SECOND CHESAPEAKE AFFAIR:
1863-1864

One of the most famous and exciting events in Nova Scotia’s colorful past has undoubtedly been the dramatic engagement between H.M.S. SHANNON and U.S.S. CHESAPEAKE during the War of 1812. The “Chesapeake Affair”, as it is sometimes called, has received a great deal of attention from later historians. Indeed, the details of the encounter have become widely known. What most people do not realize, however, it that there was a “second Chesapeake Affair” in Nova Scotia’s history. In fact, it was one of the most exciting events in the History of Halifax.

The second Chesapeake Affair occurred exactly fifty years after the first. At that time the American Civil War was at its height and Nova Scotia had become emotionally involved. Halifax, which was to be the centre of the excitement, had shown definite leanings toward the southern cause. As an introduction to the details of the “Chesapeake Affair”, Nova Scotia’s reaction to the conflagration to the south needs to be appreciated. Only then will it be possible to put events into some sort of perspective and understand exactly what happened during Christmas week of 1863.

As the Civil War began, most Nova Scotians favoured the northern cause. While little was known of Abraham Lincoln, it was generally felt that the Republican party was pledged to a crusade against the dreaded institution of slavery. This all Nova Scotians could support. As the war progressed, however, many Nova Scotians began to have second thoughts about the struggle. To begin with, it had become apparent that the Republican party was very reluctant to abolish the institution of slavery in its entirety. Added to this was the growing realization on the part of most “bluenoses” that the war would be a protracted
struggle. This would have severe repercussions on Nova Scotia’s economic well-being. By July of 1961 many in the province, especially in Halifax, had concluded that a free Confederacy offering free trade and markets unhampered by tariffs was more advantageous than a North forever haggling about fishing rights and reciprocity. Besides, the North had begun a blockade of Southern ports which most Nova Scotians felt was an infringement upon the Reciprocity Agreement of 1861 and damaging to their economic livelihood. By the fall of 1861 “the most influential Nova Scotian periodicals turned violently pro-south”.  

Seeing Southern sympathy develop in Nova Scotia, the Southerners were quick to seize upon it and they sent agents into the province to explain and further their cause. Their task was made much easier when Britain and the Union locked horns over the “Trent Affair” late in 1861. 5 When combined with the anti-British sentiments of Secretary of State William Seward, antagonism toward the North reached an all-time high by the turn of the new year. The debate over which side Nova Scotia should support in the Civil War had assumed a new intensity. It would only take a spark to ignite the province, and this was to be provided by the “Chesapeake Affair”, the “most thorny diplomatic problem of the Civil War”. 6 The scene of the explosion was to be Halifax, described by one visitor in 1863 as that “hot Southern town”. 7 Its repercussions, before the event was over, would be felt as far away as London and Washington.

The “Chesapeake Affair” actually began with an adventurer by the name of John C. Braine. 8 Braine, who later claimed to have been born in London, first appears on the scene in 1861. In that year he managed to get arrested in Michigan City, Indiana, and be charged with membership in a seditious organization. He was released in March 1862 and within a year had arrived in Halifax. 9 During the summer of 1863, Braine and a small group of conspirators laid plans to enter the privateering business. One of the group, Vernon Locke, had a letter of marque for the C.S.S. Retribution from the Confederate Secretary of State. Having moved from Halifax to Saint John the group finalized their plan. Their object was to capture the Chesapeake, one of the fastest ships on the American northeast coast and sell her cargo. With these funds they intended to convert the steamer into a Confederate privateer, the C.S.S. Retribution, and prey on federal shipping.
On December 5th, Braine and his party (sixteen in all) boarded the *Chesapeake* at New York with a cache of arms hidden in a trunk. The ship's destination was Portland, Maine. Two days later, in the early morning hours of December 7, while about twenty miles off Cape Cod the privateers “surprised the watch, murdered the second mate, and seized the captain and crew”.\(^\text{10}\) Having gained control of the vessel, the conspirators steamed towards the New Brunswick coast. They had laid their plans carefully. Realizing that the *Chesapeake* would be low on coal, they had made arrangements to re-coal from a schooner off the harbor at Saint John. Upon arrival, however, it was discovered that the plans for re-coaling had fallen through. Unsure what to do, Braine decided to release most of the *Chesapeake*'s original crew and search elsewhere for coal.\(^\text{11}\) Within a matter of hours, however, the entire story was out. Upon reaching Saint John, the *Chesapeake*'s original crew quickly alerted the American authorities to the piracy and murder. Almost immediately all Federal warships in the Maritime area were ordered to apprehend the *Chesapeake*. The chase had begun.

Braine quickly changed the name of his ship from *Chesapeake* to the Confederate warship *Retribution*, but he had neither money nor coal. Under these circumstances he concluded that his best option was to cross the Bay of Fundy to Nova Scotia’s South Shore, where he hoped to sell some of the ship’s cargo in return for supplies and coal. But at such ports as Shelburne and Petite Riviere, he was largely unsuccessful in obtaining an adequate supply of coal.\(^\text{12}\) Becoming somewhat dismayed, on December 14 he ran the *Retribution* up the LaHave River as far as New Dublin. Having exhibited a Commission from the Confederate authorities, he obtained permission to land cargo and take supplies aboard. While on shore one of the privateers, Lieutenant H.A. Parr, was almost arrested by the American Vice-Consul from Liverpool, but he managed to escape to Halifax.\(^\text{13}\) When it was discovered that the ship was actually the *Chesapeake* she was refused any further landing privileges.\(^\text{14}\) The ship, minus Parr, sailed quickly to avoid capture. By this time every move of the *Chesapeake* was being telegraphed to Halifax and Washington by Federal agents who had swarmed into the South Shore towns. In fact, that very day a formal requisition for the arrest of the pirates was made by the American vice-consul in Halifax, Nathaniel Gunnison.\(^\text{15}\)
The pursuing American ships now began to close in on the Chesapeake. Their number had been swelled by fresh reinforcements from the south. Included in the search were the U.S.S. Ella and Annie, U.S.S. Grand Gulf, U.S.S. Setoye, U.S.S. Vicksburg, U.S.S. Agram, U.S.S. Decatur and the U.S.S. Decotah. Nevertheless, despite the intensified search, the Chesapeake continued to evade her American pursuers. As a matter of fact she had even made arrangements for re-coaling. A Halifax schooner, the Investigator, commanded and owned by Captain John Holt, was engaged to carry coal to Sambro. Two young brothers from Halifax, William and John Henry were hired by Captain Holt to help in the coaling operation. The transfer was to take place on December 16.

By this time, however, the American gunboats had reached the area. Early on the morning of December 17, the U.S.S. Ella and Annie, under the command of Lieutenant S.F. Nicholas, spotted the Chesapeake at Sambro. Most of the privateers, on seeing the approach of the American ship, fled for the safety of British soil. The only privateer to remain at the scene was John Wade, who was sleeping aboard the Investigator a few hundred yards from the Chesapeake. The only persons left on board the Chesapeake were the Henry brothers and a couple of engineers from the original Chesapeake crew, who had been forcibly detained to operate the ship. As the Ella and Annie approached within a few hundred yards the Northerners ran up a flag of distress. Taking advantage of this, the Americans closed in and boarded the Chesapeake. Not content with this they extended their search for privateers to the Investigator. As a result both ships were rather roughly ransacked by the Americans, who arrested John Wade and the Henry brothers even though it was argued that they had no authority within British territorial limits. The Ella and Annie having completed her search now decided to put to sea, evidently intending to sail directly to the United States. She had not gone far, however, before she was met by the U.S.S. Dacotah, whose captain, A.G. Clary, being the senior officer, decided that they should proceed to Halifax to obtain British approval before returning to the United States. It was a decision that the Americans would later learn to regret.

On December 17, at 2:30 in the afternoon, the U.S.S. Dacotah and the U.S.S. Ella and Annie entered Halifax Harbour with the Chesapeake under tow. For three hours they rode at anchor, beneath the guns of
the Citadel, sending no word ashore. Major-General Sir Charles Hastings Doyle, the Administrator of the Province, became impatient with the American silence. He addressed a letter to the Officer in Command inquiring the names of their ships, the purpose of their visit, and the circumstances surrounding the capture of the *Chesapeake*. Captain Clary, the ranking officer, replied. He stated that the American gunboats *Dacotah* and *Ellan and Annie* had entered harbour in order to deliver the steamship *Chesapeake* to the British authorities. He went on to state:

that the crew of the *Ellan and Annie* had seen a flag of distress of the United States flying from a steamer in the Harbor of Sambro, had borne down to afford relief and found she was the *Chesapeake* in the possession and control of five of her original crew by whom they were informed that the pirates had abandoned her and the steamer was without coals.

Under these circumstances, Clary continued, it was decided to put into Halifax to communicate with the British authorities and his own government on the matter. No mention was made of the prisoners. For the time being Doyle accepted these statements as true.

The next morning (December 18), Doyle agreed to take legal charge of the *Chesapeake* “but not to consent to her removal from this port until further investigation by properly constituted authorities.” Later that same day, however, new information was received which increased the seriousness of the situation. It was revealed that during the capture of the *Chesapeake* at Sambro, a man named Wade had been arrested on the Nova Scotian vessel while coaling the *Chesapeake* and that two Haligonians had been arrested on the *Chesapeake* herself. Captain Clary had failed to mention these crucial facts in both his personal interview with Major-General Doyle and his first official report, which professed to explain the circumstances connected with the taking of the *Chesapeake*. It was apparent that British sovereignty had been violated by the Americans, and as news of the incident spread throughout the city anger and resentment grew quickly.

Doyle, angered because the Americans had wilfully and deliberately concealed the truth, wrote to Captain Clary informing him that he “could not permit any vessel in the service of the United States Government to leave the port without due investigation of these allegations of the violation of International Law.” In addition, Doyle demanded the surrender of both the prisoners and the *Chesapeake*. 
Captain Clary acquiesced in both those demands.

On the international level, the “Chesapeake Affair” received careful attention from the diplomats of both Britain and the United States. Almost immediately the Union Government realized the hopelessness of trying to defend Lieutenant Nicholas’ action. Secretary of State, William Seward, made this perfectly clear to Lord Lyons, the British Ambassador in Washington, when he assured him “that this Government has not authorized nor does it propose to justify, any exercise whatever, of authority by its agents, within the waters or on the soil of Nova Scotia.” He went on to add that, “if any such authority has been assumed, this Government will at once express its profound regret; and it stands ready, in that case to make amends which shall be entirely satisfactory.” To say the least, this conciliatory attitude on the part of the Union Government did much to lessen the tension inherent in the diplomatic situation. It did little, however, to soothe the ruffled feathers of indignant and insulted Haligonians.

Arrangements were now made for the transfer of the ship and prisoners. Doyle instructed the Federal commander to surrender his prisoners to British authorities on the Queen’s Wharf at one o’clock on the 19th and to surrender the Chesapeake an hour later. To complicate matters the Union Government made an official request for the arrest and extradition of John Wade. A preliminary warrant was issued to this effect. The plan was to have all the prisoners formally surrendered to British officials and declared free men. This would symbolize the illegality of the American arrest. At that point Wade was to be re-arrested and extradited for trial on charges of murder and piracy. It was this procedure which was to lead to unforeseen difficulties.

The “Chesapeake Affair” had created a great deal of excitement among the citizens of Halifax. Many were Southern sympathizers and they realized that the acts of these Northern warships in British waters had been illegal. Fearing some sort of demonstration, Hastings Doyle ordered soldiers to the Queen’s Wharf, where they were to admit only “peace officers and respectably dressed citizens”. In total, there were approximately fifty persons present. Among them were some of Halifax’s most prominent citizens: Charles Tupper (Provincial Secretary), W.A. Henry (Solicitor General), Dr. W.J. Almon, Dr. P.H. Smith, Alexander Keith (a local brewer and member of the Legislative
Coun c il), Rev. Nathaniel Gunnison (the American vice-consul), W. Morse (later to be county court judge of Cumberland), Captain H.W. Clerke (A.D.C. to General Doyle), John Payzant (a wealthy merchant) and Murray Dodd (later to be county court judge of Cape Breton). A number of these gentlemen, particularly Keith and Dr. Almon, were very strong supporters of the Confederacy.\(^3\)\(^8\) John Wade, Dr. Almon felt, was guilty of neither murder nor piracy, since he had acted under the authority of the Confederate Government. Why should he be turned over to the Americans who would almost certainly execute him as an act of vengeance? Such would not happen if he could help it. The actions that he took were entirely spontaneous; there was no conspiracy involved, and he acted on his own.\(^3\)\(^9\)

At first Dr. Almon felt Wade might be rescued by slipping him into a waiting carriage and rushing him away. When he surveyed the wharf, however, he quickly realized that it would be impossible to get him by the soldiers and police. As he walked along the wharf, mulling the distressing situation over in his mind, he spotted two men in a dory at the adjoining fish market slip. They turned out to be Jerry Holland and Bernard Gallagher, two of the fastest oarsmen in the area. Almon beckoned to them and asked them to row near the wharf when they saw the prisoners landing. They were to watch for Wade in particular. “The moment I beckon to you”, Almon informed them, “row over, let him jump aboard, and then pull for Ketch Harbor for all you are worth. You get the man off and I’ll give you £10.”\(^4\)\(^0\)

While Wade had been saved, the Haligonians had to face the consequences of their action. The Northern authorities were of course infuriated by the turn of events. The American vice-consul, Nathaniel Gunnison, demanded the arrest of Wade and his accomplices.\(^4\)\(^4\) Secretary of State Seward informed Lord Lyons that “it would be necessary for the United States government to seriously consider whether or not it would be necessary to adopt extraordinary precaution with respect to intercourse with Nova Scotia"\(^4\)\(^5\) unless positive steps to rectify the situation were taken. Sir Charles Hastings Doyle, while not directly responsible for the prisoner transfer,\(^4\)\(^6\) was completely embarrassed by the incident. Fearing serious diplomatic repercussions, he urged the apprehension of Wade and offered to place any military force at the disposal of law officers for that purpose. In addition, Doyle ordered the *Chesapeake* moored at the naval dockyard to ensure her
protection. No stone was left unturned, he assured the Americans, in the hunt for the fugitives. Nevertheless, Braine, Wade and the rest of the privateers did manage to elude Doyle and the police.

This did not mean, however, that the excitement was over for Haligonians. The civic and police authorities, now completely empty-handed, felt it incumbent to do something to cover their bungling. As a result Dr. Almon, Dr. Smith and Alexander Keith were arrested on a charge of “interfering with the police in the discharge of their duty”. Their case eventually reached the Supreme Court and General Doyle urged their conviction as a show of faith to the American Government. His arguments, however, fell on the deaf ears of a rather unsympathetic local government.

I have had a very uphill game to play with the Government, in some particulars, more especially as regards the steps required to be taken against those...persons who prevented the capture of Wade..., for the ringleader of the party (Dr. Almon) is nephew to the Premier and attorney general, whose business it would be to prosecute him, which of course he is not overwilling to do. Then, again, the Mayor, with whose business, as regards the non-capture of Wade, I have had great reason to find fault with, is Dr. Tupper’s grand supporter and thus am I frequently thwarted in carrying out my views.

Nevertheless, Doyle continued to do all in his power to secure the conviction of the offenders. Eventually, he seems to have been outmanoeuvred on this matter, however, as the charges against the suspects were dropped when the Supreme Court jury found “no bill.”

It would seem that Halifax, where blood runs deep, was protecting its own.

The question of the disposition of the Chesapeake still remained to be settled. The vessel had been placed securely under guard, and all her remaining cargo had been seized. After many conferences between Doyle, the crown officers and the council, it was decided to put the Chesapeake into the Court of Vice Admiralty. In that way, Doyle felt, “the legal questions connected with the Chesapeake will thus be judicially decided by a competent Tribunal.” In March the final decision was handed down by Judge Alexander Stewart. He decided that the Chesapeake and her cargo should be restored to her original owners, a decision that could not have but pleased Northern authorities.
One other matter remained to be dealt with before the incident could be considered closed, the apprehension of the privateers themselves. After an extensive search for the privateers, Locke and Parr were arrested in New Brunswick. While Braine, the ringleader, again managed to escape, the others were brought to trial. Although convicted of piracy in a Police Magistrates Court, they successfully appealed their case to a superior court. Judge Ritchie, afterwards to be Chief Justice of Canada, freed them on the ground that their acts were those of legitimate warfare. Their dismissal, for all intents and purposes, brought to a conclusion the “Chesapeake Affair”.

So ended one of the most dramatic events in Nova Scotia’s history. From the general perspective of the American Civil War the incident might be seen as a rather minor and unimportant event. It certainly did create more excitement on the local level than it did on the international. Nevertheless, its significance for Nova Scotian history should not be underestimated. More than any other event it showed the intensity of Nova Scotian attitudes toward the Civil War. It clearly illustrated that Haligonians did not take the conflagration to the South lightly and that they would have to learn how to restrain their emotions if they hoped to remain on good terms with their American neighbours. Later historians in looking back on the incident can certainly agree with William Dennis when he states that the “Chesapeake Affair” provided Halifax with “the most exciting Christmas Week” in her history.

**FOOTNOTES**

1. The most recent and undoubtedly the best account of the encounter is H.F. Pullen, *The Shannon and the Chesapeake* (Toronto, 1970).
6. H.A. Overholtzer, p. 34.
8. The best information on the “Chesapeake Affair” is primary source material. Some of the principal sources are the Colonial Office Records (C.O. 217), the Lieutenant-Governor’s Correspondence, Unbound Volumes (Public Archives of Nova Scotia) and the American Consular Reports. By far the most valuable document is Doyle’s lengthy report on the whole incident, which can be found among the Lieutenant-Governor’s Correspondence:
In the article “Second Chesapeake Affair”, by R.H. McDonald (pp.674-84) two paragraphs were inadvertently omitted following the second paragraph on p. 680 (ending “... get the man off and I'll give you £10.”) This sheet should be inserted between pages 680 and 681 and the following material read between that paragraph and the next (beginning “While Wade had been saved...”):

At the appointed time the prisoners were brought ashore. The conduct of the Americans completely infuriated the assembled crowd. The men, including the Haligonians, were locked in chains and they were rather roughly dumped on the wharf by their captors. This rather arrogant conduct of the Americans seemed more an act of defiance than one of penitence for breaking British law. The local Sheriff, J.W. Sawyer, even refused to receive the prisoners until the handcuffs were removed. By this time the incensed crowd was milling about.

Dr. Almon quietly approached John Wade and urged him to jump into the approaching boat before he was re-arrested. This Wade did after a moment’s hesitation. Now, total confusion set in on the wharf. Detective Hutt, one of the local policemen charged with arresting Wade, realizing what had happened, drew his revolver and ordered the boat back to the wharf. By this time the crowd had become very excited and “cheers of encouragement” rang out for the oarsmen. Hutt continued to order the boat to return. At that point Dr. Almon, a rather powerful man, grasped Hutt’s arm and a struggle ensued as the spectators and police crowded around. In a moment Hutt, Dr. Almon, Alexander Keith and Dr. Smith were all mixed up in a shoving match. By this time, however, Wade was being rowed to safety. The plan to re-arrest him for extradition to the United States had been foiled. That afternoon he was landed at Ketch Harbor, and from there he was rushed inland to safety.

10. Lieutenant-Governor’s Correspondence, Unbound Volumes (1863), Seward to Lyons, December 18, 1863, P.A.N.S.
11. Much useful information on these developments can be found in William Dennis’ account of the incident which appeared in the Halifax Evening Mail, December 22, 1896.
13. For complete details, see George Cox, “Sidelights on the Chesapeake Affair, 1863-64” pp. 127-128. Robin Winks is incorrect in saying it was Braine who was almost captured (Winks, p.249).
14. Lieutenant-Governor’s Office, Despatch to Secretary of State, Vol. 127, Doyle to Newcastle, December 23, 1863, P.A.N.S.
15. The regular U.S. Consul in Halifax, M.M. Jackson, was on leave at the time. Gunnison, who was also a minister in the Congregational Church, filled in for him (See Despatches of U.S. Consuls in Halifax, Nova Scotia, Vol. 10, December, 1863).
17. George Cox, pp. 128-129.
18. The American view of the capture can be found in: Despatches of United States Consuls in Halifax, Nova Scotia, Volume 10, Gunnison to Seward, December 21, 1863
19. Affidavit of Captain Holt, December 18, 1863 (Reprinted in Cox, p. 130-31).
20. Robin Winks, p. 250
21. The account of the “Chesapeake Affair” in E.M. Saunders, The Life and Lectures of the Rt. Hon. Sir Charles Tupper Bart, K.C.M.G., is very unreliable. Saunders claims the Americans chased the Chesapeake into Halifax Harbour where she grounded at Herring Cove and her crew escaped into the woods. From the information I have examined this, in fact, did not happen.
23. Lieutenant-Governor’s Office: Despatches to Secretary of State, Vol. 127, Doyle to Newcastle, December 23, 1863, P.A.N.S.
24. Ibid.
25. R.W. Winks in his account of the affair in Canada and the United States: The Civil War Years, p. 251, assumes that both Doyle and Tupper (Provincial Secretary) knew of the existence of the prisoners on the ships’ arrival. In fact, neither Tupper nor Doyle knew of the prisoners until the next day (December 18th) when witnesses to the capture provided the information. This is substantiated by Doyle in his report to the Secretary of State on December 23.
26. Lieutenant-Governor’s Office: Despatches to Secretary of State, Vol. 127, Doyle to Newcastle, December 23, 1863, P.A.N.S.
27. By this time Captain Holt of the Investigator had reached Halifax. In a sworn statement he gave his story to British officials. For his version see, George Cox, “Sidelights of the Chesapeake Affair,” pp. 129-131.
28. The indignation of Haligonians is described most fully by William Dennis in the Halifax Evening Mail, December 22, 1896.
In their accounts, both E.M. Saunders and R.W. Winks claim Tupper and Doyle consulted on this matter. "General Doyle said: Suppose he refuses and attempts to leave the port with Wade on board? Dr. Tupper replied: In that case, you must sink his vessel from the batteries." (Saunders, p.91). I have found no evidence either to prove or disprove this statement.

William Johnston Almon was of United Empire Loyalist Stock. He was born in Halifax on January 27, 1816, and later pursued a medical career. He became one of Halifax's leading doctors and eventually became chairman of the Medical Board of the Victoria General Hospital. Dr. Almon strongly espoused the cause of the South in the Civil War. Two of his sons acted as supercargoes on blockade runners, while his eldest son, William Bruce, served as a surgeon with the Confederate army. According to family historians he spent a small fortune on behalf of the South. Politically Almon leaned toward the Conservatives and Sir Charles Tupper. He was eventually appointed to the Senate in 1879. (P.A.N.S., Vertical File on "Almon Family").

From evidence later compiled it can be shown that there was no prepared plan of escape but rather it was a spontaneous reaction to the volatile atmosphere. (Lieutenant-Governor's Office: Despatches to Secretary of State, Vol. 127, Doyle to Lyons, January, 1864, P.A.N.S.).

Cited by William Dennis in Halifax Evening Mail, December 22, 1896.

Halifax Evening Mail, December 22, 1896.

Morning Chronicle, December 22, 1863.


Ibid.

Cited in Halifax Evening Mail, December 22, 1896.

City police were responsible for issuing the warrant and arresting Wade.

Halifax Evening Mail, December 22, 1896.

Stanmore Papers, Doyle to Gordon, January 9, 1864.

Lieutenant-Governor's Office: Despatches to Secretary of State, Vol. 127, Doyle to Lyons, January 20, 1864, P.A.N.S.

For complete account of the trial see Morning Chronicle, May 12 and May 17, 1864.

Ibid.

Halifax Evening Mail, December 22, 1896.

Ibid.