Beginning in 1837 the number of memorials to Congress requesting the abolition of the spirit increased markedly, and in 1842 the campaigners forced the Navy to adopt a more stringent grog policy.¹⁶³ The daily ration was reduced to a single gill (a quarter-pint), and no commissioned officer or midshipmen, or any person under twenty-one was allowed to receive it.¹⁶⁴ Since most of the *Somers'* crew were forbidden grog by the new regulation, it was not difficult for MacKenzie to impose his vision of a temperance vessel upon them. However, the oldest enlisted men, and the petty officers were affected by the ban, which deprived them of their sanctioned ration.

MacKenzie's control over the crew also extended to his authority over their bodies. He was the final arbiter of justice and punishment on board, responsible for ordering detention, stoppage of leave, and corporal punishment. Most often, he had recourse to the last option. Punishments were usually administered with a colt, but in exceptional circumstances, the cat-of-nine-tails was used.

MacKenzie, therefore, sought to control his crew by means of standard naval operating procedure, coupling the Bible with the lash. The Spartan regimen imposed upon his wards reflected not only his stringent moral and professional utopianism, but also the dilemma that he faced as the commander of a school-ship. The problems of sailing a fully rigged vessel of war, be she only a brig, were greater than anticipated. MacKenzie's efforts to compensate for this reflected his concern that the

¹⁶³ Langley, *Social Reform in the United States Navy*, pp. 232-237.

¹⁶⁴ Lathrop, "Grog, Its Origin and Use in the United States Navy," pp. 379-380.

vessel nevertheless be equal to both its purposes, both a school and a fully functional brig-of-war.

This became an impossible task. The two could not be happily, or at least efficiently, merged. No larger vessels were available, and in any case anything much larger than a brig would have been beyond the capabilities of the young crew to sail. While apprentices might perform well on board the *Hudson*, *Ohio*, and *North Carolina*, these ships never left port. Had the *Somers* remained in coastal waters as she had on her first cruise, her skeleton crew could have compensated for the surplus of boys. Across blue water, however, her complexity and instability demanded more experience. That this was lacking is clear from the brig's complement and the means used to command them.

Ultimately, MacKenzie failed to redress the problems he faced; the relationship between the brig and crew remained fundamentally skewed. Although the operational plans made possible the sailing of the vessel, they did not do so with alacrity. The tensions on board were not alleviated but repressed. MacKenzie's attempts at imposing order created additional instability, distorting the chain of command as experienced sailors and inexperienced officers acquired an importance that contradicted their rank. In this way, he actually compounded his disciplinary problems.

The crux of the issue is that the *Somers* could not have been a fully-functional vessel of war by definition, because she was not a *normally* functioning vessel of war. She was a school, and required an operational plan to match that status. Intended only to produce experienced sailors for eventual service, the *Somers* was instead managed as if her task was already done. The allowances made for her crew were

not enough, and the disciplinary measures imposed upon them proved insufficient and unworkable. As if this was not enough, instead of being sailed in a controlled environment, she was ordered to the African Station, on active service.

Chapter Four

The Second Cruise: To the African Station

Having saluted the *U.S.S. Missouri*, and shown her own colours and number, the *Somers* stood down the bay from the Brooklyn Navy Yard on September 12, 1842.¹ Her educational mission was unchanged, but she also carried dispatches for delivery to Commander William Ramsay on board the U.S. sloop-of-war *Vandalia*, then cruising along the African coast.² MacKenzie had instructions to pursue Ramsay by way of the Canary and Cape Verde Islands, and then by Sierra Leone and Monrovia. If unable to locate him upon reaching Liberia, the brig was to return to the United States.³

Although the object of the mission was simple enough, the cruise represented a considerable undertaking. The African coast had long been notorious for yellow fever, dysentery, and malaria.⁴ The previous year, the Secretary of the Navy had said as much in his annual report.⁵ Concern for the crew's safety was expressed in MacKenzie's orders, which forbade him from remaining on the coast for more than a day if he could help it, "not

¹ "Rodgers Journal," September 12-13, 1842.

² Upshur to MacKenzie, September 7, 1842, NA RG 45.

³ *Ibid.*

⁴ M. Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates, and the Anglo-American Maritime World, 1700-1750* (Cambridge: Cambridge University Press, 1993), p. 46; W. Howard, *American Slavers and the Federal Law, 1837-1862* (Berkeley: University of California Press, 1963), pp. 41-42. Technically speaking, there would not be an "African Station" until the formal designation of the Africa Squadron in 1853. P.E. Coletta, *The American Naval Heritage* (New York: University Press of America, 1987), p. 103.

⁵ *SNR 1841*, p. 371.

allowing any of [his] crew to be on shore after night.”⁶ This last stipulation was presumably intended to prevent any drunken liberties such as the one described by Hugh Thomas: “Within an hour or two, most of the [sailors] would be drunk on local spirits. To sleep off the effects, they would lie all night in the gutters. By the time they returned to sobriety, they would probably have been infected with malaria, if not yellow fever.”⁷ MacKenzie who had spent two years (1824-1826) invalided ashore by the effects of yellow fever, would have appreciated this threat.

Danger also lurked offshore. The palmwood trade had grown considerably in the past twenty years, but the basis of the regional economy remained the traffic in slaves. Despite the presence of the Royal Navy’s anti-slaving squadron, slave ships abounded off the coast. The *Somers*’ course would not take her as far south as the Bight of Benin where the greatest part of the slave trade was centred, but in her passage she would enter the slavers’ world. The Cape Verde Islands were its most northerly outpost, visited by slavers replenishing their supplies before proceeding to the slave markets. Down the coast, the Gambia River had been largely cleared of the traffic by 1840, but slaving flourished south of it, especially along the Casamance, Nuñez, Pongas and Gallinas Rivers (the latter continued to be the most popular slaving station north of the equator, in spite of the destruction of its barracoons, fortifications, and store houses in 1840).⁸ If an encounter with a slave ship might not be probable, it would not be unlikely, and therefore was a cause for concern.

⁶ Upshur to MacKenzie, September 7, 1842, NA RG 45.

⁷ H. Thomas, *The Slave Trade - The History of the Atlantic Slave Trade: 1440-1870* (London: Picador, 1997), p. 687.

⁸ Thomas, *The Slave Trade*, pp. 682-687; W.L. Mathieson, *Great Britain and the Slave Trade, 1839-1865* (New York: Octagon Books, 1967), p. 61.

Labelled pirates by international law since 1820, slavers were a threat peculiar to the coast. Most relied on stealth, speed, or the safety of an American flag to elude pursuit and capture, but some were willing to use force against anyone trying to intercept them. The *Venus*, of Baltimore, was reported to be “fully armed and prepared for resistance.”⁹ Slavers had also in the past attacked other unarmed slavers, or turned upon legitimate merchantmen in the vicinity of the Cape Verde Islands and Sierra Leone.¹⁰

The *Somers* had been ordered, therefore, to the most perilous of the Navy’s stations. Rarely visited by American cruisers, it did not even have an official status. Although this decision might seem unreasonable, it did make a certain sense. The mission as a dispatch vessel was actually one that MacKenzie had suggested in his original proposal to the Secretary of the Navy.¹¹ What is more, a trans-Atlantic crossing would further test the brig’s seaworthiness while demonstrating the capabilities of her apprentices. All of these conditions could have been met by a Mediterranean cruise, however, which would also have provided greater educational opportunities for the crew, and a higher profile for the apprenticeship program. Thus it was most probably another factor that decided the issue for Africa, the ratification of the Webster-Ashburton Treaty in August 1842.

The boundary disputes along the Canadian border were in large measure responsible for the war scares that the treaty was meant to remedy,

⁹ Anon., *The Army and Navy Chronicle* (Vol. 10, No. 7, 1840), p. 101.

¹⁰ Mathieson, *Great Britain and the Slave Trade*, p. 26; W.E.F. Ward, *The Royal Navy and the Slavers: The Suppression of the Atlantic Slave Trade* (London: George Allen and Unwin, 1969), p. 107.

¹¹ MacKenzie to Upshur, April 30, 1842, NA RG 45.

but there were also significant differences over the slave trade. Great Britain had abolished the trade in 1808, emancipated all slaves in British possessions in 1833, and by 1842 was the foremost anti-slaving nation in Europe. The United States, despite outlawing the trade in 1807, had allowed its flag to become the means by which slavers eluded the British blockade. The Webster-Ashburton Treaty hoped to enlist the U.S. Navy in this blockade whilst driving slavers from the protection of the Stars and Stripes.

The British had adopted a tripartite strategy for eradicating the slave trade, negotiating treaties with other nations that further abolished the traffic. This was fundamental to the success of the second part of their strategy, blockading the coast. In order to seize a vessel for slave trading it was necessary to intercept, board, and search it. If slaves, or evidence indicating that the vessel intended to take on slaves was discovered, it could be escorted to Freetown and the British court. There, the third part of the strategy was enacted, the resettlement and emancipation of freed slaves at Sierra Leone. Boarding a ship required the consent of its home nation, however, which was obtained through the anti-slaving treaties. Thus, when Portugal agreed to stop slaving in 1839, only the United States remained in defiance of British policy.

American intransigence ran deep, rooted in traditional anglophobia and memories of the War of 1812. At stake were several principles evocative of that conflict. The United States regarded itself as the champion of neutral rights, and (perhaps paradoxically in this case) the freedom of the seas.¹² Any action that impinged on these was contrary to

¹² H. Soulsby, *The Right of Search and the Slave Trade in Anglo-American Relations* (Baltimore: Johns Hopkins University Press, 1933), pp. 62-63.

American policy. That any nation could impose its will upon maritime commerce was bad enough, for Britain to attempt it was unthinkable. The United States maintained that the colours flown by a vessel were a manifestation of national sovereignty, that the flag was a sacred protection, and that in peacetime no nation besides the United States could claim any jurisdiction over a ship flying the Stars and Stripes: “[It is] the fixed determination of my government, that their flag is to be the safety and protection to the persons and property of its citizens, and all under it...”¹³

Furthermore, since Britain refused to renounce the right of impressment (which could only inflame American passions), the protection of the flag seemed even more vital. In fact, the Royal Navy only claimed the right to impress British citizens (who owed service to the crown), but this was no great comfort to Americans who saw it in terms of past abuse. Impressment for them represented a disregard of American sovereignty, and so seemed less another nation’s internal policy, than a threat to the liberties of seafaring Americans. No matter that representatives of each government declared the issue a dead letter: in the early 1840s, it remained inflammatory in the United States.¹⁴

The two nations’ long standing maritime rivalry produced another more practical, if equally anglophobic rationale for American defiance. It was widely argued that Britain used the pretense of abolishing the slave trade to disrupt American shipping for commercial reasons.¹⁵ Indeed, the Secretary of the Navy reported to President Tyler in 1842 that African

¹³ Andrew Stevenson (American Minister to England) to Lord Palmerston, April 16, 1841, quoted in Soulsby, *The Right of Search*, p. 57.

¹⁴ Soulsby, *The Right of Search*, p. 86.

¹⁵ Soulsby, *The Right of Search*, pp. 39-40; Ward, *Royal Navy and the Slave Trade*, p. 147.

commerce was “rapidly on the increase,” before expressing concern that British naval hegemony (and conversely the absence of any American naval presence) “enabled the English to exclude us from the most valuable part of the trade of Gambia and Sierre [sic] Leone.”¹⁶ Unfortunately, and less righteously, the slave trade was also good business. It provided work, and both foreign and domestic contracts brought considerable wealth to American shipyards. Providence, Bristol, Salem, Beverly, Boston, Portland, and even Philadelphia built ships for the Brazilian slave trade.¹⁷ New York would eventually dominate this shipbuilding, but in the late 1830s the leader was undoubtedly Baltimore.¹⁸ The city’s clippers were turned out at a furious pace, and Baltimore shipbuilding actually enjoyed a boom during the depression of 1837-1838, when most other shipyards saw their business slump.¹⁹

Finally, American sectional politics hindered any rapprochement with Britain. Whereas British abolitionism had already won its great battle, the nascent American movement was divided and thus, ineffectual. The abolitionists had split apart over the issue of political action. William Lloyd Garrison repudiated political action since this was a moral issue, which put him into conflict with those who sought to achieve a political resolution.²⁰ In this instance, principle had collided with pragmatism.

¹⁶ *British and Foreign State Papers 1843-1844*, Upshur to Tyler, December 27, 1842, pp. 445-449, quoted Soulsby, *The Right of Search*, p. 120.

¹⁷ Thomas, *The Slave Trade*, p. 680.

¹⁸ Thomas, *The Slave Trade*, p. 770.

¹⁹ Howard, *American Slavers and the Federal Law*, p. 32.

²⁰ A.S. Kraditor, *Means and Ends in American Abolitionism: Garrison and His Critics on Strategy and Tactics, 1834-1850* (New York: Vintage Books, 1969), pp. 118-140; W.M. Merrill, *Against Wind and Tide: A Biography of Wm. Lloyd Garrison* (Cambridge, MA: Harvard University Press, 1971), pp. 201-202; R.H. Sewell, *Ballots for Freedom: Antislavery*

Although the abolitionists were prevented from sending any memorials to Congress, abolition could only come with legislative action. Not that they could have overcome the Southern interests there. Likewise, pro-slavery forces resisted any attacks on the international slave trade for fear that they would engender domestic attacks on their peculiar institution. This belligerence was compounded by perceived British interference with American internal affairs, notably abolitionist activities in Texas, and the *Creole* Incident.²¹ Besides this, slavery had always been integral to the American economy in a way that it was not to the British counterpart, and the emergence of cotton as the principal American export ensured that abolition would be more difficult to achieve.²²

In the anti-slaving dispute the United States raised the old flag of "sailors' rights and free trade." The slavers were quick to imitate this, and themselves hoisted the Stars and Stripes. Since only the U.S. Navy could detain American-flagged vessels, and since the U.S. Navy was nowhere to be seen, the Stars and Stripes became a simple and effective way of thwarting the Royal Navy. The British acknowledged that they had no authority to detain American ships, but wanted nonetheless to pursue

Politics in the United States 1837-1860 (New York: Oxford University Press, 1967), pp. 20-24; J.L. Thomas, *The Liberator: William Lloyd Garrison, A Biography* (Boston: Little, Brown, & Company, 1963), pp. 256-280.

²¹ Soulsby, *The Right of Search*, p. 44; Ward, *Royal Navy and the Slave Trade*, p. 144. In autumn 1841, the *Creole* (an American registered ship) was commandeered by the slaves which she was transporting from Virginia to New Orleans. The slaves forced the crew to Nassau in the Bahamas, and upon arrival declared themselves freed. The British authorities there upheld this decision.

²² H.P. Temperley, "British and American Abolitionists Compared," M. Duberman, ed., *The Antislavery Vanguard: New Essays on the Abolitionists* (Princeton: Princeton University Press, 1965), p. 355.

foreign slaving ships hiding behind false colours. The perverse calculus of the situation dictated that because of the United States' adamant refusal to allow the searching of American-flagged vessels, it was precisely these ships that were the likeliest object of the blockade. A belated effort was made to heal the breach in 1840 when two American cruisers, the *Dolphin* and the *Grampus*, were dispatched to patrol the coast in cooperation with the Royal Navy. Despite some success, they were quickly recalled. Meanwhile, American-flagged vessels continued to be boarded, searched, and seized for slaving.

This was the maritime controversy that Webster-Ashburton was designed to solve. Although it failed to address the fundamental questions of impressment and the right of search, the treaty did achieve a diplomatic resolution of the crisis, ensuring that both countries would "maintain in service on the coast of Africa a sufficient and adequate squadron or naval force of vessels, of suitable numbers and description, to carry in all not less than eighty guns, to enforce separately and respectively the laws, rights, and obligations of each of the two countries for the suppression of the slave trade."²³ Thus, the United States navy would be responsible for enforcing American laws against slaving, thereby driving foreign-owned vessels from the safety of its flag and forcing American slavers to give up the trade.

In the Autumn of 1842, however, only the *Vandalia* was on the African coast. Her two dozen 24-pounders failed even to approach the treaty requirements, and one ship patrolling some 4,000 miles of coastline constituted neither a squadron nor a blockade. The Navy's task was

²³ Quoted in Thomas, *The Slave Trade*, pp. 670-671.

therefore to assemble an anti-slaving squadron of eighty guns. This could not be done without considerable preparation, and would not be accomplished for another year. By sending the *Somers* after the *Vandalia* the Navy increased its gun strength to forty, and demonstrated that if the United States was not yet in compliance with the treaty, there was at least, future intent. Nevertheless, it was not enough for the United States to demonstrate intent. Once the brig was assigned to Africa, she was to help enforce the treaty. Apart from tracking the *Vandalia*, the *Somers* was to verify the credentials of any American-flagged vessels that she encountered, a task for which she was well-fitted.

Speed and manoeuvrability were required to compete with the slavers' fast brigs and sloops. A small ship carrying a low rig was more difficult to spot as it approached another ship, and a shallow draught enabled it to patrol coastal waters where the slavers might be caught as they loaded their captives. Furthermore, MacKenzie had some experience in small ship actions and coastal interdiction. Early in his career, he had served for two years (1822-1824) with Commodore David Porter's "Mosquito Fleet," suppressing the revival of piracy in the West Indies. This squadron consisted of small, shallow-drafted schooners which patrolled individually and together, cruising inshore, stopping and searching any suspicious vessels (duties more or less the same as those of the British blockading operation).²⁴ MacKenzie, who was waiting for his

²⁴ The anti-piracy patrol was frustrating for the officers and men involved. Indeed, their complaints bear a remarkable resemblance to the later ones of British officers on the Africa Station. "The fact is our enemy is an invisible one; he has only to throw on the fairy mantle of a Spanish passport, which they all go furnished with, and the pirate is completely concealed from view." Porter, David, June 11, 1822, quoted in G.W.

lieutenancy, served on the *Terrier*, the second largest of the schooners (with a displacement of only 61 tons, she was half the size of the *Somers*).²⁵

If the brig was being sent in harm's way, she was not to avoid it. The possibility did exist that the *Somers* would encounter and search another vessel during the cruise. Furthermore, any vessel so encountered might be a slaver, and in the worst scenario, would resist. MacKenzie had already made bold claims about the proficiency of his training crew, asserting that they would quickly be the equals of any regularly manned brig.²⁶ Now they might be put to the ultimate test, and MacKenzie had the example before him of another school-ship, the revenue cutter *Washington*, which three years earlier, with a crew of only four or five adult sailors and around forty apprentices had captured (without any real struggle) the slave ship *Amistad*, then anchored off the coast of Long Island.²⁷ The capture had created a media sensation, and the singularity of the *Washington's* crew had not gone unnoticed. The event had brought a wave of beneficial publicity for the apprenticeship program, which received numerous endorsements in the press.²⁸ How much greater would be the gains if the

Allen, *Our Navy and the West Indian Pirates* (Salem, MA: Essex Institute, 1929), p. 51.

²⁵ F.B.C. Bradlee, *Piracy in the West Indies and its Suppression* (New York: Library Editions, 1970), p. 33.

²⁶ MacKenzie to Upshur, April 30, 1842, NA RG 45.

²⁷ H. Jones, *Mutiny on the Amistad: The Saga of a Slave Revolt and its Impact on American Abolition, Law, and Diplomacy* (Oxford: Oxford University Press, 1987), p. 28. On July 2, 1839, there had been a slave revolt on board the *Amistad*, a Spanish schooner operating out of Havana. In the month following the takeover, she had been sailed by the two surviving crewmen at the behest of their captors. By day, they had sailed to Africa, and by night, northwards in the hope of reaching the United States.

²⁸ "Naval Apprentice Boys," *New York Star*, "A Home Squadron," *Baltimore Sun*; "The Low, Black Schooner Captured," *Journal of*

Somers actually captured a slaver on the coast of Africa? It was not likely, but if it did happen, the rewards would be enormous.

As if this was not responsibility enough, the cruise had been made even more complicated by the arrival of one of the new midshipmen, Philip Spencer (Figure 7). MacKenzie did not want Spencer on board, and although he was against transferring officers for convenience's sake from one command to another, he attempted to do so in this case.²⁹ Nevertheless, the request was denied, and the midshipman remained.

Spencer's life before entering the Navy is little known. He was born in 1824, the youngest of John Canfield Spencer's three sons.³⁰ Indeed, it is his father and grandfather who, less notorious, are better remembered. His grandfather, Ambrose Spencer, had first established the family name in New York politics at the beginning of the century. First a member of the State Assembly, he had served on the pivotal council of appointment for over twenty years. Furthermore, in 1802 he had become a Justice on the State Supreme Court, where he remained for twenty-one years, spending the last four as Chief Justice. Far from diminishing his role in politics, he used his place on the bench to wield even greater authority. By 1823, however, his power had been broken.³¹

Commerce, all quoted in Goin, *Remarks on the Home Squadron and Naval School*, pp. 17, 30, 35.

²⁹ A.S. Mackenzie, "Thoughts on the Navy," *The Naval Magazine* (Vol. 2, No. 1, January 1837), p. 40.

³⁰ W. Gay, "Recollections of Philip Spencer," *Purple and Gold* (Vol. 24, No. 2, April 1895), p. 37.

³¹ Elected as a Federalist to the New York State Assembly in 1793, he had defected to the Republicans in 1798, a year after his appointment to the unanimously Federalist Council of Appointment. He retained his place there until it was abolished in 1821, holding "almost undisputed dictatorship of politics in New York." This power was derived from the vast system of patronage overseen by the council. By 1813 Spencer

Ambrose Spencer's decline was matched by the rise of his eldest son, John Canfield Spencer (Figures 8 and 9) who had early followed his father into public service. Known equally for his brilliance and temper, he had quickly become a force in New York politics.³² In 1829, Van Buren appointed him as the special prosecutor investigating masonic involvement in the murder of William Morgan.³³ The murder caused a furor in western

emerged with governor Daniel D. Tompkins as the most powerful Republican in the state. The next seven years saw him ascendant, but power brought him into conflict with Martin Van Buren, who would ultimately defeat him at the New York Constitutional Convention of 1821. There, Van Buren had the Council of Appointment abolished, stripping Spencer of his power. His defeat was more or less complete when the State Senate, dominated by Van Buren's Bucktails, refused to reappoint him to the Supreme Court in 1823. J.P. Boyd, "Ambrose Spencer," M. Dumas, ed., *Dictionary of American Biography, Vol. 17* (London: Oxford University Press, 1935), p. 444; H. McBain, *DeWitt Clinton and the Origin of the Spoils System in New York* (New York: Columbia University Press, 1907), pp. 77-78.

³² After serving as Daniel D. Tompkins' private secretary, he was admitted to the New York bar in 1809. Five years later he was made postmaster of Canandaigua, and in 1815 he was appointed assistant attorney general and the district attorney general for the five western counties of New York. In 1817, he was elected as the Clintonian candidate for the U.S. House of Representatives, which he left after one term in order to be the Republican candidate for the United States Senate. In the 1819 Republican caucus he had the firm support of the Clintonians, and managed to secure a majority for his nomination, but the caucus broke up without a vote amid mutual recrimination between the Clintonians and the Bucktails. Afterwards, Van Buren authored a pamphlet praising the Federalist candidate, Rufus King. This decided the issue, and Spencer lost the nomination when the legislature reconvened in 1820. He quickly recovered from this defeat with a victory in the state elections, and was elected as Speaker of the General Assembly. He remained there until 1825, when he moved to the upper house. D.B. Cole, *Martin Van Buren and the American Political System* (Princeton: Princeton University Press, 1984), p. 54; E.M. Shepard, *Martin Van Buren* (Boston: Houghton Mifflin Company, 1916), p. 69; M. Van Buren, *The Autobiography of Martin Van Buren*, J.C. Fitzpatrick, ed. (Washington, D.C.: Government Printing Office, 1920), pp. 100-101.

³³ McFarland, *Sea Dangers*, pp. 56-60. William Morgan was a Mason who had threatened to publish a book divulging the secrets of the Masonic

New York, where the Masons were seen as a corrupt and pernicious force threatening the liberties of the Republic. In response to the outcry, a number of conservative Republicans, Clintonians, and Federalists formed the Anti-Masonry party.³⁴ Spencer was among their early leaders. It has been supposed that Van Buren appointed him in order to put Spencer in an impossible situation: success meant alienating Masonic voters, and failure

rites of initiation. He had been arrested, held unfairly, and then kidnapped before being murdered, likely by drowning in Lake Niagara.

³⁴ The anti-masonic movement actually preceded the party, which was formed to give it broader political direction and to challenge Van Buren's power. The movement originated in the towns along the Erie Canal, and its members were largely hostile to Van Buren, who had earlier sought to prevent the canal's construction. As anti-masonry came out of the "burnt over" district of western New York, it is hardly surprising that it also shared many of the characteristics of evangelicalism, notably a belief in conspiracy and a desire for reform. As the movement grew in strength, it attacked masonry across a range of issues. Anti-masons maintained that the secret society fostered aristocracy since it was exclusionary, and that its disregard for due process of law in the Morgan case made it a threat to republican liberties. Furthermore, masonry was anti-temperance and anti-community, since it encouraged its members to ignore their families in favour of strong drink. When John Quincy Adams was defeated by Jackson in 1828, the anti-masons took over the role of opposition in New York from Adams' shattered political machine. Notwithstanding later successes in New York and the Northeast, the party did not establish itself as a dominant force in national politics. This was understandable since an anti-masonic party was essentially self-defeating. As anti-masonry grew, masonry receded, leaving the party without any larger purpose. Even so, anti-masonry had a profound impact on American politics, producing a new generation of leaders from its ranks who would lead the Whig party in the future. In fact, anti-masonry reshaped Northern Whiggery, and provided the initial platform for its sustained opposition to the Democrats. This was undoubtedly the movement's greatest contribution to American political life. Formisano, *The Birth of Mass Political Parties*, pp. 199-221; M. Holt, "Anti Masonic and Know Nothing Parties," A.M. Schlesinger, Jr., ed., *History of U.S. Political Parties, Vol. 1 1789-1860, From Factions to Parties* (New York: Chelsea House, 1973), pp. 582-592; H.Y. Watson, *Liberty and Power: The Politics of Jacksonian America* (New York: Hill and Wang, 1990), pp. 180-182.

meant personal embarrassment.³⁵ Others have accorded him more altruistic motives, his respect for Spencer's ability and his desire to see the job well done.³⁶ At any rate, Spencer was zealous in his prosecution, publishing a pamphlet on Freemasonry, and ceasing his pursuit only when he had exhausted his funds.³⁷ What is more, he actually survived two assassination attempts, presumably by masons.³⁸

In 1831, he returned to the General Assembly where he stood out as the leading member of his party, "always forward and assuming."³⁹ His political stature was undoubtedly increased by his close relationship with the leading Anti-Mason in the Senate, William Henry Seward, whose protégé he became.⁴⁰ In 1832 he was again involved with Federal politics when he was one of two electors nominated by the Anti-Masons.⁴¹ His role in the presidential election was inconsequential, however, and he remained a state politician throughout the 1830s, serving on the General Assembly until Seward's victory in the gubernatorial race of 1839. By then a Whig, he was appointed Secretary of State of New York, a position which he left two years later to become the Secretary of War under President John Tyler. Spencer's decision caused a breach between him and his father, who disassociated himself from it.⁴² John Canfield Spencer's

³⁵ J. Hammond, *The History of Political Parties in the State of New York, from the Ratification of the Federal Constitution to December 1840*, quoted in Shepard, *Martin Van Buren*, pp. 174-175.

³⁶ Shepard, *Martin Van Buren*, p. 175.

³⁷ J.C. Spencer, *A Portrait of Masonry* (Washington: n.p., 1832).

³⁸ McFarland, *Sea Dangers*, p. 59.

³⁹ G.G. Van Deusen, *William Henry Seward* (New York: Oxford University Press, 1967), pp. 16-17.

⁴⁰ C.M. Wiltse, *John Calhoun - Sectionalist: 1840-1850, Vol. 2* (New York: Russell and Russell, 1968), p. 48.

⁴¹ Shepard, *Martin Van Buren*, pp. 245-246.

⁴² R. Seager, ed., *The Papers of Henry Clay, The Whig Leader -*

national role had been won only with the enmity of his fellow Whigs. Nevertheless, it had increased his political profile. Apart from the obvious responsibilities of his cabinet post, Spencer had considerable influence over the President's fiscal policy.⁴³ Thus, when Philip Spencer entered the Navy, his father exercised significant power at the national level, and retained considerable influence in his homestate of New York.

Philip Spencer's early years belied his father's success. While they did not betray a lack of promise, they do indicate a rebellious, even juvenile frame of mind. He did not suffer for want of schooling, but responded poorly to discipline and authority. The recollections of his classmates describe a bright boy unfettered with ambition or seriousness, an assessment borne out in his academic record.

Spencer entered Hobart College in 1838, where he remained for three years without advancing to the sophomore class. On April 21, 1841 he was granted dismissal from Hobart and transferred to Union College in Schenectady, New York.⁴⁴ The President of Union College was an old friend of John Canfield Spencer and agreed to the boy's admission in spite of his poor academic standing. Spencer's time there was brief, notable only as the occasion for his founding of a secret society, Chi Psi

January 1, 1837-December 31, 1843, Vol. 9 (Lexington, KY: University Press of Kentucky, 1988), p. 786.

⁴³ Wiltse, *John Calhoun*, p. 75.

⁴⁴ Gay, "Recollections of Philip Spencer," p. 39. The letter of dismissal was a compromise worked out between Spencer's father and the college. "Philip Spencer, at the request of his father received a dismissal from [Hobart] college. The request was made in consequence of his continued neglect of college exercises and this neglect stated in the letter of dismissal; but inasmuch as a change of association might prove favorable, it was also stated that the faculty of [Hobart] college would make no objection on account of his deficient standing here, to his immediate reception at any other college."

Fraternity.⁴⁵ This was an obvious kick at his father's anti-masonry. As such, the secret society presaged an even greater revolt against parental authority.

Sometime before the resumption of the fall term, Spencer stole \$300 from his father and ran away, intending to make a new life for himself on board a whaling ship.⁴⁶ Indeed, he was alleged to have then weathered the great gale of October 1841 whilst hunting "black fish."⁴⁷ Although he succeeded in evading his family for a short while, he was discovered two days before sailing, and another man was paid to take his place. Exasperated with his son's apparent incorrigibility, John Canfield Spencer decided upon what must have seemed an excellent solution. Since the boy was so enamoured with the sea, he would be put into the Navy as an acting midshipman.⁴⁸

There were a number of reasons why this decision would have been appropriate. In the first place, it was within his power. Midshipmancy had always been highly politicised, and by the 1840s the connection between patronage and appointment had grown close. Indeed, Spencer was one of 223 midshipman appointed in 1841, the great size of the class being a

⁴⁵ *Ibid.*

⁴⁶ Charles Sibley, *CMP*, p. 171.

⁴⁷ *New York Weekly Tribune*, December 24, 1842, quoted in H. Hayford, ed., *The Somers Mutiny Affair – A Primary Sourcebook* (Englewood Cliffs, NJ: Prentice-Hall, 1959), p. 14.

⁴⁸ Gay, "Recollections of Philip Spencer," pp. 37, 39-40. Much has been made of Philip Spencer's preoccupation with stories of the sea and swashbuckling, particularly his fascination with Charles Elms' *The Pirates Own Book*, a compilation of lurid piratical tales. See C. Elms, *The Pirates Own Book – Authentic Narratives of the Most Celebrated Sea Robbers* (New York: Dover Publications, Inc., 1993, originally published 1837).

product of the previous year's Whig electoral victory.⁴⁹ The Navy's junior officers had been effectively incorporated into the spoils system. As a cabinet member, especially one with a military portfolio, John Canfield Spencer had immediate access to the Secretary of the Navy, and could disregard the extensive waiting list for midshipman's warrants. Moreover, he could claim the favour since his presence in the cabinet was important for its credibility. Tyler was extremely unpopular with his party, and Spencer's place helped establish the centrist cabinet's Whig credentials.⁵⁰

Finally, there was a more immediate precedent, family tradition. The Spencer family, while not so distinguished as the Perrys, Decatur, or Rodgers', possessed its own naval tradition. Spencer's uncle, William Spencer, had been promoted captain in January 1841, having already served thirty-two years.⁵¹ Spencer's brother Ambrose was his captain's clerk on board the *Columbus*.⁵² Indeed, he had been put there presumably to keep out of further trouble following his arrest for forging five hundred dollars worth of checks in his father's name.⁵³ Finally, the eldest of John Canfield Spencer's sons, John Canfield Spencer, Jr., was the assistant surgeon on board the *Potomac*.⁵⁴ Thus, Philip Spencer had a powerful patron within the Navy itself. His uncle was well-positioned to follow his

⁴⁹ P. Karsten, *The Naval Aristocracy: The Golden Age of Annapolis and the Emergence of Modern American Navalism* (New York: The Free Press, 1974), p. 21.

⁵⁰ McFarland, *Sea Dangers*, p. 77.

⁵¹ Callahan, *List of Officers of the Navy*, p. 534.

⁵² W.H. Parker, *Recollections of a Naval Officer, 1840-1865* (Annapolis: Naval Institute Press, 1985), p. 20.

⁵³ Seager, *Papers of Henry Clay*, pp. 659-660.

⁵⁴ Callahan, *List of Officers of the Navy*, p. 534; M. Peterson, ed., *The Journals of Daniel Noble Johnson (1822-1863) United States Navy* (Washington, D.C.: Smithsonian Institution, 1959), p. vi.

nephew's progress, keeping his brother apprised of the boy's circumstances, and if need be, helping him out of difficulty.

On November 21, 1841, the Secretary of the Navy appointed Spencer as an acting midshipman. Less than three months later, and before his first overseas posting, Spencer was involved in a relatively serious incident. His uncle had arranged for a passed midshipman, William Craney, to help him learn his duties on board the *North Carolina*. The two did not get along, however, for which Craney blamed Spencer's dissolute and drunken behaviour. Their animosity grew, and eventually caused a fight between them. Craney was dissuaded from pressing charges (Spencer was guilty of striking a superior officer, a grave offence) on this occasion, but he did so after a second and more public fight in January 1842, and then resigned when they were not pursued.⁵⁵

Afterwards, Spencer was assigned to the frigate *John Adams*, then attached to the Brazilian Squadron, where his problems followed him. He did not associate much with his fellow midshipmen, who sent him to Coventry. Abandoned by his peers, Spencer appears to have drunk often, and alone, or allegedly with "the odds and ends of society, in and out of *caberets borgnes*... the reeky bagnios of the Rue Saboa..."⁵⁶ It was not long before these habits resulted in another serious breach of discipline.

On May 21, 1842, Spencer had by his own admission, been "overcome by the liquors [he] had [drunk]," and had grossly insulted an

⁵⁵ [Anon] W. Craney, *The New York Tribune*, December 21, 1842, p. 7. Craney claimed that he had been dissuaded in the first instance because "Spencer had powerful friends," and that on the second occasion, Captain Spencer had arranged for the complaint to be delayed until his nephew could be transferred to another vessel.

⁵⁶ R.C. Rogers, "Reminiscences of Philip Spencer and the Brig Somers," *United Service Magazine* (Second Series, No. 4, July 1890), p. 27.

English midshipman while on shore.⁵⁷ After being arrested, he appealed to the squadron's commander to be spared punishment, or allowed to tender his resignation in order to spare his father any embarrassment. Commodore Morris first accepted the resignation, but then announced that it was beyond his authority to do so, and ordered Spencer home for his case to be heard by the Secretary of the Navy.

Two months later, from the Boston Navy Yard, Spencer wrote to his brother casually dismissing his problems, and predicting an imminent return to sea. "I shall probably be in Albany in a few days as soon as I can get detached from the ship, but shall not stop for more than a day as I shall apply for sea service immediately."⁵⁸ His confidence was not misplaced. Less than a week later he received a letter from the Secretary of the Navy which, having censured and condemned his actions, forgave them, and returned his midshipman's appointment. On August 15, 1842, Spencer was ordered to the *Somers*.

Upshur's letter to Spencer had read, "what has past will be forgotten but if otherwise it will be remembered against you."⁵⁹ This has certainly proven the case, and his career on board the *Somers* has understandably been seen in light of his previous misadventures. Yet his behaviour is not to be as easily explained as some would have it. Undisciplined as he was, to dismiss him as a "young punk" is both facile and a disservice to the subject.⁶⁰ His experience and environment

⁵⁷ Spencer to Morris, May 25, 1842, quoted in Hayford, *The Somers Mutiny Affair*, p. 218.

⁵⁸ Spencer to Spencer, July, 31, 1842, quoted in Hayford, *The Somers Mutiny Affair*, p. 219.

⁵⁹ Upshur to Spencer, August 6, 1842, quoted in Hayford, *The Somers Mutiny Affair*, p. 219.

⁶⁰ Morison, *Old Bruin*, p. 247.

conditioned Spencer's actions. The former helps us understand his impetuosity, and the later ultimately demonstrates that it was neither as extreme nor as anomalous to his rank as it might at first appear. While this does not excuse his behaviour, it does help clarify it.

In the first place, Spencer was not in the Navy by choice, but by compulsion. When Spencer signed on board the whaler he was making a decisive break from his family, removing himself from their influence for the three years he would be cruising on the South Pacific whaling grounds. His father's intervention had thwarted this design, and Spencer remained his father's son, and not his own man. That he resented his position is clear. On board the *Somers*, he expressed this on several occasions, as well as his intention to leave the Navy in favour of the merchant marine.⁶¹

Spencer's behaviour in college demonstrated his aversion to formal education. While there he had shown himself to be uninterested, even self-destructive. At his best, he was unconventional, at his worst he was indolent. As a midshipman he was once again a student. A uniform had been substituted for his gown, a ship for the classroom, and an officer for his professor, but the role was essentially the same. One cardinal difference existed, the severity and seriousness of military discipline. Throughout 1841, his family's influence had been able to soften Spencer's worst conflicts with the Navy, but if discipline was wanted, the midshipman's appointment was a mistake. When Spencer was assigned to the *Somers*, which was officially designated as a school-ship, the mistake was compounded further. His rebelliousness emerged almost immediately.

⁶¹ Garty, *CMP*, p. 119; John Tillotson, *CMP*, p. 168; Sibley, *CMP*, p. 171.

Upon reporting to the brig, Spencer was introduced to the line and staff officers on board. The first thing he did afterwards was not to deepen his ties with them, but to distribute a box of cigars amongst the petty officers.⁶² Spencer clearly wanted to impress them, and this was an easy way to do so. The cost was inconsequential to him, and the gift would have been welcomed. In a new environment, Spencer went about establishing himself as an officer by flaunting his superior means. Uncertain of commanding the petty officers' respect, he sought to buy their esteem. What he lacked in authority and experience, he compensated for with patronage. In doing so, Spencer sent a mixed message of belonging and separation. On the one hand, the gift signalled familiarity, that he was not a 'sun-downer,' on the other, it made clear that his were the prerogatives of command, of wealth, and of class.

Spencer did not confine his gifts to the box of cigars; he also made occasional presents of money. The principal recipient was the boatswain's mate, Samuel Cromwell. He received cash on at least two occasions. The first, and most notable gift was given early in the cruise, between New York and Madeira. It amounted to fifteen dollars, according to Cromwell, "a pretty good present."⁶³ Indeed it was, being nearly a month's pay for the mate.⁶⁴ Another petty officer, the quarter-master Elisha Small, received two silver coins from Spencer.⁶⁵

In each instance the midshipman was rewarding men of singular importance. Cromwell was the most experienced sailor on board, a large and intimidating man. His respect was not easily won, and he was quick

⁶² Oliver Hazard Perry, Jr., *CMP*, p. 172.

⁶³ Wales, *CMP*, p. 14.

⁶⁴ *1842 Navy Register*, ii.

⁶⁵ Wales, *CMP*, p. 16.

to anger. If Spencer wanted familiarity with the crew he risked losing the respect due his rank. Cromwell's friendship ensured the deference of the enlisted men to one of their own. His association with Cromwell transferred the crew's respect and fear of the petty officer to Spencer as well. Moreover, if Spencer wanted to win over the enlisted men, he needed Cromwell's acceptance. The boatswain's mate was not given to respect superior rank on its own merit, as seen in his disrespect for MacKenzie and the threats he is alleged to have made against Lieutenant Montgomery Lewis during his service with the Florida Squadron.⁶⁶ His regard had to be earned. Spencer had only one year's experience against Cromwell's nine or more.⁶⁷ Money would help make up the difference. As Small was another experienced sailor, and more importantly, Cromwell's friend, his good-will was also needed.

Finally, on at least one occasion, Spencer threw coins onto the deck for the smaller boys to chase.⁶⁸ Contemptuous as it may seem, this gesture complemented his first gift, the box of cigars. The message of belonging and separation remained, but the motive and emphasis were different. The cigars had shown his respect for the petty officers' experience. Spencer remained an officer, but told them that they were not his inferiors, that they were men worthy of his respect. In turn, he asked them to accept him in spite of his rank and inexperience. The boys,

⁶⁶ MacKenzie, COI, p. 45. "...when employed in the Florida flotilla, under Lieut. McLaughlin, on one occasion, when in a boat expedition under Lieut. Rodgers, Cromwell, having been put in irons for drunkenness and mutinous conduct, menaced Lieut. Lewis by telling him that the next time they fell in with Indians other shots would be received than those that were fired by Indians; and that there would be some killed."

⁶⁷ NA Sailor's Protection Certificates Applications, 1833: Philadelphia, Pennsylvania, "Samuel Cromwell, May 17, 1833."

⁶⁸ Wales, CMP, p. 16.

however, were told that they were his inferiors, or at least certainly not his equals. Those who scrambled fastest would be grateful to him, but the coins were not given, they were thrown away. Chasing them, the apprentices struggled for his table-scrap. The act reinforced the divide between them. Spencer was not much older than the apprentices, and he had precious little experience, but he held a midshipman's warrant. No matter his relationship with the petty officers, the smaller boys were to remember this. At the same time, this gesture enhanced the mutual respect he sought from the petty officers. His need for the fore-castle's acceptance was not absolute. Spencer had no desire to be the equal of 'small-fry.' He remained an officer, and his company was a privilege for those lucky enough to enjoy his favour.

Although Spencer most actively courted the petty officers, he also sought the company of certain other seamen and older apprentices, offering them frequent gifts of cigars and chewing tobacco.⁶⁹ Cheap and plentiful, they were the common currency of his friendship.⁷⁰ The cigars were usually reserved for seamen and petty officers, but might have been given on occasion to the apprentices. More often, the boys received chewing tobacco, which was also given to some sailors, as much as a pound at a time.⁷¹ The apprentices, who had been forbidden any by MacKenzie, especially prized the tobacco. Spencer knowingly suborned the policy. Apart from giving the apprentices tobacco, he promised to protect them if they were discovered. Billinger Scott, a fifteen year-old apprentice, accepted tobacco from Spencer only after such assurances:

⁶⁹ Thomas Dickinson, COI, p. 37.

⁷⁰ Heiskill, CMP, p. 161. Drawn from the purser's store, the cost of a pound of tobacco was 38 cents, while cigars were 3 cents each.

⁷¹ Wales, COI, p. 18.

“He said ‘if I got hauled up for it he would stand between me and the commander.’”⁷²

This claim belied his authority. The assumption that Spencer could defend the apprentice was ridiculous. The midshipman's word was nothing against the commander's order. At best, he could deflect blame, but both were guilty of disobedience. Indeed, as an officer, Spencer's guilt was even greater. That Spencer was guilty as well enhanced the gifts' message of belonging and separation. He had access to the forbidden tobacco, but was also responsible for enforcing the ban. Instead, he used his position to circumvent it. The gift was a friendly enough gesture, but under these conditions it became much more. Each present bound him to the apprentices, and they to him.

Spencer was defining his own hierarchy of values. The gifts demonstrated his regard for certain members of the crew. Moreover, they showed that their esteem was one of his highest priorities. His concern for their well-being outweighed his loyalty to MacKenzie. Spencer's sense of duty extended not to him, but them.

I have seen him giving tobacco and segars [sic] to the smaller boys, saying, when he gave it to them, that "he knew it was contrary to the rules of the vessel to give it to them, but if the commander would not let them have it, he would accommodate them."⁷³

Whenever an apprentice accepted tobacco, he conspired with Spencer against the lawful authority on board. On the one hand, Spencer's gift showed that his concern for the boys exceeded MacKenzie's; on the other hand, its acceptance demanded gratitude. It created a bond in which Spencer was an alternative authority figure. The gifts did more than

⁷² Billinger Scott, CMP, p. 91.

⁷³ Wales, CMP, p. 16.

tighten his connections to the crew, they challenged MacKenzie for the boys' loyalty. Indeed, their defiance of his commands insulted him.

Apart from offering these gifts, Spencer adopted an easy fraternal style with his favorites. He spent much of his time in their company, dancing and making music. His was a special contribution, since he could dislocate his jaw, and then play a variety of tunes on it. This was "very pleasing" to the crew, and they would ask him to play for their amusement.⁷⁴ He may have joined in their yarn-spinning sessions, listening avidly to the tales of the older crewmen, and presumably offering his own.⁷⁵

Time spent with the crew was time spent apart from his fellow officers, and Spencer risked alienating the steerage. The abnormality of his behaviour was great enough to attract attention, and on a brig as small as the *Somers*, it was impossible for it to go unnoticed. Indeed, his intimacy with the crew, and his aloofness from the officers was widely noted.⁷⁶ Other midshipmen socialised with the crew, but were more discerning, and talked only with the senior petty officers.⁷⁷ Although Spencer dined in the steerage, and participated in some of the "steerage amusements," he was very much an outsider.⁷⁸ Since his arrival on the brig, this had been the case. In the first place, Spencer's position and behaviour invited trouble with his peers. Steerages were notorious for their rivalries, bullying, and general rambunctuousness. On the one hand,

⁷⁴ Wales, CMP, p. 14; Dickinson, COI, p. 37.

⁷⁵ Matthew C. Perry, Jr., CMP, p. 70.

⁷⁶ Wales, CMP, p. 23; Matthew C. Perry, Jr., CMP, p. 63; Heiskill, CMP, p. 157; Daniel McKinley, CMP, p. 178; MacKenzie, CMP, p. 197.

⁷⁷ English, CMP, p. 85; William H. King, CMP, p. 90; Charles Van Velsor, COI, p. 39.

⁷⁸ Rodgers, CMP, pp. 128, 132.

clannish, midshipmen were also quick to ostracise any of their number not conforming to whatever conventions of behaviour they had established for themselves.⁷⁹ Moreover, hazing was commonplace, especially against younger midshipmen and those who were new to the steerage.⁸⁰ Spencer had reported in late summer after the first cruise. The midshipmen already on board had been together for three months, and would have forged their own friendships. Spencer was the newcomer in a settled environment. His arrival had increased the over-crowding in the steerage, and on these grounds alone could not have been terribly welcome. Finally, most of the other midshipmen were related to the brig's Commander, either by blood or marriage. Adrian Deslonde was the nephew of his brother, John Slidell. Matthew C. Perry, Jr., and Oliver Hazard Perry, Jr., were his own nephews, and Henry Rodgers was their cousin. MacKenzie was close to all of them, and appears to have told them of Spencer's past problems, and warned them against him.⁸¹ Finally, Spencer's open hostility to MacKenzie, evident in remarks to the effect that the commander's initials would better reflect his character had his last name begun with an 'S,'⁸² or that he was a "humbug,"⁸³ could only have increased the tension between him and the other junior midshipmen.

It behooved Spencer to ingratiate himself with his new comrades. Instead, he reinforced the divide between them. Rather than overcome the social barriers of the steerage, he avoided them, preferring the company of

⁷⁹ Bury, *Education in the Old Navy*, p. 101.

⁸⁰ Maclay, *Reminiscences of the Old Navy*, p. 27.

⁸¹ Matthew C. Perry, Jr., CMP, p. 68; Heiskill, CMP, p. 158.

⁸² Rodgers, COI, p. 30.

⁸³ Egbert Thompson, COI, p. 31; Adrian Deslonde, COI, p. 32; Tillotson, COI, p. 34.

the crew. Spencer was playing a dangerous game: the gulf between quarter-deck and forecandle was not so easily crossed. In attempting to do so, he defied the social hierarchy that divided officers from men. There was meant to be an absolute social cleavage between the ranks. Officers would consort with their own kind, and enlisted men would do the same. Interaction would, of course, occur during watch duties, since the operation of a ship demanded it, but such interactions would be professional. Apart from maintaining a coherent chain of command, the hierarchy of rank paralleled a rigid caste structure defining the social roles of the vessel's complement, while providing the conventions that determined what was appropriate behaviour. Spencer was distorting these conventions and boundaries, affecting the subordination of the brig.

Nevertheless, apart from Spencer's unconventional behaviour, the first leg of the cruise passed by without serious incident. The daily routine was established, and the apprentices schooled in their various tasks. Throughout the crossing, discipline was good, and the brig in fine working order.⁸⁴ Although Samuel Cromwell is said to have had boys punished for the most trivial infractions, the number of punishments inflicted belies this allegation.⁸⁵ Indeed, the brig's good discipline was reflected in the relative infrequency and mildness of the punishments on board. On thirty-three occasions, crewmen were colted, usually for the indeterminate offences of skulking or disobedience of orders, but also for sleeping on watch,

⁸⁴ Gansevoort, *CMP*, p. 59; Matthew C. Perry, Jr., *CMP*, p. 60; Henry King, *CMP*, p. 138.

⁸⁵ Wales, *CMP*, p. 16; William H. King, *CMP*, p. 88; Jonas Humbert, *CMP*, p. 101. These allegations most likely refer not to the quantity of the punishments, but to the severity with which Cromwell carried them out.

fighting, and washing clothes without permission.⁸⁶ Most of these punishments were ordered on two separate occasions, September 22, and then October 2, two days before the brig's arrival at Madeira. In the first instance, nine boys were punished for disobedience of orders and another for skulking, and on the later occasion, ten were punished for a variety of offences including being dirty at muster, skulking, impertinent answers to the master-at-arms, and fighting. The cat-of-nine tails was only used on one occasion, September 25, when two apprentices, Dennis Manning and Stephen Swift, were punished before the assembled crew. Manning received eight lashes for theft, and Swift twelve for filthiness, the latter offence most likely to have been masturbation.⁸⁷ Furthermore, Richard Gilmore was disgraced to third class boy, making him the only apprentice to drop in rank during the cruise.⁸⁸ At the same time, MacKenzie rewarded

It is also possible that these offences were not punished by beatings, but by other means such as additional duties and look out. Green, *CMP*, p. 216.

⁸⁶ *New York Tribune*, January 14, 1843, 'Punishment Log of the *Somers*' Skulking refers to the avoidance of duty whereas disobedience of orders was the failure to obey properly a command. This and all other quantifiable references to flogging are drawn from the punishment log of the *Somers*, which was a list of punishments inflicted on board. The punishment log was arranged chronologically, covering the first two cruises of the *Somers*, from June 3, 1842, to December 10, 1842. Each entry recorded the date of the punishment, the name of the crew member punished, his offence, and the severity of his punishment. Furthermore, there was a second list containing a summary total of the punishments each crew member received throughout the cruise. Several of these summary entries included remarks on the crewman's character and abilities, presumably taken from the school records kept on board the *U.S.S. North Carolina*.

⁸⁷ The supposition is derived from the flogging's severity, and the euphemistic term 'filthiness,' which has been connected to such acts. Valle, *Rocks and Shoals*, p. 174.

⁸⁸ "Muster Returns from the Brig of War *Somers*, September 1, 1842 - September 30, 1846," NA RG 217, MPR, Book 1424.

good behaviour and seamanship by promoting three apprentices on the same occasion.⁸⁹ He had already made several such promotions, most of them on September 18, when five apprentices were raised in rank.⁹⁰

On October 4, after three weeks at sea, the *Somers* arrived at the harbour of Funchal, Madeira. Upon entering the harbour MacKenzie ordered a twenty-one gun salute for the Portuguese flag, and another seven-gun salute for the American Consul, who made an official visit.⁹¹ The first leg of the cruise had been an easy one. En route, the brig had encountered only eight other vessels, none of which had aroused any concern.⁹² Indeed, the only difficulty had been the winds, which had driven the *Somers* as far north as the Azores.⁹³ This had cost some sailing time, but caused no great discomfort. MacKenzie wanted to make up the lost time, so the brig departed the next morning for Tenerife. The rapid departure denied the crew any opportunity for liberty since they had to provision the brig. Samuel Cromwell resented the work, openly complaining that it was “damned hard usage,” and that the Commander wanted more labour out of the crew than was necessary.⁹⁴ Although MacKenzie and most of the other officers were off the brig, Guert Gansevoort and several others heard the remarks. Additionally, Cromwell was very slow obeying the Lieutenant's orders, and made a minimal effort

⁸⁹ “Muster Returns from the Brig of War *Somers*, September 1, 1842 to September 30, 1846,” NA RG 217, MPR, Book 1424..

⁹⁰ *Ibid.*

⁹¹ “Rodgers Journal,” October, 4, 1842.

⁹² “Rodgers Journal,” September 16, 20, 22, 24, 27, 28, 29, and October 2, 1842. All of the vessels save one were American, the exception being a French brig seen off the Point of St. George on September 29.

⁹³ MacKenzie to Upshur, October 4, 1842, NA RG 45. The *Somers* arrived off Fayal, in the Azores, on September 27.

⁹⁴ CMP, pp. 14, 54; COI, p. 18.

to see that the crew followed them.⁹⁵ Whilst getting under weigh, in the presence of Lt. Gansevoort and Sailing-Master Perry, Cromwell had also sworn "God damn the jib and the lacing, and the damned fool that invented it."⁹⁶ The damned fool, was of course, MacKenzie. Although this outburst (the beginning of an increasingly insubordinate pattern of behaviour) earned Cromwell a severe reproof, there was no further punishment.

Cromwell's irritation may have stemmed from the short distance to be sailed. After just two days' sailing, the peaks of Teneriffe were sighted on October 7, and late in the evening, the *Somers* dropped anchor off Santa Cruz. The next morning MacKenzie rewarded fifteen of the apprentices by allowing them to go ashore on liberty. Apart from the obvious respite this gave them from a month's time spent on board, liberty was a considerable privilege since the lucky fifteen would now escape the day's work, further provisioning of the brig. Those who remained on board had to load and stow 270 pounds of fresh beef and 424 pounds of vegetables. Whatever pleasure there might have been in saluting the Spanish flag with a seventeen-gun salute (which was returned gun for gun), did not compensate for hauling supplies in the rain.⁹⁷ Additionally, thirteen boys were colted whilst in the port, most of them for uncleanliness.⁹⁸ The irritation of those who remained on board would have been exacerbated when they were denied their own leave later in the day. Several apprentices had remained onshore too long, and by the time

⁹⁵ COI, p. 24.

⁹⁶ CMP, pp. 54, 67, 90.

⁹⁷ "Rodgers Journal," October 8, 1842.

⁹⁸ *New York Tribune*, 'Punishment Log of the *Somers*,' January 14, 1843.

they returned, it was too late for any others to leave the brig.⁹⁹ The next morning the *Somers* received on board further supplies and another 800 gallons of water. Early in the evening, the brig set sail for the Cape Verde Islands. Some time later, Daniel McKinley was punished for breaking his liberty. He was the only apprentice to be flogged for the liberty-breaking, probably because he had been specifically ordered by MacKenzie to return to the brig.¹⁰⁰ At any rate, his punishment was severe, twelve strikes with the cats.

The cruise to the Cape Verde Islands was as quiet as its predecessor as only two other vessels were seen, a schooner and a brig.¹⁰¹ On board, however, several noteworthy incidents occurred. There were twenty-four floggings, one of which was with the cats. The offences for which these were ordered show an increase of tension amongst the crew. Whereas skulking and disobedience of orders had been prevalent before Madeira, fighting was the most common transgression between Santa Cruz and the island of St. Iago, accounting for one quarter of the punishments.¹⁰² Most of the other coltings were for acts of carelessness such as dropping a knife from aloft, leaving jackets about the deck, and not having proper attire. One apprentice, Dennis Manning, colted on three separate occasions, had a particularly difficult time.

⁹⁹ Gansevoort, COI, p. 25 Several of the apprentices broke their liberty, but only two are named: Daniel McKinley and Benjamin Green.

¹⁰⁰ Sears, CMP, p. 115.

¹⁰¹ "Rodgers Journal," October 9 and 10, 1842.

¹⁰² *New York Tribune*, 'Punishment Log of the *Somers*.' Those punished were: Dennis Manning (October 9; 9 colts), William Houghland (October 17; 6 colts), Wallace Dowd (October 17; 6 colts), Peter Tyson (October 17; 6 colts), Stephen Swift (October 17; 6 colts), and Daniel McKinley (October 20; 6 colts).

Manning was also flogged with the cats the day after the *Somers* arrived at the Cape Verde Islands. He had been caught stealing and was given twelve strikes. He was not the first person to have been flogged for that offence on board. A little more than a week earlier, Peter Tyson had received the same punishment. The absence of privacy, and the presence of two thieves could only have increased whatever tensions were present. It is not surprising that both Manning and Tyson were also punished for fighting during this crossing.

Sometime after Madeira, Cromwell's zeal in administering punishment appeared to relax. Although he continued to be responsible for flogging, he reduced the force with which he struck these blows.¹⁰³ Furthermore, he began to be friendlier with the younger apprentices, allowing them to skylark around him, and curse his name.¹⁰⁴ Finally, he began to associate more with certain members of the crew.¹⁰⁵ Cromwell was, however, caught in a paradoxical situation. Beforehand, he was criticised for being too hard on the boys, and now, for being too lenient and familiar.¹⁰⁶

The *Somers* had sailed for eleven days before reaching the harbour of Porto Praya in the Cape Verde Islands on October 20, 1842. Upon arrival, MacKenzie made the customary salute to the sovereign flag of the island, firing seventeen guns in honour of Portugal, each of which was returned by the harbour fort. Furthermore, another seven were offered to

¹⁰³ Wales, COI, p. 19; Matthew C. Perry, Jr., CMP, p. 63; William H. King, CMP, p. 88; Humbert, CMP, p. 101.

¹⁰⁴ Dickinson, COI, p. 37.

¹⁰⁵ William H. King, CMP, p. 88.

¹⁰⁶ Dickinson, CMP, p. 148.

the United States Consul.¹⁰⁷ MacKenzie learned from him that the *Vandalia* had last been at the island on July 7, and that there had been no further word from her. The next day, a Royal Navy brig entered the harbour, and her commander told MacKenzie that he had spoke the *Vandalia* off the Isles de Los seven days after she had departed Porto Praya.¹⁰⁸

MacKenzie, having no means of knowing the current whereabouts of the *Vandalia*, decided to press on to Cape Mesurado with all possible speed.¹⁰⁹ Lingering at Porto Praya only to replenish his provisions, receiving on board two live bulls as well as fruit and vegetables, he set sail the day after his arrival.¹¹⁰ That evening, there was another mass colting. Eight boys were punished, primarily for disobedience of orders, but also for fighting and improper language. Besides Dennis Manning's flogging, another apprentice, Jonas Humbert, was given six strikes with the cats for disobedience.

By this stage of the cruise, Spencer was a clear favorite of the crew. There were, however, a select few with whom he was especially close. He was most intimate with the two senior enlisted men, Cromwell and Small. Although Small had been disrated from quartermaster to seaman before the brig's arrival at Madeira, he remained one of the most experienced sailors on board. To begin with, Spencer was closer to Small, but as the cruise progressed, he spent more and more time with the boatswain's mate. That Spencer and Cromwell had been close before the

¹⁰⁷ "Rodgers Journal," October 20, 1842.

¹⁰⁸ "Rodgers Journal," October 21, 1842.

¹⁰⁹ MacKenzie to Upshur, October 21, 1842, NA RG 45.

¹¹⁰ "Rodgers Journal," October 21, 1842. The livestock was presumably kept on the forecastle.

trans-Atlantic crossing is clear, but it was only after their departure from Madeira that they became especially tight.¹¹¹

Spencer's immediate circle also included apprentices and seamen. Closest to him were Benjamin Green, Alexander McKee, and Daniel McKinley.¹¹² Less intimate, but also close were Charles Wilson, George Warner, and Henry Waltham. Finally, Spencer's associations extended to William Neville, Jonathan Cavanaugh, Henry Stremmels, Edmund Gallia, and Charles Golderman. His closeness with these last crewmen is uncertain since they are often referred to only once in connection to Spencer. Edmund Gallia for instance, would borrow Spencer's pipe, and speak Spanish with him, but nothing more is known of their relationship.¹¹³ Spencer was also likely to have been close with the captain of the forecastle, Charles Van Velsor, and three other apprentices, Richard Hamilton, George Kneavels, and Eugene Sullivan.¹¹⁴

Two of those named as being his friends, Billinger Scott and Jacob Blackman, were actually Spencer's hammock boys.¹¹⁵ They stowed his hammock in the morning, readied it at night, and scrubbed it when required, for which they were paid in small cash, or as has been seen,

¹¹¹ Oliver Browning, COI, p. 36.

¹¹² That these men and boys were friends of Spencer is without doubt, but the closeness of the friendships relative to one another is a matter of conjecture. In assigning them levels of familiarity, I have relied on the number of times which they were referred to by other members of the crew as having been friends of the midshipman, e.g., Benjamin Green is mentioned seven times, Alexander McKee, six times, and Daniel McKinley, four times.

¹¹³ Wales, CMP, p. 15.

¹¹⁴ This supposition is based on their arrest as likely mutineers later in the cruise.

¹¹⁵ COI, p. 34, 39.

tobacco.¹¹⁶ Manuel Howard was the steerage steward. He was responsible for serving all the midshipmen at meal times and accommodating their wishes. On at least one occasion he gave Spencer a head massage.¹¹⁷ Thus, these three were not so much intimates as servants.

Spencer had also ordered the galley cooks to give Cromwell coffee whenever he wanted.¹¹⁸ Whether or not his other friends enjoyed this privilege is uncertain since there is no record of it, and certain of the galley cooks later disavowed any familiarity with the midshipman.¹¹⁹ Cromwell, who was said to be “very tight” with the galley cooks may very well have been the only one of Spencer’s circle to benefit in this way.¹²⁰ At any rate, Spencer was again extending the prerogatives of his own rank to someone whose status on board did not otherwise command it.

Spencer’s actual friends were the oldest and most experienced boy-sailors on board. Waltham, Wilson, Warner, Gallia, and McKinley were all in their early twenties, and all of the others were seventeen or older. The two hammock boys were only fifteen, but since his relations with them were likely to have been more professional than personal, their youth is not an issue. The one exception to the rule was John Cavanaugh, who at thirteen years of age, was the youngest boy on board. Apart from simple misidentification, there are two plausible explanations for Spencer’s friendship with Cavanaugh. He could have been moved simply by pity for the youngest and presumably most vulnerable boy on the brig, or he might have had sexual relations with him.

¹¹⁶ Bury, *Education in the Old Navy*, p. 97.

¹¹⁷ Manuel Howard, COI, p. 40.

¹¹⁸ *Ibid.*

¹¹⁹ Henry Garrabrandts, COI, p. 40.

¹²⁰ Charles Stewart, CMP, p. 154.

Spencer was probably having homosexual relations with older members of the crew. At least, the other midshipmen assumed so, referring to his companions as his “chickens.”¹²¹ This was naval slang for the junior partner in a homosexual couple.¹²² Such couples were junior-senior pairings, with the senior partner playing the role of protector and provider in exchange for sexual favours. Spencer’s gift-giving and higher rank was commensurate with the senior’s role. These relationships did not necessarily extend to actual intercourse, and often consisted of nothing more than mutual masturbation, a practice which was sometimes called the “boom cover trade,” since it was often carried out there.¹²³ Although it hardly constitutes proof of Spencer’s homosexuality, he was seen beneath the booms on at least one occasion. At any rate, if Spencer’s sexuality is uncertain, that his fellow officers considered him capable of homosexuality is not.

Besides “familiarity that [did] not acquit an officer and a gentleman,”¹²⁴ Spencer was providing his closest friends with alcohol. These gifts constituted a very serious breach of discipline since they were a direct contravention of naval regulations, and sabotaged MacKenzie’s temperance policy. Far more than his gifts of tobacco, they aligned Spencer against the Commander and with the crew. MacKenzie, like many other naval officers, considered the grog ration to be responsible for many of the Navy’s woes. In keeping with his beliefs, he had decreed that

¹²¹ McKinley, CMP, p. 176.

¹²² B.R. Burg, *An American Seafarer in the Age of Sail - The Erotic Diaries of Philip C. Van Buskirk 1851-1870* (New Haven: Yale University Press, 1994), p. 79; Valle, *Rocks and Shoals*, p. 327.

¹²³ Burg, *An American Seafarer*, p. 74.

¹²⁴ Thompson, COI, p. 31.

the *Somers* be a 'dry' ship, without any ration. Nevertheless, there were supplies of liquor on board, both sanctioned and illicit. These stores would provide Spencer and his friends with their alcohol.

The legitimate supply of liquor was kept in the wardroom. Lt. Gansevoort was in favour of the senior officers enjoying a drink with their meals, which MacKenzie allowed:

In the wardroom, the officers, of course, had their wine. I knew what had been the views on that subject of my friends Commodores Pendergrass and DuPont on board the *Ohio*, and what had been their practice with regard to the total exclusion of spirituous liquors from the wardroom of that ship. I knew that Lieut. Gansevoort's views were identical on all subjects with those of his two distinguished messmates above named. I did not, therefore, interfere with regard to the wardroom...¹²⁵

Thus, there was a supply of liquor for the benefit of the line and staff officers. This cache was made available to the midshipmen when they were invited to dine in the wardroom.¹²⁶ On the one occasion that Gansevoort extended such an invitation to Spencer, brandy was served, and the midshipman drank to excess.¹²⁷ Even when they were dining amongst themselves, however, Gansevoort made a practice of sending wine for the midshipmen to drink with their dinner.¹²⁸

The propriety of the Lieutenant's actions is uncertain. As only two of the junior officers were old enough to drink, and the brig's commander had forbidden them their own store of wine, Gansevoort's generosity represented no other authority but his own, which while considerable, did in fact, contravene his commander's orders.

¹²⁵ MacKenzie, CMP, p. 195.

¹²⁶ Rodgers, CMP, p. 133.

¹²⁷ Gansevoort, CMP, p. 51.

¹²⁸ Heiskill, CMP, p. 168.

Gansevoort was also the only officer from whom enlisted men legitimately received liquor:

Q. Have you ever known Mr. Gansevoort to give brandy to any of the men?

A. Yes, sir; I have known him to give brandy to Browning when he had been overboard, to hook the standing part of the foresheet; also, to Stewart, the captain of the forecabin, when he had been under the bows, shackling the chain, during the cold weather on the coast. I only saw the men go down to the wardroom wet and cold, and he gave them a drink.¹²⁹

These gestures were representative of naval custom, and Gansevoort was making judgements as the executive officer. This was "splicing the main brace," an additional ration of grog given to sailors following duty in bad weather or after they had been much exposed to the elements.¹³⁰ The brandy was on the one hand a reward for services rendered, and on the other, a medicinal remedy to help counter the effects of cold.

Despite Gansevoort's occasional distribution of brandy to the midshipmen and crew, MacKenzie was largely successful in eliminating drinking on board. This was a success for the temperance-minded commander, who ensured that the corruptive influences of alcohol did not come from above, a charge frequently levied at the Navy for its spirit ration. Indeed, there were hardly any recorded instances of punishments relating to drunkenness on board the *Somers*. What problems there were had occurred much earlier, when the brig was still in New York City.

¹²⁹ Rodgers, *CMP*, p. 133.

¹³⁰ E.H. Stringham, 'Letter to the Secretary of the Navy on Corporal Punishment and the Spirit Ration,' quoted in Lathrop, "Grog, its Origin and Use in the United States Navy," p. 380.

Then, four apprentices had been colted for drunkenness, and two of them reassigned.¹³¹ Nonetheless, the temperance policy was a failure.

While the *Somers* might have been a dry vessel for a short while during her summer anchorage in New York, she had not remained so for long. The harbour presented plenty of opportunities to smuggle liquor on board before the vessel set sail, and at least one instance was alleged during the court-martial. Elisha Small was said to have smuggled liquor onto the *Somers* from the *U.S.S. Savannah*, which was lying alongside the brig. Small had brought the liquor on board during Spencer's watch, and if Spencer was not aware of this at the time, he later shared a drink with Small and Cromwell.¹³² Therefore, even before the brig set sail, certain enlisted men refused to countenance the temperance regime. Both Cromwell and Small were old enough to receive the spirit ration, had sufficient experience at sea to expect it, and would have been aggrieved by its deprivation, particularly at MacKenzie. Whereas the abolition of grog was intended to curb disciplinary problems, it actually created them as well by giving cause for resentment towards the Commander, and by encouraging smuggling. What is more, Spencer was already fraternising with members of the crew to an unprecedented degree. This was a clear contravention of his duty, which would have been to report any smuggling, and most assuredly, not to participate in it.

It is uncertain how long this cache of liquor survived during the first stage of the *Somers'* voyage, but as the cruise progressed, so too did the illicit drinking on board. Whether or not there were other illicit stores

¹³¹ *New York Tribune*, 'Punishment Log of the *Somers*.' On August 22, 1842, Richard Hamilton, Benjamin Frease, Thomas Phelps, and Augustus Sarony were so punished. Frease and Phelps were reassigned.

¹³² Henry King, *CMP*, p. 138.

of liquor on board between New York and Madeira is debatable. There is certainly no documentary evidence of any liquor beyond Gansevoort's personal supply. Once the brig had left New York, the opportunity to smuggle liquor from adjoining vessels vanished, and all further supplies had to be found on board.

Between Madeira and Cape Mesurado on the Liberian coast a dramatic increase in the alleged incidents of drunkenness occurred. By this time then, the crew was obtaining liquor. In fact, it was being stolen by the wardroom steward at Spencer's behest. There was on board a supply of brandy that had been ordered by Richard Leacock, the ship's doctor. Leacock was concerned about the brig's eventual voyage to Liberia, and brandy was considered by him to be "salutary in preventing the effects of malaria."¹³³ When this brandy had been procured, double the amount that had been requested was actually brought on board. Henry Waltham, the wardroom steward responsible for the order, had submitted it to two separate grocers, ensuring that there was a surplus of brandy to which he had immediate access.¹³⁴ It was from this medicinal store that liquor would be stolen.

Spencer was alleged to have induced Waltham to steal brandy for him to hide, and then drink at his own leisure: "I saw Waltham bring some liquor and give it to Mr. Spencer who put it in his locker..."¹³⁵ The steward would have aroused no concern in the wardroom, and the starboard locker's immediate proximity to the steerage made it easy for him to deliver the liquor to Spencer. The midshipman had earned the steward's

¹³³ MacKenzie, CMP, p. 196.

¹³⁴ McKinley, CMP, p. 178. This store of brandy was presumably the same one kept in the starboard locker of the wardroom.

¹³⁵ Gansevoort, CMP, p. 50; Howard, COI, p. 40.

trust by presenting him with a considerable number of gifts including a frock coat and bundle after bundle of cigars.¹³⁶ In exchange for one commodity, cheap to himself, Spencer obtained brandy, a considerable luxury.

Once the brandy was in Spencer's possession, he would drink it with select members of the crew, especially Cromwell and Small. Usually, he did not get drunk, but on occasion he did:

Q. Have you ever known Mr. Spencer to give Cromwell liquor?

A. Yes, sir: one morning Mr. Spencer came forward, and Cromwell was sitting on the forehatch; Mr. Spencer asked Cromwell if he would like to have something to drink, Cromwell said he would; Mr. Spencer went aft and beckoned to him, and Cromwell followed him; Cromwell stopped at the mainmast, Mr. Spencer went below in the steerage; Mr. Spencer put his head above the hatch, and looked round to see if the officer of the deck was aft; Mr. Cromwell gave Spencer a cup, Cromwell drank something out of it; when he gave him the cup, Mr. Spencer was intoxicated at the time; Cromwell came forward, Mr. Spencer followed him; Mr. Spencer asked Cromwell if it was good, Cromwell said, "Yes;" they piped to breakfast, and I went below...

Q. How did you know Mr. Spencer was intoxicated?

A. I could see it on him, his face was red and he could not walk straight.

Q. Did he talk thick?

A. Yes, sir.

Q. Did he stagger much?

A. Yes, sir.

Q. Might that not have been from the roll of the brig? Was it calm, or otherwise?

A. It was calm; it could not have been from the rolling of the brig' she was not rolling.¹³⁷

Although most reported instances of drinking on board referred to Spencer, Cromwell, and Small, there were other members of the crew with whom Spencer shared his cache. Charles Stewart, the Captain of the forecastle, received a glass of brandy from Spencer for lending him his mattress when he had lost his overboard, and for scrubbing a pair of

¹³⁶ *Ibid.*

¹³⁷ Humbert, CMP, pp. 100-101.

pantaloon.¹³⁸ This reward was willingly accepted even though Stewart was aware that it violated the regulations of the brig. On another occasion Benjamin Green was alleged to have been drunk down in the galley, and in possession of “a skin containing liquor.”¹³⁹ The skin would have been secreted on Green’s person, and is reminiscent of the “snake,” a tube made of intestines that sailors used to smuggle liquor.¹⁴⁰

Even as he sabotaged the temperance policy, Spencer’s behaviour before the crew became increasingly insubordinate. This was in marked contrast to his behaviour before the Commander, which was servile to the point of obsequiousness.¹⁴¹ Away from MacKenzie, he often castigated him for slights both real and perceived. In doing so, he followed Cromwell’s example, mimicking his comments that MacKenzie wanted too much work out of the crew and issued orders only to see them followed.¹⁴² Nevertheless, Spencer was more circumspect than Cromwell in his outbursts. Whatever carelessness he might have shown in the steerage, he was still careful not to speak too ill in front of officers *and* men. That is to say, he made sure his insubordination did not occur in mixed company.

As he became more comfortable with the crew, however, he expressed his dislike of the Commander more often. On one occasion, after MacKenzie had reprimanded him for neglect of duty, Spencer remarked in the presence of several crewmen that he would like to throw

¹³⁸ Stewart, COI, p. 36.

¹³⁹ Dickinson, CMP, p. 154.

¹⁴⁰ Valle, *Rocks and Shoals*, p. 203.

¹⁴¹ Wales, COI, p. 8; Rodgers, CMP, p. 129.

¹⁴² Wales, COI, p. 19.

the Commander overboard the first time he had a chance.¹⁴³ This neglect of duty was likely the result of his fraternisation with the crew. His superior in the watch, Henry Rodgers, often had to go forward and complete orders that should have been relayed by Spencer, but which had been ignored because he was too deep in conversation.¹⁴⁴ Finally, Spencer openly questioned MacKenzie's disciplinary practices, asking at least one crewman if he thought that the Commander wasn't being too hard flogging the crew, and calling MacKenzie a "son-of-a-bitch."¹⁴⁵

Indeed, punishments on board were becoming more severe. Between Porto Praya and Mesurado, there had been twenty-three coltings and two floggings.¹⁴⁶ While this figure was not much greater than the number of punishments administered between Santa Cruz and Porto Praya, the number of strikes inflicted for these punishments had begun to increase. In the first instance, slightly more than half of the punishments had numbered six or less strikes. Between Porto Praya and Mesurado, however, two-thirds of the punishments were of nine or more blows.¹⁴⁷

At the same time as this increase in punishment, the officers and forward officers reported that discipline, which had been good through Santa Cruz had begun to deteriorate.¹⁴⁸ The failing discipline manifested itself in the slowness of the crew to follow orders, and the haphazard

¹⁴³ Neville, COI, p. 38.

¹⁴⁴ Rodgers, COI, p. 31.

¹⁴⁵ Neville, COI, p. 38; Gansevoort, CMP, p. 50.

¹⁴⁶ *New York Tribune*, 'Punishment Log of the *Somers*.' This figure does not include the eight coltings and two floggings that took place the when the brig departed Porto Praya.

¹⁴⁷ Between Santa Cruz and Porto Praya there were twenty four coltings, thirteen with less than six strikes, and eleven with nine or more. The twenty three coltings between Porto Praya and Mesurado consisted of fifteen with nine or more strikes, and eight with six or less.

¹⁴⁸ Gansevoort, COI, p. 24; Matthew C. Perry, Jr., CMP, p. 60.

manner in which their duties were accomplished. Typical of this behaviour were Charles Wilson's remarks about the forecastle, "Damn them, they have got plenty of men forward, let them do it themselves."¹⁴⁹ The overwhelming attitude appears to have been that work was to be avoided as much as possible. Most seriously affected was the discipline of the older boys on board.¹⁵⁰

Since Spencer was most familiar with the older boys, it was later assumed that his insubordination was responsible for their misbehaviour. This assumption does not withstand scrutiny. Those closest to Spencer, and therefore most likely to suffer the effects of his insubordination, were not subjected to any increase in discipline. While several of them were punished during this period, there is no evidence that their behaviour became any worse than it had been before. Indeed, six of them went unpunished on both cruises, and several of the others either had not been punished since before Spencer's arrival or would not be punished until later in the cruise. The only ones whose disciplinary records stand out are Billinger Scott, Charles Wilson, and Charles Van Velsor. Scott was the only one of Spencer's associates whose behaviour earned him several beatings, but at fifteen he was hardly one of the older boys on board, and besides which, he was not even that close to Spencer. Wilson and Van Velsor are of note only because they were each flogged within a day of one another for striking a boy. This was the only time Wilson was punished, however, and he received just twelve from the colt. Van Velsor, on the other hand, had been punished three times already, always

¹⁴⁹ Tyson, COI, p. 38.

¹⁵⁰ Gansevoort, COI, p. 25.

for fighting. Thus, his punishment was much more severe, twelve with the cats.¹⁵¹

Wilson's good disciplinary record concealed a quick temper. Earlier, he had thrown a bag at James Dunn, one of the galley cooks, and threatened him with future retaliation after being chased from the galley.¹⁵² He had also publicly declared his intention to take the lives of Joseph Weaver and Peter Tyson at the earliest opportunity.¹⁵³ These later comments were made after he had been flogged for striking them, and reflect more his 'passionate' nature than any actual intent.¹⁵⁴ His anger is actually quite understandable since the petty officers on board were rarely physically punished. Indeed, apart from Charles Van Velsor, Wilson was the only one of them to be flogged during the cruise.

Samuel Cromwell, for instance, had been in several violent encounters with other crewmen, but was never punished. Like Wilson, he had threatened Joseph Weaver, but without further incident.¹⁵⁵ A more serious altercation occurred between him, an apprentice named Joseph Sears, and the carpenter's mate, Thomas Dickinson. Sears had been ordered to the forepeak in order to get wood for a chock, and while doing so, had caused a log to roll away and strike Cromwell.¹⁵⁶ Cromwell threw the offending log at Sears, and was preparing to strike him with another when Dickinson intervened. Cromwell demurred, but not before threatening to knock out Sears' brains, and telling Dickinson that his time

¹⁵¹ *New York Tribune*, 'Punishment Log of the Somers.'

¹⁵² James Dunn, COI, p. 39.

¹⁵³ James Travis, CMP, p. 106.

¹⁵⁴ *Ibid.*

¹⁵⁵ John Dunscomb, COI, p. 40.

¹⁵⁶ Sears, CMP, p. 118.

was “damned short.”¹⁵⁷ Later, he threatened Dickinson again while refusing to obey an order that the carpenter’s mate was passing onto him. Furthermore, Cromwell persisted in his insubordination, freely making remarks to the effect that he wished the brig and all her officers in Hell.¹⁵⁸

During this part of the cruise, Spencer’s relations with the other midshipmen were in sharp decline. He was considered “quarrelsome and morose,” and was ostracised outside the mess.¹⁵⁹ What is more, he began to fight them, in and outside the steerage. Once when John Tillotson did not relieve him quickly enough from watch duty Spencer struck him a blow that was returned in kind.¹⁶⁰ Another time in the steerage he exchanged words with Egbert Thompson, an altercation that resulted in a scuffle between them. Again, Spencer is said to have struck first.¹⁶¹ While fights in a steerage were common enough in the old navy,¹⁶² on board the *Somers* they did not represent normality, but the peculiar social environment created by Spencer.

The increased tension perhaps reflected the increasing seriousness of the cruise as the brig sailed south towards the slaving coast. If the *Somers* was to be called on for action, it would be here. Nevertheless, the crew’s martial training was not markedly increased, and only once were they exercised with pistols and broadsword.¹⁶³ Prior to this, they had practiced with small arms on two separate occasions, and with the

¹⁵⁷ Dickinson, CMP, p. 148. It is safe to assume that Cromwell had his vengeance on Sears on the four occasions when he was called upon to colt the apprentice.

¹⁵⁸ Wales, COI, p. 18.

¹⁵⁹ Matthew C. Perry, Jr., COI, p. 26; Rodgers, COI, p. 31.

¹⁶⁰ Tillotson, COI, p. 34.

¹⁶¹ Oliver Hazard Perry, Jr., CMP, p. 189.

¹⁶² W.F. Lynch, *A Naval Life* (New York: Charles Scribner, 1851), p. 37.

¹⁶³ “Rodgers Journal,” November 2, 1842.

carronades thrice.¹⁶⁴ If the crew hoped for action they were to be disappointed, since only one vessel was seen, on October 30. The *Somers* was helping enforce the anti-slaving blockade, however, so the crew was called to quarters, and the ship intercepted. For the first time, the brig sent across a boarding party to examine a merchantman's papers. The vessel in question turned out to be the French barque *Gaspar*, sailing from Bourbon, and there was nothing suspicious about her.¹⁶⁵

While the *Somers* did not encounter any slaving ships, there was certainly much talk of them on board. Spencer was especially interested in the slave trade, and spoke at great length about it with Small and Cromwell.¹⁶⁶ Both claimed to have served on board slavers in the past, although only Small's account can be verified.¹⁶⁷ He had worked on the African coast as an agent of Richard Brookhouse of Salem,¹⁶⁸ which was one of the slaving companies operating out of that port.¹⁶⁹ Small told Spencer how the slavers would anchor in creeks and lagoons before sending cutters up river to collect slaves,¹⁷⁰ and that he himself had killed a black man.¹⁷¹ He also maintained that he never made as much money as he did when he worked on board a slaver. Cromwell's claims are less certain, but included tales of piracy and imprisonment in the Moro Castle.¹⁷² These subjects fascinated Spencer, who asked other members of

¹⁶⁴ "Rodgers Journal," September 25 and 28, 1842, October 2, 5, and 9, 1842.

¹⁶⁵ "Rodgers Journal," October 30, 1842.

¹⁶⁶ Wales, COI, p. 19.

¹⁶⁷ Richard Leacock, COI, p. 29.

¹⁶⁸ Samuel Holbrook, CMP, p. 53.

¹⁶⁹ Thomas, *The Slave Trade*, p. 683.

¹⁷⁰ Scott, CMP, p. 90.

¹⁷¹ Dunscomb, COI, p. 40.

¹⁷² Wales, CMP, p. 26; Tyson, CMP, p. 113.

the crew if they had also served on slavers.¹⁷³ Moreover, Spencer spoke at length about the *Somers'* suitability as a slaver.¹⁷⁴ Small was heard to agree with him that she was suited for the work, but would require a greater supply of small arms.¹⁷⁵ All of this talk amounted to nothing more than idle words, however, as the *Somers* made port without any difficulty.

On November 9, nineteen days out from Porto Praya, the *Somers* reached Cape Mesurado in Liberia. As was customary, MacKenzie saluted the local authorities upon entering the harbour, this time with seventeen guns.¹⁷⁶ The brig had arrived late in the day, so there was only time to send a single launch for fresh water; but the following day, MacKenzie sent crewmen onshore for liberty and to obtain fresh supplies of wood and water.¹⁷⁷ At midday the governor of Liberia visited the brig, which was cause for another salute.¹⁷⁸ During the afternoon, MacKenzie learned that the *Vandalia* had not been seen for some time, and decided to return to the United States rather than sail north to Sierra Leone. The undelivered dispatches were left with the Governor in case the *Vandalia* stopped by Mesurado later.

The next day was therefore spent preparing for another trans-Atlantic crossing, which meant even more provisioning of the brig. Throughout the day, the launches were sent back and forth bringing in fresh supplies. By day's end, five barrels of bread, a boatload of wood

¹⁷³ Warner, COI, p. 38. Two members of the crew reported being asked this by Spencer, Charles Rodgers and George Warner. Neither of them said that they had.

¹⁷⁴ Browning, COI, p. 38.

¹⁷⁵ Samuel Van Norden, CMP, p. 97.

¹⁷⁶ "Rodgers Journal," November 9, 1842.

¹⁷⁷ "Rodgers Journal," November 10, 1842.

¹⁷⁸ *Ibid.*

and another of water, 1,000 oranges, 500 limes, ten bushels of potatoes, and four more live bulls were brought on board. At the same time, various sundry items were removed from the brig's stores and sent ashore for the use of the American colony.¹⁷⁹ As it turned out, the bread was of inferior quality and had to be thrown overboard.¹⁸⁰

Throughout the day's work, Spencer had been in charge of the second cutter.¹⁸¹ When bringing supplies to the Colony, MacKenzie had reproved him for not wearing his dress uniform, a rebuke that Spencer had quite simply ignored. Rather than change, he had lowered the boat, and ordered the crew to begin rowing. They had proceeded about thirty yards when MacKenzie called to them asking if they had an American ensign. Spencer replied that they had not, and then to the crew, that he'd be "God-damned if he was going to go back after it either, for the damned old humbug, [who can] go to Hell."¹⁸² He then cursed MacKenzie until the cutter reached shore, whereupon he supervised the unloading of the supplies before visiting an Italian slave-dealer.¹⁸³ Spencer's outburst revealed more than his insubordination. It had taken place before several of the crew, and while pleasing to them, could not have been so to Henry Rodgers, who was also on board. Spencer's animosity towards MacKenzie, and his alienation from his fellow officers had overcome his restraint. It was dangerous enough to belittle MacKenzie in the company

¹⁷⁹ "Rodgers Journal," November 11, 1842.

¹⁸⁰ Heiskill, COI, p. 28.

¹⁸¹ Wales, COI, p. 17.

¹⁸² *Ibid.*

¹⁸³ Oliver H. Perry, Jr., COI, p. 34. This allegation raises the question of what was a slave-dealer doing in Monrovia? It is possible that the meeting never took place and that the allegation was simply a slander.

of officers, but to do so before officers and enlisted men was tantamount to sedition.

The next day, the brig hoisted anchor and sailed westward away from the slaving grounds and towards the open ocean. The return passage began without serious incident, although the officers reported that discipline on board became steadily worse.¹⁸⁴ As was the case earlier, this claim is not fully corroborated by the number and nature of the punishments ordered. Rather, it was the severity of these punishments that had markedly increased. Between the brig's departure and November 25, there were thirteen coltings, six of these on November 22. Three-quarters of these consisted of more than six strikes, and infractions such as skulking, and insolence were usually punished with twelve.

Nevertheless, the officers had correctly identified that their disciplinary problems involved the older apprentices. Beforehand, the punishments had been more or less divided between boys sixteen and younger, and the boys seventeen and older. After the brig's departure from Liberia, only three of the boys punished were youngsters. Even so, none of the boys punished during this part of the cruise came from Spencer's circle.

As the *Somers* sailed westward, she had her only truly serious encounters with other vessels. On several occasions, the brig was chased by British cruisers, which had mistaken her for a slaver.¹⁸⁵ Each time, MacKenzie ordered the brig to outrun their pursuers. Once, during a night watch, he went so far as to make preparations to repel an attack by boats

¹⁸⁴ Rodgers, COI, p. 31; Matthew C. Perry, Jr., CMP, p. 61.

¹⁸⁵ Thompson, COI, p. 32; Scott, CMP, p. 91; Tyson, CMP, p. 113; Sears, CMP, 116.

sent off from a British cruiser that had managed to close the distance between the two vessels.¹⁸⁶ In light of the *Somers'* supposed mission, the commander's behaviour seems unnecessary and provocative. He was meant to be cooperating with the Royal Navy, not wasting its time, and jeopardizing the blockade. Apart from personal animosity, the only reasonable explanation is that he wanted to test the brig's speed and the crew's handling under duress.

Finally, the *Somers* stopped and boarded one other vessel on the homeward voyage.¹⁸⁷ Prior to the interception, MacKenzie beat the crew to quarters, and ordered the decks cleared for action. This prompted another outburst from Cromwell who said to several of the crew that the preparations were more of the same "humbug," and that he been in combat before without any of this "humbugging."¹⁸⁸ As had been the case before, the vessel turned out to be a legitimate French merchantman, *Le Préfere*, bound to Goree. Cromwell had been right. MacKenzie released the vessel, and the *Somers* continued westward towards St. Thomas in the Danish West Indies.

The mission had been an operational failure. The *Vandalia* had never been seen, and the dispatches gone undelivered. Indeed, the only word MacKenzie had of her in his pursuit predated his departure from New York. Although the *Somers* had shown the American flag off the coast, her contribution to the blockade had been negligible. At the same time, MacKenzie did have some grounds for satisfaction. The brig had proven its seaworthiness, and more importantly, he had taken an untrained

¹⁸⁶ Thompson, COI, p. 32.

¹⁸⁷ "Rodgers Journal," November 19, 1842.

¹⁸⁸ COI, p. 32.

crew across the Atlantic, down the coast of Africa, and would soon return to the United States. This alone was a success for the apprenticeship program.

Additionally, none of his wards had taken ill during the cruise. The good health of his crew had been a priority for the commander, who had taken considerable measures to ensure their safety. He had insisted that they bathe frequently, and that the brig be washed down on a regular basis.¹⁸⁹ Furthermore, he had provided the crew with fresh vegetables and fruits at every opportunity. Throughout the cruise, only minor ailments, particularly boils, were ever reported.¹⁹⁰ This was quite an accomplishment. When the *Grampus* and the *Dolphin* had patrolled off of Africa their crews had “suffered severely from the diseases of the climate.”¹⁹¹ Indeed, the *Somers’* doctor, Richard Leacock, had only just recovered from the effects of yellow fever contracted whilst on board the *Grampus*.¹⁹²

While MacKenzie could look back on the cruise with some satisfaction, his crew would likely have been glad that it was drawing to a close. For them, it would have been a disappointment. In the first place, they had been subjected to rigorous discipline that had been enforced for at least a third of the cruise with unnecessary force. Between New York and the interception of *Le Preferre*, there were 113 coltings and eight floggings. Fifty-five members of the crew had been beaten at least once, and many of them had been beaten on several occasions. Dennis Manning, who was colted ten times, and flogged twice, for a total of 101

¹⁸⁹ Leacock, COI, p. 30.

¹⁹⁰ MacKenzie to Upshur, October 4, and October 31, 1842, NA RG 45.

¹⁹¹ *SNR 1841*, p. 371.

¹⁹² Upshur to Leacock, January 15, 1842, NA RG 45.

blows, suffered the most, but there were others who were punished three, four, five, or even six times.¹⁹³

Moreover, the cruise had delivered none of the excitement associated with an African cruise. Precious few other ships had been seen, and certainly no slavers. In the first place, the promise of excitement was illusory. The African station was actually notorious for its monotony and the dreariness of the coast. What excitement there had been came late in the cruise, and had been a poor substitute for chasing slavers. Finally, the exoticism of the African station had been lost amidst the constant provisioning of the brig and infrequent liberties. As the *Somers* sailed homeward, the crew would have been tired, irritable, and anxious to be done with the cruise.

¹⁹³ *New York Tribune*, 'Punishment Log of the *Somers*.' E.g., Peter Fenton, colted six times and flogged once; William Houghland, colted four times; James McDunscomb, colted four times

Chapter Five

Mutiny: Events and Executions

On November 25, sometime during the second day watch, Spencer asked the purser's steward, James Wales, to join him atop the booms for a conversation. The *Somers* was thirteen days out from Monrovia, and ten from landfall at St. Thomas, in the Danish West Indies. The conversation immediately took an unexpected turn when Spencer asked whether Wales feared death or the presence of a dead man, and would he kill another man.¹ Wales responded tentatively, but positively enough for Spencer to continue. The Midshipman made Wales take an oath of secrecy, whereupon Spencer said that he was in league with about twenty of the crew to seize the vessel, murder the officers, and commence pirating. The plan was simple enough:

The affray would commence some night when [Spencer] had the mid-watch; some of those concerned with him would get in a scuffle on the fore-castle; Mr. Spencer would then cause them to be brought to the mast; he would then call Mr. Rodgers, the officer of the deck, to pretend to settle the matter; as soon as Mr. Rodgers had got to the gangway, they were to seize him and pitch him overboard; they would then have the vessel to themselves; he would then proceed to station his men at the hatches, to prevent anyone coming on deck... [Spencer] would then furnish his men with arms; this done, he was to proceed to the cabin and murder the commander with the least noise possible; this done, he would go with some of his men to the ward-room, and murder the ward-room and steerage officers... this accomplished, he should come on deck. have the two after guns slewed round so as to rake the deck; he would then have the whole crew called on deck, and would select from among them such as would suit his purposes, the remainder he should cause to be thrown overboard.²

Having described his scheme, Spencer called Elisha Small to join their discussion. Small did not stay long, speaking only briefly with Spencer in

¹ Wales, CMP, p. 11.

² *Ibid.*

Spanish. After offering Wales the position of 3rd officer under his command, Spencer asked his opinion of the plan, and arranged to have another meeting the next day. The conversation ended with a warning to the steward: "If I breathed a syllable of that which he had communicated to me, that I would be murdered, if he did not do it some of those concerned with him would..."³

Although Wales has only ever been associated with Spencer in terms of this pivotal dialogue, the two knew each other well. Whether or not they were friends is uncertain, but the volume of goods that Spencer purchased during the cruise ensured some degree of familiarity. Indeed, their relations may well have been closer than some of those who were named as Spencer's close friends, particularly his hammock boys. Wales ran the brig's shop, freeing the purser to keep his books, monitor the profits, and maintain the payroll. Almost every financial transaction Spencer made had been through the steward. Furthermore, Wales was complicit in Spencer's distribution of tobacco to the apprentices. He must have known that Spencer was violating the Commander's orders, but his dedication to profit outweighed his loyalty to MacKenzie. In all, Spencer spent \$24.80 on tobacco and cigars, approximately a fifth of his total expenses.⁴

Even so, Wales was terrified by what he had learned. After several abortive efforts to inform the lieutenant about the conversation, he succeeded in speaking to the purser the next morning. Heiskell then arranged for Wales to speak with Gansevoort, at which time he repeated the allegations of a mutinous conspiracy. The lieutenant immediately

³ Wales, CMP, p. 12.

⁴ Heiskill, CMP, p. 161.

reported the news to MacKenzie, who did not at first believe the report. "...It seemed to me so monstrous, so improbable, that I could not forbear treating it with ridicule."⁵ The Commander suspected that Spencer, having read some "piratical stories," had amused himself at Wales' expense. Nevertheless, the allegations were serious enough to warrant further investigation, so Gansevoort was sent to observe him, and report back.

Gansevoort followed Spencer around the brig throughout the day. After several encounters, Gansevoort became convinced of Spencer's guilt, especially after he caught him "staring at me with the most infernal expression I have ever beheld on a human face."⁶ He reported this to MacKenzie, advising him to secure the midshipman. MacKenzie demurred, saying he did not want to do anything hastily. Rather, he wanted Wales to hold another conversation with Spencer in order to verify the allegations that had been made.⁷ By sundown quarters, however, he had changed his mind.

MacKenzie ordered all the officers save one to the quarterdeck, and sent forward those members of the crew normally stationed aft.⁸ When Spencer arrived, he was arrested. MacKenzie described the scene:

'I learn, Mr. Spencer that you aspire to command of the *Somers*?'
 Spencer responded, "with a deferential, but unmoved and gently smiling expression, 'oh, no, sir.'" MacKenzie then confronted him with Wales' allegations, to which Spencer said, "I may have told him so, sir, but it was in joke." MacKenzie's response was clear, "This, sir, is joking on a forbidden subject - this joke may cost you your life...You must have been aware that you could only have compassed your

⁵ MacKenzie, CMP, p. 194.

⁶ Gansevoort, CMP, p. 32.

⁷ MacKenzie, CMP, 197.

⁸ Wales, CMP, p. 23; Gansevoort, CMP, p. 32; Gansevoort, CMP, pp. 36, 42-43; Rodgers, CMP, pp. 133-134; Heiskill, CMP, p. 159; MacKenzie, CMP, p. 197.

designs by passing over my dead body, and after that, the bodies of all the officers; you have given yourself, sir, a great deal to do; it will be necessary for me to confine you, sir.⁹

The Midshipman was searched, and his sword taken away. He was then placed in double irons and handcuffs, and ordered to sit down on the stern post. Gansevoort kept watch over Spencer, with orders to shoot him if he tried to communicate with the crew. Once the crew and battery were inspected, and the retreat beaten, the remaining officers returned to their quarters. The officers of the watch were armed with pistols and cutlasses. Moreover, both decks were frequently patrolled, and the crew kept to their hammocks.¹⁰

The speed with which MacKenzie's incredulity became belief is remarkable. In less than a day, he had become convinced of a potential revolt. Spencer, from being insubordinate and undisciplined, now seemed to have become actually murderous. The crew, whom the Commander had that very morning considered "in good discipline," was really mutinous. MacKenzie maintained that the basis for this conviction was Spencer's previous familiarity with the crew,¹¹ but there were other factors behind his actions. While Spencer's fraternisations were unusual, by themselves they were not enough to suggest a mutiny. MacKenzie was reacting to more than Spencer and the situation that had now arisen on the *Somers*. His response must be understood in light of a mutiny that had occurred on board a British warship some forty years before.

In 1797, the Royal Navy was wracked by three separate mutinies. Two of these, at Spithead and the Nore, were really expressions of labour

⁹ MacKenzie, CMP, p. 197.

¹⁰ *Ibid.*

¹¹ *Ibid.*

unrest involving entire fleets.¹² Neither of them had much impact on the officers and men of the U.S. Navy. They were observed, certainly, but not incorporated into the mentality and mythology of the service. The third mutiny, however, had a very different character, and did impact upon the United States Navy. It had taken place on board a thirty-two gun frigate, *H.M.S. Hermione*, then cruising off Puerto Rico. During the night of September 21-22, 1797, members of the crew had risen up, massacred their officers, and seized control of the ship.¹³ They then sailed the *Hermione* into a Spanish harbour, La Guaira, surrendered their ship, and gradually dispersed.

When they left Spanish territory, the "Hermiones" as they were known, had reintegrated themselves into the maritime world of the Caribbean and parts beyond. Thirty-three of them were eventually recaptured by the Royal Navy, and faced trial for their acquiescence or participation in the mutiny. In 1806, the last mutineer to be recaptured

¹² Between April 16 and May 15, 1797, the sailors of the Channel Fleet, anchored at Spithead, issued petitions demanding better pay and better working conditions, expelled officers from their vessels, and refused their orders to sail. The collective action ended with the Admiralty granting them concessions, and the issue of royal pardons to the mutineers and their ringleaders. The Nore mutiny followed the conclusion of the Spithead uprising. The Nore uprising was essentially spontaneous, and showed none of the coherence or solidarity of its predecessor. Not surprisingly, it fell into disarray and internal dissent. An abortive attempt to blockade London failed, resulting in a brief fratricidal schism within the squadron. Soon after, the mutiny was completely suppressed, and its leaders hanged. L. Guttridge, *Mutiny: A History of Naval Insurrection* (Annapolis: Naval Institute Press, 1992), pp. 42-72; L. James, *Mutiny in the British and Commonwealth Forces, 1797-1956* (London: Buchan & Enright, 1987), pp. 33-75.

¹³ D. Pope, *The Black Ship* (New York: J.B. Lippincott Company, 1964), pp. 154-180. The captain, three lieutenants, the lieutenant of marines, the purser, a midshipman, the surgeon, boatswain, and captain's clerk were slain.

was tried and condemned, bringing the total number of *Hermione* executions to twenty-four.¹⁴ Nevertheless, over one hundred members of the crew escaped, and their subsequent movements remained unknown. Several of the captured mutineers, however, had been found sailing in American merchant ships.¹⁵ Indeed, one of the ringleaders, Thomas Nash, arrested in Charleston, South Carolina, even possessed a sailor's protection declaring him an American citizen.¹⁶ While the spectre of violent mutiny haunted any officer, *Hermione* took on special significance for the Americans, particularly in the first twenty years of the nineteenth century. Indeed, their specific reaction to mutiny has been called the "Hermione Phobia."¹⁷ This phobia was as much about the mutineers themselves, as it was about the mutiny.

The Hermione Phobia projected what was known of the captured mutineers onto the unknown number of the escaped. As several of the mutineers had been found in the American merchant marine, there were doubtless more that had gone undetected. If mutineers had entered the commercial marine, than others would have made their way into the Navy. Moreover, one of the executed mutineers, John Watson, had been detected and arrested on board the *U.S.S. Constellation*, Thomas Truxton commanding.¹⁸ Where one man had been caught, many more were

¹⁴ Pope, *The Black Ship*, p. 301.

¹⁵ Pope, *The Black Ship*, pp. 257, 263.

¹⁶ Pope, *The Black Ship*, p. 276. Sailor's protection certificates were documents issued to American citizens, or often enough, foreigners masquerading as Americans. They provided notarised proof of citizenship, and were intended as a safeguard against impressment.

¹⁷ McKee, *A Gentlemanly and Honorable Profession*, p. 255.

¹⁸ W.M.P. Dunne, "The Constellation and the Hermione," *Mariner's Mirror* (Vol. 70, No. 1, 1984), p. 84.

thought to be lurking. Properly speaking, the *Hermione* phobia was the fear of these unknown mutineers.

At the same time, the *Hermione* mutiny itself had become a potent symbol for officers and enlisted men. Mutiny was not understood in economic, political or social terms, but as violent revolution.¹⁹ The *Hermione* set a standard for the Navy's officers, and gave substance to an enlisted man's threats. The seriousness with which officers regarded the *Hermione* is well represented by the extreme punishments imposed on sailors simply for invoking her name. In 1804, a seaman named Robert Quinn, wrote a letter to Commodore Samuel Barron in which he attacked the disciplinary practices on board his command, comparing them to the *Hermione*. When Quinn's authorship of the letter was discovered, he was court-martialled and sentenced to have his head and eyebrows shaved, 'mutiny' branded on his forehead, and to be flogged through the squadron with 320 lashes.²⁰

What is more, the phobia did not fade with time. Long after it was possible to have actual *Hermione* mutineers on board, officers feared the unseen mutineer. Mutiny became indelibly associated with the unknown elements in a ship's crew, and was also explicitly defined in terms of violence.

The phobia's survival into the 1840s is not surprising. The *1842 Navy Register* reveals that one-third of the total number of captains had entered the service before the final *Hermione* execution, and that only

¹⁹ McKee, *A Gentlemanly and Honorable Profession*, p. 255.

²⁰ *Records of General Courts-Martial and Courts of Inquiry of the Navy Department*, NA RG 125, quoted in McKee, *A Gentlemanly and Honorable Profession*, p. 256.

seven of the remainder had been commissioned after 1810.²¹ These were the men, especially the most senior, who could have been influenced by the Hermione Phobia's original incarnation, and who would have passed on their fears to those who served with them subsequently. The same was true, albeit to a lesser extent, of the commanders, most of whom had received their commissions before or during the War of 1812.

The phobia survived also because it evolved, and the nature of the maritime world facilitated this evolution. In the first place, the United States Navy had acute recruiting problems, which forced the service to accept whoever it could, regardless of their character. Since mariners commonly saw the Navy as the employment of last resort, this policy did little to improve the quality of enlisted men. Needless to say, many enlisted men *did* conform to the worst stereotypes of their class. If we are not to believe the numerous accounts by officers to this effect, Herman Melville's admission of this point is perhaps proof enough: "...the truth is, that among the crew of a man-of-war, scores of desperadoes are too often found, who stop not at the largest enormities."²²

Apart from the difficulty of obtaining recruits, there was the additional burden of keeping them on board once they were enlisted. Sailors had long been able to move freely throughout the maritime world. Desertion remained a fundamental problem for the Navy. Whenever a new port of call was reached it was likely that several crewmen would run, forcing the captain to replace them with whoever could be recruited. Sailors found ashore were likely to be foreigners, or wayward Americans.

²¹ *1842 Navy Register*, pp. 2-4.

²² Melville, *White Jacket*, p. 40.

The former were already associated with mutiny,²³ and the latter with desertion, drunkenness, and disciplinary problems.²⁴ Needless to say, there was a constant turnover in the enlisted ranks. For all the officers' familiarity with their crew, they knew precious little about their previous history: who they were, where they were from, what they had done, and what they were capable of doing. The unknown element persisted, and with it the threat of mutineers.

These fears were not groundless. In 1824, the whaling ship *Globe*, whilst cruising in the Pacific, had been the scene of a mutiny in which the captain, and three of the mates were murdered. The mutiny's ringleader had been on board since the barque had left the United States, but his two chief accomplices had only recently been recruited with five other men in order to replace six of the original crew who had deserted in the Sandwich Islands.²⁵ This was precisely the nightmare scenario envisioned by the Hermione Phobia.

While such mutinies had always been uncommon in the merchant marine, and were virtually unheard of on naval vessels,²⁶ there was a recent precedent. In February 1842, a mutiny had broken out on board the Texan schooner-of-war *San Antonio*.²⁷ In this instance, the sergeant of marines had actually led the mutiny, which resulted in the murder of the schooner's lieutenant, and the wounding of two midshipmen. Moreover,

²³ Goin, *Remarks on the Home Squadron and Naval School*, p. 9.

²⁴ E.P. Hoyt, *The Mutiny on the Globe* (London: Arthur Barker, 1975), p. 63.

²⁵ W. Lay, and C.M. Hussey, *The Globe Mutiny* (New London, CT: William Lay and C.M. Hussey, 1822), pp. 18-19.

²⁶ N.A.M. Rodger, *The Wooden World: An Anatomy of the Georgian Navy* (London: Collins, 1986), p. 238.

²⁷ Anon, "The Murder on the San Antonio," *The Army and Navy Chronicle* (Vol. 13, No. 6, 1842), p. 94.

the presence of marines had not prevented the *Hermione* mutiny. Whether or not the *San Antonio* was on MacKenzie's mind throughout his own crisis is uncertain, but it was clearly of importance to him after the fact. In a letter to Lieutenant John Bullins, MacKenzie expressed his belief that the revolts on board the *San Antonio* and the *Somers* were equal parts of a larger conspiracy designed by Spencer and a midshipman on board the *San Antonio*.²⁸ According to MacKenzie, the two vessels were to have rendezvoused at the Isle of Pines, and commenced raiding in tandem.

On board the *Somers*, Spencer's plan had invited a phobic response since it called for the violent overthrow indelibly associated with the *Hermione*. Bloody mutiny demanded its perpetrators, monsters unknown, already in the crew. MacKenzie found them in Spencer and his closest friends. The Commander had complained before of the dearth of "prime, American seamen" on board the *North Carolina*, from which the crew of the *Somers* had been drawn. Circumstances had forced him to make do with the men available, and by his own estimation, he must not have chosen well. In selecting Cromwell and Small, he had invited mutiny on to his command. Cromwell was rumoured to have been a pirate, and Small was known to have been a slaver.²⁹ Spencer, perhaps worst of all, was a traitor.

Soon after Spencer's arrest, Small was ordered aft and interviewed by the commander. MacKenzie asked him if Spencer had said anything to him about a mutiny, to which Small replied that while Spencer had spoken to him about such things, "he was in no mutiny," and that it had only been

²⁸ MacKenzie to Bullins, June 6, 1843, New York Historical Society, Naval Manuscripts Collection.

²⁹ Wales, CMP, p. 26.

a “foolish conversation.”³⁰ Word of the arrest quickly spread throughout the brig. Most assumed that it was the consequence of a fight in the steerage, but talk of Spencer’s involvement in a mutinous conspiracy persisted.³¹ Indeed, Cromwell explained to Joseph Sears that this was the cause of the arrest, and since the apprentice did not know what mutiny was, told him it was an attempt to murder the captain and officers, and take their vessel.³² While Small might have mentioned his conversation with MacKenzie to the boatswain’s mate, Cromwell had first hand knowledge of the arrest since he had been present when Gansevoort discussed it with the petty officers.³³

Meanwhile, Spencer's locker was searched. Inside was a looking glass case, and within one of its drawers, a razor case containing three lists was discovered. The lists themselves were written in Greek characters, and constituted the one concrete piece of evidence against Spencer (Figure 10).³⁴ The information contained within them exacerbated the officers’ fear of unknown mutineers. While one list contained the names of three men not on board, another listed the names of numerous crewmembers.³⁵ This second list had been divided into three sections labelled: ‘certain,’ ‘doubtful,’ and ‘to be kept, willing or unwilling.’ The list also included a brief reference to what appeared to be a planned mutiny. Additionally, there was a watch bill, which assigned certain stations and responsibilities

³⁰ Gansevoort, CMP, p. 185.

³¹ Scott, CMP, p. 92; McKinley, CMP, p. 183; Benjamin Green, CMP, p. 216.

³² Tyson, CMP, p. 111.

³³ Gansevoort, CMP, pp. 36, 45, 55.

³⁴ Although the lists were presented as evidence during MacKenzie’s court-martial, they were subsequently lost.

³⁵ Gansevoort, CMP, p. 36.

to Spencer, McKee, McKinley, Wilson, and Small. Whatever suspicions the officers had, the lists confirmed them.

Spencer had said that there were twenty members of the crew in his conspiracy. Although Cromwell and Small had already come under suspicion, here was reason to suspect a wider circle. Inclusion on the watch bill was tantamount to guilt, since it was interpreted as detailing each man's responsibilities during the mutiny.³⁶ Moreover, each of the men named there were close friends of Spencer, further 'proof' of their involvement. It was the larger list of names, however, that caused much of the following days' confusion and paranoia.

Interestingly enough, the four names marked 'certain,' did not contribute much to the officers' fears relative to those marked 'doubtful,' or 'to be held willing or unwilling.' The certain mutineers only confirmed previous suspicions. At the same time, it was also assumed that this list was incomplete, and that there were other names from the other categories that had not yet been included.³⁷ Spencer was already arrested, and McKinley highly suspect for being on the watch bill. Wales had revealed the plot, so his innocence was guaranteed. The final name, E. Andrews, did not even belong to anyone on board. MacKenzie's conviction over Cromwell's involvement was such, however, that he assumed Andrews was merely a pseudonym which the boatswain's mate had insisted upon to allay suspicion.³⁸ Indeed, Cromwell's name never appeared in the Greek lists, but this was not consonant with MacKenzie's conclusions, so his exclusion became proof not of innocence, but of criminal premeditation.

³⁶ MacKenzie, CMP, p. 198.

³⁷ Neville, CMP, p. 78.

³⁸ MacKenzie, CMP, p. 204.

Notwithstanding that Cromwell's 'alias' indicated the Commander's belief in the mutiny, it was the other two categories that contributed to the Hermione Phobia. The second category 'doubtful,' was actually regarded as complicity, or at least awareness of the plot.³⁹ McKee and Wilson were already mentioned on the watch bill, and their inclusion here only confirmed their guilt beyond doubt. The remaining names belonged to members of the crew considered close to Spencer. It made sense that he would have found his accomplices amongst them. The question remained whether some or all of them were involved. The final category, 'to be held...', evoked the same question. Although some of the men listed were obviously innocent, the doctor for instance, others met the officers' criterion for mutiny, that is, they were close to Spencer. Ten men were listed as doubtful, and another eighteen were to be held willingly or not. Here was the mutinous conspiracy, though its full extent remained unknown.

The threat of mutiny had been identified, and the principal mutineer arrested, but the officers considered themselves in as great a peril as they had been before. Upon discovery, the threat had not receded, but emerged. The mutiny had certainly been disrupted, but so long as the mutineers remained free to act, it had not been averted. Therefore, the following days were dominated by the officers' attempts to determine the guilt or innocence of their crew, and to confine those sailors whom they considered the most dangerous. That a mutiny had been planned, they were certain, it remained to shatter the conspiracy behind it. In order to do so, they would have to unmask the conspirators. Again, the officers were

³⁹ Neville, CMP, p. 78.

confronted with the fear of the unknown. Moreover, their anxiety was amplified by a sense of urgency. Until the mutineers were apprehended a threat remained. The officers' perception of the threat's nature is evident in the language that they used to describe it. At its core was a "mysterious agency," which was likened to an infection spread amongst the crew.⁴⁰

At the same time, several other factors contributed to the officers' ready belief in the threatened mutiny. In his defence, MacKenzie referred to the brig's diminutive size, which did not provide room for holding prisoners, and was too cramped to mount an adequate defence against a concerted attack.⁴¹ Once again, these fears had foundation. Violent mutinies had a greater chance of success on a small vessel. Four years earlier there had been a mutiny on board the brig *Braganza* in which the captain and a mate were slain. Another mate was wounded and thrown overboard, but managed to climb back aboard and joined several others who barricaded themselves in the captain's cabin. This resulted in a standoff between them and the mutineers, who eventually allowed them to leave the brig on one of the launches.⁴² In 1842, a mutiny that strongly resembled the Somers affair had been attempted on board the brig *Despatch*. In this instance, three men were turned over to the U.S. brig *Boxer*, and charged with an attempt at revolt and piracy. It had been their plan to induce the crew to murder their officers, and run away with the brig, but the plan had been discovered before it could be carried out.⁴³

⁴⁰ MacKenzie, CMP, pp. 199, 234.

⁴¹ Sands, CMP, p. 150; MacKenzie, CMP, p. 231.

⁴² Anon., "Mutiny on the Brig Braganza," *The Sailor's Magazine* (Vol. 11, No. 2, November 1838), p. 100.

⁴³ Anon., "Attempt at Revolt and Piracy," *The Army and Navy Chronicle* (Vol. 10, No. 8, 1840), p. 127.

While both of these cases suggest the ease of attempting or carrying out a mutiny on board a brig, they also seem to contradict MacKenzie's defence. On board the *Braganza*, the mutineers had not been able to overwhelm the persons within the cabin. On board the *Despatch*, once the mutiny had been discovered, it *had* been suppressed. The difference between these mutinies and that on the *Somers* was that these were civilian vessels, while the *Somers* was a brig-of-war. Thus, she carried a wide array of weapons with which the mutineers could overwhelm any resistance. Furthermore, there were no marines on board. MacKenzie made this latter point a part of his defence.⁴⁴ Whereas a brig would normally have had on board around ten marines, the only marine present on the *Somers* was Michael Garty, the master-at-arms; and he, in any case, was ill throughout the crisis, and did not rise from his hammock until November 27.⁴⁵

Besides these recent mutinies, there were two other factors influencing the officers. The first of these was true of all mutinies, that a solitary cruiser was much more likely to be seized by her crew than a vessel sailing in concert with another. The *Hermione* mutiny had taken place when the frigate had drifted away from her escort,⁴⁶ and the *Globe* mutineers had expressly sailed away from her companion.⁴⁷ The *Somers*, alone in the central Atlantic, had no support.

Finally, there was the exceptional nature of the *Somers*' crew. Apprenticeship relied on recruiting urban children, particularly the destitute, abandoned, and delinquent. Given their origins, the apprentices

⁴⁴ MacKenzie, CMP, p. 232.

⁴⁵ Garty, CMP, pp. 122-123.

⁴⁶ Pope, *The Black Ship*, p. 152.

⁴⁷ Hoyt, *The Globe Mutiny*, p. 79.

on board were deemed either predisposed towards mutinous behaviour, or at least susceptible to it. “Never was a crew where malcontents could have had a fairer chance of making proselytes. The crew of the *Somers* were almost all apprentices; many of them men in physical strength, but all of them boys in mind... The season of youth, especially of untutored youth, is proverbially exposed to temptation.”⁴⁸

Thus, an initial fear of mutiny had rapidly become the belief in a larger conspiracy, and this, in turn, led to a hunt for the mutineers. This search was driven by a conviction that the mutineers would strike whenever they had an opportunity, that the conspiracy was widespread, and that the most likely suspects were those crewmen closest to Spencer. Most importantly, the officers believed from the *outset* that they faced a mutiny. Everything that happened in the following days confirmed this immediate judgement. Even before the discovery of the Greek lists, for instance, Cromwell’s guilt was assumed.⁴⁹ Likewise, McKee was confronted by Gansevoort around their discovery, and told “You have been very thick lately with Mr. Spencer, and I know damned well you do know something.”⁵⁰ As will be seen, everything that happened after Spencer’s arrest was interpreted as further proof of the conspiracy. The *Hermione Phobia* had left MacKenzie no room for manoeuvre.

Apart from the changes in the officer’s watch structure,⁵¹ the evening of Spencer’s arrest passed without further event. The next morning, however, the officers noted that the crew seemed disaffected. “Orders were not obeyed unless repeated two or three times; the crew

⁴⁸ MacKenzie, CMP, p. 233.

⁴⁹ Gansevoort, CMP, p. 55.

⁵⁰ MacKenzie, CMP, p. 216.

⁵¹ Matthew C. Perry, Jr., CMP, p. 61.

collected aft out of their stations, were sullen while they were attending to their duty, talking to themselves and each other.”⁵² Additionally, many of the crew gathered together in “knots,” which broke up whenever an officer approached.⁵³ This ‘disaffection’ extended to Cromwell, who disobeyed Gansevoort's order to go aloft and inspect the rigging.⁵⁴ Although he did not reprimand Cromwell, Gansevoort held this against him, and freely expressed his suspicions to a second petty officer, Thomas Dickinson.⁵⁵

Throughout the day, the attentions of the officers were focused on Spencer's friends amongst the crew. Although anything that these sailors might have done would have aroused suspicion, three sets of behaviour excited particular alarm. In violation of his orders of confinement, Spencer was meant to have exchanged a number of “stealthy glances” with several of them, notably, McKinley, McKee, and Wilson.⁵⁶ He was also alleged to have communicated with the later by means of sign language, which consisted of shaking his hands and knocking his feet.⁵⁷ The small size of the brig played upon the officers’ fears. The quarterdeck occupied one third of the brig’s length, and the maintopmen would not have been more than twenty-five feet from Spencer. In fact, their duties would have given them good reason to approach the place of his confinement, and certainly brought them close enough to make eye contact. Furthermore, McKinley and Wilson had already missed their

⁵² Wales, CMP, p. 13; Gansevoort, CMP, p. 38; Matthew C. Perry, Jr., CMP, p. 61; Neville, CMP, p. 79; Sears, CMP, p. 118; Garty, CMP, p. 120; William Collins, CMP, p.143.

⁵³ Wales, CMP, p. 13; Gansevoort, CMP, p. 52.

⁵⁴ Henry King, CMP, p. 145.

⁵⁵ Henry King, CMP, p. 145; Dickinson, CMP, p. 149.

⁵⁶ Wales, CMP, p. 23; Gansevoort, CMP, p. 43.

⁵⁷ William Inglis, CMP, p. 109.

muster earlier in the day, as had Green and Neville.⁵⁸ They were also seen together in one of the many knots of apprentices that gathered about the deck during the day.⁵⁹ The apprentices were aware of the attention that they attracted, since McKinley had been present when the 'watchbill' had been read aloud, and had reported to them that their names had been said.⁶⁰

Charles Wilson came under particular scrutiny. He had been accused of insubordination earlier in the week, and had a serious altercation with James Wales.⁶¹ Wales had been armed by the officers, and confronted him at the stern of the launch (which was where Spencer's friends had been congregating). He believed that Wilson was behaving suspiciously, gathering together an assortment of holystones, and pulling at a handspike from one of the carronades. Wales threatened to "blow his brains out" before ordering Wilson to other duties.⁶² The steward's sudden elevation had not earned him any respect from the crew, rather the opposite. Indeed, Wales claimed that eventually he had several of them flogged for disobedience and contempt. The punishment log, however, does not indicate that this was the case. Indeed, only one apprentice, William Fry, was colted for disobedience.⁶³ Regardless of this, his precipitate threats must have increased the tensions on board.

These tensions continued to increase throughout the day until the afternoon, when catastrophe struck the brig. The wind had dropped, and

⁵⁸ Wales, CMP, p. 13.

⁵⁹ Charles Hays, CMP, pp. 213-214.

⁶⁰ McKinley, CMP, p. 176.

⁶¹ Inglis, CMP, p. 109.

⁶² Wales, CMP, p. 13. MacKenzie placed this incident on the November 29, but Wales' own testimony made clear that this was not the case. MacKenzie, CMP, p. 200.

⁶³ *New York Tribune*, "Punishment Log of the *Somers*," January 14, 1843.

the royal-studdingsails were set in compensation.⁶⁴ Such a large set of sail placed considerable pressure on the upper yards, and might carry them away.⁶⁵ This had been a concern of MacKenzie's throughout the cruise, and he had repeatedly ordered that the preventer-braces leading aft from the main and main-topsail yards, and all the after-braces leading forward, be kept slack in order to reduce the strain on the light masts and yards.⁶⁶ On this occasion, he ordered the slack increased by letting go the weather-main-royal brace.⁶⁷

The watch was already engaged setting the fore-sky-sail⁶⁸ when MacKenzie's orders were forwarded by the officer of the deck, Charles Hays.⁶⁹ The midshipman of the watch then relayed them to the crew. Under normal circumstances, this would have been Spencer, but since his arrest, the captain's clerk, Oliver Hazard Perry, Jr., had taken his place. Perry misunderstood the order and commanded the crew to do the opposite "Haul through the slack of the weather-main-royal-brace, and...leave the lee one slack."⁷⁰ Far from increasing the slack, the crew were told to tighten the brace. Perry was said to have called for "half a dozen to clap on the brace," but it appears that only two responded.⁷¹

Small had been sitting on the bitts when the order was given. He rose up, and joined by an apprentice, Henry Corney, gave a tug at the brace. When MacKenzie realised what was happening, he jumped off the

⁶⁴ MacKenzie, CMP, p. 198.

⁶⁵ *Ibid.*

⁶⁶ MacKenzie, CMP, p. 213.

⁶⁷ MacKenzie, CMP, p. 211.

⁶⁸ Oliver H. Perry, Jr., CMP, p. 173.

⁶⁹ MacKenzie, CMP, p. 211.

⁷⁰ Henry King, CMP, p. 145.

⁷¹ McKinley, CMP, p. 178.

roundhouse, and shouted for the order to be belayed.⁷² The shout was taken up by Hays, and repeated by which time, Perry had also ordered the men to belay.⁷³ While the offices were attempting to remedy the initial mistake, Small was compounding it. Warned already to be careful since an apprentice, Ward Gazely, was on the yard above, he gave not one, but two sharp tugs on the brace.⁷⁴ When the order came to belay, Corney had stopped, but Small persisted in one more pull.⁷⁵

The timing of what happened next is uncertain. One account has it immediately after Small's last pull, another thirty or forty seconds later, and yet another, a full five minutes afterwards, but however long it took, the royal mast was carried away.⁷⁶ It fell forward over the topgallant yard, and lay hanging across the top hamper.⁷⁷ Witnesses immediately assumed that Gazely had been thrown from his perch and would fall to the deck.⁷⁸ Fortunately, Gazely managed to catch hold of the royal-shroud, and land safely in the belly of the topgallant sail.⁷⁹

Horror quickly gave way to confusion. Gansevoort was below in the wardroom, presumably with Matthew C. Perry, Jr., and came above when he heard the mast give.⁸⁰ They joined MacKenzie on the quarterdeck, and attempted to take control of the situation. Orders were given for the crew to begin repairs, "breaking out and restoring the booms, scraping, slushing, and cutting fid and shear-holes in the spare

⁷² Oliver H. Perry, Jr., CMP, p. 173.

⁷³ Oliver H. Perry, Jr., CMP, p. 173; Hays, CMP, p. 213.

⁷⁴ Corney, CMP, p. 98; Henry King, CMP, pp. 145-146.

⁷⁵ Corney, CMP, p. 98.

⁷⁶ Corney, CMP, p. 99; Henry King, CMP, p. 145; Hays, CMP, p. 213.

⁷⁷ Andrew Anderson, CMP, p. 225.

⁷⁸ Henry King, CMP, p. 147; MacKenzie, CMP, p. 198.

⁷⁹ Gazely, CMP, p. 100.

⁸⁰ Gansevoort, CMP, p. 37; Matthew C. Perry, Jr., CMP, p. 63.

topgallantmast,” and “unreeling and coiling down [the] running rigging, and bringing down the light sails to the yards.”⁸¹ Meanwhile, Cromwell, Small, Wilson, and several others had gone aloft to ascertain the damage.⁸² Their attention aroused suspicion, given their friendships with Spencer, and the fact that some of them had gone aloft out of their stations.⁸³

Regardless of their normal stations, however, that Cromwell, Wilson, and Small went aloft made perfect sense. Cromwell was the senior enlisted man on board, and was responsible for examining the sails and rigging, Small was one of the most experienced sailors in the crew, and had been at least partly responsible for the accident, while Wilson was the sailmaker’s mate. Furthermore, this was the first real crisis that had occurred on board during the cruise, and it only made sense they had to act quickly lest further damage be done aloft by the fallen mast.

Notwithstanding these facts, their response was interpreted only in light of the officers’ preconceptions about the mutiny. Never mind that Perry had issued an incorrect order, and that MacKenzie reprimanded him.⁸⁴ The loss of the mast had not been by accident, but by design. According to MacKenzie, the conspirators intended to sow confusion by causing the crisis of a lost mast, and by throwing Gazely overboard: “I knew it was an occasion of this sort, the loss of a boy overboard, or an accident to a spar, creating confusion and interrupting the regularity of duty, which was likely to be taken advantage of by the conspirators, were

⁸¹ Matthew C. Perry, Jr., CMP, p. 77.

⁸² Gansevoort, CMP, pp. 33, 44; MacKenzie, CMP, p.198; Anderson CMP, p. 224.

⁸³ Gansevoort, CMP, p. 44.

⁸⁴ Hays, CMP, p. 211; Alexander McKee, CMP, pp. 215-216.

they still bent on the prosecution of their enterprise.”⁸⁵ Indeed, MacKenzie's immediate orders for the repairs were as much intended to prevent confusion as they were to address the mast.⁸⁶

That Cromwell and Small went aloft after the mast was carried away confirmed for MacKenzie their participation in the mutiny. “Whether animated by some new-born zeal in the service of their country, or collected there for the purpose of conspiring, it was not easy to decide; the coincidence confirmed the existence of a dangerous conspiracy, suspended yet not abandoned.”⁸⁷ The statement is both self-contradictory and revealing. On the one hand it asserts that their motives were not easy to determine, but then immediately states that here was confirmation of an ongoing conspiracy. Another critical juncture had been reached; not only did the officers believe that mutineers remained on board, but now they maintained that these persons had further designs on the brig. Far from repairing the damage which they were alleged to have done, they had gone aloft to conspire out of earshot. On deck, Gansevoort approached Henry King, the remaining gunner's mate, and remarked that he did not like Cromwell's looks.⁸⁸

Suspicious of their intent, and dissatisfied with their progress, Gansevoort ordered Andrew Anderson, gunner's mate and captain of the forecastle, to join them aloft.⁸⁹ The sailors were indeed “talking earnestly,” but he took no notice of their conversation.⁹⁰ Instead, he joined

⁸⁵ MacKenzie, CMP, p. 198.

⁸⁶ Matthew C. Perry, Jr., CMP, p. 77; MacKenzie, CMP, p. 198.

⁸⁷ MacKenzie, CMP, p. 198.

⁸⁸ Henry King, CMP, p. 147.

⁸⁹ Gansevoort, CMP, p. 55.

⁹⁰ Anderson, CMP, p. 224.

Cromwell in assessing the damage. The boatswain's mate had already been at work on the cap and had sent down the heel of the mast.⁹¹ Now, he helped Anderson bring up a tail block.⁹² The other sailors were alleged to have offered no assistance, raising the question of their continued presence aloft. By this time, however the mast had become very crowded, "there were so many there, there was no room for them to do anything; all the topmen were there, and Van Velzor [sic]; they could do no good on the top-sail yard."⁹³ Instead, they remained on a lower yard, presumably to assist in bringing down the wreckage to the deck.

When the wreckage was cleared, the crew was piped to supper. Afterwards, the replacement mast was swayed. But far from defusing the earlier tension, this resulted in another eruption, even more serious than its predecessor. While the mast was being hauled up, the mast rope had to be manned at all times. William Collins, the gunner, had been made responsible for this while Cromwell supervised pointing the mast from aloft. Upon checking the rope, however, Collins discovered that all but three or four of the apprentices had left their station.⁹⁴ As the crew usually did during a watch, they had removed themselves forward, and some twenty-five to thirty of them were sitting and standing around the mainmast and gangways.⁹⁵ Collins ordered the apprentices back to the rope, but was not obeyed, even after he repeated the order three or four times.⁹⁶ This was not altogether surprising, since Collins had only been

⁹¹ Matthew C. Perry, Jr., CMP, p. 63; Sears, CMP, 118.

⁹² Anderson, CMP, p. 224.

⁹³ *Ibid.*

⁹⁴ Collins, CMP, p. 142.

⁹⁵ McKinley, CMP, p. 184.

⁹⁶ Collins, CMP, p. 142.

promoted to boatswain's mate half an hour earlier,⁹⁷ and was not usually concerned with anything besides the brig's armaments. Frustrated, he returned aft and told the officer of the deck, Charles Hays, that he was needed forward with a boatswain's mate in order to get the crew back to work.⁹⁸

Hays drew his pistol, and approached the forecastle with Oliver Browning, who brought his colt.⁹⁹ Hays ordered Browning to start the crew aft and back to the mast rope, which he did.¹⁰⁰ After he colted three or four of the crew, the entire body ran aft along the gangways. Intent on avoiding being struck, they scrambled and pushed one another, making considerable noise along the way.¹⁰¹

Unfortunately, Gansevoort and MacKenzie had not been informed that the men were being sent aft. The two of them were standing on the larboard side of the quarterdeck when the 'rush aft' commenced.¹⁰² Since it was dark, they heard the crew before they actually saw them, "an unusual noise - a rushing on deck."¹⁰³ The noise was soon followed by the actual sight of the apprentices, "a body of men in each gangway rushing aft toward the quarter-deck."¹⁰⁴ Notwithstanding that at least twenty-five of the apprentices rushing aft were among the youngest on board - precisely those whom the officers regarded as the only remaining reliable members of their crew - Gansevoort was only able to identify Wilson in

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*

⁹⁹ Rodgers, CMP, p. 135.

¹⁰⁰ *Ibid.*

¹⁰¹ Humbert, CMP, p. 103; Inglis, CMP, p. 110.

¹⁰² Gansevoort, CMP, p. 37.

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

their number.¹⁰⁵ Both the Commander and Lieutenant assumed that they were about to be attacked. Once more, the small size of the brig contributed to their response. The officers' view of the deck was limited by obstructions on the deck, and they would only have seen the apprentices when they passed the booms. Thus, they found themselves confronted by what seemed a hostile mob at a distance of no more than twenty feet. At that distance they would have only had a few seconds in which to react.

Gansevoort cried out, "God, I believe they are coming," before drawing his pistol.¹⁰⁶ According to the Lieutenant, MacKenzie was unarmed, and stood behind him as he jumped onto the roundhouse. Another account had the Commander armed and pointing his pistol at the men, although it is likely that he had only just returned from his cabin with the gun.¹⁰⁷ At any rate, Gansevoort aimed his pistol at the crew and said that he would blow out the brains of the first man who set foot on the quarterdeck.¹⁰⁸ When he heard the threat, although he claimed that Gansevoort had called out "what noise is that," Hays shouted out that he was starting the men aft.¹⁰⁹ Newly aware that the rush had not been an attack, Gansevoort warned the apprentices against any sudden or irregular movements, before reminding them of the present state of the vessel.¹¹⁰ The crew was then ordered to continue swaying the mast.

¹⁰⁵ King, CMP, p. 139; McKinley, CMP, p. 178; Gansevoort, CMP, p. 37.

¹⁰⁶ Gansevoort, CMP, p. 37.

¹⁰⁷ King, CMP, p. 142.

¹⁰⁸ Gansevoort, CMP, p. 37.

¹⁰⁹ Rodgers, CMP, p. 135.

¹¹⁰ Rodgers, CMP, p. 37.

While the crew was so employed, MacKenzie decided to act against Cromwell. It was now after dark, and he had decided that the boatswain's mate could not remain at large during the night, "the season of danger."¹¹¹ At some point thereafter, Gansevoort and MacKenzie determined to arrest him as soon as he came down onto the deck. Considering Collins' earlier promotion to boatswain's mate, it is quite possible that they had reached this conclusion then. Thus, when Cromwell descended, MacKenzie and several of the officers met him.¹¹² Although there is no further information about the arrest, it was accompanied by the discharge of a pistol.¹¹³ The Boatswain's Mate was escorted aft, and after a brief interrogation in which he denied complicity in any plot, he was arrested and put in irons.¹¹⁴ MacKenzie said to him that "there were so many suspicions against him, that...it was necessary to confine him; and he should therefore be confined as Mr. Spencer was; to be taken home and tried by the laws of his country."¹¹⁵ Soon after, Small was also called back, interrogated, and confined in irons.¹¹⁶ Like Spencer, they were placed in the stern of the brig. Cromwell was chained to the larboard arms chest, and Small to the after port gun. None of the prisoners were allowed to speak with one another, although Spencer asked if Cromwell's arrest had anything to do with his confinement, before asserting the mate's innocence.¹¹⁷

¹¹¹ MacKenzie, CMP, p. 198.

¹¹² *Ibid.*

¹¹³ Matthew C. Perry, Jr., CMP, p. 74.

¹¹⁴ MacKenzie, CMP, p. 198.

¹¹⁵ Gansevoort, CMP, p. 47.

¹¹⁶ MacKenzie, CMP, p. 198.

¹¹⁷ Gansevoort, CMP, p. 32.

That evening, quarters were dispensed with. Not surprisingly, the enlisted men's talk that night was dominated by the events of the past two days. Rumours and innuendo must have flourished, since there had been as yet no official word on these matters apart from Gansevoort's warnings. Moreover, the officers had changed their watch system and increased their armaments. From this point onward, they kept three watches instead of four, and the officers of the deck had to wear two pistols, a cutlass, and a cartridge box.¹¹⁸ Furthermore, they kept a constant watch belowdecks, continually moving throughout the vessel.¹¹⁹ Spencer's friends must have felt the pressure keenly. Cromwell had been arrested on the strength of his relationship with the midshipman, and the lieutenant had already confronted a number of them. Indeed, that night Daniel McKinley predicted his imminent arrest to his messmates; a conclusion that he based on the close observation to which he had been subjected throughout the day.¹²⁰

Despite the officers' fears, the night did not prove to be the season of much besides sleep. The next morning, however, "two crimes of considerable magnitude appeared on the master-at-arms' report of prisoners."¹²¹ Henry Waltham, who had already been confined for stealing brandy from the wardroom had told Daniel McKinley that three more bottles of wine could be found hidden elsewhere in the brig.¹²² McKinley had promptly informed Gansevoort of this, which MacKenzie correctly

¹¹⁸ Matthew C. Perry, Jr., CMP, p. 61.

¹¹⁹ *Ibid.*

¹²⁰ Gansevoort, CMP, p. 183.

¹²¹ MacKenzie, CMP, p. 199.

¹²² *Ibid.*

assumed was “occasioned by his desire to relieve himself of suspicion.”¹²³ McKinley's denunciation ensured that Waltham would be flogged twice, once for the initial thefts, and again the following day for the hidden brandy. Furthermore, Charles Lambert, an older apprentice, and therefore suspect, had stolen sinit for a hat from Ward Gazely. Although Waltham's offence mandated a severe punishment, Lambert might have escaped with a lesser sentence had the brig's discipline been better. In this instance, however, MacKenzie was determined to enforce the full measure of the law. Accordingly, Lambert and Waltham were both given twelve blows with the cats before the assembled crew.¹²⁴

Following the floggings, MacKenzie addressed the crew about the arrests for the first time. The timing was well considered, since the commander had just exercised his lawful authority over the crew. He began by explaining to them the general nature of Spencer's project.¹²⁵ MacKenzie hoped to mollify them, and to allay the suspicions of those who were most suspected. Allegedly, his tone was mild and kind, even reassuring, as he spoke to the crew of their loved ones back in the United States.¹²⁶ His object was to remind them of the life that they would have to sacrifice were they to mutiny. At the same time, he did not want to reveal his own suspicions, and made no reference to the Greek lists.¹²⁷ Nevertheless, he did allude, however obliquely, to the possible presence of mutineers in the crew when he reminded them, “[that] whatever might be

¹²³ *Ibid.*

¹²⁴ *New York Tribune*, “Punishment Log of the *Somers*.”

¹²⁵ MacKenzie, CMP, p. 199.

¹²⁶ Gansevoort, CMP, p. 39.

¹²⁷ MacKenzie, CMP, p. 199.

their inclination” the best part of the crew would have suffered the same fate of the officers had the mutiny been successful.¹²⁸

According to MacKenzie, the speech had an immediate effect on the crew, particularly the youngest apprentices who were the likeliest candidates for execution by the mutineers. Indeed, many of them broke down and wept as MacKenzie outlined what Spencer was alleged to have contemplated.¹²⁹ The speech also increased paranoia and anxiety amongst the crew. “It filled many with horror at the idea of what they had escaped from; it inspired others with terror at dangers awaiting them from their connexion [sic] with the conspiracy.”¹³⁰ The crew now shared the officers’ fear of the unknown. What mutineers remained amongst them? How safe were they? What is more, Spencer’s friends were now certainly inspired by the dangers awaiting them from their connection with the midshipman! Although MacKenzie “considered the crew tranquillized [sic]”¹³¹ by his speech, the reality was that the anxiety on board had probably been increased.

Nevertheless, the remainder of the day passed uneventfully. Gansevoort continued attending to the prisoners, but when he asked Spencer if he was ready to speak about the Greek lists, the Midshipman demurred.¹³² Later he would speak, but he was not yet ready. Earlier, he had finally lost his composure when MacKenzie had ordered that his tobacco ration be stopped. “He remained the whole day with his face buried in the grego, and when it was for a moment raised, it was bathed in

¹²⁸ Gansevoort, CMP, p. 39.

¹²⁹ Gansevoort, CMP, p. 45.

¹³⁰ MacKenzie, CMP, p. 199.

¹³¹ *Ibid.*

¹³² Gansevoort, CMP, p. 32.

tears.”¹³³ Indeed, he had good reason to weep, as the relative calm of the brig belied the mood of her officers. For the first time, they had begun to speak of executing their prisoners.¹³⁴ Whatever MacKenzie’s thoughts on “tranquilising” the crew, his three senior subordinates were becoming convinced that so long as the ‘ringleaders’ remained alive, the brig would never be safe.

These tensions increased throughout the following day. In the early morning, the crew was once again gathered together to witness Waltham’s second flogging. Afterwards, MacKenzie spoke to the crew again, urging them to conform to the discipline of the brig, and to obey the officers’ commands.¹³⁵ The Commander had revised his earlier beliefs about the crew’s tranquillity, and now considered them “far from being tranquillized [sic].”¹³⁶ His feelings were shared by the petty officers who maintained that further arrests were necessary for the safety of the vessel.

MacKenzie’s fears continued to be dominated by the undeclared mutineers he assumed were on board. “...There were still many at liberty who ought to be confined... an outbreak having for its object the rescue of the prisoners, was seriously contemplated.”¹³⁷ Moreover, Spencer’s friends were now invested with associative guilt. Their own guilt had been assumed because of their friendship with him, and now anyone associating with them was suspect: “individuals not before supposed to be

¹³³ MacKenzie, CMP, p. 200.

¹³⁴ Matthew C. Perry, Jr., CMP, p. 66.

¹³⁵ MacKenzie, CMP, p. 200.

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*

very deeply implicated, were now found in close association with those who were.”¹³⁸

Whatever the heightened fears of the officers, the day passed by without further incident. During the night, however, this fragile equilibrium was shattered. Already ordered to be especially attentive to their duties, Warner, Green, Gedney, and McKinley, missed their musters.¹³⁹ McKinley later explained that he had been on deck, but as it was overcrowded he had been unable to get to his place in line before his name was called out.¹⁴⁰ Such explanations were regarded as an attempt to conceal his true purpose, that “there was probably an agreement to meet around the officer of the deck, and commit some act of violence.”¹⁴¹ Never mind that the officers were now on their guard against just such an attack, and that all were heavily armed.

Later in the night, there was another, but milder, rush aft. The brig was in heavy seas, and rolling heavily, when the boom-tackle was carried away.¹⁴² The officer of the deck, Matthew C. Perry, Jr., immediately took in the slack on the weather-sheet, and called out for assistance, “Some of you lay aft.”¹⁴³ The order was ignored, and it was not until it had been repeated several times that “a great number” of the crew ran towards him.¹⁴⁴ Confronted with more help than he found comfortable, Perry ordered them back, and called out the names of two or three individuals

¹³⁸ *Ibid.*

¹³⁹ Henry King, CMP, p. 138; MacKenzie, CMP, p. 200.

¹⁴⁰ McKinley, CMP, p. 177.

¹⁴¹ MacKenzie, CMP, p. 200.

¹⁴² Matthew C. Perry, Jr., CMP, p. 62.

¹⁴³ *Ibid.*

¹⁴⁴ Matthew C. Perry, CMP, pp. 62, 74.

whom he still trusted.¹⁴⁵ The situation was then resolved, although Perry told the crew who had approached him that their failure to obey orders endangered their lives. Given the consequences of the previous rush aft, however, the crew's reticence to approach a solitary officer on the quarterdeck at night is understandable. There was a nigh impossible situation: to ignore orders invited charges of insubordination or conspiracy, but to obey them with too much alacrity invited allegations of disingenuity or even mutinous assault.

Finally, when the subsequent watch was called on deck, several more of the crew missed their muster. After this second round of absences MacKenzie decided on further action. "I could not contemplate this growth of disaffection without serious uneasiness."¹⁴⁶ He was convinced that the mutiny's discovery had not stopped the conspiracy, but that on the contrary, it had actually increased its size. Far from diminishing his concerns, the arrests had increased them. Writing retrospectively, MacKenzie commented: "Each new arrest of prisoners seemed to bring a fresh set of conspirators forward..."¹⁴⁷

The next morning, he wrote a letter to the officers of the brig.¹⁴⁸

The letter read as follows:

Gentlemen:

The time has arrived when I am desirous of availing myself of your council in the responsible position in which, as commander of this vessel, I find myself placed. You are aware of the circumstances which have resulted from the confinement of Midshipman Philip Spencer, Boatswain's Mate Samuel Cromwell, and Seaman E. Small, as prisoners, and I purposely abstain from entering into any details of them, necessarily ignorant of the exact extent of disaffection among a

¹⁴⁵ *Ibid.*

¹⁴⁶ MacKenzie, CMP, p. 200.

¹⁴⁷ *Ibid.*

¹⁴⁸ MacKenzie, CMP, p. 201. Excepting the two acting midshipmen, John Tillotson and Oliver Hazard Perry, Jr.

crew which has so long and so systematically and assiduously been tampered with by *an officer*. Knowing that suspicions of the gravest nature attach to persons still at large, and whom the difficulty of taking charge of the prisoners we already have, makes me more reluctant than I should otherwise be to apprehend, I have determined to address myself to you, and to ask your united council as to the best course to be now pursued, and I call upon you to take into deliberate and dispassionate consideration the present condition of the vessel, and the contingencies of every nature that the future may embrace, throughout the remainder of our cruise, and enlighten me with your opinion as to the best course to be pursued.

I am, very respectfully, gentlemen, your most obedient, Alex. Slidell MacKenzie, Commander.¹⁴⁹

Notwithstanding MacKenzie's immediate reference to his responsibilities as the brig's commander, the letter was more than anything else, a diffusion of those responsibilities. In presenting a request for advice, MacKenzie incorporated the officers of the council in his own decision-making process. Thus, they were all partially accountable for his ultimate actions. Whatever happened next, the brig's junior officers shared the responsibility for it as well.

Before he delivered the note, however, four more of the crew were arrested. The arrests took place at nine o'clock, after morning quarters.¹⁵⁰ They began with Charles Wilson who had come aft of his own accord to speak with MacKenzie about any suspicions that might be entertained against him.¹⁵¹ For his trouble, the Sailmaker's Mate was arrested and ironed. Immediately afterwards, McKinley was summoned, and whilst MacKenzie and Gansevoort pointed pistols at his head, he was confined as well. Alexander McKee was called next, and told that while there were suspicions against him, he would not yet be confined. Several minutes later, however, he was called back with Benjamin Green, and they were

¹⁴⁹ *Ibid.*

¹⁵⁰ Gansevoort, CMP, p. 46.

¹⁵¹ McKinley, CMP, p. 179.

confined together.¹⁵² During his arrest, Green was told that he had been a valuable member of the crew, but “during the last two or three days [MacKenzie] thought he perceived a change [in his behavior].”¹⁵³ Each of these arrests contributed to the officers’ sense of insecurity since their mode of confinement brought them closer and closer to the crew. Like Small, the four new prisoners were chained to the after guns, so that now fully one third of the deck was occupied by confined mutineers.

Meanwhile, having agreed to speak with Gansevoort, Spencer was confronted with the Greek lists.¹⁵⁴ He had already told the Lieutenant that he had planned such mutinies on board the *Potomac* and the *John Adams*, that it had not been taken so far before, and that he thought it was a “mania” with him.¹⁵⁵ Now, Spencer translated the Greek lists for him and for Adrian Deslonde, who was transcribing what Spencer said. Henry Rodgers had already translated the lists,¹⁵⁶ but Spencer was made to do so in order to identify “E. Andrews.”¹⁵⁷ He claimed that this was Small, but the issue was never resolved, and the officers continued to believe that it was actually Cromwell.¹⁵⁸

Mackenzie delivered his letter to Gansevoort around eleven o’clock, and the Lieutenant convened a council of officers in the wardroom.¹⁵⁹ The officers discussed the situation on board throughout the day, and called upon several witnesses to testify as to the state of the

¹⁵² McKee, CMP, p. 214.

¹⁵³ Green, CMP, p. 217.

¹⁵⁴ Gansevoort, CMP, p. 47; Rodgers, CMP, p. 136.

¹⁵⁵ Gansevoort, CMP, pp. 32-33.

¹⁵⁶ Rodgers, CMP, p.134.

¹⁵⁷ Gansevoort, CMP, p. 36.

¹⁵⁸ *Ibid.*

¹⁵⁹ Gansevoort, CMP, p. 55; Matthew C. Perry, Jr., CMP, p. 65.

vessel, and how to ensure its safety. The character of these witnesses is revealing. Only the first three, Charles Van Velsor, George Warner, and Matthew Gedney, were enlisted men. Friends of Spencer, they were called in the hopes that they might incriminate themselves, or any other hidden mutineers.¹⁶⁰ Excepting James Wales, who repeated his account of the conversation on the booms, the remaining witnesses were all petty officers. Several of these men had earlier asserted that the prisoners required execution, and three of them maintained as much on this occasion. Furthermore, another two declared rather euphemistically that Spencer, Cromwell, and Small needed to be 'removed' from the brig. Accounts of Spencer's familiarity with Cromwell (on which every witness commented), and various actions of his, which retrospectively were considered evidence of premeditation, dominated the remainder of the testimony. Finally, the galley cooks were identified with the mutiny on account of their friendship with Cromwell. At no time were the accused made aware of the proceedings or allowed to speak on their own behalf.¹⁶¹

Although the officers had been instructed to consider "contingencies of every nature," they rejected without question the option of taking the *Somers* to the safety of a nearby port. Several islands were nearby, and the authorities there could have provided shelter and safety for the brig. Over the previous four days, the *Somers* had averaged 169 miles distance per day, and but for the loss of her mast would have averaged 189 miles per day.¹⁶² Although St. Thomas remained a few more days distant, at this speed the brig could have made Barbados, Martinique,

¹⁶⁰ Matthew C. Perry, Jr., CMP, p. 71.

¹⁶¹ Gansevoort, CMP, p. 54; Matthew C. Perry, Jr., CMP, p. 68.

¹⁶² Matthew C. Perry, Jr., CMP, p. 75.

Dominique, Guadeloupe, or St. Lucia within two days. Moreover, had the *Somers* changed course for any of these islands, she would have had a free wind behind her, and would have actually increased her speed.¹⁶³

This option was dismissed, not so much because of expediency or viability, but on account of honour. While the officers were concerned that any change of course might precipitate further reaction,¹⁶⁴ Perry declared that he would rather go overboard than seek protection. In effect, he was saying that it was better to be murdered by mutineers than to admit a loss of control. "It would be a disgrace to the United States, the navy, and particularly the officers of the brig [to seek help]; my reasons were that if an American man-of-war could not protect herself, [there was] no use in having any."¹⁶⁵ Perry's views were shared by the senior midshipman, Rodgers, "I should [have] thought it a disgrace to the flag, to attempt to seek protection from any foreign power and to give up the prisoners..."¹⁶⁶ The officers were governed by their sense of propriety and caste. Failure to take decisive action might expose them, them to future charges of cowardice from their peers. Such a prospect was unthinkable, especially to men with distinguished naval antecedents. Whatever action was to be taken, it had to buttress them against any attacks that they might later face.

Regardless, the deliberations continued for the better part of the day. The council had not yet reached a decision by the time it broke for the evening at six o'clock. The night watch was their immediate priority, so the officers agreed to reconvene the next morning. By now, however, they were beginning to suffer from their security arrangements. Since

¹⁶³ *Ibid.*

¹⁶⁴ Matthew C. Perry, Jr., *CMP*, p. 76.

¹⁶⁵ Matthew C. Perry, Jr., p. 66.

¹⁶⁶ Rodgers, *CMP*, p. 131.

Spencer's arrest the officers had averaged only three to four hours of sleep each day, and then only at intervals.¹⁶⁷ Furthermore, constant patrols and the burden of their armaments had exacerbated their fatigue.¹⁶⁸ By their own estimates they could not have maintained this regimen much further, no more than two or three days, and more likely, even less.¹⁶⁹

Moreover, the officers were now convinced that the mutiny had spread throughout most of their crew. Gansevoort reported that at least one-half, and perhaps as many as two-thirds of the crew had some part in the conspiracy.¹⁷⁰ Rodgers maintained that the figure was even greater, that as many as three-quarters of the crew were involved.¹⁷¹ MacKenzie was more circumspect. Certainly, most of the crew knew the mutineers' identities, but their actual numbers remained small.¹⁷² Nevertheless, concerned by the officers' deteriorating condition, MacKenzie determined that "another night should not be passed."¹⁷³ Thus, he prepared a watch bill detailing the stations to be taken by the officers during an execution.¹⁷⁴

The council of officers reconvened early on December 1. The deliberations continued for another four hours, whereupon the officers sent MacKenzie the following letter:

Sir:

In answer to your letter of yesterday, requesting our counsel as to the best course to be pursued with the prisoners, Acting-Midshipman Philip Spencer, Boatswain's Mate Samuel Cromwell, and Seaman Elisha Small, we would state, that the evidence which has

¹⁶⁷ Matthew C. Perry, Jr., CMP, p. 74.

¹⁶⁸ Matthew C. Perry, Jr., p. 74; Leacock, CMP, p. 221.

¹⁶⁹ Gansevoort, CMP, pp. 58, 61; Rodgers, CMP, p. 131; Leacock, CMP, p. 221.

¹⁷⁰ Gansevoort, CMP, p. 58.

¹⁷¹ Rodgers, CMP, p. 132.

¹⁷² MacKenzie, CMP, p. 199.

¹⁷³ MacKenzie, CMP p. 202.

¹⁷⁴ MacKenzie, CMP, p. 202-203.

come to our knowledge is of such a nature as, after as dispassionate and deliberate a consideration of the case as the exigencies of the time would admit, we have come to cool, decided, and unanimous opinion, that they have been guilty of a full and determined intention to commit a mutiny on board of this vessel of a most atrocious nature; and that the revelation of circumstances having made it necessary to confine others with them, the uncertainty as to what extent they are leagued with others still at large, the impossibility of guarding against the contingencies which 'a day or an hour may bring forth,' we are convinced that it would be impossible to carry them to the United States, and that the safety of the public property, the lives of ourselves, and of those committed to our charge, require that (giving them sufficient time to prepare) they should be put to death, in a manner best calculated to make a beneficial impression upon the disaffected. This opinion we give, bearing in mind our duty to our God, our country, and to our service.¹⁷⁵

Mackenzie concurred with their decision, and began preparations for the executions. First, he mustered the petty officers on the quarterdeck, and armed each one with a cutlass, pistol, and cartridge box.¹⁷⁶ He had been considering this "for a few days," but had not wanted to arm anyone besides the officers. They were then given the simple instructions, "My lads, you are to look at me, to obey my orders, and to see my orders obeyed. Go forward."¹⁷⁷ MacKenzie's command carried two great risks. In the first place, it involved a leap of faith that he was not actually arming any mutineers. At the same time, if the petty officers were loyal, he was investing them with an extraordinary amount of power over their fellows. The three "principal criminals" were to be hanged at the main-yard arms, and when all hands were called aft to witness punishment, MacKenzie further consolidated his control by promoting several apprentices whom he apparently trusted.¹⁷⁸

¹⁷⁵ MacKenzie, CMP, p. 202.

¹⁷⁶ MacKenzie, CMP, p. 203.

¹⁷⁷ *Ibid.*

¹⁷⁸ "Muster Returns from the U.S. Brig of War *Somers*, September 1, 1842 to September 30, 1846," NA RG 217, MPR, Book 1424. The promoted apprentices were: William Clark, Ward Gazely, Thomas Harrison, Theodore Humbert, Manuel Howard, Henry Stremmels, and John Whitmore.

The prisoners were to be hoisted aloft by their shipmates, especially those with whom they had worked, and were thought to have influenced most. Thus, the after-guard and idlers of the watches were mustered around the whip intended for Spencer, the forecastle and foretopmen around the one for Cromwell, and the maintopmen for Small.¹⁷⁹ The officers and petty officers were, in turn, stationed around the brig according to the watch bill drawn up the night before. Each had orders to cut down any of the crew who relaxed their hold of the whip, or who did not haul upon it when ordered.¹⁸⁰ These things done, MacKenzie put on his dress uniform and went to inform the prisoners of their fate.

What followed was as much designed to impress certain lessons on the crew as it was to remove the perceived threat of the 'ringleaders.' Certainly, MacKenzie believed that the executions were crucial. Through the punishments, the commander hoped to reassert his absolute mastery of the brig. MacKenzie's evaluation of their importance is reflected in his narrative, almost half of which covered the executions. In writing his account during the remainder of the cruise, the commander was unlikely to have had recourse to the elaborate literature of executions produced in the first twenty years of the 19th century, but he would have been familiar with them and their content. Between 1790 and 1820, numerous pamphlets were printed describing various executions. The points of emphasis in these pamphlets, the moments described and the speeches made, carried explicit societal lessons. The pamphlets were intended to propagate further the messages of the execution day. Whatever the

¹⁷⁹ MacKenzie, CMP, p. 203.

¹⁸⁰ *Ibid.*

relation between MacKenzie's narrative and the pamphlets, the one is representative of the other and conveys the same messages.

At any rate, the *Somers* executions resembled those of the early Republic, and were not representative of contemporary attitudes towards capital punishment. By 1842, public executions had been abolished throughout much of the North-East.¹⁸¹ This is not to say that capital punishment had been abolished, it was simply no longer conducted in public. The social costs of the spectacle were deemed to outweigh its benefits. Public executions had become increasingly identified with mob violence.¹⁸² Against the riotous backdrop of the 1830s, executions seemed to provide a dangerous opportunity for lawlessness.¹⁸³ Apart from the increased likelihood of crime, exposure to the killing of another human was supposed to excite violent and criminal tendencies.¹⁸⁴ The *Somers* executions did exactly these things, however. They challenged the mob and its violence. Now, the mutineers would be their most desperate. If there was going to be any rescue attempt, this would be its last hope.

Needless to say, MacKenzie took steps to quell any incipient revolt. The threat of mob violence was already in his mind, and the executions took place in a highly coercive environment. When MacKenzie armed the petty officers, he increased the number of guards

¹⁸¹ L.P. Masur, *Rites of Execution: Capital Punishment and the Transformation of American Culture, 1776-1865* (Oxford: Oxford University Press, 1989), p. 94. Public executions were abolished in Pennsylvania in 1824, and in New Jersey, New York, and Massachusetts in 1834. Indeed, Ambrose Spencer had been one of the early advocates of penal reform and the abolition of capital punishment.

¹⁸² At the same time, these executions were public only within the brig. This was hardly a public spectacle.

¹⁸³ Masur, *Rites of Execution*, p. 100.

¹⁸⁴ Masur, *Rites of Execution*, pp. 98-99.

from eleven to sixteen, all of whom had the most draconian orders to maintain control during the hangings. Moreover, the commander had supposedly buttressed his support to twenty-three men and boys with the promotions. Thus, he could count on one-fifth of the crew in the event of any disturbances.

Furthermore, hanging was the traditional form of execution for mutineers and pirates. Indeed, the hanging of pirates took public execution to its most graphic, public, and extended form with the gibbeting of the victim. At the same time, hangings rarely took place in the old Navy. Prior to the *Somers* mutiny, only fourteen men had been sentenced to death, and only one of them after 1819.¹⁸⁵ Three of those sentenced were mutineers, but only one seems to have been executed.¹⁸⁶ The other men were condemned for murder or desertion. Whatever their infrequency, however, such punishments were conducted according to traditional rules and carried traditional lessons.

Obviously, these messages were intended above all else, to demonstrate the power of government, and as a warning to those who would violate the law.¹⁸⁷ At the same time, the spectacle also incorporated the authority of the church, as the execution sermon and the last words and dying confessions of the prisoners, articulated the moral lesson to be drawn from the day.¹⁸⁸ Mackenzie relied on the judicial and the sacerdotal

¹⁸⁵ "Index to courts-martial of the United States Navy, 1798-1861," NA RG 273, "Records of the Judge Advocate General of the Navy of the United States."

¹⁸⁶ Valle, *Rocks and Shoals*, p. 103.

¹⁸⁷ Masur, *Rites of Execution*, p. 27.

¹⁸⁸ Masur, *Rites of Execution*, p. 26.

elements of execution in order to reassert his control over the brig, and to address those members of the crew who remained secretly mutinous.

Besides being a judicial ritual, public execution was imbued with political force, through which sovereign power was manifested.¹⁸⁹ This was its primary purpose. When MacKenzie donned his dress uniform, he was emphasising his authority as a representative of the government and people of the United States. However the mutineers had wronged him, their actions constituted a much more serious attack on the Republic itself.¹⁹⁰ This point was underscored by his decision to hoist the ensign and pendant simultaneously with the executions.¹⁹¹ Indeed, MacKenzie was illustrating the heights of his own lawful authority, and the feebleness of Spencer's attack upon it.¹⁹² The commander had earlier demonstrated this authority through the floggings, but was now demonstrating it at its most extreme. Before, he had shown the crew his power over their bodies, now he demonstrated that his power extended to their lives.

Following Spencer's arrest, the officers increasingly felt that their control over the brig was being lost. They were no longer leading, but reacting; the actions of others dictated their policies. Indeed, the unknown mutineers had usurped control of the situation when they forced the officers to alter their watch structure and command policies. The execution was an absolute counter-strike. Not only were the officers seizing the initiative back, they were doing so through the ultimate

¹⁸⁹ M. Foucault, *Discipline and Punish – The Birth of the Prison*, A. Sheridan, trans. (New York: Vintage Books, 1977), p. 47.

¹⁹⁰ Crime had always been seen as an attack on the Republic, (Masur, *Rites of Execution*, p. 40) but in this case it really was an act on and against Federal property!

¹⁹¹ MacKenzie, CMP, p. 203

¹⁹² Foucault, *Discipline and Punish*, p. 49.

expression of their power. In this context, capital punishment did more than execute justice, it reasserted and reactivated that power.¹⁹³

Going to the prisoners, MacKenzie spoke first with Spencer, accusing him of having contemplated murdering him “without a moment to utter one murmur of affection to my wife and children...”¹⁹⁴ For this and his other offences, Spencer’s life was “now forfeited to his country, and the necessities of the case, growing out of his corruption of the crew, compelled [MacKenzie] to take it.” If the midshipman had any last communications that he wished to send his family he had to compose them immediately since he had only ten minutes to live.¹⁹⁵ Spencer replied that “he was not fit to die,” and that he wished a little more time to prepare himself.¹⁹⁶ MacKenzie agreed with him, but maintained that there was no other option, whereupon he crossed over to the larboard arm-chest and told Cromwell and Small of their impending execution.

The Boatswain’s Mate had been reading a copy of the *Penny Magazine*, which he dropped as he fell to his knees.¹⁹⁷ In falling, he cried aloud, “God of the Universe, look down on my poor wife; I am innocent.”¹⁹⁸ The scene was then interrupted by Spencer who said “These are about the last words I am going to say, and I trust they will be believed... Cromwell is innocent.”¹⁹⁹ Spencer’s declaration had a profound impact on the commander. Final words were not to be discounted, since they were spoken with nothing to gain by deceit or

¹⁹³ *Ibid.*

¹⁹⁴ Tillotson, CMP, p. 169; MacKenzie, CMP, p. 203.

¹⁹⁵ MacKenzie, CMP, p. 203.

¹⁹⁶ McKinley, CMP, p. 179.

¹⁹⁷ MacKenzie, CMP, pp. 197-180.

¹⁹⁸ McKinley, CMP, p. 180.

¹⁹⁹ *Ibid.*; MacKenzie, CMP, p. 203.

equivocation.²⁰⁰ MacKenzie sought Gansevoort's advice, and then the counsel of the petty officers.²⁰¹ They unanimously agreed that Cromwell was *especially* guilty. Indeed, they regarded him as the driving force behind the mutiny, while Spencer was merely his dupe.²⁰² Philip Spencer was "the damned fool on the larboard arm-chest..." and Cromwell was "the damned rascal on the starboard."²⁰³ Thomas Dickinson, no friend of the boatswain's mate, remarked that he "ought to have thought of his dear wife before, not after it was too late."²⁰⁴

Spencer was then told that his declaration was to be ignored. MacKenzie accompanied the news with the petty officers' remarks, and his own belief that had the mutiny been successful, Spencer would have merely been Cromwell's secretary.²⁰⁵ The Commander concluded that far from being 'proper' last words, Spencer's request had a hidden purpose: "He more probably hoped [Samuel Cromwell] might yet get possession of the vessel and carry out the scheme of murder and outrage matured between them."²⁰⁶ The midshipman became "aroused," and his "countenance assumed a demoniacal expression."²⁰⁷ MacKenzie assumed that this was a manifestation of Spencer's thwarted plan, and not an expression of anger that his last words had been so distorted.

Meanwhile, Small had received the news "with composure."²⁰⁸ When asked if he had any message to send or preparations to make, he

²⁰⁰ Foucault, *Discipline and Punish*, p. 43.

²⁰¹ MacKenzie, CMP, p. 203.

²⁰² *Ibid.*

²⁰³ MacKenzie, CMP, p. 204.

²⁰⁴ Dickinson, CMP, p. 149.

²⁰⁵ MacKenzie, CMP, p. 204.

²⁰⁶ *Ibid.*

²⁰⁷ *Ibid.*

²⁰⁸ *Ibid.*

remarked, "I have nobody to care for me but my poor old mother, and I would rather that she should not know how I died."²⁰⁹ MacKenzie returned to Spencer, and asked him if he had any messages to send to his family. "None that they would wish to receive," Spencer responded.²¹⁰ MacKenzie pressed him further, and Spencer said:

Tell [my friends and family] that I die wishing them every blessing and happiness; I deserve death for this and many other crimes - there are few crimes that I have not committed; I feel sincerely penitent, and my only fear is that my repentance may be too late...I have wronged many persons, but mainly my parents...this will kill my poor mother...I fear that this will injure my father.²¹¹

Spencer's declaration served two purposes. On the one hand, it admitted his guilt, thereby justifying his punishment. A successful public execution legitimised justice and this required the acquiescence or better still, approval, of the condemned man.²¹² Spencer's admission provided this, although as he himself said his 'confession' had the deeper motive of repentance. At the same time, Spencer's concern for his parents was an established part of the execution ritual. Since the family was considered to be the basis of a stable social order it was imperative to show that the failures of the condemned belonged to the criminal alone, and not his parents.²¹³ In this manner, the older generation exculpated itself from the younger generation's guilt, and excused themselves from responsibility for the actions and eventual fate of their children.²¹⁴

Notwithstanding this declaration, MacKenzie deflected Spencer's concern for his father, telling him that it was:

²⁰⁹ *Ibid.*

²¹⁰ *Ibid.*

²¹¹ *Ibid.*

²¹² Foucault, *Discipline and Punish*, p. 44.

²¹³ Masur, *Rites of Execution*, p. 35.

²¹⁴ Masur, *Rites of Execution*, p. 36.

almost too late to think of that - that had he succeeded in his wishes, it would have injured his father much more - that had it been possible to have taken him home, as I intended to do, it was not in nature that his father should not have interfered to save him - that for those who have friends or money in America there was no punishment for the worst of crimes - that though this had nothing to do with my determination, which had been forced upon me in spite of every effort which I had made to avert it, I on this account the less regretted the dilemma in which I was placed; it would injure his father a great deal more, if he got home alive, should he be condemned and yet escape; the best and only service he could do his father was to die.²¹⁵

In other words, if Spencer were not executed, his father would compound his misdeeds by acting improperly on the Midshipman's behalf. Thus, Spencer's guilt would cross generational lines and infect his own father. The execution of this "base son of an honoured father" was not only necessary in the name of justice, but in order to protect the Spencer family from itself.²¹⁶

Indeed, it is likely that Spencer would have escaped serious punishment had he been returned to the United States. This had already happened once before, and there was little reason to assume that it would not happen again. MacKenzie's assertion that "money or friends" would allow Spencer to escape appropriate punishment rings true. This had as much to do with established naval practice, however, as it did with his father's influence. While the latter would have helped guarantee Spencer a lighter punishment (certainly lighter than execution!), the former set the precedent.

Between 1798 and 1843, 196 acting midshipmen, midshipmen, and passed midshipmen were convicted of various offences by courts-martial.²¹⁷ Their sentences fell into three basic categories: dismissal from

²¹⁵ MacKenzie, CMP, p. 204.

²¹⁶ MacKenzie, CMP, p. 196.

²¹⁷ "Index to Courts-Martial of the United States Navy, 1798-1861," NA RG 273.

the Navy, a reprimand, or suspension. Dismissal was the most common sentence, and was passed on fifty-five occasions. This figure is actually higher if the twenty-eight other midshipmen who were ordered cashiered are also included. Reprimands were the next most common punishment. This could be a private reprimand from a commanding officer or the court, or it could be a public one, issued before the assembled crew and proclaimed throughout the squadron. Taken together, there were forty-nine such reprimands and admonishments. Suspensions ranged in severity and duration. They could cost an officer all or half of his pay, and they might run for as little as one month, or as long as several years. Moreover, they were often combined with a reprimand or a transfer. Finally, on a few occasions, midshipmen were assigned further sea duty before being allowed to take their exams, or were dropped to the foot of the midshipmen's list.

The courts-martial that had passed these sentences were convened and approved by Presidents of the United States, Secretaries of the Navy, and squadron commanders.²¹⁸ The council of officers on board the *Somers* fell far short of their authority. Moreover, it called for a punishment radically more severe than had ever been ordered for a midshipman. Spencer's person, like these men before him, was inviolate.²¹⁹ Officers were exempted from sanguinary punishments, and subject only to the discipline of a court-martial juried by their peers.²²⁰ The council's decision was therefore, unprecedented and contrary to law and tradition.

²¹⁸ *Articles of War*, Article XXXV.

²¹⁹ *Articles of War*, Article III; *1832 Naval Regulations*, p. 25.

²²⁰ *Articles of War*, Article III.

Spencer perhaps had this in mind when he then questioned MacKenzie's decision.²²¹

First he asked, "have you not formed an exaggerated estimate of the extent of this conspiracy?"²²² MacKenzie's response was revealing, "I knew the conspiracy was extensive - I did not know how extensive."²²³ The fear of unknown mutineers continued to drive him. Spencer then asked, "But are you not going too far - are you not too fast? Does the law entirely justify you?"²²⁴ Clearly, the law did not justify MacKenzie, far from it. Not surprisingly, MacKenzie made no reference to the Articles of War or courts-martial in his answer. Instead, he referred to the council of officers, "I had consulted all his brother officers, his messmates included, except the boys, and I placed before him their opinion."²²⁵ Moreover, when describing his actions, MacKenzie's own narrative quite self-consciously and clearly admitted that they were extra-judicial: "In the necessities of my position I found my law, and in them also I must trust to find my justification."²²⁶

At any rate, Spencer's next question was not about MacKenzie's decision, but as to the manner of his own execution. When told that he was to be hanged, he objected, asking to be shot instead. MacKenzie refused his request on the grounds that it would be unfair to the other two

²²¹ There has been some controversy as to whether or not the following passages accurately describe Spencer's last words. The issue of their veracity arose during MacKenzie's court-martial, but even if they did distort Spencer's utterance, it is clear that they reflect MacKenzie's anxieties over the legality of his actions, and may have been constructed by him to justify them and assuage his own concerns.

²²² MacKenzie, CMP, p. 205.

²²³ *Ibid.*

²²⁴ *Ibid.*

²²⁵ *Ibid.*

²²⁶ MacKenzie, CMP, p. 203.

condemned men. Spencer acquiesced. He then asked for a blindfold, and that he be given more time to prepare himself. To these requests, MacKenzie agreed, and extended the choice of a blindfold to Cromwell and Small. The next hour was spent in prayer.

[Spencer] asked for a bible and prayer-book, they were brought, and others ordered to be furnished to his accomplices. 'I am a believer,' he said- 'do you think that repentance at this late hour can be accepted? I called to his recollection the case of the penitent thief who was pardoned by our Savior upon the cross. He then read in the Bible, kneeled down and read in the prayer-book; he asked again if I thought that his repentance could be accepted - that the time was so short, and he did not know if he really was changed. I told him that GOD, who was all-merciful as well as all-wise, could not only understand the difficulties of his situation, but extend to him such a measure of mercy as his necessities might require. He said, 'I beg your forgiveness for what I might have meditated against you.' I gave him my hand, and assured him of my sincere forgiveness...²²⁷

This preoccupation with repentance was typical of the execution ritual. Indeed, it was crucial for its success. Prisoners were encouraged to recant publicly their sins and put themselves before God's mercy. Public repentance accomplished several things. First, it introduced religious lessons to the ritual. The execution was made, on the one hand, more palatable since the deceased 'would be that day with God,' yet the audience was also reminded that the prisoners would soon face His judgement.²²⁸ The execution was a *momento mori*, and observers were encouraged to apply the penitential lesson to themselves.

What is more, the penitent's example was designed to appeal most of all to those criminals and sinners who lurked unseen in the crowd. In the execution ritual the audience was reminded that God, who would be their final judge at an inevitable end, was omnipresent and omniprescient. If the civil authorities that executed another man were unaware of a

²²⁷ MacKenzie, *CMP*, p. 205.

²²⁸ Masur, *Rites of Execution*, p. 41.

malfeasant's true nature, God, in whose name they claimed to act, was not deceived. The audience was encouraged to dwell on its own sins, and begin its own repentance accordingly.²²⁹ On board the *Somers*, this message would have been intended most for those members of the crew whose part in the mutiny was still undiscovered.

Cromwell, Spencer, and Small were marched from the quarter-deck to the mainmast. They were still encumbered by their manacles, and their progress was slow.²³⁰ The sight of them in chains increased the ritual's power. Each was made the "herald of his own condemnation, announcing their crimes by their very presence."²³¹ Moreover, the image reinforced the discrepancy of power between the prisoners and their captors. MacKenzie continued to reassert his authority with the bodies of the 'ringleaders.'

En route, they said their good-byes to one another and to some of the assembled officers. Forgiveness and repentance dominated these encounters. Spencer first shook hands with Egbert Thompson, who was weeping.²³² As they bade one another goodbye, Spencer told the other Midshipman to take warning by his fate.²³³ Spencer asked Thompson to send for Henry Rodgers, but he was never summoned.²³⁴ Finally, Spencer shook hands with Gansevoort, "and in the most earnest manner asked me to forgive him the great injuries he had done me."²³⁵

²²⁹ Masur, *Rites of Execution*, p. 40.

²³⁰ Gansevoort, CMP, p. 60.

²³¹ Foucault, *Discipline and Punish*, p. 43.

²³² Thompson, CMP, p. 187.

²³³ *Ibid.*

²³⁴ Thompson testified that the request slipped his mind, CMP, p. 186. MacKenzie claimed that the summons was delivered, but Rodgers had no orders to leave his station, CMP, p. 206.

²³⁵ Gansevoort, CMP, p. 39.

As the prisoners reached the gangways, Spencer received permission to speak with James Wales. "Mr. Wales, I sincerely trust that you will forgive me for tampering with your fidelity," to which the steward replied, "I [do] so from the bottom of my heart, and hoped God would forgive him also."²³⁶ Spencer asked again for Rodgers before he turned to Small, and begged his forgiveness as well.²³⁷ Small, at first, refused, but when pressed, relented: "Ah, Mr. Spencer, this is a hard thing for you to ask me; we shall soon be before the face of God, and there we shall know all about it."²³⁸ Spencer implored him again, saying that he could not die without his forgiveness. Small then offered it: "I do forgive you, Mr. Spencer; may God Almighty forgive you also."²³⁹

Small next asked Gansevoort for forgiveness, including words to the effect that he was guilty, and deserved death.²⁴⁰ Then, Gansevoort walked over to Cromwell, and bid him goodbye. The Boatswain's Mate gripped his arm very tightly, and yet again protested his innocence. At the same time, he also asked for forgiveness.²⁴¹ After Gansevoort took leave of him, MacKenzie spoke with Small, asking why he wouldn't bid him farewell. Small replied that he meant no slight, but that he "didn't know that [MacKenzie] would bid a poor bugger like [him] good-by [sic]."²⁴² MacKenzie explained that he was very sorry for what was about to happen, but that the honour of the flag and the safety of the crew demanded it. Small said to him, "Yes, sir, I honor you for it, and God

²³⁶ Wales, CMP, p. 16.

²³⁷ MacKenzie, CMP, p. 206.

²³⁸ *Ibid.*

²³⁹ *Ibid.*

²⁴⁰ Gansevoort, CMP, p. 39.

²⁴¹ *Ibid.*

²⁴² *Ibid.*

bless that flag and prosper it."²⁴³ This appeared to affect MacKenzie very much, and he is said to have wept.

The three had now reached the mainmast, and the whips were put about their necks. Small was placed on the hammocks forward of the gangway, while Spencer and Cromwell were similarly placed abaft the gangway on the other side. The Midshipman called out for Gansevoort, and said that he wanted it known that he had died a brave man. Thus, he asked for, and received permission to give the order to fire the gun which would signal his own execution.²⁴⁴ Spencer's one other request was that there be no delay between the order to fire and the actual firing. To be sure of this, MacKenzie obtained live coals from the galley to use in place of a lock and wafer. Whilst waiting for the coals to be brought aft, Cromwell and Small addressed the crew.

Cromwell spoke first, although it is not certain if he had received the Commander's permission. His words were short, more like an outburst than a speech. "Tell my wife I die an innocent man; tell Lieutenant Morris I die an innocent man."²⁴⁵ To the end, Cromwell vehemently protested his innocence. He had offered only one apology, to Gansevoort, and had shown more concern for his wife than his own penitential soul. In dying, he set a different moral example for the crew. His words confirmed another reading of the mutiny: that it did not exist, and that the three men were innocent. If we accept James Travis'

²⁴³ *Ibid*; MacKenzie, CMP, p. 206.

²⁴⁴ MacKenzie, CMP, p. 206.

²⁴⁵ *Ibid*. The officer was later identified as Lieutenant Charles W. Morris, with whom Cromwell had apparently made several cruises. M. Gouverneur, *As I Remember, Recollections of American Society during the Nineteenth Century* (New York: D. Appleton, 1911), p. 93.

subsequent account of the hangings, this interpretation was widespread.²⁴⁶ During the court of inquiry, however, only seven of fifty-one apprentices asked felt that the executions had been unnecessary. Another seventeen maintained that they had no opinion on the subject. It is possible, however, that these figures represent circumspection more than they do the boys' actual feelings. At any rate, for those of the crew that believed this, Cromwell proclaimed the amorality of what was happening. These three men were about to be hanged, for a crime that they did not commit, and certainly without due process of law.

Small's hood was removed before he spoke to the crew. "Messmates and shipmates, I am no pirate; I never murdered anybody."²⁴⁷ At this point, MacKenzie turned to Gansevoort and asked if he should be suffered to continue. A penitential address would have increased the moral value of the execution immeasurably, but a defiant voice would damage it, especially after what Cromwell had said. The imminence of death allowed a "momentary saturnalia," in which a man with nothing left to lose could excoriate the forces at work against him.²⁴⁸ Small's next words, however, allayed the Commander's fears. "It is only because I said I would [kill a man], that I am about to depart this life; now, see what words will do; take warning by me. It was going in a Guinea-man that brought me to this; beware of a Guinea-man."²⁴⁹ According to Gansevoort's account, he also said words to the effect that he deserved his

²⁴⁶ J. Travis, "The Hangings on the Somers," *Frank Leslie's Budget* (October 1881), p 7. Travis was an apprentice on board of the *Somers*.

²⁴⁷ Gansevoort, CMP, p. 39.

²⁴⁸ Foucault, *Discipline and Punish*, p. 70.

²⁴⁹ Gansevoort, CMP, p. 39; MacKenzie, CMP, p. 206.

punishment and did not object to it.²⁵⁰ Small turned to Spencer, and said, “I am now ready to die, Mr. Spencer, are you?”²⁵¹ The moral lessons and authority of the executions had been reinforced.

Spencer remained silent, and ultimately made it known that he could not bring himself to give the order. Accordingly, MacKenzie gave it himself. Although at least one of the men on the whips, Henry Waltham, appeared unwilling to pull on the rope, the execution went ahead.²⁵² The remaining prisoners had been kept looking aft throughout the execution, but at the last moment, Daniel McKinley turned his head and watched the three men run up the yard-arm.²⁵³

The crew were ordered aft, so MacKenzie could speak. He mentioned each of the victims in turn, attaching moral lessons to them. He began with Spencer, describing his illustrious father and the advantages that his son had enjoyed. MacKenzie then attacked Spencer’s brief naval career, which had culminated in an assault upon his authority. “...He had aspired to supplant me in command, which I had only reached after thirty years of faithful servitude...”²⁵⁴ The point was that diligence was the key to success. He had achieved it only after much time spent, and the same was true for the apprentices. If they were to “advance regularly, and step by step,” the apprentices could aspire to the “situations of warrant officers, and masters in the navy.”²⁵⁵ Alternatively, they might rise to respectability in the merchant marine. Interestingly, Mackenzie did

²⁵⁰ Gansevoort, CMP, p. 39.

²⁵¹ MacKenzie, CMP, p. 207.

²⁵² Rodgers, CMP, p. 137.

²⁵³ McKinley, CMP, p. 181.

²⁵⁴ MacKenzie, CMP, p. 207.

²⁵⁵ *Ibid.*

not mention the possibility of a commissioned rank. Whatever the practice on the larger school-ships, he was not likely to name an acting midshipman from this crew.

MacKenzie spoke next of Cromwell, who had “fallen through brutish sensuality, and the greedy thirst for gold.”²⁵⁶ Spencer was supposed to have lured him with his gifts of money, before tempting him further with an illusory chest of gold said to be in MacKenzie’s cabin. The Commander also related an anecdote in which he compared Cromwell unfavourably to Collins. He invited the crew to choose between them for themselves, Collins piping their orders and Cromwell swinging from the yard-arm.²⁵⁷

Finally, he spoke about Small, saying only that he was also meant for better things, but that his love of liquor had led him astray.²⁵⁸ MacKenzie made sure to remind them of Small’s blessing of the flag. On the one hand, it reasserted his power, reminded the crew that he was the representative of that flag. Moreover, he was also its agent; the executions were legitimised by the flag’s authority, and Small’s acceptance of it. This was his final point of emphasis, since he then concluded the execution ritual with three cheers for the American flag.²⁵⁹ It was only then that the remaining prisoners were informed that they were not to be executed.²⁶⁰

The crew were piped down to supper. An hour later, preparations were made for the burial. Although he had been denied the protection of his rank in life, Spencer was extended the prerogatives and privileges of

²⁵⁶ *Ibid.*

²⁵⁷ *Ibid.*

²⁵⁸ *Ibid.*

²⁵⁹ *Ibid.*

²⁶⁰ Gansevoort, CMP, p. 181.

an officer in death. He was buried in a coffin as was customary for officers. The Midshipman was also laid out in full dress uniform, minus his sword, "which he had forfeited the right to wear."²⁶¹ Cromwell and Small were stitched in their hammocks. Finally, the corpses were placed on the deck in order of their ranks.

For the second time that day, all hands were called. The colours were reversed, and the ensign lowered to half mast. Thus, the symbolic value of the flag was incorporated into mourning. By lamp-light, the crew collected on the booms, in the gangways and on the lee-quarter-boat, to witness the burial. Prayer books were distributed, and after the appropriate service, the bodies were consigned to the deep. MacKenzie closed the final ritual of the day with the following prayer. One last time God and the Republic were invoked:

Preserve us from the dangers of the sea and from the violence of enemies, that we may be a safeguard unto the United States of America, and a security for such as pass on the seas upon their lawful occasions; that the inhabitants of our land may in peace and quietness serve thee, our God; and that we may return in safety to enjoy the blessings of the land with the fruit of our labor, and with a thankful remembrance of thy mercies, to praise and glorify thy holy name, through Jesus Christ, our Lord.²⁶²

Three days later, during the Sunday sermon on December 4, MacKenzie reiterated the lessons of the execution. The passage of time had probably convinced him that the crew was pacified, but the first church service since the executions would allow him to reinforce the lessons of penitence and obedience. First, he spoke about Spencer's parents, and how he had squandered his advantages and spurned their wise counsel. He read aloud from a letter written by Small's mother in which

²⁶¹ MacKenzie, CMP, p. 208.

²⁶² *Ibid.*

she expressed her joy at the news that no liquor was to be served on board the brig. He also recited some verses from the *Sailor's Magazine*, which were found within Small's Bible.

In closing, MacKenzie returned to the social messages of the execution. He reminded the crew of the sacred judgement that the three had faced. "I endeavored [sic] to call to their recollection the terror with which the three malefactors had found themselves suddenly called to enter the presence of an offended God."²⁶³ Then, he called their attention once more to Spencer's parents, and the Midshipman's apologetic last words. His purpose he made clear: "From these two circumstances they might draw two useful lessons - a lesson of filial piety, and a piety towards God."²⁶⁴

MacKenzie exhorted the crew to prayer, comparing it to the cheers they had earlier given for the American flag. The flag was raised, and above it, "the only banner to which it may give place," the chaplain's pennant of the cross.²⁶⁵ A final time, the Commander invoked and combined the flag and God. The crew then sang the 100th Psalm, and the usual Sunday service was performed.

The next day, the 5th of December, the *Somers* arrived at St. Thomas. The *Vandalia* was not there, so the brig continued northwards to the United States. The officers had reduced the intensity of their watches, but continued to wear arms. All of them maintained that discipline had been restored immediately after the executions.²⁶⁶ By their account,

²⁶³ MacKenzie, CMP, p. 209.

²⁶⁴ *Ibid.*

²⁶⁵ *Ibid.*

²⁶⁶ Wales, CMP, p. 14; Matthew C. Perry, Jr., CMP, p. 63; Rodgers, CMP, p. 137; Tillotson, CMP, p. 170; Hays, CMP, p. 214.

orders were obeyed with alacrity, and never needed repeating. Although there might have been an immediate affect along these lines, overall discipline showed a marked deterioration in the last ten days of the cruise. Only Gansevoort's description of the brig's state approached the truth, and then obliquely: "After we left St. Thomas I think I observed a bad feeling among a few of the older part of the crew, whom I supposed to be implicated before."²⁶⁷

On December 7, four apprentices were colted for fighting.²⁶⁸ This was the largest number of boys punished on a single occasion for that offence. The next day, three members of the crew were punished for disobeying orders. One of them, Peter Fenton, was actually given twelve lashes with the cats. Although this offence was punished thirty-seven times during the cruise, this was only the second occasion in which the cats had been used. The severity may well have reflected Fenton's disciplinary record, as this was the sixth time he had been punished.

On December 10, the greatest possible failure of discipline occurred. A mutiny *did* take place. During squally weather, the maintopmen of one watch all refused an order to go aloft and furl the maintopsail. This refusal, a collective decision to disobey an order, was a direct challenge to the officers' authority. There is no evidence of what sparked it, and how the work stoppage was resolved beyond the punishments that were inflicted afterwards.²⁶⁹ These reveal that eleven

²⁶⁷ Gansevoort, CMP, p. 40.

²⁶⁸ *New York Tribune*, "Punishment Log of the *Somers*." The colted apprentices were Billinger Scott, William Reed, Alfred Magee, and Jonathan Finney.

²⁶⁹ It is possible, if not likely, that the stoppage was related to the ongoing confinement of the remaining prisoners on board. After the executions, the prisoners had been kept in irons, and placed within canvas bags

members of the crew were involved, and that their punishments were relatively light, twelve strikes with the colt.²⁷⁰ Close to home, it would appear that the officers wanted to avoid any more crises. Besides this, the passage north met with severe weather throughout, and the officers could not afford to arrest any more of their crew.²⁷¹ At any rate, nine days difficult sailing brought the brig safely to Sandy Hook. The next morning, December 15, she would drop anchor at the Brooklyn Navy Yard.

The cruise was over, and MacKenzie had returned his command more or less safely, but the mutiny was not behind him. Three days later, it erupted into what has ever since been called the Somers Mutiny Affair. MacKenzie certainly anticipated that there might be controversy over his actions. Whatever his justifications, he had acted extra-judicially in executing Spencer, Cromwell, and Small. It was Spencer's death, however, that guaranteed trouble. By destroying his son, MacKenzie had made John Canfield Spencer a determined enemy. It was not in Spencer's character to allow the deed to go unpunished. Indeed, it was within his ability to see that MacKenzie did not escape justice. The power that MacKenzie feared would have rescued the midshipman would now be used to take vengeance upon his executioner.

designed to hinder their movement and protect them from the elements. Although these proved terribly hot in day, and bitterly cold at night, the prisoners remained in them until the last part of the cruise, when the drop in temperature required that they be removed below. Matthew C. Perry, Jr., CMP, p. 74; Gansevoort, CMP, pp. 92-93; McKinley, CMP, pp. 182, 184.

²⁷⁰ *New York Tribune*, "Punishment Log of the *Somers*." The mutineers were Thomas Brown, Samuel Cowles, Peter Fenton, Charles Golderman, Theodore Humbert, James Kelly, George Kneavels, Charles Ross, Billinger Scott, Joshua Smith, and Joseph Weaver.

²⁷¹ MacKenzie to Upshur, December 14, 1842, NA RG 273.

Chapter Six: Courts-Martial: The Somers Mutiny Affair

On the night of the brig's arrival, December 14, only one person was allowed on shore. This was Oliver Hazard Perry, who carried a nine-page report from MacKenzie to the Secretary of the Navy. Once it was delivered, he was to receive any orders, and return with them to the commander. As Perry began his three-day journey to Washington, the *Somers* remained under secret guard.

The next morning, upon dropping anchor, MacKenzie arrested eight more members of the crew: Charles Golderman, George Warner, Charles Van Velsor, Richard Hamilton, George Kneavals, Edmund Gallia, Eugene Sullivan, and Henry Waltham. Apart from Hamilton, all had been mentioned on the Greek lists. Only two of them were December 10 mutineers, however, Kneavals and Golderman. Accompanying the original four prisoners, they were put in solitary confinement on the *North Carolina*.¹ The remainder of the crew were sequestered on board the brig. MacKenzie himself said nothing even to his wife, although he obviously confided in Matthew Calbraith Perry, the Navy Yard's commander. Regardless, the veil of secrecy was sustained for only two days before the events on board the *Somers* were reported in the New York City press.

On December 17, several papers ran stories on the alleged mutiny. All of them acknowledged that Spencer had been its leader, but besides this, they were comprehensively inaccurate. MacKenzie had not

¹ MacKenzie to Upshur, December 16, 1842, NA RG 273, "Court Records of the Court Martial of Alexander Slidell MacKenzie."

prevented word of the mutiny from leaking out, but he had ensured that what was heard was more rumour than accurate report. According to one account, fifty mutineers had been overcome after a sharp battle.² The *New York Tribune* admitted doubts about the veracity of its account before relating that Spencer and the master-at-arms had been arrested at quarters before seventy-six other conspirators.³ Finally, another story related that Spencer and the mutineers had been arrested after a thwarted attack during which Spencer had actually put a loaded pistol against MacKenzie's chest.⁴

Over the next two days, the exaggeration and distortion diminished somewhat. Indeed, the morning edition of the *New York Herald* on December 19 read that "there now appears division of opinion...Yesterday and the day before facts have been...circulated which throw a different light [on affairs]."⁵ Later that same day, the paper reported more critically, "There was no overt act [of mutiny]...The plot was merely *in embryo*...In such circumstances a great difference of opinion exists as to the necessity and legality of MacKenzie's conduct."⁶ These articles marked a departure from the *Herald's* original reports, and were the beginning of an editorial position that would ultimately emerge as the one most critical of MacKenzie.

² *New York Herald*, December 18, 1842, quoted in McFarland, *The Somers Mutiny Affair*, p. 158.

³ *New York Tribune*, December 18, 1842, quoted in McFarland, *The Somers Mutiny Affair*, pp. 158-159.

⁴ *New York Express*, December 18, 1842, quoted in Hayford, *The Somers Mutiny Affair*, p. 3.

⁵ *New York Herald*, December 19, 1842, quoted in Hayford, *The Somers Mutiny Affair*, p. 5.

⁶ *Ibid.*

The commander still enjoyed considerable support in the press, however, and on December 19, an account of the mutiny faithful to MacKenzie's narrative was published in the *New York Courier and Enquirer*. Some question arose at the time over the paper's acquisition of MacKenzie's narrative.⁷ MacKenzie and the newspaper's editor, James Watson Webb, were neighbours in Tarrytown, New York. Moreover, Webb was a personal friend of Commodore Perry. Whatever their connection, the *Courier and Enquirer* was already hostile to John Canfield Spencer, and proved to be MacKenzie's greatest media support.⁸

The next day, however, the first authoritative challenge to MacKenzie's conduct was issued in the *Madisonian*. Written by John Canfield Spencer under the pseudonym 'S,' it attacked the commander's conduct with a brief, forceful, and *knowledgeable* argument. On receipt of MacKenzie's first report, Upshur had immediately summoned the Secretary of War, and they spent the remainder of the day together in conference.⁹ During this meeting, Spencer had read MacKenzie's report. Notwithstanding the leaked account in the *Courier and Enquirer*, his article was the first published account of MacKenzie's narrative, which was not officially released until December 29. With reference to the narrative, Spencer addressed the inaccurate reporting of the New York press, and accused MacKenzie of compounding his own misconduct in his dealings with them:

⁷ Hayford, *The Somers Mutiny Affair*, p. 5.

⁸ *Ibid.* A few days before the *Somers'* return, the paper had denounced John Canfield Spencer as a "miserable wretch," and a "traitor," among other epithets.

⁹ Mackenzie to Upshur, December 22, 1842, NA RG 273.

Various publications have however appeared in the New York papers, giving versions of the transaction, the materials for which, if not the versions themselves, were obviously furnished by some officer who had a hand in the bloody deed. This is evident from their containing some facts which could be known only to those officers – but so perverted, so exaggerated, and interspersed with so much surmise, and so much downright falsehood, as to evince the deep anxiety felt to make sure of the first impression on the public mind.¹⁰

Spencer denied that there had been any disorder or mutinous character on board the brig. He also revealed for the first time, the extra-judicial proceedings of the council of officers. Besides these allegations, he clarified various misstatements about his son's age and service record. The article also ridiculed the notion that Spencer, "a mere boy...would seriously induce to mutiny an old seaman who had arrived at the rank of boatswain's mate, and who [was] represented to have been employed heretofore on board of a slaver, or to have been a pirate."¹¹ Furthermore, he repeated his son's only proper testimony about the conspiracy, "that it was all a joke." Finally, he demonstrated that as yet there was no evidence whatsoever against Cromwell.

Spencer also indulged in a number of personal attacks against the officers of the brig, MacKenzie in particular. The commander's actions were either the result of a "despotic temper," or an "unmanly fear." In closing, Spencer issued a forceful call for the press to rein in its prose, and for MacKenzie to be prosecuted.

These remarks are made, not to excite prejudice, but to repel the attempt to create it, and to enable the American people to see what mighty principles are involved in this unheard-of proceeding. Let justice be done; let it not be denied, because one of the victims was connected with a high functionary of government, nor because another is unknown, and has not a friend or relation upon the face of the earth.

¹⁰ J.C. Spencer, "Communicated," *The Madisonian*, reprinted *Niles' Weekly Register* (Vol. 73, December 24, 1842), pp. 260-261.

¹¹ *Ibid.*

And let not wanton opprobrium be heaped upon the memory of the dead, to justify the bloody deeds of the living.¹²

The article horrified MacKenzie. The *Madisonian* was the semi-official newspaper of the government, and provided Spencer's attacks with exceptional authority. The next morning, he wrote Upshur protesting that Spencer had been given access to the first narrative of the cruise. "I think sir that the documents which I had the honour to forward to you might have furnished materials for a very different statement...than the article which I attribute to Mr. Spencer."¹³ Ignoring the article in the *Courier and Enquirer*, MacKenzie deplored the article for superseding any official statement from the Navy Department. At the same time, he took issue with Spencer's more pointed remarks. Especially galling were the attacks on his and his officers' courage, intelligence, and integrity. In response to these "calumnies," MacKenzie proposed the publication of certain letters found amongst the junior Spencer's papers. These purported to demonstrate Spencer's true character as expressed by his own parents, specifically, that he was a "liar, villain and a thief."¹⁴ MacKenzie made much of these and other remarks, and mentioned them again on several occasions. It may be that these letters referred to Spencer's attempt to run away, and his theft of \$300 to help him begin a new life free from family.

MacKenzie was still distressed when he wrote Upshur the following day. Included in the letter were endorsements of his junior officers, which he asked to be appended to his report. This done, he remarked upon Spencer's use of the narrative, adding "I will not Sir do you the injustice to ask that when my case comes under consideration, if it

¹² *Ibid.*

¹³ MacKenzie to Upshur, December 21, 1842, NA RG 273.

¹⁴ MacKenzie to Upshur, December 26, 1842, NA RG 273.

be necessary to seek counsel any where, it will not be of the Secretary of War.”¹⁵ The commander assumed that consequences of the Secretary’s meeting with Spencer were inadvertent, “affording no evidence of any willingness to refuse me the protection, which until my conduct is passed by a competent tribunal, I claim...”¹⁶ MacKenzie anticipated further and more serious attacks against himself. Spencer would not be content to let matters lie, and was certainly planning other action. MacKenzie’s letter illustrated his desire that if he was to be tried, it would be by the Navy. Later that same day, a court of inquiry was ordered to convene. The proceedings were to begin within the week, on December 28.¹⁷

If MacKenzie was concerned about Spencer’s actions, he certainly was not afraid of antagonising the Secretary of War. At his meeting with Upshur, Spencer had requested that his son’s possessions be delivered into his care. His wish was met on December 23, excepting the ‘incriminating’ letters that MacKenzie retained as “necessary for his justification.”¹⁸ Three days later, the commander reconsidered, and returned the letters in his possession, but not before making copies of them.¹⁹

His next letter, written just after these correspondences were returned, was defensive in tone, and had good reason to be so. Word had come from Washington that Upshur was disappointed with MacKenzie’s report, and required more information about the “late melancholy affair on board the *Somers*.”²⁰ The Secretary was also irritated that only Oliver

¹⁵ MacKenzie to Upshur, December 22, 1842, NA RG 273.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ Jones to Upshur, December 23, 1842, NA RG 273.

¹⁹ MacKenzie to Upshur, December 26, 1842, NA RG 273.

²⁰ MacKenzie to Upshur, second letter, December 26, 1842. This letter forms the basis of the following two paragraphs.

Hazard Perry, the most junior officer on board, had been sent to him. Accordingly, MacKenzie sent Henry Rodgers to deliver a second report, which was accompanied by statements from the various junior officers. Gansevoort soon followed him.

After making more complaints about the *Madisonian* article and its publication throughout the national press, MacKenzie turned his attention to the imminent court of inquiry. He had learned that the proposed president, Commodore Charles Stewart, might not be available, and that Captain Francis Gregory of the *North Carolina*, would probably take his place. The prospect troubled him. MacKenzie did not object to Gregory on professional grounds, since he had “the reputation of being a zealous and efficient officer.” Rather, he considered it below his dignity to be tried by someone so low on the captain’s list. Stewart, for instance, was the second most senior officer in the service, while Gregory was only forty-second. MacKenzie asked instead that he be examined by “one of the historical names...at the head of the Navy Register...[such as] Isaac Hull...Lewis Warrington...James Biddle...Charles Ridgely...[or] John Downes.”

Perhaps to reassure himself, MacKenzie closed the letter with a declaration that he did not fear the court’s decision on his “standing as an officer and as a man.” Nevertheless, the spectre of civil prosecution concerned him. Thus, he appealed to Upshur to allow him the only protection available, that of “the Department whose orders I was continually endeavoring to fulfil.”

The court of inquiry opened against a backdrop of public debate. This was sustained by the newspapers, which introduced their own professional animosities into the story. The *Herald* rather disingenuously

proclaimed its own impartiality before attacking the partisanship of the *Tribune*.²¹ In response, the *Tribune* noted the early sensationalist reports of the *Herald*, and speculated that the change in editorial position was the result of bribery.²²

Most of the apprentices on board had been released for a winter holiday, when the court first convened on board the *North Carolina*.²³ It consisted of three officers: Alexander Dallas, Jacob Jones, and Charles Stewart, who was the President. All three had distinguished themselves in the War of 1812, and now held important positions. Dallas was Commodore at the Navy Yard in Pensacola, Florida, Jones was port captain for New York, and Stewart was commander of the Home Squadron. Finally, Ogden Hoffman was appointed judge advocate.

Hoffman was an eminent attorney and politician. He had also served in the Navy as a midshipman during the War of 1812, and been captured on board the *U.S.S. President*.²⁴ After the war, Hoffman had begun practicing law, and had since divided his time between his practice and politics. He had been elected to the state legislature in 1825, and then gone to New York as a Tammany Hall assemblyman in 1828.²⁵ Hoffman spent the next seven years as the District Attorney for New York City, and had twice been elected to the U.S. House of Representatives, serving there

²¹ *The New York Herald*, December 27, 1842, quoted in Hayford, *The Somers Mutiny Affair*, p. 19.

²² *The New York Tribune*, December 28, 1842, quoted in Hayford, *The Somers Mutiny Affair*, p. 19.

²³ COI, p. 5.

²⁴ R.B. Morris, "Ogden Hoffman," *Dictionary of American Biography*, Vol. 13, p. 115.

²⁵ *Ibid.*

between 1837 and 1841.²⁶ At the time of the court of inquiry, he was the District Attorney for the Southern District of New York.²⁷

Various other officers attended. Amongst them were Commodore Perry, and Captain Joshua Sands, who had overseen the construction of the *Somers*. All the officers of the *North Carolina* were present. Of particular note was the acting sailing master, Passed Midshipman Henry Eld. He had been made the provost martial of the court, and all matters pertaining to evidence had been entrusted to his care. Furthermore, the court was packed each day with newspaper reporters and civilian spectators.²⁸

The court began by establishing and clarifying its business. Little more was accomplished. The following day, a list of witnesses was presented, but nothing else was done. Commodore Stewart had objected to proceeding further without a copy of MacKenzie's narrative, with which the judge advocate concurred. This was the cause of some confusion. MacKenzie readily agreed to the request, and assured the court that he could procure a report within half an hour. Such time passed, and the commander did not produce the narrative. Rather, since "he did not know until [the day before] that the copy of this document would be required before the Court [sic]...unavoidable errors had occasioned which he greatly regretted. It [would] be ready [the following day.]"²⁹

After a night presumably spent revising the text, on December 30, MacKenzie presented a narrative "which he said would be found both

²⁶ Morris, "Ogden Hoffman," pp. 115-116.

²⁷ Morris, "Ogden Hoffman," p. 116.

²⁸ Hone, *The Diary of Philip Hone*, Tuckerman, ed., Vol. II, p. 170, quoted in Hayford, *The Somers Mutiny Affair*, p. 36.

²⁹ MacKenzie, COI, p. 7.

accurate and complete.”³⁰ The narrative was then read before the court. After this, the first witness, James Wales, was called to testify.³¹ Wales, who was questioned by both Hoffman and MacKenzie, described in great detail his conversation with Spencer on the booms. His testimony also referred to the subsequent arrests, and other events of the fatal week. At the same time he made various comments about the character and behaviour of the mutineers, especially Spencer, Cromwell, and Small. The rest of the day and part of the next he remained on the stand. This was only appropriate since his testimony remained fundamental to understanding the events on board the *Somers*. Without Wales, there was no mutiny to suppress.

After Wales, the examination of witnesses continued for two-and-a-half weeks. The various persons called, nearly the entire crew, were brought to the stand in order of their rank. This was sensible enough, since it was essentially the behaviour of the officers that was under scrutiny. Thus, Gansevoort was followed by Matthew C. Perry, Jr., who in turn was followed by staff officers, then midshipmen, and finally, the petty officers. The nature of their testimony was more or less the same. Each was called upon to describe his experience during the week of crisis, and to discuss any events occurring earlier in the cruise that might shed light on the inception of the mutiny. Once the upper ranks had spoken, the remainder of the crew were called. These enlisted men were put in the precarious position of having to answer questions posed to them by their commanding officer. Consequently, their testimony followed a pattern similar to their superiors, describing their personal experiences, and any

³⁰ *Ibid.*

³¹ Wales, COI, pp. 15-19.

pertinent events prior to the first arrests. Conspicuously absent from the list of witnesses were any crew associated with the mutiny itself. Only two of the twelve prisoners were called, George Warner and Charles Van Velsor. Indeed, they were only called to testify about the evidence that they had presented before the original council of officers.³²

The Court acted quickly, and by January 7, a conclusion to the inquiry was in sight.³³ Hoffman had been delicate in his cross-examination, and none of the witnesses were subjected to rigorous questioning. Nor had MacKenzie gone to any great lengths to challenge any testimony. His purpose had been more to shape it in keeping with his own account. This is hardly surprising, since he wanted to control the court's understanding of the events in question. Like his various narratives, the court of inquiry was constructing a history that legitimised the officers' perceptions and responses. With reference to the mutiny, each witness had to tell a story resolving the ambiguities in the event in order to justify the certainty of the officer's ultimate actions.³⁴ In effect, the testimony was designed to affirm the accuracy of the officers' perceptions of the mutiny threat. The absence of an actual revolt meant that the embryonic development of the mutinous conspiracy had to be traced in order to establish the intent of the executed men. MacKenzie's exoneration by the court would be the final imprint of truth upon his history. Throughout the court of inquiry, he was largely successful in this aim. The apparent placidity of these proceedings,

³² Hoffman, COI, p. 39.

³³ MacKenzie to Upshur, January 7, 1843, NA RG 273.

³⁴ G. Dening, *Mr. Bligh's Bad Language – Passion, Power and Theatre on the Bounty* (Cambridge: Cambridge University Press, 1992), p. 38.

however, belied events outside the court. External forces were impacting upon it, and disrupting MacKenzie's control of history.

John Canfield Spencer, in concert with Cromwell's wife, Margaret, and with Charles Cleveland, a friend of Elisha Small, had begun pursuing civil charges for murder and manslaughter against both MacKenzie and Gansevoort. In doing so, they trapped MacKenzie in a paradox. If the court of inquiry sustained him, no judgement would be rendered on his actions. The case would remain, as it was, untried. Thus, it could devolve upon the civil courts. The only way to avoid this, therefore, was for his actions to be referred to a court-martial. Even so, he would be liable for arraignment during any lapse of time between the court of inquiry and the court-martial. Since MacKenzie obviously wanted to avoid a more dangerous civil trial, he requested the Secretary of the Navy order a court-martial without delay.³⁵ But by surrendering himself to a court-martial, MacKenzie risked exposure to his enemies within the service. That he had enemies was certainly the case. His prominence in the Perry-Elliott controversy, and his attacks on the seniority system could not have endeared him to particular officers. Therefore, accepting the protection of the Navy's judicial system, he also sought to protect himself from anyone who might use it to pursue personal hostilities against him:

...I venture to express the hope, that [the court-martial] may embrace no names, of doubtful reputation, but those only, most endeared to the country by past services, those most distinguished in the opinion of the Navy, for high and uncompromising honor, and for that humanity which is its ordinary accompaniments.³⁶

It is likely, however, that many of these officers were disgusted by MacKenzie's conduct. Commodore Robert Stockton had publicly stated

³⁵ MacKenzie to Upshur, January 7, 1843, NA RG 273.

³⁶ *Ibid.*

that the commander was guilty of murder, and that if he were on MacKenzie's court-martial board, Stockton would vote to hang him.³⁷ Another prominent officer, Commodore James Biddle, had frequently and publicly said the same.³⁸ Whatever past enmities MacKenzie had incurred, these officers were the most immediate threat.

As it turned out, his early concerns about Captain Francis Gregory were well founded. Unbeknownst to the commander, Gregory had completed a confidential report for the Secretary of the Navy on the "condition of the crew of the *Somers*."³⁹ Upshur had ordered the report upon receiving indirect word that the apprentices were suffering from their confinement on board. He had ordered Jacob Jones as post captain of New York, to carry out an investigation, a responsibility that Jones had given to Gregory. The completed report was damning.

The crew "had been treated with a severity unusual in the service, particularly as regards duty and punishments."⁴⁰ In the first instance, Gregory noted that the crew had not been adequately prepared for the change in climate which accompanied the last week of their cruise. Between December 9 and December 14, the temperature had dropped almost fifty degrees, to just 30° Fahrenheit.⁴¹ This was obviously detrimental to the health of the apprentices, and at least one in ten had been sick at any time since their arrival.⁴² On December 7, seventeen were

³⁷ *New York Weekly Tribune*, February 4, 1843 quoted in Hayford, *The Somers Mutiny Affair*, p. 124.

³⁸ MacKenzie to Upshur, January 23, 1843, NA RG 273.

³⁹ Gregory to Jones, January 7, 1843, NA RG 273.

⁴⁰ *Ibid.*

⁴¹ Gansevoort, CMP, p. 94.

⁴² Gregory to Jones, January 7, 1843, NA RG 273. This letter forms the basis of the following four paragraphs.

ill, and thirteen others had been transferred to the naval hospital in the Yard. MacKenzie's commands since their arrival had compounded the suffering. On various occasions the crew was occupied with bright work, which was conducted without regard for the winter weather. Gregory wrote that he had never seen the "crew of an American man-of-war so dirty and dejected in their personal appearances."

He next addressed the disciplinary regime on board. Gregory prefaced his remarks with a discussion of apprenticeship. The brig's crew were "young, inexperienced...unused to the privations of a sea-life, and physically incompetent to perform the duties required on board such a vessel." MacKenzie's operation of the brig had shown no regard for their fragility, and "could not fail to break down their spirits; and injure their healths [sic]." Gregory's opinion carried weight. As captain of the *North Carolina*, he was responsible for the naval school on board. Indeed, MacKenzie had selected his own crew from Gregory's wards. Of particular concern was the amount of flogging that had accompanied the cruise.

Gregory had examined the logbook of the *Somers*, which was deposited in the wardroom of the *North Carolina*. This revealed that between June 3 and December 10, there had been 247 separate beatings with the cats or the colts. These floggings had resulted in 2,265 blows being struck "on that crew of boys! all [sic] within a period of six months and seven days." Gregory also noted that certain apprentices had been punished on numerous occasions, generally for petty offences. Moreover, the floggings had not ceased. Since her arrival, two boys had been

flogged with the cats, and two others with the colts.⁴³ Such discipline was “in the aggregate beyond all precedent.” Enclosed with the report was a copy of the punishments registered in the log so that Upshur could judge for himself.

Gregory closed with a request that the apprentices on board be removed from MacKenzie’s command, and quartered elsewhere. The *Somers* was damp, confined, and overcrowded. It was the pastoral obligation of the Navy that they be removed from the brig. If the subpoenaed apprentices had to remain nearby, at least it could be in the Navy Yard.

Unaware of Gregory’s report, MacKenzie received good news on January 10. District Judge Samuel Betts had declined to issue an arrest warrant for the commander. On behalf of Margaret Cromwell, Joseph Scholes had made the application, on the basis of MacKenzie’s admission that he had executed her husband without trial. The district attorney had earlier declined to pursue MacKenzie, and Betts saw no reason to do otherwise.⁴⁴ The judge did make the point that the “necessity of the case must be made apparent beyond any fair ground to doubt, before any functionary, under whatever plenitude of power, can, on his own mandate, take the life of a citizen.”⁴⁵ Nevertheless, MacKenzie’s actions could not be the subject of a civil court whilst a duly ordained naval court of inquiry was in progress.

⁴³ Their names and their offences are not known.

⁴⁴ 26 F. Cas. 1118, *United States vs. MacKenzie et al.*, District Court, S.D. New York, January 10, 1843, p. 1.

⁴⁵ 26 F. Cas. 1118, *United States vs. MacKenzie et al.*, District Court, S.D. New York, January 10, 1843, p. 2.

Whatever relief MacKenzie might have felt was short-lived. In the first place, John Canfield Spencer showed no signs of being deterred by Judge Betts' ruling. He continued to press charges, and had lawyers prepare a second challenge. Then three days later, MacKenzie suffered a double blow. In the first place, he learned of Gregory's report. MacKenzie immediately seized the logbook, and confronted him. The captain remarked that he was only doing what he felt was his duty, to which MacKenzie replied that putting "this new difficulty in my path whilst surrounded by such serious embarrassments was unfortunately timed..."⁴⁶ More seriously, that same day, the *New York Standard* published the punishment register from the logbook itself. The register was quickly reprinted in other New York newspapers, and excited negative comment. On this occasion, MacKenzie reacted with fury, providing the court of inquiry with one of its most dramatic moments.

The logbook had been left in the *North Carolina's* wardroom. Only an officer, therefore, could have supplied it to the newspaper. MacKenzie demanded an investigation into the incident, declaring that the "honor of the Navy is concerned in the discovery of this officer."⁴⁷ The court refused to take any such action, arguing that the matter was beyond its authority. MacKenzie then lost his temper.

Capt. MacKenzie – I would ask who got the log-book when it was left here (by Passed Midshipman Matthew C. Perry).

Lieut. Eld – I did. Mr. Perry left it in the ward-room, and I said I would look after it.

Capt. MacKenzie (with some feeling) – Then sir, it was in your charge.

Lieut. Eld – No.

Com. Stewart – It was in charge of Mr. Perry, and when left by him in the ward-room, Mr. Eld voluntarily offered to look after it.

⁴⁶ MacKenzie to Upshur, January 15, 1843, NA RG 273.

⁴⁷ *New York Herald*, January 14, 1843.

Judge Advocate – As far as the Court is informed, Mr. Perry had charge of it.

Capt. MacKenzie (with increased feeling) – Then Mr. Eld is responsible for the use made of it, if not to the Court, to the Naval Department.

Mr. Eld (who had nothing whatever to do with the copying of the extracts, and knew nothing of it until after the publication) smiled and made no reply.

Com. Jones – We have no means in our power to correct the alleged injustice. Perhaps the editor will have the sense of justice to state that the brig was in a very unusual condition to require the exercise of such apparent severity.

Capt. MacKenzie (with much feeling) – I wish the Court to stigmatize the officer who has done this. I wish – I know it has been done through the agency of an officer, an officer of the United States Navy. I have no doubt of it. I hope the Court will stigmatize him.

Com. Stewart – We have already said that we have nothing to do with this matter.

Capt. MacKenzie – I shall take care, then to call, the attention to the Secretary of the Navy to the matter – that I shall – in some shape or another.⁴⁸

True to his word, MacKenzie wrote to the Navy Secretary on January 15.⁴⁹ He drew Upshur's attention to the article, and then proceeded to discuss Gregory's report. It was clear that he suspected the captain of leaking the log to the press, and he wanted to know *who* had brought the condition of the *Somers'* crew to Upshur's attention. Finally, MacKenzie remarked that besides this interference, certain witnesses had been "tampered with."⁵⁰

Apparently, one of the confined mutineers, Eugene Sullivan, had threatened to kill, or have killed another apprentice, James Mitchell. Mitchell had told "a little more than the truth" in his testimony on January 12, for which his life was forfeit.⁵¹ Mitchell's testimony had given Sullivan a vague complicity in the mutiny:

⁴⁸ *Ibid.*

⁴⁹ MacKenzie to Upshur, January 15, 1843, NA RG 273.

⁵⁰ *Ibid.*

⁵¹ James Mitchell and Alexander McKee, signed affidavits, December 15, 1843, NA RG 273.

One day after the execution I was sitting in the main-top with Sullivan, and I asked him if he thought they could have took the vessel. He said he thought they could, and I then asked him ["]what they would kill all hands and sink the vessel[?"]⁵²

Although there is no evidence of what steps were taken to resolve the problem, the affidavits illuminate conditions on board the *Somers* during the Affair. The crew had not yet been allowed off the brig, which was obviously uncomfortable and over-crowded. Tensions already present had been exaggerated by the prolonged close confinement. Moreover, the crew would probably have been divided between those who supported the officers' interpretation of events, and those who were sympathetic to the executed men and remaining prisoners. The daily business of testifying in a matter that could ultimately result in capital charges against those prisoners, could only have magnified these problems. Discipline clearly suffered.

MacKenzie's suspicions about Gregory were confirmed the next day when he received an anonymous letter detailing the captain's involvement in the episode.⁵³ The author had accompanied someone visiting one of the prisoners on board the *North Carolina*. In order to do so, they had required Gregory's permission, which he had given. As they left, it was alleged that Gregory took the visitor aside, and spoke to him about the contents of the punishment register. After reiterating the aggregate number of floggings and strikes, the captain remarked "that the cause of the mutiny was easily accounted for."⁵⁴

Many other officers must have shared Gregory's opinion. Even those who supported MacKenzie's suppression of the mutiny would have

⁵² Mitchell, COI, p. 41.

⁵³ Taylor to MacKenzie, January 16, 1843, NA RG 273.

⁵⁴ *Ibid.*

been troubled that the need had ever arisen. The stigma of mutiny was attached to MacKenzie as much as the mutineers. This might explain the rigidity and cool reception that met MacKenzie's outburst in the court. Military institutions regard mutiny as an aberration, the consequence of a commander's professional failure.⁵⁵ The punishment log demonstrated where this failure might have occurred. MacKenzie realised this, and had earlier attempted to deflect some of this criticism.

On January 5, he had offered to prove that his disciplinary practices had not resulted in mutiny. He made this point explicitly, "as all mutinies on record have been provoked by injustice towards the crews or gross tyranny or incapacity on the part of the Commanding Officer, it concerns me to show that no such causes existed on board the *Somers*."⁵⁶ Accordingly, he described various other mutinies including that on the *Hermione*, which had been occasioned by the "systematic cruelty of her captain."⁵⁷ He compared these precedents with his own record, which showed him to be "attentive to the rights, the comfort, and the happiness of [his] crews..."⁵⁸ Although this statement had been made in response to allegations made against him in various newspapers, it was ill-timed. However benevolent he claimed his conduct had been on board the *Independence* or the *Fairfield*, it was little help when confronted with the stark realities of the punishments on board the *Somers*.⁵⁹

⁵⁵ Rose, "Anatomy of a Mutiny," p. 563.

⁵⁶ MacKenzie, COI, p. 28.

⁵⁷ *Ibid.*

⁵⁸ MacKenzie, CMP, p. 29.

⁵⁹ In fact, there is reason to doubt MacKenzie's claims. In 1841, he had been mentioned in a pamphlet against flogging in the Navy, which revealed that whilst a lieutenant on the *Independence*, he had ordered a marine to be struck twelve times with the cats for throwing orange peels

Most of MacKenzie's civilian opponents did not see the punishments as the grounds for the mutiny. Indeed, they saw no mutiny. Rather, the floggings were evidence of the commander's general professional incompetence, which had reached its zenith in creating a mutiny out of a boy's joke. In this interpretation, MacKenzie was a coward, or a madman.⁶⁰ One person who characterised the commander's conduct in this way was James Fenimore Cooper, who wrote to his son that "such a medley of folly, conceit, illegality, feebleness and fanaticism was never before assembled..."⁶¹

At any rate, MacKenzie's correspondence with Upshur impelled Captain Gregory also to write to the Secretary of the Navy in defence of his actions.⁶² Gregory maintained that he had no desire to injure MacKenzie, and that he deeply regretted the publication of the punishments register. He justified the report on the grounds that the disciplinary practices on board fell under his remit to investigate the welfare and happiness of the apprentices. Of MacKenzie, he wrote that he had no bias against him: "[I have] always said Commander MacKenzie had in my belief acted conscientiously from his own convictions – but as a matter of opinion only – [I] differed with him...as to the absolute necessity of proceeding to the extremes he did."⁶³ While Gregory disavowed any immediate involvement in the publication of the

into spit boxes on the spar deck. S. Sanborn, *An Exposition on Official Tyranny in the United States Navy* (New York: n.p., 1841), p. 27.

⁶⁰ *New York Herald*, January 17, 1843, quoted in Hayford, *The Somers Mutiny Affair*, p. 109-110.

⁶¹ Cooper, *Correspondences of James Fenimore Cooper*, J.F. Cooper, Jr., ed., pp. 487-488, quoted in Hayford, *The Somers Mutiny Affair*, p. 111.

⁶² Gregory to Upshur, January 21, 1843, NA RG 273.

⁶³ *Ibid.*

punishment log, his explanation was hardly convincing. Since the log had been free for any officer to read, Gregory had lent a copy of it to “a friend of long-standing...for his own perusal – at his particular request...The respectability of this gentleman is not to be questioned, I believe.”⁶⁴ However respectable, Gregory’s friend had a very definite interest in the register, for his son, George Warner, was one of the imprisoned mutineers. The father had promised to return the log in a few days, but whilst it was in his possession, he had forwarded a copy to the press. “I considered as a father and a citizen I had not only a right, but it was my duty to make it known to the public.”⁶⁵

Outside the court of inquiry, the Somers Affair had stimulated commercial and cultural activity. There was considerable demand for material related to the Affair. The Bowery Theatre began staging a dramatised performance of the events on board. Although it was attacked as “in defiance of all good feeling and taste,” the production probably did good business.⁶⁶ More acceptably, Nathaniel Currier issued a portrait of the *Somers* on January 21 (Figure 5). The lithograph depicted the brig in full sail and was captioned as follows: “A mutiny was discovered on board this vessel Nov. 26th 1842 while on her outward voyage from the coast of Africa, and the three ringleaders, Philip Spencer, midshipman, Samuel Cromwell, boatswain’s mate, Elisha Small, seamen, were hung at the yardarm Dec. 1st 1842, which completely suppressed the mutiny.” A later engraving was more lurid, and depicted Cromwell and Small hanging from the yardarm (Figure 11). Finally, The *New York Tribune* published a

⁶⁴ *Ibid.*

⁶⁵ George Warner to Jacob Jones, January 21, 1843, NA RG 273.

⁶⁶ *Chicago Express*, January 18, 1843, quoted in Hayford, *The Somers Mutiny Affair*, p. 107.

pamphlet with the proceedings of the court of inquiry compiled from its daily reports.⁶⁷

The continued interest in the *Somers* was accompanied by an apparent turn in public opinion against MacKenzie.⁶⁸ Thus, the Navy Department took steps to protect and control his fate. On January 23, various officers were ordered to participate in a court-martial to be convened on February 1. The commander himself immediately began making preparations for his trial. On January 24, in response to Gregory's bias against him, MacKenzie requested that the prisoners be taken from the captain's care and placed under his own custody. A more stringent confinement would ensure that they would not be subjected to interference or tampering. Towards this end, Commodore Perry had furnished facilities within the Yard. MacKenzie had come to the conclusion that while all were involved in the mutiny, only two or three might be convicted on the basis of the evidence presented before the court of inquiry.⁶⁹ He hoped that if they were kept in complete isolation, one or two selected apprentices might be convinced by the naval authorities to turn state's evidence.⁷⁰

At any rate, MacKenzie wanted them away from Gregory. The captain had continued to allow the prisoners visitors, and it was likely that they had had access to legal counsel.⁷¹ Furthermore, he allowed his crew to give the prisoners "encouragement and handihood."⁷² Indeed, one of

⁶⁷ *New York Weekly Tribune*, January 14, 1843.

⁶⁸ *New York Herald*, January, 19, 1843.

⁶⁹ MacKenzie to Upshur, January 29, 1843, NA RG 273.

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² *Ibid.*

the marines assigned to guard them had been heard telling visitors that there were "no ringleaders and no mutiny."⁷³

Four days later, on January 28, the court of inquiry concluded, having found no wrongdoing by MacKenzie. At the same time, he received good news from the Navy Department. According to his wishes, the remaining prisoners on board the *North Carolina* were to be taken from Gregory's care, and placed under Perry's supervision.⁷⁴ The prisoners were then removed under heavy guard, to a cellar beneath the pay-house in the navy yard.⁷⁵

Nor had MacKenzie forgotten Gregory's actions against him. On February 1, the commander wrote to Upshur again asking why Commodore Jones was to have examined the crew of the *Somers*, and to have provided for their comfort.⁷⁶ MacKenzie was certain that Upshur's orders were in response to a negative report from Gregory. The captain had admitted to MacKenzie that he knew the cause of Upshur's order, but declined to reveal it. MacKenzie accused Gregory of leading a conspiracy against him. The commander believed that Gregory had provoked an order that in turn justified the subsequent report, making possible the ultimate leak of the register to the New York City press. MacKenzie desired a copy of the Gregory's first letter for a statement that he was making on the captain's conduct, "with a view of requesting that it may be made the subject of charges against him."⁷⁷ As no charges were ever

⁷³ *Ibid.*

⁷⁴ Jones to Upshur, January 28, 1843, NA RG 273.

⁷⁵ Wilson to Upshur, February 4, 1843, NA RG 273.

⁷⁶ MacKenzie to Upshur, February 1, 1843, NA RG 273.

⁷⁷ *Ibid.*

brought against Gregory, it is reasonable to assume that the request was denied. MacKenzie had been responsible for enough prosecution already.

On February 2, the court-martial convened on board the *North Carolina*.⁷⁸ Five charges had been prepared against MacKenzie: murder on board a United States vessel on the high seas, oppression, illegal punishment, conduct unbecoming an officer, and cruelty and oppression. The first three charges referred to the executions, the fourth to MacKenzie's treatment of Spencer at that time, and the last to his disciplinary regime on board the *Somers*.⁷⁹ The charges relative to the executions were capital offences. Throughout the court-martial, more than MacKenzie's control of history was at stake.

The board of the court-martial was composed of thirteen officers, the largest allowed by naval law.⁸⁰ The President of the court was Commodore John Downes, whom MacKenzie had named as acceptable in his letter of December 26. The remaining officers were all senior captains, and included the heads of the major navy yards besides New York. Their initial dispositions towards MacKenzie are not known, but at least three were certainly favourable. Commodore Daniel Turner was "to all intents and purposes, one of the Perry family," and Captain Benjamin Page "was John Slidell's second in his duel...[and] has ever since been caressed by the Slidell connection."⁸¹ Furthermore, Captain Henry Ogden commanded the *U.S.S. Hudson*, and had accompanied MacKenzie on his visit to Robert

⁷⁸ On February 10, the court transferred to the chapel in the navy yard.

⁷⁹ CMP, pp. 1-4.

⁸⁰ *Articles of War*, Article XXXV.

⁸¹ Beard, *The Letters and Journals of James Fenimore Cooper*, vol. IV, p. 362, Cooper to Shubrick, February 5, 1843, quoted in McFarland, *Sea Dangers*, p. 206.

Taylor, at which time he had concurred with MacKenzie's assessment of Gregory's actions.⁸²

The Judge Advocate presiding was William Norris, a little known lawyer from Baltimore, Maryland.⁸³ Norris was probably familiar to Upshur, however, who was a jurist from the Eastern Shore. In trying the case, the judge advocate declined to take an adversarial position, announcing that he would act as an "English judge...[able] to ask questions that would be legal, from *either* side."⁸⁴ As such, he did not expect "to be treated and restrained as a prosecutor."⁸⁵ His purpose was not try the accused, but to reach the truth over whether or not there had really been a mutiny on board the *Somers*. In consequence, much of the evidence and testimony before the court was designed to elicit the guilt or innocence of the mutineers. Although it was MacKenzie in the dock, the court-martial sat in judgement on the men whom he had executed.

That Norris had to define his own role and responsibilities was indicative of the ambiguity of American naval justice. The service had no corps of trained judge advocates, nor any formal texts of jurisprudence.⁸⁶ The 1832 Regulations said almost nothing on the subject besides that the president of a court-martial was to "certify the account of the Judge Advocate," who would, in turn, do the same for the witnesses.⁸⁷ Upshur,

⁸² MacKenzie to Upshur, January 16, 1843, NA RG 273.

⁸³ Beard, *The Letters and Journals of James Fenimore Cooper*, vol. II, p. 498, Shubrick to Cooper, March 10, 1843, quoted in McFarland, *Sea Dangers*, p. 183.

⁸⁴ Norris, CMP, p. 6.

⁸⁵ *Ibid.*

⁸⁶ J. Snedeker, *A Brief History of Courts-Martial* (Annapolis: Naval Institute Press, 1959), p. 53.

⁸⁷ *1832 Naval Regulations*, Chapter 30, Articles 1 and 2.

the former judge, had addressed the failings of the Navy's judicial system in his first report:

The first step ought to be the preparation of a full code of laws and rules for the measure of reform will be unavailing. It is of the essence of free government that the rights, the duties, and the responsibilities of all men, in all conditions, should be ascertained and accurately defined; and it is of the essence of tyranny that men should be punished for imputed offences, or at the arbitrary discretion of their judges. This truth applies with peculiar force to those engaged in military service. The strict discipline which that service requires, renders necessary a great variety of rules which would be useless in the ordinary conditions of society, which involve no moral or social crime, but which, nevertheless, it is often necessary to enforce by the most rigorous sanctions. It is in the highest degree unjust in itself, and violative of the spirit of our institutions, that these new and peculiar responsibilities should be in any respect uncertain. And yet it is in many cases extremely difficult to determine, according to existing rules, what is and what is not an offence in our naval service; and in a great variety of cases it is altogether uncertain, and dependant upon the arbitrary will of the courts-martial, in what mode, government and regulation of the naval service. Without this, every other and to what extent, offences, real or imputed, shall be punished.⁸⁸

In consequence, there was no settled and uniform interpretation in either substantive or procedural matters.⁸⁹ This is not to say that the Navy was entirely without a judicial structure. The *Articles of War* included directions on the size of courts-martial, the oaths to be administered to members of the court and the judge advocate, and the nature of testimony.⁹⁰ Thus, all witnesses were to speak under oath, subject to the laws of perjury. Furthermore, the rights of the prisoner were addressed, particularly that no charges against him could be kept secret, or adjusted during the course of the trial.⁹¹ Nevertheless, naval justice was clearly an uncertain proposition, and its vagaries would now be subject to close public scrutiny.

⁸⁸ *SNR 1841*, p. 375.

⁸⁹ Snedeker, *A Brief History of Courts-Martial*, p. 53.

⁹⁰ *Articles of War*, Articles XXV, XXVI, and XXXVII.

⁹¹ *Articles of War*, Article XXXVIII.

It was clear that MacKenzie had killed Spencer, Cromwell, and Small. What Norris wanted to discover was the propriety of that act.⁹² He insisted that the mutiny was merely alleged, whereas the officers of the *Somers* only ever referred to the mutiny as factual.⁹³ Norris' initial approach had been flawed from the onset. He was attempting to conduct an impartial investigation whilst listening to a defence make its case. Norris might have considered himself impartial, but the evidence before him would have a decided bias in favour of MacKenzie. The absence of a prosecutor meant that there was no real balance to the proceedings.

The court-martial convened on February 2, and the first few days were spent conducting administrative business. Norris complained that he had not been allowed to prepare his examination:

...He had not been furnished by the [Navy] Department...with any list of witnesses on the part of the government;...he has not been furnished with any list of witnesses on the part of the government;...he has had no opportunity of conversing with any of the witnesses, of whose names he is even entirely ignorant, except by rumor in respect to a few of them, and that therefore he will need time to prepare the case by conversing with the officers and crew of the brig *Somers*, before he could commence the case on the part of the government.⁹⁴

At Norris' request, the court adjourned until the next morning.

MacKenzie had been allowed to retain legal counsel for his defence. Thus, he had employed John Duer and George Griffin. Although Griffin remains obscure, Duer was already a prominent man. His legal career dated back to 1816 when he acted as counsel in the New York State Court of Errors, opposed by Martin Van Buren.⁹⁵ The two became political allies, however. Indeed, Duer first came to public

⁹² Norris, CMP, pp. 6-7.

⁹³ Norris to Upshur, February 3, 1843, NA RG 273.

⁹⁴ Norris, CMP, p. 8.

⁹⁵ W.A. Butler, *The Revision of the Statutes of the State of New York and the Revisers* (New York: Banks and Brothers, 1889), p. 13.

attention as a delegate to the Convention of 1821 that had broken Ambrose Spencer's power.⁹⁶ Four years later, Van Buren appointed the attorney to the commission revising the New York statutes. Duer then worked on the commission with John Canfield Spencer for two years before leaving to become the Attorney General for the Southern District of New York.⁹⁷ Since 1829, he had been in private practice.⁹⁸ Apart from his obvious skills, Duer was the uncle of MacKenzie's wife, Catherine.⁹⁹

When the court reconvened, MacKenzie's lawyers asked to retract their acceptance of Norris' status as a neutral jurist. The purpose of this decision, presumably, was to force him into an adversarial position, thereby preventing any other counsel from assuming that role. The court assented to the request. The roles of the court were then redefined. Norris "presided on only the stringent *prima facie* case against Commander MacKenzie and [left] it to him to discharge or extenuate the alleged fault of his conduct."¹⁰⁰ On February 4, two more lawyers, among the finest in the state, appeared before the court. Benjamin F. Butler and Charles O'Connor had been retained by John Canfield Spencer for the purpose of representing the Spencer family at the trial. Butler had grown up in Kinderhook, Martin Van Buren's home town.¹⁰¹ In fact, upon passing the bar in 1817, he became a partner in Van Buren's firm, which Butler inherited in 1821. Four years later, Van Buren appointed him to the commission for the revision of the New York completing the triumvirate

⁹⁶ *Ibid.*

⁹⁷ Butler, *The Revision of the Statutes of the State of New York*, p. 26.

⁹⁸ H.W.H. Knot, "John Duer," *Dictionary of American Biography*, Vol. 5, p. 485.

⁹⁹ Hayford, *The Somers Mutiny Affair*, p. 18.

¹⁰⁰ Norris to Upshur, February 3, 1843, NA RG 273.

¹⁰¹ Butler, *The Revision of the Statutes of the State of New York*, p. 14.

of Spencer, Duer, and Butler.¹⁰² He had already been appointed District Attorney of Albany County, and remained there until this appointment. Since then, he had risen to national prominence. A state legislator for six years, he had declined an appointment to the state supreme court in order to enter President Jackson's cabinet in 1833 as Attorney General.¹⁰³ In the closing months of the administration, he became Secretary of War. In 1838, he returned to New York, and for the last three years had been District Attorney for the Southern District of New York, including New York City.

O'Connor had lived his entire life in New York City, and had become renowned for his legal genius. Entirely self-taught, he had been admitted to the bar at the age of twenty.¹⁰⁴ In the early years of his practice, he had gone unrecognized, but in 1837, his conduct of the Forrest divorce case fixed his name and reputation as the ablest member of the New York bar.¹⁰⁵

Since Norris had declined to take an adversarial position, the two attorneys asked to assume that role:

[Butler and O'Connor asked to be] present at the trial, and to examine and cross-examine the witnesses who may be produced, by propounding such questions as may be approved by the Court, and to offer, from time to time, such suggestions in relation to the proceedings, and to present such comments on the testimony, when the

¹⁰² Butler, *The Revision of the Statutes of the State of New York*, p. 15.

¹⁰³ D.S. Muzzey, "Benjamin Franklin Butler," *Dictionary of American Biography*, Vol. 3, p. 356.

¹⁰⁴ J.C. Walsh, "Charles O'Connor," *American Irish Historical Society*, Vol. 27, p. 291. O'Connor would gain greater fame later in his career for his defence of Jefferson Davis after the Civil War, and his role in the dissolution of the Tweed Ring in New York.

¹⁰⁵ F.C. Hicks, "Charles O'Connor," *Dictionary of American Biography*, Vol. 16, p. 621.

same shall have been concluded (subject to the like approbation of the Court), as they deem necessary.¹⁰⁶

The request was subject to the approval of the court, and after “mature deliberation,” was denied.¹⁰⁷ The court was then adjourned until the following Monday, February 6.

As the court-martial opened another controversy arose over civil-military jurisdiction. The term of George Warner’s enlistment was scheduled to end on February 5, and it appeared that an appeal would be mounted on his behalf in order to obtain his discharge.¹⁰⁸ Furthermore, the appeal was to be accompanied by a writ of *habeas corpus* intended to guarantee his freedom from prosecution. Perhaps in response to this news, the orders governing the prisoners’ confinement were changed the day before Warner’s discharge. They were to be allowed visitors once again, and greater care was taken for their comfort.¹⁰⁹ Even so, on February 6, a petitioner wrote a letter to the Navy Secretary complaining that Charles Wilson’s family had not been granted access to the prisoner.¹¹⁰ It was not until four days later, that Perry released eight of the prisoners from their irons, and ensured that all were removed to a “lighter and warmed [room], were they [were kept] as comfortable as humanity should require.”¹¹¹

In an attempt to forestall any writs of *habeas corpus*, MacKenzie began preparing charges against the mutineers, particularly George Warner.¹¹² That same day, Commodore Perry reported that an effort to

¹⁰⁶ Butler and O’Conor, CMP, pp. 8-9.

¹⁰⁷ CMP, p. 9.

¹⁰⁸ MacKenzie to Upshur, January 30, 1843, NA RG 273.

¹⁰⁹ Perry to Upshur, February 4, 1843, NA RG 273.

¹¹⁰ James J. Roosevelt to Upshur, February 6, 1843, NA RG 273.

¹¹¹ Perry to Upshur, February 10, 1843, NA RG 273.

¹¹² MacKenzie to Upshur, February 6, 1843, NA RG 273.

free the same apprentice was imminent.¹¹³ Sometime that afternoon, a writ of habeas corpus on his behalf was presented to the Supreme Court Commissioner for King's County.¹¹⁴ The case was argued for a day, and was considered by the Judge for one more, before a verdict was returned that remanded Warner to Perry's authority.¹¹⁵ Warner did not stay confined for long, however, since the same day he was placed under Perry's custody. another writ of *habeas corpus* was presented to the State Supreme Court. After "some delay," he was released by order of the presiding judge.¹¹⁶

Four days later, on February 13, two more apprentices, Charles Van Velsor and Eugene Sullivan, were released on writs of *habeas corpus*. The grounds for their release was that having been confined for nearly two months, charges had still not been brought against the prisoners.¹¹⁷ Sullivan was not released from naval service, however, as the terms of his enlistment had not expired.¹¹⁸ Van Velsor, however, was set at large since "he was indentured as an apprentice to the Navy before the age of thirteen."¹¹⁹ Although Sullivan had not been released from naval authority, he was free from prosecution. Perry deplored this development as "entirely subversive of all future military authority..."¹²⁰ In contravention of the Court's orders, he had the two apprentices held on

¹¹³ Perry to Upshur, February 6, 1843, Spencer Murray Collection, U.S. Navy Department Library.

¹¹⁴ Perry to Upshur, February 8, 1843, NA RG 273.

¹¹⁵ *Ibid.*

¹¹⁶ Perry to Upshur, February 9, 1843, Spencer Murray Collection.

¹¹⁷ Perry to Upshur, February 13, 1843, Spencer Murray Collection.

¹¹⁸ Justice Greenwood, decision on a writ of *habeas corpus* in the matter of Eugene Sullivan, February 15, 1843, NA RG 273.

¹¹⁹ Perry to Upshur, February 16, 1843, NA RG 273.

¹²⁰ Perry to Upshur, February 13, 1843, Spencer Murray Collection.

board the steamer *Fulton*, “under a proper guard.”¹²¹ The commodore predicted that unless charges were preferred against the apprentices without delay, “the prisoners will all be taken under the same process.”¹²² In fact, soon after, writs of *habeas corpus* were presented for all of the prisoners.¹²³ It is unclear how many of them were released, but on February 21, George Kneavels was discharged on the grounds that he had been enlisted before the age of thirteen.¹²⁴ In an effort to prevent any more releases, Upshur ordered charges drawn up against the remaining prisoners.¹²⁵ Nevertheless, the nature of MacKenzie’s court-martial prevented any formal action being taken against the mutineers before judgement had been rendered on their Commander. If MacKenzie was guilty, then they were certainly innocent. Thus, while charges might be in preparation, they could not be presented until after the accusations of mutiny had been verified.

Accordingly, MacKenzie had begun his case with his one material witness, James Wales. The purser’s steward was on the stand for five days, from February 4 to February 9. Although his testimony went into greater detail than it had before, it was much the same as what he had said before the court of inquiry. Again, it centred upon the conversation on the booms, the crisis leading to the executions, the executions themselves, and any incidents that shed light upon the development of the mutiny. In this instance, however, he was subjected to a vigorous cross-examination.

¹²¹ Perry to Upshur, February 16, 1843, NA RG 273.

¹²² Perry to Upshur, February 13, 1843, Spencer Murray Collection.

¹²³ Perry to Upshur, February 18, 1843, NA RG 273.

¹²⁴ Perry to Upshur, February 21, 1843, Spencer Murray Collection.

¹²⁵ Upshur to Perry, February 15, 1843, Spencer Murray Collection.

Indeed, on the second day of testimony, Mackenzie objected to one of the judge advocate's questions. The objection accused Norris of sophistry. The judge advocate had proposed a question that was actually a line of argument designed to entrap Wales in an admission he would not have made under direct interrogation.¹²⁶

When Mr. Spencer told you he intended to make a scuffle some night when he had the mid-watch, run with his associates to the main-mast, call Mr. Rogers, and throw him overboard, did you tell him that it would be likely to rouse the men, and prevent him from going on with his plan...considering he had but twenty associates in a crew of one hundred and twenty men and boys?¹²⁷

If Norris really was acting in a non-adversarial capacity, he could not rely on such questions. They were argumentative and improper for a factual inquiry. "If a portion of an argument may be presented in a question, why not an entire argument, embracing of the whole case?..."¹²⁸ According to MacKenzie's counsel, Norris was not allowed to make a case, but was to investigate the events on board. At any rate, the exchange augured an increasingly antagonistic relationship between the judge advocate and the commander.

Norris' interrogation proved the purser's steward an uneven witness. In the first place, he contradicted himself on at least one occasion. When describing Cromwell's treatment of the apprentices, Wales said the boatswain's mate "would bring them up for the most trivial offences and have them punished."¹²⁹ Later, in defence of MacKenzie's disciplinary policies, Wales maintained that he "never saw an instance of unjust punishment on board the brig."¹³⁰ One of the statements was

¹²⁶ Duer, CMP, pp. 18-19.

¹²⁷ Norris, CMP, p. 18.

¹²⁸ Duer, CMP, pp. 19-20.

¹²⁹ Wales, CMP, p. 22.

¹³⁰ Wales, CMP, p. 27.

untrue, probably the second. Cromwell likely did have apprentices flogged for trivial reasons, but MacKenzie was equally culpable. Since the commander approved all punishments inflicted on board, than he must have inflicted trivial and unjust punishments as well. In effect, the same punishments were used to demonstrate Cromwell's tyranny and MacKenzie's humanity.

Furthermore, Wales demonstrated a near complete ignorance of nautical matters and seafaring customs. This emerged whilst Norris was questioning him about the operations of the vessel in order to determine the viability of Spencer's plan. When asked how many men would be on deck during the mid-watch, Wales replied, "I don't know much about it, I am no sailor..."¹³¹ Soon after, Wales admitted that he knew nothing about the watches.¹³² Wales' ignorance is understandable. Before his assignment to the *Somers*, he had only ever served one month, on board the *Ontario*.¹³³ The admission was important. MacKenzie's star witness had precious little knowledge on which to base the various allegations that he was making about the mutineers. Norris caught Wales in this when he pressed him on the 'mutinous gatherings,' which had occurred after Spencer's arrest:

Q. Do you think it a mutinous indication that...[the] crews should gather in knots and talk as to the cause of [Spencer's] confinement, not having had the cause explained, and seem dissatisfied?

A. I don't see why they should be secret about it, and separate when an officer approached them, and go to another part of the vessel, and still continue to converse in a low tone of voice.

Q. Is it the habit of naval seamen to be heard by officers discussing such matters?

¹³¹ Wales, CMP, p. 20.

¹³² Wales, CMP, p. 21.

¹³³ Wales, CMP, p. 24.

A. I don't know.¹³⁴

Whatever damage had been done to Wales' credibility, MacKenzie's next three witnesses were called to help restore it. William Neville, Henry Stremmels, and Ward Gazely testified that they had all witnessed the conversation on the booms. While none of them heard any of Spencer's remarks, the conversation had clearly taken place. Having established this fact, MacKenzie called Horace Heiskill to testify. The purser confirmed that Wales came to him with news of a mutiny on the morning after the conversation with Spencer.¹³⁵ Since Heiskill had immediately notified Gansevoort of the report, MacKenzie next called the lieutenant to the stand. The commander would not speak on his own behalf, so Gansevoort was the highest-ranking officer to be called from the *Somers*. Although his testimony related to his own perceptions of the cruise and mutiny, Gansevoort was very much MacKenzie's voice. Furthermore, he brought a professional competence that Wales obviously lacked.

Gansevoort's testimony began with a narrative account of the events on board the brig from the time he first learned of the mutiny to the end of the cruise.¹³⁶ MacKenzie then cross-examined him, manipulating the testimony in order to endorse his own conduct, and impeach the character of the mutineers. Not that Gansevoort needed much encouragement; if MacKenzie was convicted, he would most likely face charges himself. After building his case for two days, MacKenzie finally asked Gansevoort if he believed the *Somers* could have been brought back safely to port without the executions. The lieutenant's response was

¹³⁴ Wales, CMP, p. 23.

¹³⁵ Heiskill, CMP, p. 31

¹³⁶ Gansevoort, CMP, pp. 31-41.

emphatic: "I did believe then, and do believe now, that she never would have been brought back into port in the hands of her officers, without the execution of those three men."¹³⁷

Norris' cross-examination commenced immediately. His questions focused on MacKenzie's dealings with the midshipmen, the rush aft, and the swaying of the mast. Gansevoort proved a difficult witness. Repeatedly, he claimed not to recollect what was asked of him.¹³⁸ Often, when he did answer a question, his language was guarded. Rather than assert, he replied that he "thought" or "understood" certain events to have occurred. Furthermore, he and Norris had several pointed exchanges. On the first day of cross-examination, Norris pressed Gansevoort on whether or not the midshipmen on board had been treated without regard to their familial connections to the commander. Specifically, would he have reacted differently had Wales reported a mutinous conversation with any other midshipman? Not surprisingly, Gansevoort maintained that he would have acted as he did regardless of the officer.¹³⁹ On another occasion, the judge advocate asked Gansevoort what injuries Spencer had done to him, presumably to determine if the lieutenant had any previous dispute with the midshipman. Gansevoort dryly replied, "none that I know of, except having meditated taking my life, and taking the vessel out of the hands of her officers."¹⁴⁰

Gansevoort finished testifying on February 16, and was followed by Matthew Calbraith Perry, Jr. As he had done at the court of inquiry, MacKenzie intended to call his remaining witnesses in order of rank.

¹³⁷ Gansevoort, CMP, p. 41.

¹³⁸ Gansevoort, CMP, pp. 42-52.

¹³⁹ Gansevoort, CMP, p. 42.

¹⁴⁰ Gansevoort, CMP, p. 52.

The passed midshipman remained on the stand until February 21. He too, was subjected to a thorough cross-examination. By this time, the brig's officers were becoming more hostile to Norris. Indeed, whilst Perry was giving evidence, Henry Rodgers wrote sarcastically to his sister that. "...The judge advocate...[is] very fond of cross-examining. Calbraith is now undergoing this delightful process and I anticipate the pleasure sometime this, or next week."¹⁴¹ Rodgers' prediction was incorrect, however, since circumstances led MacKenzie to alter the order of his witnesses.

On February 21, MacKenzie begged leave of the court to deviate from his examination of the officers:

...Several of the most important witnesses among the apprentices of the *Somers* having recently disappeared mysteriously, in a manner to indicate an agency to injure my cause before this court, and the length to which this trial is drawing out, being likely to furnish time for additional inroads in the number of those witnesses, I propose, with the permission of the court, to suspend for the present the examination of the officers, in order to introduce testimony more directly bearing on the guilt of Cromwell, ere it be too late to obtain it.¹⁴²

Although MacKenzie's certainty that he was the object of a conspiracy seems paranoid, some of the apprentices had actually vanished. These disappearances were likelier desertions than part of a plan directed against the commander. Furthermore, the number of desertions had not yet become considerable. Since the brig's arrival in New York, only four members of the crew had run away: Edmund Lego, Jeremiah Cory, William Clark, and Joseph Weaver.¹⁴³ All but Weaver had run from the

¹⁴¹ Henry Rodgers to Nannie Rodgers, February 20, 1843, Rodgers Family Papers, Library of Congress.

¹⁴² MacKenzie, CMP, p. 79.

¹⁴³ "Muster Returns from the U.S. Brig of War *Somers*, September 1, 1842 to September 30, 1846," NA RG 217, MPR, Book 1424.

naval hospital, which had prompted MacKenzie to write to Upshur with a request that security there be increased.¹⁴⁴

The next five witnesses were all apprentices. Their testimony dwelt upon the exceptional intimacy between Cromwell and Spencer. Their private conversations, and Cromwell's various insubordinate remarks were each commented upon in turn. MacKenzie focused especially upon a paper which Cromwell and Spencer had been seen discussing on various occasions. Whether or not the apprentices were describing the same document is ambiguous, but they more or less agreed that it "had marks on it like crosses; it was not English writing, and [it had] geometrical figures on the back."¹⁴⁵ The supposition was that Cromwell and Spencer had been discussing one of the Greek lists, and that these conversations were proof of Cromwell's involvement in the mutiny.¹⁴⁶ There is an equally plausible explanation for these conversations, however, which was in fact, supplied by MacKenzie's primary witness. Wales testified that he had seen Cromwell assist Spencer in his navigation exercises.¹⁴⁷ The paper touted as proof of Cromwell's guilt did not contain mutiny plans, perhaps, but homework.

Gansevoort was recalled on February 23 in order to discuss the confinement of the prisoners on the last leg of the cruise. Apart from Gansevoort's brief reappearance, and two days' testimony by Michael Garty, MacKenzie called only apprentices for over a week. The Commander feared that he would lose particular witnesses through

¹⁴⁴ MacKenzie to Upshur, January 31, 1843, NA RG 273.

¹⁴⁵ Neville, CMP, p. 79.

¹⁴⁶ *Ibid.*

¹⁴⁷ Wales, CMP, p. 31.

conspiracy and desertion.¹⁴⁸ On March 2, MacKenzie resumed his examination of the officers with Henry Rodgers. Rodgers did not testify for long, just two days.¹⁴⁹ He was the senior midshipman, and the only steerage officer MacKenzie called in his defence. MacKenzie elicited from him various statements about Spencer's premeditative behaviour as an officer and member of the steerage. "[Spencer] examined the palm of my hand, told me I should die a violent and sudden death, that my life would be a short one."¹⁵⁰ Besides this, Rodgers discussed his own part in the events leading to the execution.

MacKenzie then called three of the brig's petty officers: Henry King, Thomas Dickerson, and William Collins, the gunner's mate, the gunner, and the carpenter's mate respectively.¹⁵¹ Their testimony followed the familiar pattern: the character of the executed men, any premeditative actions by them, MacKenzie's professional competency, and the witnesses' own experiences throughout the week prior to the executions. MacKenzie concluded with Horace Heiskill. The purser had taken down the minutes of the council of officers, and much of his evidence concerned its proceedings. MacKenzie himself had tried to introduce the minutes as evidence earlier in the trial, but the judge advocate had objected to their receipt by the court. Norris had then asserted that the minutes could not be used as incriminating evidence against the executed men: "It is not the proceedings of a lawful court. As evidence to show the guilt of any of the

¹⁴⁸ MacKenzie, CMP, p. 79.

¹⁴⁹ Rodgers, CMP, pp. 128-138.

¹⁵⁰ Rodgers, CMP, p. 128. Prophetically, Spencer was right. Rodgers was on board the *Albany* when she went down with all hands in 1855.

¹⁵¹ Collins was promoted to boatswain's mate at the time of Cromwell's execution.

parties and their connexion [sic], it is wholly unallowable.”¹⁵² Now, however, Norris himself actually introduced them as evidence, because he wanted to prove that they had been doctored. His cross-examination, however, was inconclusive, for when Heiskill answered a question, more often than not, he simply answered in the negative, or said that he did not recollect.

When the court reconvened on March 9, Norris opened his case. The first witness called was Midshipman John Tillotson. The midshipman was the first of Norris’ witnesses whose testimony had not yet been heard by the court. The judge advocate requested that his examination of these witnesses be conducted as a cross-examination: “It is a settled principle of law, that...[when] one side has to call a witness biased against its views of the case, the privilege [of cross-examination] will be allowed.” Rather than conduct a simple factual examination along the lines of the court of inquiry, Norris wanted the cross-examiner’s right to ask leading questions designed to entrap a witness. Norris felt that the officers’ behaviour and character demanded that this be allowed:

This case furnishes every incident to justify and enforce the exception. Some of the witnesses are the relatives and connexions [sic] of the accused. But above all, the attendant circumstances of the transaction, which is the basis of this prosecution, and the mutual position of the officers ever since its occurrence, give a peculiar claim for the allowance of the privilege. With a view to keep them on the spot, and the duration of this trial not being foreseen, these officers have remained aboard the Somers ever since, in constant association with each other, and exposed, by the influence of natural laws and motives, to the exchange of their recollections, conversations, and deductions, as to facts and witnesses, as might well prevent the most mature minds from separating fact from opinion and belief, and from avoiding the insensible adoption by each as his own of that knowledge, or that state of mind, which was originally individual and peculiar to one, or a few. It will naturally, under such circumstances, occur, that several minds, if not made critically to practice self-inspection, will not

¹⁵² Norris, CMP, p. 34.

so much be that number of mirrors, reflecting one transaction, as the multiplication of the same reflection.¹⁵³

Norris had been suspicious of the officers' testimony for some time. In a letter to Secretary Upshur, he had remarked "...the responsibilities will be arduous in a case where it had already become obvious that every species of resort is to be had to resist any investigation likely to disturb preconceived views of the testimony and witnesses."¹⁵⁴ The Judge Advocate had been placed in an untenable position, since the basis of his case depended on testimony from witnesses hostile to his cause.

Already, on two occasions, his investigation had been obstructed by the intransigence of the officers. When the court-martial was first preparing to convene, Norris had interviewed Charles Hays. "After replying to a few trivial questions, he candidly stated to me, that he did not think me entitled, except on the stand to his information."¹⁵⁵ The Judge Advocate did not attempt another interview until the day before he opened his case, when he asked Tillotson if he had any objection to discussing his testimony in private. The midshipman replied that he did, and no interview was granted, never mind that Norris was acting under the authority of the Navy Department.¹⁵⁶

MacKenzie's counsel objected to the request on several grounds, the most serious being that Norris' request exposed the officers to charges of perjury: "The peculiar character of cross-examination only attaches itself when it is suspected that the witness is guilty of perjury, or at least misrepresentation of the facts, or when it is wished to convey that

¹⁵³ Norris, CMP, p. 163.

¹⁵⁴ Norris to Upshur, February 16, 1843, NA RG 273.

¹⁵⁵ Norris, CMP, p. 163.

¹⁵⁶ Norris, CMP, p. 164.

impression to the jury.”¹⁵⁷ In effect, the Judge Advocate had accused the officers of lying. His intention, then, would be to impeach the credibility of the witnesses whom he called. Moreover, it was feared that if Norris was given the liberty of cross-examination, he would use it to call upon the imprisoned mutineers. Given the Judge Advocate’s concerns about the officers’ motives, the defence’s argument was rather disingenuous. “They are notoriously willing witnesses for the charges, and to give the counsel for the people the liberty to put leading questions to willing witnesses would be, in a capital case, to give it a ruthless and appalling character.”¹⁵⁸

The court sustained the objection, and Norris commenced his first examination unable to ask leading questions or otherwise entrap the witnesses. Tillotson was on the stand very briefly, answering questions about relations in the steerage, Spencer’s dealings with MacKenzie, and the midshipman’s recollection of the week before the executions. Norris’ next witness was Charles Sibley, an apprentice. Sibley had little to say, but his discharge was expected soon, and the judge advocate wanted to be sure of his testimony.¹⁵⁹

Next, he called Oliver Hazard Perry, Jr., to the stand. Norris pressed him on Spencer’s final moments, particularly his last message to friends and family. When Perry had first delivered MacKenzie’s report to

¹⁵⁷ Sedgwick, CMP, p. 165. MacKenzie had been represented by Theodore Sedgwick since February 24, when John Duer’s appointments (presumably his own civil defence of the commander) had precluded his continued service as defence counsel in the court-martial. Sedgwick was a prominent New York lawyer, and would have been known to MacKenzie through his wife’s social circle. Duer, CMP, pp. 99-100; E.L.W. Heck, “Theodore Sedgwick,” *Dictionary of American Biography, Vol. 16*, pp. 552-553; Hayford, *The Somers Mutiny Affair*, p. 87.

¹⁵⁸ Sedgwick, CMP, p. 164.

¹⁵⁹ Sibley, CMP, p. 171.

Upshur, the Midshipman had said that it was his impression that Spencer had dictated such a document to MacKenzie.¹⁶⁰ Although MacKenzie had alluded to his meeting with Spencer in various reports, no letter had ever been produced. On this occasion, the commander inquired aloud as to what Norris was attempting to do. MacKenzie denied that Spencer had even written one in the first place. "He said he did not wish to write."¹⁶¹ Norris pounced upon the statement: "But I am told that he afterward dictated to you what to write."¹⁶² MacKenzie was compelled to admit that this was the case, which the commander did with "shaking agony."¹⁶³ The court then adjourned for the day.

The following morning, MacKenzie submitted a document admitting that he had misrepresented the transaction between himself and Spencer. "Not having for some time read his official report, or refreshed his recollection of what occurred between himself and the late acting Midshipman Philip Spencer, Commander MacKenzie may have been mistaken in admitting that Mr. Spencer declined to write, that he said he did not wish to write."¹⁶⁴ The remainder of the submission corrected his initial report's failure to acknowledge that Spencer had been asked whether or not he wished to send any message, and the circumstances in which his last words had been delivered.¹⁶⁵

¹⁶⁰ Oliver H. Perry, Jr., CMP, p. 172.

¹⁶¹ MacKenzie, CMP, p. 172.

¹⁶² Norris, CMP, p. 172.

¹⁶³ [Norris] Memoranda," quoted in Egan, "The MacKenzie Court-Martial Trial: Cooper's secret correspondence with William H. Norris," *Studies in the American Renaissance* (1990), p. 152.

¹⁶⁴ MacKenzie, CMP, p. 173.

¹⁶⁵ *Ibid.*

The matter was dropped for the time being, and Perry concluded his testimony. In his interrogation, Norris emphasised the officer's role in the loss of the mast. By and large, however, Perry's testimony recapitulated the responses of his seniors. After closing his examination of Perry, Norris called another midshipman, Adrian Deslonde. The midshipman's testimony did not reveal much, although it became clear that Spencer was not the only member of the steerage with ties to the crew. On the day of Spencer's arrest, Benjamin Green had pricked a tattoo onto Deslonde's arm.¹⁶⁶ Outside of the court there was also evidence that one midshipman, at least, was fraternising with a petty officer. Charles Hays and Oliver Browning, the boatswain's mate had both come down with syphilis, implying that they had both been frequenting prostitutes.¹⁶⁷ If they had not been doing so together, it is clear that Hays' conduct was hardly that expected of an officer and a gentleman.

Deslonde's testimony was brief, and added little to the record. A more substantive witness, Daniel McKinley, followed him to the stand. His testimony provided the court with a very different perspective from that it had previously seen. McKinley had been present when the Greek lists were discovered, and was questioned on the subject. He also gave evidence about the days leading to the executions, as well as a detailed account of the executions themselves. Finally, he discussed his own experience under confinement during the last leg of the cruise. When

¹⁶⁶ Deslonde, CMP, p. 176.

¹⁶⁷ "Medical Journal of the United States Brig of War *Somers*," Medical Journals of Ships, 1813 to 1889, NA RG 52.

MacKenzie cross-examined him, McKinley proved an intractable witness.

On several occasions he flatly contradicted the commander's questions:

Q. Did the commander then go on to tell you that he had treated you kindly that he had given you an opportunity to improve yourself in your profession and in your education, and that in return for these benefits that you had joined in a plot to take his life, to deprive him of his command, and to dishonor him as an officer?

A. He never said anything of that kind to me.¹⁶⁸

Realising, probably, that his cross-examination would not be productive, Mackenzie kept it short, just seventeen questions.

Norris then briefly recalled Gansevoort to clarify his earlier testimony. This done, he called another midshipman, Egbert Thompson. Thompson was twenty-one years old, and proved a harder witness to question than the teenaged midshipmen who had preceded him on the stand. Thompson's answers were evasive, and he was uncooperative. Furthermore, he and Norris had a few notable exchanges during the examination:

Q. Did the commander address to you any observation when he commenced to write?

A. Not that I recollect. Ah yes; after he had spoken to the other, he told Mr. O.H. Perry, I think, to note the time; Mr. Perry and myself both noted it.

Q. Did you report the end of the time?

A. I think I did. It is so long since these things occurred, that it is impossible to remember these trivial things, such as the way Mr. Spencer held his head or hands.

Q. Do you regard it as a trivial thing to report the expiration of ten minutes, which were the limits of Spencer's life?

A. I did not say that was a trivial thing; my remark referred to some trivial questions that you put to me; my answer is by no means.¹⁶⁹

Soon after, Norris, perhaps irritated by Thompson's frequent response that he could not remember the events in question, asked him if he a poor

¹⁶⁸ MacKenzie to McKinley, CMP, p. 183.

¹⁶⁹ Norris to Thompson, CMP, p. 186.

memory. The midshipman simply responded, “ I can’t say that I have a good one.”¹⁷⁰ At any rate, Norris did not question him much further. Likewise, MacKenzie spared Thompson any more time under oath. He asked only a few questions, all of which brought replies complimentary to the commander’s behaviour. The court then adjourned.

It did not reconvene again until four days later, on March 17. MacKenzie had taken ill, and been unable to attend the proceedings.¹⁷¹ When he did return, he brought with him what he claimed were the original notes from his conversation with Spencer. Norris had resumed his interrogation of Oliver Hazard Perry, Jr., and MacKenzie wanted to silence the assumption that he had never delivered Spencer’s last message. After condemning the Judge Advocate for this “gratuitous and offensive assumption,” he submitted the notes with a notarised affidavit declaring their authenticity.¹⁷² The notes were three pages in length, and had obviously been written in great haste. The writing was cramped, uncertain, and fragmentary. These notes were utterly unlike MacKenzie’s other communications, which were written with meticulous care. Moreover, only the first half of the text contained Spencer’s communication. The remaining half was a narrative of the executions. MacKenzie hoped to demonstrate that while he had been writing in Spencer’s company, what he had produced was not a letter but a narrative “for the purpose of keeping alive his recollection of the facts.”¹⁷³

Even so, considering that MacKenzie had spoken with Spencer for over an hour, the notes seemed scarcely sufficient. Norris certainly

¹⁷⁰ Thompson, CMP, p. 187.

¹⁷¹ MacKenzie, CMP, pp. 188-189.

¹⁷² MacKenzie, CMP, pp. 191-193.

¹⁷³ MacKenzie, CMP, pp. 192-193.

doubted their authenticity. He believed that MacKenzie had feigned illness in order to produce a counterfeit letter, the original having been destroyed earlier.¹⁷⁴ As far as Norris was concerned, the affidavit was worthless, since it was the counterfeiter who provided the document's provenance. On these grounds, he objected to their admission as evidence. After some deliberation, the court allowed their entry for the record, but not as legal evidence.¹⁷⁵

Perry was then allowed to stand down, and the Judge Advocate began reading MacKenzie's official report aloud. He concluded his recitation the following day. Norris then called the last line officer to testify, Charles Hays. His testimony was much the same as the officers before him. All of his answers were designed to justify the actions taken on board. While Hays was more forthcoming than most, he often claimed not to recollect what was asked of him. Probably in compensation for this inconclusive testimony, Norris next called two of the imprisoned mutineers. He had interviewed them earlier, and had "charged [them] repeatedly...not to venture an untruth."¹⁷⁶ First, Alexander McKee testified to his experiences on board the brig. At the same time, he denied having ever been contacted by Spencer for the purpose of raising a mutiny, and that the first he had heard of the plan was when the commander had announced it to the crew.¹⁷⁷ Green's testimony was more comprehensive, and dwelt upon his experiences during the week prior to

¹⁷⁴ "[Norris] Memoranda, quoted in Egan, "The MacKenzie Court-Martial Trial: Cooper's Secret Correspondence with William H. Norris," pp. 152-153.

¹⁷⁵ Norris, CMP, p. 194.

¹⁷⁶ Norris, CMP, p. 218.

¹⁷⁷ McKee, CMP, p. 214.

the executions, the executions themselves, and his subsequent confinement. Passed Assistant Surgeon Richard Leacock was then called to comment upon the treatment of the prisoners, particularly Daniel McKinley. At the same time, he gave evidence as to the physical state of the officers before the executions. Although Norris had earlier hinted at a deeper friendship between Spencer and the witness, he did not press the issue.¹⁷⁸

The Judge Advocate's next five witnesses were all apprentices. In response to their testimony, MacKenzie called two more apprentices and two of the petty officers, Andrew Anderson and Charles Rodgers. One of the two apprentices, Frederick Snyder, reported an incriminating conversation between Spencer and Cromwell. According to Snyder, they had discussed how best the brig could be converted to a pirate or slaver.¹⁷⁹ The apprentice's testimony was unreliable, however, which Norris promptly demonstrated. Snyder had recently deserted, but been recaptured.¹⁸⁰ At the time of his testimony, therefore, he was under MacKenzie's command and awaiting punishment at the commander's discretion. Obviously, his testimony was influenced by his situation

¹⁷⁸ Norris to Heiskill, CMP, p. 158.

¹⁷⁹ Snyder, CMP, p. 224. It is unlikely, though, that Snyder was ever punished for his offence, since Charles Brown (Dem. – PA) intervened on his behalf following the receipt of an anguished letter from a friend acting for the apprentice's parents. In particular, "the tragical circumstances which took place [on board] have made [Snyder] very unhappy and extremely anxious to be discharged." The letter itself is the cause of some confusion, however, since it was received on January 28, 1843, is annotated to the effect that Snyder was discharged on February 3, 1843, and the testimony in question was delivered on March 21, 1843. James M. Hutchinson to Charles Brown, January 28, 1843, "Miscellaneous Letters Received by the Secretary of the Navy," NA RG 45.

¹⁸⁰ *Ibid.*

outside of the court. Under cross-examination, the apprentice quickly retreated from certain statements that he had made in response to MacKenzie.

Then, quite suddenly, MacKenzie's trial was over. On March 15, during his illness, he had once again been charged with murder and manslaughter in civil court. Indeed, the new charges may very well have precipitated his retreat from the court-martial. This was a more formidable challenge than its predecessor. Charles O'Connor and Benjamin Butler, denied a part in the military proceedings, had pursued MacKenzie in the civil courts instead. They were acting on behalf of Henry Morris, John Canfield Spencer's son-in-law, as well as Margaret Cromwell and Charles Cleveland.

For five days, the lawyers had argued their cases before the grand jury. Butler and O'Connor maintained that MacKenzie had overstepped his constitutional authority:

In the fifth amendment to the constitution, U.S.C.A., providing that no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, "except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger," the clause, "when in actual service in time of war or public danger," applies only to the militia; and therefore congress has power to provide for the trial by court-martial of all crimes committed by persons in the army or navy, regardless of the fact of peace or war."¹⁸¹

In short, the commander's council of officers was fundamentally illegal, and whatever the state of his command, he was obligated to convene a formal court-martial for any capital offence.

¹⁸¹ 30. F. Cas. 1160, *United States vs. MacKenzie et al.*, District Court, S.D. New York, p.1.

MacKenzie's defence responded in kind. Regardless of the propriety of the commander's actions, he could only be tried according to naval law, as established by the Constitution. Even if MacKenzie had been wrong, the civil courts had no authority over him, and the case should be dismissed. Furthermore, it was not the place of "courts...of a subordinate character" to attempt the construction of the Constitution.¹⁸² Whatever the ambiguities in the language of the law, their correction was a matter for the Congress.

When asked to deliberate, the Grand Jury was unable to resolve the question of jurisdiction. In the hope that he would clarify the issue, on March 30, they asked the District Judge presiding whether or not they had any jurisdiction over an alleged crime on board a naval vessel, and if there were grounds to try the case before them.¹⁸³ In doing so, they effectively ceded authority for the decision to the Judge. As this was Samuel Betts, his decision was a foregone conclusion:

...With the facts before us, that the naval code, as a distinct system of jurisprudence under our laws, has been in force for nearly forty years, that thirty of the last years of that period have witnessed a large increase of the naval forces, and a vast scope of employment, and that the application of the naval code by means of courts martial has been constant and notorious to every department of the government...I think we must all feel a deep conviction that this court ought not to be the first to assume such a jurisdiction, and arraign the parties accused on a matter touching their lives.¹⁸⁴

MacKenzie and Gansevoort were free of the civil courts. No further indictments were sought against them.

On March 21, Norris had dropped the charge of conduct unbecoming an officer. Norris had never been comfortable with the

¹⁸² *Ibid.*

¹⁸³ *Ibid.*

¹⁸⁴ 30. F. Cas. 1160, *United States vs. MacKenzie et al.*, District Court, S.D. New York, p. 12.

charge, and had earlier petitioned the Navy Secretary to have it dropped.¹⁸⁵ The following day, which was the first after the Grand Jury decision had been reached, the Judge Advocate closed his case. This gave rise to an attack against him in the *New York Courier and Enquirer*:

...The Circuit Court of the United States having determined on Monday, that the Civil Courts have no jurisdiction in the case of MacKenzie...there no longer exists any object in procrastinating the sitting of the court [martial]; and accordingly at its first meeting after the decision was known, the Judge Advocate gave notice that the trial was at an end...It was very apparent that the Judge Advocate intended to give the Grand Jury an opportunity to interfere.¹⁸⁶

Whatever the newspaper's partisan support of MacKenzie, the editorial was absolutely correct. By the end of the trial, Norris had become convinced that there had been no mutiny, and that MacKenzie was guilty of murder.¹⁸⁷ The conduct of the defence gave him legitimate grounds for suspicion. MacKenzie and the officers had obstructed his investigation throughout, and Norris assumed that they had co-ordinated their stories. Moreover, for all MacKenzie's complaints about witness tampering, it is clear that he had himself been guilty of the same conduct. After the brig's return, Gansevoort, presumably with MacKenzie's approval, had interviewed various members of the crew about their recollections of the cruise.¹⁸⁸ Furthermore, MacKenzie and Commodore Perry had also interviewed certain apprentices at the Commodore's home

¹⁸⁵ Norris to Upshur, February 4, 1843, NA RG 273.

¹⁸⁶ *New York Courier and Enquirer*, March 25, 1843, quoted in Hayford, *The Somers Mutiny Affair*, p. 151.

¹⁸⁷ "[Norris] Memoranda," quoted in Egan, "The MacKenzie Court-Martial: Cooper's Secret Correspondence with William H. Norris," p. 151.

¹⁸⁸ Humbert, CMP, p. 102.

in the navy yard.¹⁸⁹ Meanwhile, Norris had been denied access to the crew.¹⁹⁰

In his closing statement, MacKenzie attempted to manipulate this last fact in order to strengthen his case. "The omission to examine Wilson...is a virtual admission that the prosecutor was afraid to examine him; that, if examined, he would have betrayed secrets fatal to the prosecution, and which are still locked up in the breasts of the conspirators."¹⁹¹ Besides this, his defence recapitulated the officers' proofs of the mutineers' guilt, defended their performance, and pled the law of necessity in justification of his own actions.¹⁹²

The Judge Advocate responded to MacKenzie's allegation in his own summation. "Wilson was not called by me only because of the impatience at what was called protraction of the proceedings, expressly averred by the accused in court."¹⁹³ Moreover, Norris' hostility to MacKenzie was apparent throughout his closing statement. First, he proclaimed the fundamental right of naval personnel to judicial process. "The subordinates of a vessel of war, are not serfs of an irresponsible power. They are shielded by guaranteed privileges; guilt is not to be branded upon them by imputation."¹⁹⁴ Whilst explaining the need for such safeguards in the law, the Judge Advocate obliquely attacked MacKenzie's conduct:

Who has ever witnessed a single trial, without being forcibly impressed with the value of each cautionary provision? A single

¹⁸⁹ Conger, CMP, p. 126.

¹⁹⁰ Norris, CMP, p. 8.

¹⁹¹ MacKenzie, CMP, p. 235.

¹⁹² Griffin, CMP, pp. 236-237.

¹⁹³ Norris, CMP, p. 259.

¹⁹⁴ Norris, CMP, p. 250.

question may unravel a mystery, expose a perjurer, or reduce an imputed crime to mere error. A web of interlaced circumstances, of alarming imputation, may be shown to be but the knitted shreds of suspicion, or artist-like craft.¹⁹⁵

Norris then outlined the criminality of MacKenzie's actions. At issue was whether or not MacKenzie was justified according to the laws of necessity, on which he had based his defence. If he was not, his actions constituted legal malice: "...a wrongful act done intentionally without just cause or excuse."¹⁹⁶ Norris also maintained that the law of necessity could only justify a capital punishment when all other avenues had been exhausted. It had been the officers' responsibility to take refuge in a foreign port, rather than execute the prisoners. Their refusal to do so on the grounds of "mere professional pride," constituted a clear violation of the law.¹⁹⁷ Furthermore, if any of the executed men were actually innocent, MacKenzie's actions could not be excused by the exigencies of the moment.¹⁹⁸

Norris was making a case against MacKenzie that condemned his behaviour regardless of the guilt or innocence of the mutineers. If the executed men were actually innocent, than Mackenzie was clearly guilty of murder. If, however, they really had been mutinous, MacKenzie was still guilty of legal malice, since he had not obeyed the stringent requirements of the law of necessity. Norris closed emphasising the latter argument, which was the stronger of the two.¹⁹⁹

Beginning on March 23, the officers of the court read the accumulated testimony of the past two months.²⁰⁰ On March 28, a verdict

¹⁹⁵ *Ibid.*

¹⁹⁶ Norris, CMP, p. 253.

¹⁹⁷ Norris, CMP, p. 256.

¹⁹⁸ Norris, CMP, p. 253.

¹⁹⁹ *Ibid.*

²⁰⁰ Downes, CMP, p. 242.

was returned.²⁰¹ They found that none of the charges against MacKenzie had been proven, and acquitted him on all counts. John Canfield Spencer's furious pleas to the President that the verdict be overturned were refused. Rather, Tyler allowed judgement to stand, but without the usual Presidential endorsement. Thus, a blemish remained on the acquittal. Although the decision ended the threat to MacKenzie's life, his reputation had not emerged unscathed. The events on board remained a topic of debate for some time to come. Indeed, even MacKenzie's supporters must have shocked by the suicide of Richard Leacock. Just three days after the court rendered its decision, the brig's doctor had shot himself in the wardroom. Although his death was attributed to a "settled melancholy and a partial derangement induced by a long and severe attack of the yellow fever," there was probably some connection with the mutiny.²⁰²

Whatever the official verdict, the crew of the brig voted with their feet, and ran. It seems likely that their confinement on board was relaxed after the court closed. Whereas only four had deserted since the brig's arrival, eleven disappeared during the month of April.²⁰³ Furthermore, another twenty-two ran over the course of the summer.²⁰⁴ Thus, thirty-five apprentices, roughly a quarter of the crew, deserted from the service.

²⁰¹ Downes, CMP, p. 243.

²⁰² *New York Weekly Tribune*, April 8, 1843, quoted in Hayford, *The Somers Mutiny Affair*, p. 158.

²⁰³ "Muster Returns from the United States Brig of War *Somers*, September 1, 1842 to September 30, 1846," NA RG 217, MPR, Book 1424.

²⁰⁴ "Muster Returns from the United States Receiving Ship *North Carolina*, 1843," NA RG 217, MPR, Book 1239.

Although public interest waned over the course of the court-martial,²⁰⁵ the *Somers* had made a profound impact upon the American people. Throughout the remainder of 1843, the officers' actions were contested in the court of opinion, where the commander still enjoyed considerable support. Soon after his acquittal, MacKenzie was feted by his fellow residents of Tarrytown.²⁰⁶ Furthermore, he received various gifts, including a pair of gold epaulettes, and a dress sword.²⁰⁷ On May 11, a letter in support of MacKenzie signed by "three hundred merchants and others of our most respectable citizens," was published.²⁰⁸ These merchants had also taken it upon themselves to pay the commander's legal costs.²⁰⁹ Four hundred citizens of Boston sent MacKenzie a similar letter on July 8.²¹⁰ Finally, a number of letters and articles were published in support of MacKenzie, the most notable of which was written by Charles Sumner, the noted anti-slavery Massachusetts lawyer who would later be elected to the United States Senate.²¹¹ Sumner had exchanged correspondences with MacKenzie throughout the trial, and came to know

²⁰⁵ Hone, *The Diary of Philip Hone 1828-1851*, Bayard, ed., pp. 174-175; quoted in Hayford, *The Somers Mutiny Affair*, p. 134.

²⁰⁶ *Niles' National Register*, April 29, 1843, quoted in Hayford, *The Somers Mutiny Affair*, p. 164.

²⁰⁷ *New York Weekly Tribune*, April 15, 1843, and *The Chicago Express*, April 20, 1843, quoted in Hayford, *The Somers Mutiny Affair*, pp. 158, 160.

²⁰⁸ Hone, *The Diary of Philip Hone 1828-1851*, Bayard, ed., p. 183; quoted in Hayford, *The Somers Mutiny Affair*, p. 164.

²⁰⁹ *Ibid.*

²¹⁰ *Niles' National Register*, July 8, 1843, quoted in Hayford, *The Somers Mutiny Affair*, p. 177.

²¹¹ Anon. [C. Sumner], "The Mutiny on the Somers," *The North American Review* (Vol. 53, No. 120, July 1843), pp. 195-242.

him through their mutual acquaintances, Francis Leiber and Henry Wadworth Longfellow.²¹²

At the same time, MacKenzie's detractors were not silent. William Sturgis, an experienced mariner who had been a member of the Massachusetts House of Representatives and State Senate, published a series of letters critical of the court martial and the commander's initial conduct.²¹³ While they first appeared in the *Boston Courier*, he later published these in a pamphlet. Sturgis' maritime experience was needed to counter a less travelled, but better known sailor-author, Richard Henry Dana, Jr. Dana was friendly with MacKenzie's in-laws, and had publicly defended the commander.²¹⁴

In addition to Sturgis, another author issued several attacks on MacKenzie. This was James Fenimore Cooper, whose enmity MacKenzie had earned two years earlier. The crux of their dispute was a naval feud that had festered within the service for over twenty-five years.²¹⁵ At issue was the Battle of Lake Erie, and the conduct of Jesse Elliott during the fight. Although Perry's initial report of the battle had absolved Elliott of any blame and shared the glory of victory, they had later fallen out, and questions continued to persist about the subordinate's conduct during the

²¹² G.H. Haynes, "Charles Sumner," *Dictionary of American Biography*, Vol. 18, p. 208.

²¹³ W.M. Emery, "William Sturgis," *Dictionary of American Biography*, Vol. 18, pp. 183-184.

²¹⁴ McFarland, *Sea Dangers*, p. 170.

²¹⁵ Indeed, it may have contributed to the death of Commodore Stephen Decatur, who was killed in a duel with Captain James Barron in 1820. Certainly, Elliott was Barron's second, and the only captain in the service who had voted for his reinstatement in 1818. Whether or not he was motivated by his hatred of Decatur (who had loudly supported Perry's subsequent account of Lake Erie) is uncertain. D.F. Long, "The Board of Navy Commissioners," J. Hagan, ed., *In War and Peace*, p. 66.

battle. Apart from cementing his ties with the Perry family, MacKenzie's 1840 biography of Perry had made public his hostility towards Jesse Elliott's conduct at Lake Erie and afterwards. In fact, the biography was probably written in order to refute Cooper's account of the battle.²¹⁶

Indeed, partisanship had already led the commander to write a review critical of James Fenimore Cooper's *History of the United States Navy*, which had paid no attention to the controversy, and was based upon Perry's original report.²¹⁷ MacKenzie's review was for the most part favourable of the book, but took exception with his treatment of Lake Erie. To MacKenzie's review were added attacks by Tristram Burges, a former Representative from Rhode Island, and William Duer, the President of Columbia College.²¹⁸ The reviews had a devastating effect on the sales of Cooper's book, and earned MacKenzie his enmity.

Now, Cooper published a defence of his own account of the Battle of Lake Erie in July or August 1843, which addressed MacKenzie's earlier attacks against his work in light of the Somers Affair.²¹⁹ In particular, he criticised MacKenzie's judgement and sophistication as a historian: "[He] can see only one side of a question. He is a man of prejudice and denunciation, and he accuses, less under evidence, than under convictions..."²²⁰

²¹⁶ H. Egan, "Enabling and Disabling the Lake Erie Discussion: James Fenimore Cooper and Alexander Slidell MacKenzie Respond to the Perry/Elliott Controversy," *American Neptune*, Vol. 57, No. 4, 1997, p. 346.

²¹⁷ A.S. MacKenzie, "Cooper's Naval History," *North American Review* (Vol. 50, No. 105, 1839), pp. 432-467.

²¹⁸ McFarland, *Sea Dangers*, p. 45.

²¹⁹ Hayford, *The Somers Mutiny Affair*, p. 169.

²²⁰ J.F. Cooper, *The Battle of Lake Erie; or Answers to Messrs. Burges, Duer, and MacKenzie* (Cooperstown, NY: H & E Phinney, 1843), p. 58.

The Lake Erie pamphlet was the first of three such works that Cooper wrote in the following year. The second was published anonymously, entitled, *The Cruise of the "Somers"; Illustrative of the Despotism of the Quarter Deck and the Unmanly Conduct of Commander MacKenzie*. The pamphlet went into three editions, the last of which was bound with Sturgis' letters critical of MacKenzie. It was Cooper's third commentary on the mutiny, however, which exerted the greatest influence. This was his *Review of the Proceedings of the Naval Court Martial*, which he had attached to the published edition of MacKenzie's court martial. The review was brilliantly articulate and scrupulously comprehensive in its examination of MacKenzie's conduct and court-martial. In preparing it, Cooper had benefited from a private correspondence with William Norris.²²¹ The Judge Advocate provided Cooper with his impressions of the trial, and his own theory of events. Although Cooper discarded the more vitriolic claims, he incorporated much of Norris' memoranda in his own report.

The continued debate illustrated the impact of the mutiny on the broader public. While mutiny can remain a strictly military affair, its repercussions may also escape institutional boundaries and affect society at large.²²² This was certainly the case with the Somers Mutiny Affair. Different classes and interests read different meanings into the events on board, as well as the manner in which the Navy had addressed and resolved them. By and large, there were two such interpretations, which not surprisingly, reflected the divide between those who supported and

²²¹ Egan, "The MacKenzie Court-Martial: Cooper's Secret Correspondence with William H. Norris," pp. 149-158.

²²² Rose, "Anatomy of Mutiny," p. 572.

those who condemned MacKenzie. In order to understand these responses, they must be regarded in terms of the moral panic that accompanied the brig's return to the United States. As the mutiny entered the collective consciousness of the nation, it triggered existing societal concerns, and became a vehicle for their expression.

The inaccurate newspaper accounts which comprised the first public report of the mutiny are crucial to understanding this perception and appropriation of the *Somers*. In the immediate aftermath of any catastrophic event, the initial unorganised response gives way to an inventory phase in which people analyse their own condition.²²³ During this phase, the media has a fundamental role in shaping popular reaction.²²⁴ In a moral panic, the media inventory of the event consists of three parts: exaggeration and distortion, prediction, and symbolisation.²²⁵ The initial reports of the *Somers* mutiny had the effect of amplifying the deviance associated with the event. A problem that might have existed only for the Navy became, instead, a determined threat to the safety of the nation.

It was the search for causation, and the prediction that it produced, however, that ensured the moral panic. The fear was not that the Navy would be swamped by mutinies, but that urban delinquents would erupt in an epidemic of violence. The mutiny on board the *Somers* was the

²²³ S. Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (London: MacGibbon & Kee, 1972), p. 29. Cohen's influential theory of moral panics relates to societal responses to deviance and its putative threat to social norms and values. In particular, it assesses how such threats are identified, and then amplified by stereotyping towards 'constructive' societal ends.

²²⁴ Cohen, *Folk Devils and Moral Panics*, pp. 30-31.

²²⁵ Cohen, *Folk Devils and Moral Panics*, p. 31.

harbinger of wider social unrest. While mutiny might be a direct threat only to an individual vessel, any act that challenged the state's control over its armed forces implicitly challenged the existence of the state itself.²²⁶ This was exactly the societal collapse that the reformers feared. Indeed, what better folk-devil was there than Philip Spencer, the "base son of an honoured father." The circumstances of his life and death illustrated better than any tract the collapse in the nation's moral fibre.

Notwithstanding the fact that their guilt had never been properly established, the pro-MacKenzie press insisted on referring to the prisoners on board the *North Carolina* as mutineers. This was the first of two spurious attributions, which facilitated the prediction of wider societal unrest. The second associated the mutineers with apprenticeship in general. Indeed, the mutiny reflected the mutineers. It was simple enough to do so since apprenticeship was already connected with delinquency, and the crew of the *Somers* were known to be minors. That commentators looked to make a wider sense of the mutiny is unsurprising, given that people faced with a moral panic talk less about the event itself and more about its implications."²²⁷ No longer symbols of successful reform, the apprentices had become representative of the threat that their unchecked delinquency represented to the nation. Robert Taylor's letter to MacKenzie had reflected this sentiment:

With me [the *Somers*]...has had a different effect by convincing me of the necessity of being more strict with the Boys in the observance of the Rules for the maintenance of discipline than with the old seamen, even to the frequent use of the Cat, they being placed in the Navy as incorrigible for their viciousness on shore...²²⁸

²²⁶ Rose, "The Anatomy of Mutiny," p. 562.

²²⁷ Cohen, *Folk Devils and Moral Panics*, p. 49.

²²⁸ Taylor to MacKenzie, January 16, 1843, NA RG 273.

Like all stereotypes, this belief ignored its self-contradictions. Apprenticeship did recruit from those classes of society that the reformers sought to control, but not exclusively. Many apprentices were recruited from middle-class families that had fallen foul of the 1837 Panic. Indeed, several such boys were actually imprisoned as *Somers* mutineers. George Warner's father, Samuel Warner, was the Collector of Customs for New York.²²⁹ George Kneavels' father was involved with the bank of New Haven.²³⁰ Charles Van Velsor's father was a friend of Captain Gregory. Charles Wilson, while not an apprentice, had only joined the Navy when he could not find work ashore.²³¹ His own father was a copyist, who had been in the employ of James J. Roosevelt for twenty-five years.²³² In truth, at least one third of the mutineers did not match the vision of apprentices as urban delinquents.

At any rate, the moral panic had its final symbolisation in this stereotyping. This symbolisation has three processes: First, a word (apprentice) becomes symbolic of a certain status (delinquent or deviant), whereupon objects attached to the word (the *Somers*) become symbolic of that status (and the emotions attached to it).²³³ All apprentices were seen in light of the *Somers*, and all apprentices were seen in light of the supposed delinquency of her crew. What had previously been a positive label now had negative connotations.

²²⁹ Warner, signed affidavit, January 21, 1843, NA RG 273.

²³⁰ Henry Eld to Henry Eld, Senior, December 16, 1842, Henry Eld Papers, Library of Congress.

²³¹ Wilson to Upshur, February 4, 1843, NA RG 273.

²³² Roosevelt to Upshur, February 6, 1843, NA RG 273.

²³³ Cohen, *Folk Devils and Moral Panics*, p. 40.

Thus, reformers adopted the *Somers* mutineers as proof of the dangers of intemperance and irreligiosity. *The Sailor's Magazine* printed an article demonstrating the failures of Elisha Small's life, and their part in his ultimate execution:

Youthful readers! let [sic] the life and the melancholy death of this wretched young man be a warning to you. Beware how you *trifle* with the instructions of those who seek to do you good, lest you wrong your own souls. The Sabbath-school in order to be a safeguard, against vice and crime, as it usually is, must be *loved*, not *trifled* with. In the language of Commander MacKenzie's exhortation to the youthful sailors, after the execution, "Cherish your Bibles with a more entire love than Small did." Beware of taking the awful *name*, and the holy *sabbath* [sic] of the Lord, for he is a jealous God and will not hold you guiltless. Avoid, as you would the gate of death and the very pit of perdition, all those places, however beautiful and fascinating in their outward appearances, where is mingled the intoxicating cup. "When sinners entice thee, consent thou not." And beware of dishonouring your father and mother, lest you be cut down ere you have lived out your days.²³⁴

It was a sad irony that Small, who had poems from *The Sailor's Magazine* with him on the *Somers*, would be so used by the same publication.²³⁵ Not all reformers, however, adopted the mutiny. Indeed, William Lloyd Garrison's *Liberator* published an article that condemned MacKenzie for his "anti-Christian" resort to capital punishment.²³⁶ The *Liberator* article was actually quite hostile to the commander and reflected more the concerns of an alternative reaction to the initial moral panic

Whereas the reformers saw in the *Somers* a threat to the Republic from below, Jacksonian egalitarians regarded it as threat from above. For them, improper exercise of power by the military was at the heart of American antimilitarism, and the executions on board the *Somers*

²³⁴ Anon., "A Warning to Youth – Small the Mutineer," *The Sailor's Magazine*, (Vol. 15, No. 11, July 1843), p. 336.

²³⁵ MacKenzie, CMP, p. 209.

²³⁶ Anon., "Non-Resistance. Case of the *Somers*..." *The Liberator*, January 27, 1843, quoted in Hayford, *The Somers Mutiny Affair*, p. 118.

triggered a reaction based on their concerns about the Navy's character and expansion. For the egalitarians, the folk-devil was MacKenzie, who embodied the aristocratic anti-Republicanism of the armed forces.

Although Spencer represented the unfair advantages of aristocratic family, his status was neither consonant with his actions or experience. In the first place, piracy was associated with disorder, not oligarchy.²³⁷ More importantly, when MacKenzie denied Spencer protection on the grounds of class fairness he made the midshipman the victim of *military* injustice. For the egalitarians, the question of aristocratic nepotism and privilege paled in comparison to the abrogation of human rights by the commander. MacKenzie had violated the fundamental laws of the Republic, a belief echoed in Norris' concluding arguments: "The flag of the navy a higher power than that of the constitution!!! That flag had better be lowered for ever, than permitted to float from so lofty a peak!"²³⁸

Although MacKenzie was solely responsible for the events on board the brig, his actions and person aroused the broader hostility of the Jacksonians towards the Navy. Indeed, the individual became representative of his profession's worst characteristics. The stereotype was an easy one to make. MacKenzie's reliance on corporal punishment invited condemnation. Furthermore, the commander's familial connections evoked fears about the larger naval aristocracy. The *Somers* demonstrated that the expressed concerns of the antimilitarists were real, thereby legitimising their hostility to the Navy.

The focus of the reaction remained, however, the arbitrary exercise of absolute power. The egalitarian nightmare envisioned a military that

²³⁷ Rediker, *Between the devil and the Deep Blue Sea*, p. 261.

²³⁸ Norris, *CMP*, p. 256.

disregarded civil authority, acting in its own interests rather than those of the society which it was sworn to protect. At the crux of the problem was the question of divided loyalties. The Navy had to represent the will of the people, and its officers could not have any interests competing with their obligation to serve the national government. Already, concerns had been raised about sectional affinities in the Navy. In the case of the *Somers*, the naval aristocracy became identified as a distinct class within the service, possessed of its own ulterior agenda, notably the protection of one of their own.

Thus, the conduct of MacKenzie's defense, and the entire judicial process were seen in terms of aristocratic disregard for the nation's will. "The Union of Tuesday...said with a bitter and undeserved sneer, that *of course* "he would be acquitted and highly commended by a Naval Court Martial as this is the *aristocratic* branch of the service."²³⁹ For the Jacksonians, the *Somers* represented a closed cycle of tyranny and corruption. MacKenzie's behaviour had triggered pre-existing fears, and the conduct of the Navy during his court-martial had confirmed them.

Regardless of the societal concerns aroused by the mutiny, the moral panics associated with it faded rather quickly. This was the result of several factors, not least of which were the Navy's actions subsequent to the court-martial. Afterwards, the service made a concerted effort to forget about the mutiny, to banish it from its collective memory. This was facilitated by the ultimate decision not to prosecute any of the convicted mutineers. However MacKenzie might have wanted to further exonerate himself at their expense, it was not in the interest of the Navy to prolong

²³⁹ *New York Weekly Tribune*, December 22, 1842, quoted in Hayford, *The Somers Mutiny Affair*, p. 12.

the Affair. Further trials would have kept the matter in the public eye, and given the prisoners an opportunity to refute MacKenzie's claims. Indeed, the Navy's efforts to forget the mutiny were such that for many years officers would refuse to comment upon it in public.²⁴⁰

This is not to say that the Navy did not learn any lessons from the *Somers*. Apprenticeship was quickly and quietly scrapped. Nor was the cruise a complete failure. At least one apprentice fulfilled the vision of a new class of sailors: "one of those very boys is now the first officer of one of the very best packets out [New York]."²⁴¹ Nevertheless, in the aftermath of the mutiny, the programme was simply no longer viable. Apprentices had become indelibly associated with deviance and criminality, while the myriad problems of indenturing 'delinquents' into the service were now seen to outweigh the projected benefits. The failure of the cruise had also shown the necessity of reforming the appointment process for midshipmen. Since apprenticeship had been abolished, it was clear that any such reform would not come from below. Indeed, the experience of James Matthew Turner revealed that reform *could* not come from below.

Philip Spencer's career had demonstrated that the Navy had to assume greater control over the character and conduct of its midshipmen. In 1845, through a feat of administrative legerdemain, the Secretary of the Navy, George Bancroft, succeeded in establishing a naval academy on the site of Fort Severn in Annapolis, Maryland. By the time Congress was presented with its next naval appropriations bill, the Academy was a *fait*

²⁴⁰ Parker, *Recollections of a Naval Officer*, p. 8.

²⁴¹ T. Goin, *Remarks on the Scarcity of American Seamen; and the Remedy; The Naval Apprenticeship System* (New York: Herald Office, 1845), p. 20.

accompli. After decades of congressional opposition, the Navy had emerged from the Somers Affair with the foundation of a more professional and powerful officer corps. Although politics continued to play a substantial part in the appointment process, the service had a more complete control over the process and progress of a midshipman's education.

Finally, the events of the following years ensured that the Somers Mutiny Affair simply fell out of the public mind. Within six years the principal characters had died or retired from public life. Abel Parker Upshur and John Canfield Spencer had both been promoted during MacKenzie's court-martial. Upshur became Secretary of State, and Spencer the Secretary of the Treasury. Their careers, were short-lived however. Upshur was killed in the 'Peacemaker' explosion on board the *U.S.S. Princeton* on February 20, 1844.²⁴² Spencer's career was poised to advance, but his decision to join Tyler's cabinet cost him in 1844, when vengeful Whigs rejected his nomination to the Supreme Court.²⁴³ Four months later, in May, Spencer resigned his Cabinet post in protest over Tyler's position on the annexation of Texas. He then retired from public service, and practiced law in New York until his death in 1854.²⁴⁴

Matthew Calbraith Perry was reassigned to command of the Africa station, perhaps in punishment, but just as likely to remove him from public attention.²⁴⁵ Commander MacKenzie remained ashore in enforced retirement. When the Mexican-American War broke out in 1846, he was

²⁴² Hall, *Abel Parker Upshur*, p. 210.

²⁴³ Peterson, *The Presidencies of William Henry Harrison and John Tyler*, p. 210.

²⁴⁴ Butler, *The Revision of the Statutes of the State of New York*, p. 70.

²⁴⁵ Morison, *Old Bruin*, p. 164.

returned to sea duty. Indeed, he served under Perry, who commanded the Gulf Squadron during the conflict. At war's end, MacKenzie returned to Tarrytown, New York, to await further orders. He died there of a heart attack in September 1848.²⁴⁶

But the Commander had out-lived his first command. The *Somers* had been transferred to the Gulf Squadron during the Mexican-American War, and assigned to the blockade of Vera Cruz. Two days before she was to be detached from the station, whilst in pursuit of a Mexican ship, the brig was struck by a bad squall. She capsized and sank within ten minutes, losing over half of her crew.²⁴⁷ According to a later report, seamen commonly believed that the ghosts of the hanged men had pulled the brig under the waves.²⁴⁸ When the *Somers* sank, three members of her original crew remained on board: Manuel Howard, Henry Stremmels, and Edward Storms.²⁴⁹ Howard did not survive. With the brig's loss, the *Somers* began her passage into obscurity, and then, much later, historical debate.

²⁴⁶ McFarland, *Sea Dangers*, p. 260.

²⁴⁷ R. Semmes, *Adventures Ashore and Afloat During the Mexican War* (Cincinnati: William H. Moore, 1851), p. 93. Raphael Semmes, later captain of the famed *C.S.S. Alabama*, was the brig's commander at the time.

²⁴⁸ Rogers, "*Reminiscences of Philip Spencer and the Brig Somers*," p. 35.

²⁴⁹ "Survivors and Casualties List of the Brig of War *Somers*," NA RG 217, MPR, Book 137, letter 118.

Conclusion

There remains to be addressed the fundamental question raised by these events on board the *Somers*, whether or not there actually was a mutinous conspiracy. In an absolute sense, it is an impossible question to answer. The circumstances of the mutiny preclude certainty. The better part of the evidence was presented under duress, or with the intent of incriminating the executed men. Indeed, it is so subjective that it is hard to draw any objective conclusions from it. With this in mind, these documents must only be used with the utmost care.

The accused had no opportunity to defend themselves before their executions. Throughout their confinement, they had been kept silent on pain of death. What statements they did make were brief and, at first glance, cannot be verified. Most critically, from Spencer himself, there is only one sentence: "Yes sir [I spoke of mutiny], but in jest."¹ Is there any reason not to accept the truth of these words? An historical leap of faith may be required, but it need not be blind faith.

Ironically, it is one of the brig's own officers who gives us cause to accept the statement as truth. During his testimony regarding the council of officers, Matthew Calbraith Perry was questioned as follows:

Q. Does not Van Veltzor give it to be understood that he knew nothing of the mutiny till the commander addressed the crew?

A. Yes, Sir.

Q. How, then, could you continue to infer that he had promised Mr. Spencer to join him?

¹ MacKenzie, CMP, p. 197.

A. From the man's character, and from a person that I supposed guilty of mutiny; his oath as to himself being guilty has very little effect, if any.²

Unintentionally, Perry had impeached his own judgement. If Spencer actually had been planning a mutiny, the last thing he would have done was to admit the fact. When confronted by MacKenzie, he would have lied. If he had denied the mutiny, it would have been Spencer's word against that of an enlisted man. In such an instance, MacKenzie would probably have accepted Spencer's denial. Whatever suspicions might have then persisted against the midshipman, it hardly seems likely that he would have immediately been put in irons.

Furthermore, the ridiculousness of the planned mutiny belies the accusation. No mention is made of Matthew Calbraith Perry, Jr., who would probably have been sleeping in the cutter.³ Any attack on Rodgers would have caused some commotion, and risked Perry's intervention. The same is true for the remainder of the watch. Norris was right to press this point during his cross-examination of Wales.⁴ In fact, it is the man who uncovered the 'conspiracy' that provides the best proof of its fiction. According to his testimony, Spencer proposed to make Wales his third mate, behind Cromwell and Small.⁵ Yet Wales knew absolutely nothing about navigation or seamanship. Never mind that Charles Wilson was a sailmaker's mate. Never mind that he would have brought invaluable skills to a renegade vessel. We are meant to believe that he was less valuable to the mutineers than Wales. It staggers the imagination that the

² Norris to Perry, CMP, p. 71.

³ MacKenzie, CMP, p. 196.

⁴ Norris to Wales, CMP, pp. 20-21.

⁵ Wales, CMP, p. 30.

sailmaker's mate would have been subordinate to the purser's steward; only on a ship of fools would such an arrangement have existed.

Moreover, it makes sense that the mutiny had just been a joke. Notwithstanding a statement that he did not tease his friends,⁶ one of Spencer's traits that emerges from the evidence is his satirical mind. It appeared during his college days:

...On the occasion of a commencement procession of the college, Spencer brought up the rear wearing a lofty conical hat elaborately decorated with a streamer showing the legend, "Patriarch of the Freshman Class!" The President and faculty were walking at the head quite unaware of this characteristic demonstration in their rear.⁷

On board the *Somers*, he persisted in making fun of MacKenzie's name. There is also an oblique reference to Spencer's sense of humour in one of MacKenzie's letters: "I would call your attention to the letter addressed to the Duke of Dingbatt; to the poetical tribute offered by Act. Mid. J.T. McCollum to the genius of his friend."⁸ It was in Spencer's character to tease Wales with a piratical story of mutiny.

Finally, the one piece of physical evidence against Spencer, the Greek lists, can actually be used in his defence. The lists themselves are problematic. On their face, they are damning, and in truth, they are difficult to explain away. The alternative explanation seems unsatisfactory, that they were merely an idle, and misjudged exercise. But Spencer is meant to have enjoyed compiling lists of names in transliterated

⁶ Inglis, CMP, p. 109.

⁷ Gay, "Recollections of Philip Spencer," p. 76.

⁸ MacKenzie to Upshur, December 26, 1842, NA RG 273. McCollum had served with Spencer on board of the *John Adams*. It is important to note that Spencer had friends in the Brazilian Squadron. After his dismissal from the squadron, he had been parted from them, which perhaps, accounts for his behaviour towards the steerage officers on the *Somers*.

Greek while he was a student. Even so, the lists themselves, if they *were* a plan for mutiny, are not consonant with their author. Spencer loved codes. He is credited with designing the secret signs, grips, and passwords of Chi Psi Fraternity.⁹ A year before the *Somers* departed from New York, Spencer had visited a gentleman named William S. Johnson: “He showed me several keys [to codes], one of which I think was Aaron Burr’s cypher [sic], and requested me to give him the key I had, which I did.”¹⁰ If it was Aaron Burr’s cipher, then Spencer was certainly capable of sophisticated cryptography. “Preparing the Burr original dispatch in code and cipher required the accuracy of a certified accountant and the patience of a medieval monk.”¹¹ Finally, Spencer was meant to have been a gifted student of Greek and Latin.¹² His ready knowledge of Spanish does indicate an affinity for language. It seems inconceivable that such a mind would have hidden a mutinous plot behind something as simple as transliterated Greek.

The damning statements that Spencer is reported to have uttered also require explanation. Among other things, he was heard to say “the die will soon be cast,” presumably in reference to the mutiny.¹³ On another occasion, he was heard to remark that “he would try his plan, if he succeeded well and good, if not he’d burst.”¹⁴ It may be that these words

⁹ Gay, “Recollections of Philip Spencer,” p. 79.

¹⁰ Johnson, COI, p. 43.

¹¹ R.E. Weber, *Masked Dispatches: Cryptograms and Cryptology in American History, 1775-1900* (Fort Meade, MD: National Security Agency Center for Cryptologic History, 1993), p. 94. The Burr cipher consisted of a mixed pictographic and numerical script.

¹² J. Chaile, “Philip Spencer,” H.S. Slifer, and H.L. Kennicott, eds., *The Chi Psi Story* (Ann Arbor, MI: Chi Psi Fraternity, 1951), p. 74-75

¹³ Conger, CMP, p. 126.

¹⁴ Tyson, COI, p. 38.

were merely fabrications. If, however, they were not, the remarks may provide an alternative reading of what was intended on board the *Somers*. It is an explanation that has its basis in Spencer's own words as reported by MacKenzie: "I will tell you frankly...what I intended to do had I got home – I should have attempted to escape..." It may be that Spencer intended to desert upon arrival at St. Thomas. It was alleged that Daniel McKinley intended to do so, and for the express purpose of signing onto a slaver.¹⁵ On another occasion, Spencer was said to have approached members of the crew with the intimation that he knew they were planning to jump ship at St. Thomas.¹⁶ If this was his intention, it was certainly in character. Spencer had run away before, and would have been doing so again. He may even have intended to rob MacKenzie in order to finance a new life. He certainly believed that the commander had taken on board a cache of money at Liberia.¹⁷ Perhaps he hoped to charter his own vessel, which would explain his questions on the subject.¹⁸ It would also provide substance to Spencer's musings that he would soon have his own command.¹⁹ Spencer had been willing to steal from his father in order to escape his influence; to steal from MacKenzie, whom he certainly despised, would have been easier still. Whatever were his intentions, it is most unlikely that they entailed mutiny and murder, and in that case, he and two other men were slain without trial for an act that they had not, and would not have committed. Upshur's 1841 report had commented on the need for a new naval code:

¹⁵ Tyson, CMP, p. 112.

¹⁶ McKinley, CMP, p. 181.

¹⁷ MacKenzie, CMP, p. 195.

¹⁸ Sibley, CMP, p. 171.

¹⁹ Conger, CMP, p. 126.

The evils resulting from the want of a proper naval code are of the most serious character, and will, if not remedied, ultimately ruin the naval service of our country. What can be expected of a community of men, living together under circumstances tending to constant excitement and collisions, with no fixed law to govern them, and where even rank and station are imperfectly defined? The necessary consequence of such a state of things must be disputes, contests, disorder, and confusion. Sometimes unauthorized power will be assumed, and at other times lawful authority will be disobeyed. It is impossible that a wholesome discipline can prevail in this uncertain condition of official rank and authority. The same uncertainty prevails in regards to punishments. The unbounded latitude of discretion allowed to courts-martial in this respect is of most evil consequence, and calls loudly for correction. It invites to the indulgence of prejudice and favoritism – subjecting light offences to undue punishment and suffering great offenders to escape with light punishments.²⁰

Events on board the *Somers* showed these words to be eerily prophetic.

²⁰ *SNR 1841*, p. 377.

Figures



Figure 1. Alexander Slidell MacKenzie. This sketch was produced at the time of MacKenzie's court-martial. Although it is valuable as a contemporary rendering of the commander, it does not seem a fair likeness. The profile is unsettling, even disturbing, and perhaps reflects the artist's bias against MacKenzie.



Figure 2. Alexander Slidell MacKenzie. Notwithstanding the 'heroic' nature of this portrait, it is certainly a more accurate depiction of the commander. This assertion is based on the similarities between this portrait and the following illustration, which depicts MacKenzie's brother, John Slidell.



Figure 3. John Slidell. In this portrait, a strong familial resemblance between Slidell and MacKenzie is revealed. Besides the receding hairline, the cast of the eyes is similar, as well as the long chin. At the same time, the shape of Slidell's nose evokes the profile of Mackenzie in Figure 1.

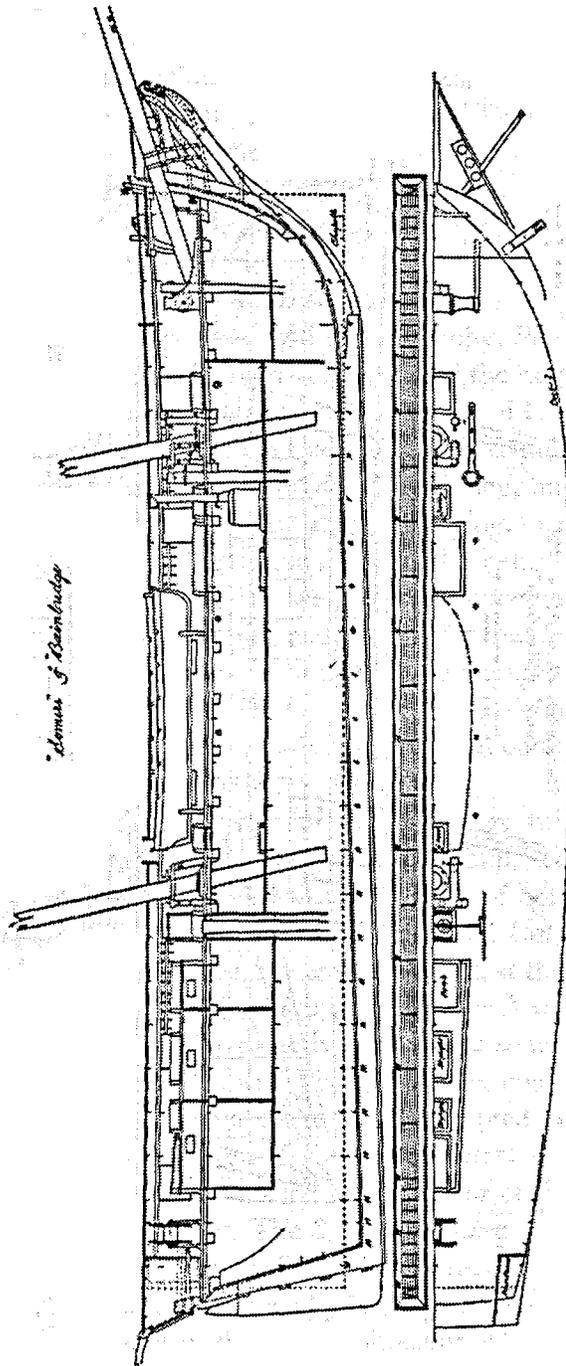


Figure 4. Inboard Profile of the Brig-of-War *Somers*.

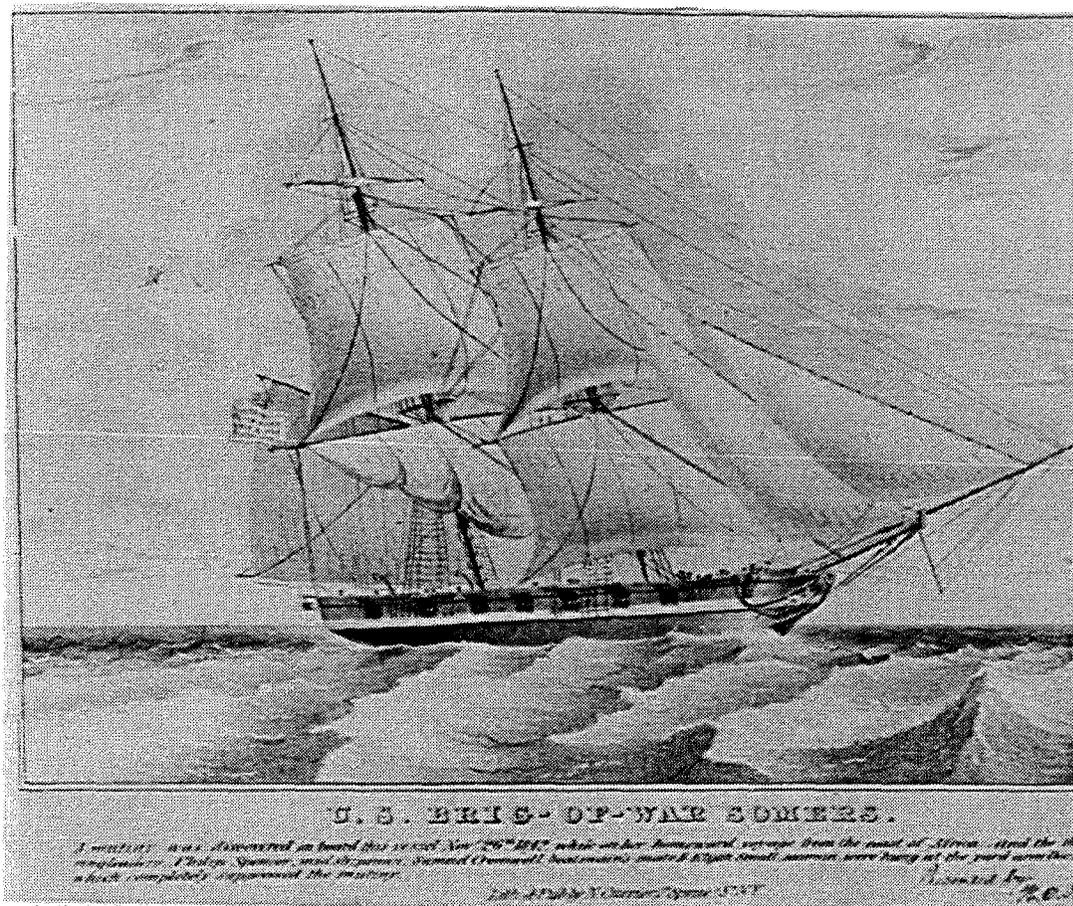


Figure 5. Currier & Ives Print of the U.S. Brig-of-War *Somers*. Apart from the position of the boat-hooks, note the great length of the jib and the exaggerated rake of the masts.

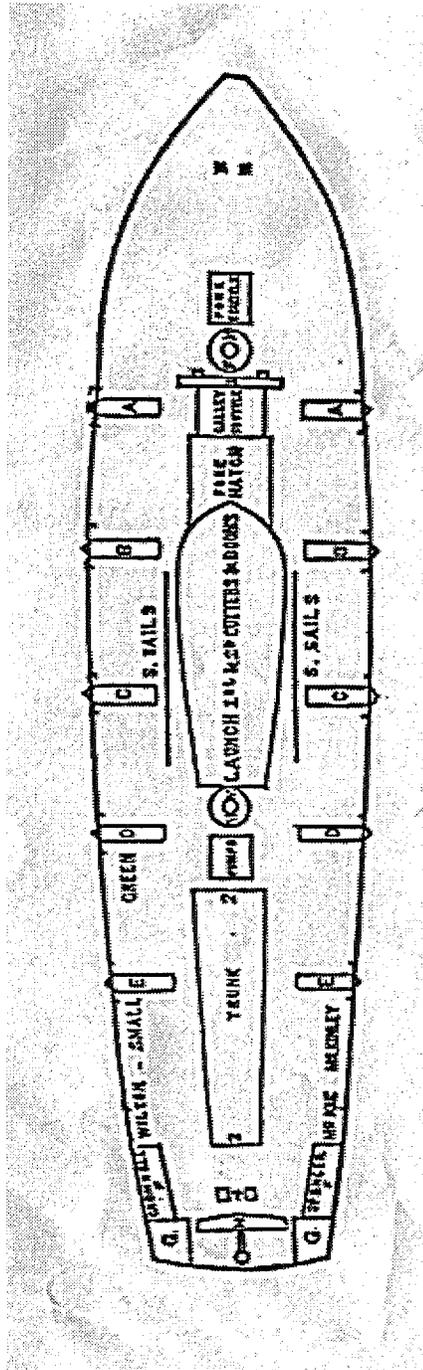


Figure 6. Spar Deck Profile. This depiction of the spar deck gives some view of the obstructions caused by the presence of the carronades, spars, and cutters. Furthermore, it demonstrates the gradual forward encroachment of the prisoners as they were arrested and confined.



Figure 7. Philip Spencer. Although there is no contemporary likeness of Spencer, this posthumous portrait is generally considered to be the most accurate. In fact, it was commissioned to redress errors made in a previous portrait, and was only begun after consultation with several persons who had known the midshipman in college.



Figure 8. John Canfield Spencer. Although this portrait captures Spencer's renowned temper and stern countenance, it is difficult to see any of his son in the father's features. In conjunction with Figure 9, however, the high forehead and chin button shared by the two is readily apparent.



Figure 9. John Canfield Spencer. This image of Spencer, taken from a contemporary political cartoon, depicts him in profile en route to his new cabinet position in Washington, D.C. It has been flipped so that a ready comparison can be made between the image of the father and his son. When so compared, shared features such as the high forehead, strong chin button, and bent nose are immediately apparent.

SPENCER'S PROGRAMME

The following is faithfully copied from the paper found in Spencer's locker.

<table border="0"> <tr><td>Σίπλις</td><td>To be read 'sibilis sibilis'</td></tr> <tr><td>Π Σπασσε</td><td>Sibilis</td></tr> <tr><td>Ε Ανδρεως</td><td>Siremei</td></tr> <tr><td>Δ Μ'Κενου</td><td>Skoll</td></tr> <tr><td>Υαλης</td><td>Van Brunt</td></tr> <tr><td></td><td>Smith</td></tr> <tr><td></td><td>Uillmore</td></tr> <tr><td></td><td>Gazelu</td></tr> <tr><td></td><td>Blakuoll</td></tr> <tr><td></td><td>rodman</td></tr> <tr><td></td><td>Chiar</td></tr> <tr><td></td><td>Chenenles</td></tr> <tr><td></td><td>Cheleun</td></tr> <tr><td></td><td>Selsor</td></tr> <tr><td></td><td>Chornen!</td></tr> <tr><td></td><td>Dikenson</td></tr> <tr><td></td><td>The Dokler</td></tr> <tr><td></td><td>Garrebrank</td></tr> <tr><td></td><td>Ualsham</td></tr> <tr><td></td><td>M'Chee</td></tr> <tr><td></td><td>M'Chenlu</td></tr> <tr><td></td><td>Spenger</td></tr> <tr><td></td><td>Small</td></tr> <tr><td></td><td>Uillson</td></tr> </table>	Σίπλις	To be read 'sibilis sibilis'	Π Σπασσε	Sibilis	Ε Ανδρεως	Siremei	Δ Μ'Κενου	Skoll	Υαλης	Van Brunt		Smith		Uillmore		Gazelu		Blakuoll		rodman		Chiar		Chenenles		Cheleun		Selsor		Chornen!		Dikenson		The Dokler		Garrebrank		Ualsham		M'Chee		M'Chenlu		Spenger		Small		Uillson	<p>Greek Sigma (Σ), and the Roman Italic j instead of the Greek ian (ι). The following is an accurate translation of the characters into English—letter for letter. It will readily be understood, bearing in mind that the Greek ς, φ and Γ, are read respectively to the Roman y w f and j:—</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <table border="0"> <tr><td>Σίπλις</td><td>To be read 'sibilis sibilis'</td></tr> <tr><td>Π Σπασσε</td><td>Sibilis</td></tr> <tr><td>Ε Ανδρεως</td><td>Siremei</td></tr> <tr><td>Δ Μ'Κενου</td><td>Skoll</td></tr> <tr><td>Υαλης</td><td>Van Brunt</td></tr> <tr><td></td><td>Smith</td></tr> <tr><td></td><td>Uillmore</td></tr> <tr><td></td><td>Gazelu</td></tr> <tr><td></td><td>Blakuoll</td></tr> <tr><td></td><td>rodman</td></tr> <tr><td></td><td>Chiar</td></tr> <tr><td></td><td>Chenenles</td></tr> <tr><td></td><td>Cheleun</td></tr> <tr><td></td><td>Selsor</td></tr> <tr><td></td><td>Chornen!</td></tr> <tr><td></td><td>Dikenson</td></tr> <tr><td></td><td>The Dokler</td></tr> <tr><td></td><td>Garrebrank</td></tr> <tr><td></td><td>Ualsham</td></tr> <tr><td></td><td>M'Chee</td></tr> <tr><td></td><td>M'Chenlu</td></tr> <tr><td></td><td>Spenger</td></tr> <tr><td></td><td>Small</td></tr> <tr><td></td><td>Uillson</td></tr> </table> </td> <td style="width: 50%; vertical-align: top;"> <table border="0"> <tr><td>Uell</td><td>M'Xes</td></tr> <tr><td>Aqu' r'col</td><td>M'Xerlu</td></tr> <tr><td>Xadiv</td><td>{ Sneruzq</td></tr> <tr><td></td><td>{ Spull</td></tr> <tr><td></td><td>{ Uillcor</td></tr> <tr><td>Uapd qrou</td><td>{ Sneruzq</td></tr> <tr><td></td><td>{ Sneruzq</td></tr> <tr><td></td><td>{ Spull</td></tr> <tr><td></td><td>{ Uillcor</td></tr> </table> </td> </tr> </table> <p style="text-align: center;"><i>[Handwritten scrawl]</i></p> <p>Those doubtful, marked X will probably be induded to Goin, bephore the progruki is karrid into ekekuafion.</p> <p>The remaindor oph the Doubtful, uill probabbu Goin nen the thing is done ; iph nol, then muel be phorced.</p> <p>Iph ann nol marked down, wish to Goin aphler il is done, we uill picu oph the beal and dispoze oph the real.</p> <p>The following is a <i>fac simile</i>, both as to shape and size, of Small's name, erased under the word 'Suerage' above:—</p> <p style="text-align: center;"><i>[Handwritten name: SPENCER]</i></p> <p>In the above it will be seen that the Roman Italic capital S is always used instead of the</p>	<table border="0"> <tr><td>Σίπλις</td><td>To be read 'sibilis sibilis'</td></tr> <tr><td>Π Σπασσε</td><td>Sibilis</td></tr> <tr><td>Ε Ανδρεως</td><td>Siremei</td></tr> <tr><td>Δ Μ'Κενου</td><td>Skoll</td></tr> <tr><td>Υαλης</td><td>Van Brunt</td></tr> <tr><td></td><td>Smith</td></tr> <tr><td></td><td>Uillmore</td></tr> <tr><td></td><td>Gazelu</td></tr> <tr><td></td><td>Blakuoll</td></tr> <tr><td></td><td>rodman</td></tr> <tr><td></td><td>Chiar</td></tr> <tr><td></td><td>Chenenles</td></tr> <tr><td></td><td>Cheleun</td></tr> <tr><td></td><td>Selsor</td></tr> <tr><td></td><td>Chornen!</td></tr> <tr><td></td><td>Dikenson</td></tr> <tr><td></td><td>The Dokler</td></tr> <tr><td></td><td>Garrebrank</td></tr> <tr><td></td><td>Ualsham</td></tr> <tr><td></td><td>M'Chee</td></tr> <tr><td></td><td>M'Chenlu</td></tr> <tr><td></td><td>Spenger</td></tr> <tr><td></td><td>Small</td></tr> <tr><td></td><td>Uillson</td></tr> </table>	Σίπλις	To be read 'sibilis sibilis'	Π Σπασσε	Sibilis	Ε Ανδρεως	Siremei	Δ Μ'Κενου	Skoll	Υαλης	Van Brunt		Smith		Uillmore		Gazelu		Blakuoll		rodman		Chiar		Chenenles		Cheleun		Selsor		Chornen!		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Figure 10. The Greek Lists. On the left is a facsimile set of Spencer's lists. The handwritten scrawl near the center of the page is presumably in Spencer's private code, and has never been deciphered. On the right is a translation of the original lists.

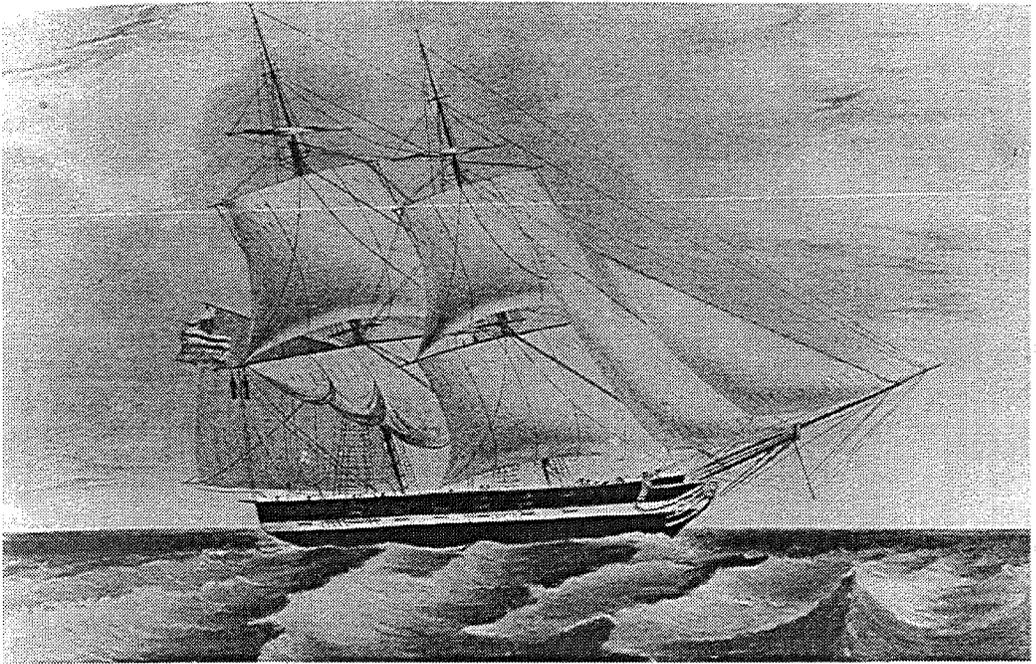


Figure 11. Currier & Ives Print of the U.S. Brig-of-War *Somers*. In this re-issue of the print depicted in Figure 5, the lithograph has been altered in order to include the silhouettes of Cromwell and Small as they hang from the yard-arm.

Picture Credits:

Figures 1, 2, 6: H. Hayford, *The Somers Mutiny Affair – A Primary Source Book*, Englewood Cliffs, NJ: Prentice-Hall, 1959.

Figure 3: A.L. Dicket, *Senator John Slidell and the Community He Represented in Washington, 1853-1861*, Washington, D.C.: University Press of America, 1982.

Figure 4: H. Chapelle, *The History of the American Sailing Navy – The Ships and Their Development*, New York: W.W. Norton, 1949.

Figures 5, 7, 8, 10: P. McFarland, *Sea Dangers – The Affair of the Somers*, New York: Schocken Books, 1985.

Figure 9: G. Van Deusen, *Thurlow Weed: Wizard of the Lobby*, Boston: Little, Brown, & Company, 1947.

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