

CIVIL WAR PRIZE COURT MAIL

Profits and Bounty on the High Seas Led to Philatelic Treasures

BY PATRICIA A. KAUFMANN

Blockade-running and Prize Law

Civil War blockade-running could be a highly profitable enterprise. Outbound ships carried compact, high-value cargo, while inbound vessels brought necessities and luxuries, such as shown in a painting of Confederate blockade runners (c. 1864) at St. George's Harbor, Bermuda [Figure 1].



Figure 1. A painting of Confederate blockade runners at St. George's Harbor, Bermuda, 1864. (Courtesy of St. George's Historical Society.)

It is estimated that two round trips a month, which incurred \$80,000 in wages and expenses, generated \$250,000 in revenue. More importantly to postal historians, they often carried mail.

The definition of "prize" is property taken at sea from an enemy. "In admiralty law, the term prize is used to signify any goods, the subject of marine capture; property taken at sea from an enemy, *jure belli*; a technical term expressing a legal capture; maritime capture effected by maritime force only, ships and cargoes taken by ships. Recaptures are emphatically cases of prize."

Officers and crew of the capturing ship divide the spoils after adjudication by a Prize Court, which can order the sale or destruction of the seized vessel and distribution of any proceeds to the captain and crew of the seizing ship, usually at auction.

Prize courts derive jurisdiction from the belligerent states that establish them. Jurisdiction varies by country. In the United States, pursuant to Title 10 of the United States Code, U.S. district courts have jurisdiction. In the U.S., the National Archives and Records Administration maintains Prize Court records dating from 1701 to present. In England, the Admiralty Court has jurisdiction.

Prize Courts were common in the 17th through 19th centuries during times of American and European naval warfare. Due to changes in naval warfare, no prize cases have been heard since the statutes were adopted in 1956. But that doesn't mean Prize Courts and governing laws have been totally forgotten.

Letters of Marque and Reprisal

A letter of marque and reprisal is a government license authorizing a person, known as a privateer, to attack and capture enemy vessels and take them before Prize Courts for condemnation and sale. Cruising for prizes with a letter of marque was considered an honorable profession, in contrast to universally reviled unlicensed piracy.



Figure 2. U.S. Representative Ron Paul (R-Texas).



WHAT IS ADMIRALTY LAW?

Admiralty, or maritime law, is a body of law that governs questions or offenses that take place on navigable waters. Admiralty law is distinguished from the Law of the Sea, which is a body of public international law dealing with navigational rights, mineral rights, jurisdiction over coastal waters and international law governing relationships between nations.

In April 2009, former U.S. Representative Ron Paul (R-Texas) [Figure 2] and numerous national security experts called on Congress to consider using letters of marque and reprisal, a power written into the Constitution that allows the United States to hire private citizens to keep international waters safe. This proposal was prompted by the hijacking of MV *Maersk Alabama* [Figure 3] by Somali pirates, made famous by news broadcasts, books and the 2013 film *Captain Phillips*, which starred Tom Hanks in the title role of the ship's captain.

Paul suggested lawmakers consider issuing letters of marque and reprisal, which could relieve American naval ships from being the nation's primary pirate responders — a free-market solution to make the high seas safer for cargo ships.

"I think if every potential pirate knew this would be the case, they would have second thoughts because they could probably be blown out of the water rather easily if those were the conditions," Paul said. None of the Congressional bills Paul introduced were enacted into law.

According to Senate historians, Congress hasn't issued a letter of marque since the War of 1812, but the Confederate States of America (CSA) issued them during the Civil War to deliver goods and supplies behind enemy lines.

There are also some indications that a letter was granted to a flying band of armed civilians during World War II to

operate the *Resolute*, an L-class Goodyear Blimp used to patrol the ocean for enemy submarines. But the issuance isn't apparent in the Congressional Record.

The surrender of Fort Sumter on April 13, 1861, was the initial act of the War Between the States. On April 15, 1861, President Abraham Lincoln issued a proclamation, calling out 75,000 troops. Two days later, Confederate President Jefferson Davis published a counter-proclamation, inviting applications for letters of marque and reprisal to be granted under the seal of the Confederate States, against ships and property of the United States and its citizens.

Davis determined not to commission privateers until duly authorized by the Confederate Provisional Congress. That body assembled in special session on April 29, in obedience to a proclamation of the president, in which he advised legislation for the employment of privateers. On May 6, 1861, Congress passed an act, entitled, "An act recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes, and prize goods."

The act lay down, in detail, regulations as to the conditions on which letters of marque should be granted to private vessels, as well as the conduct and behavior of the officers and crews of such vessels, the disposal of such prizes made by them, and so forth. It was patterned after the regulations which had been ordinarily prescribed and enforced with re-



Figure 3. The MV *Maersk Alabama*, April 2009.

spect to privateers in the United States, and by the maritime powers of Europe. A further act regulating the sale of prizes and distribution thereof, was also passed by the Congress of the Confederate States on May 14, 1861.

Paris Declaration Respecting Maritime Law

On April 16, 1856, the Paris Declaration Respecting Maritime Law, was issued to abolish privateering. It regulated the relationship between neutral and belligerent and shipping on the high seas, introducing new prize rules. The major points in the declaration were:

“Privateering is, and remains, abolished;

The neutral flag covers enemy’s goods, with the exception of contraband of war;

Neutral goods, with the exception of contraband of war, are not liable to capture under enemy’s flag;

Blockades, in order to be binding, must be effective, that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.”

The declaration was not binding except between those powers that acceded to it. The declaration did not, as such, make privateers into a new category of international criminals, but rather made it a treaty obligation of states that they refrain from commissioning privateers in the first place. Most normally treated foreign privateers as pirates in any case.

The United States, which aimed at a complete exemption of non-contraband private property from capture at sea, withheld its formal adherence in 1857 when its “Marcy” amendment was not accepted by all powers, chiefly because of British influence.

The U.S. also was keen on maintaining privateers. It argued that, not possessing a great navy, it would be obliged in time of war to rely largely upon merchant ships commissioned as war vessels, and therefore the abolition of privateering would be entirely in favor of European powers, whose large navies rendered them practically independent of such aid. The rules contained in this declaration later came to be considered as part of the general principles of international law and the United States too, though not formally a party, abides by the provisions.

U.S. Blockade of Southern Ports

A week after the attack on Fort Sumter, on April 19, 1861, President Abraham Lincoln ordered a blockade of ports of seven southern states [Figure 4]. In the proclamation, Lincoln added that any vessels found interfering with United States merchant shipping would be treated like pirates under international law. This was a critical component.

The blockade proclamation provided that “a competent force will be posted so as to prevent entrance and exit of vessels” from the ports of the states in rebellion. Then, to make the proclamation official, he signed the document, April 27, 1861, authorizing “the Secretary of State to affix the Seal of the United States to a Proclamation setting on foot a Blockade of the ports of the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas.” The

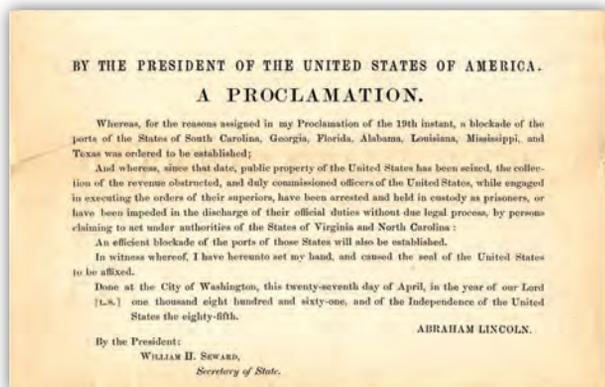
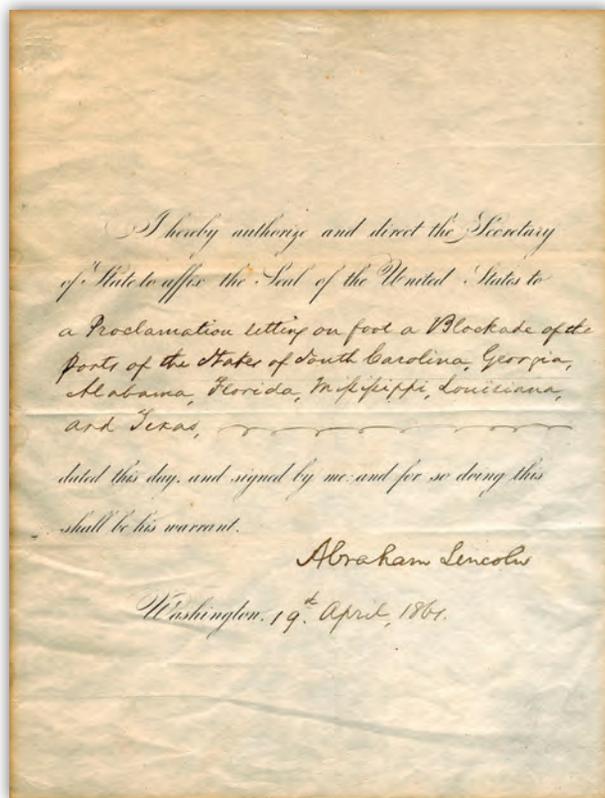


Figure 4. President Lincoln’s Blockade Order (top) & Proclamation.

seal was affixed to the blockade proclamation, which was announced that day. It was a de facto declaration of war by the Union against the Confederacy.

The blockade limited both the import of military and other needed supplies and the export of income-producing cotton. It reduced the South’s seaborne trade to less than a third of normal. The Confederacy’s need for supplies was much greater than the peacetime norm. The blockade was one of the causes of the ruinous inflation that reduced the Confederate dollar to 1 percent of its original value by the end of the war.

Independent of Lincoln’s proclamations, the Anaconda Plan, or Scott’s Great Snake [Figure 5], was proposed by General Winfield Scott (1786-1866) as a similar strategy for subduing the seceding states. Scott, known as “Old Fuss and Feathers” for his insistence on proper military bearing, courtesy, appearance and discipline, served on active duty as a general longer than any person in American history.

Scott is ranked by many historians as the best American

SCOTT'S GREAT SNAKE.

Entered according to act of Congress in the year 1861 by J. B. Elliott of Cincinnati in the Clerk's Office of the District Court of the Southern District of Ohio.



Figure 5. The Anaconda Plan, also known as Scott's Great Snake.

commander of his time. Although he was born and raised in Virginia, Scott remained loyal to the Union, for which he had served for most of his life, and refused to resign his commission. He served under every president from Jefferson to Lincoln, a total of 14 administrations and 53 years as an officer.

Logistics and Legality of a Blockade

A blockade was an ambitious challenge, even for the U.S. at that time. At the beginning of the war, there were only 42 ships in commission and only 24 of those were steamers. Enforcement of 3,540 statute miles of coastline was not a simple task. Nearly 200 harbors and river openings also needed to be secured.

Facing the secession of several states from the Union and the possibility of open hostilities, Lincoln did not ask Congress to declare war on the Confederate States as he believed this would be tantamount to recognizing the Confederacy as a nation. Instead, Lincoln instituted a naval blockade, which had important legal ramifications because nations do not

blockade their own ports. By ordering a blockade, Lincoln essentially declared the Confederacy to be belligerents instead of insurrectionists.

Thus came before the U.S. courts the question of seized ships. In admiralty, a ship captured during war may be kept as a prize. If there is no formal war, capturing ships and impounding them is piracy.

Plaintiffs contended that the blockade was not legal because a war had not been declared, thus making it perfectly legal to run the blockade and sell war material in the blockaded southern ports. On March 10, 1863, the Court ruled that the states of the Southern Confederacy were in insurrection and at war against the United States by acts of belligerency on April 12 and April 17, 1861, to wit: the firing upon Fort Sumter and the Privateering Act proclaimed by Confederate President Jefferson Davis.

Lincoln's Proclamation of Blockade was made on April 19, 1861, two days after Davis' call for privateers and it was founded upon acting against privateers, not an open policy of

warfare, as was later recommended by Scott.

Justice Robert Cooper Grier wrote the 5-4 majority opinion stating, "... it is not necessary to constitute war, that both parties should be acknowledged as independent nations or sovereign States." While the court acknowledged that the U.S. Congress had, in July 1861, adopted a law ratifying and approving the president's proclamation after the fact, as well as other actions taken since then to prosecute the war, that was not the point.

Grier further wrote, "... The President was bound to meet it [the war] in the shape it presented itself, without waiting for Congress to baptize it with a name."

By this decision, the Supreme Court upheld the president's executive powers to act in accordance with the presidential oath of office, "to preserve, protect and defend the Constitution of the United States" and to act expediently as the commander-in-chief in time of war — a de facto war existing since April 12, 1861.

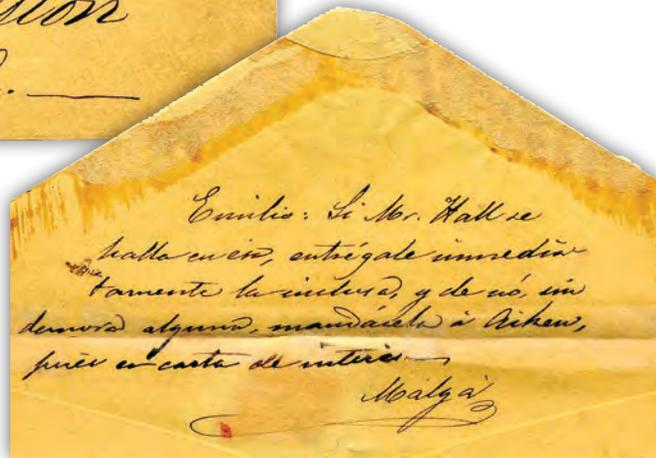
York Prize Court Commissioner who initialed the envelope as evidence in the case.

Under the back flap is a note in Spanish to Puig signed "Malga" [Figure 6]. This translates to, "Emilio, If Mr. Hall is in Charleston, deliver the enclosed letter to him immediately and if he is not, send it without any delay to Aiken, as it is an important letter."

Addressee Emilio Puig was a resident of Charleston who is believed to have been engaged in running Cuban commodities into the South through the Union blockade. Puig attempted to leave South Carolina on the Spanish ferryboat *Nuestra Señora de Regla* out of New York en route to Cuba. The vessel was forced to put into Georgetown, South Carolina, for coal and repairs due to storm damage. It was there that Puig boarded.

Nuestra Señora de Regla was initially allowed by the Blockade Squadron patrol to pass as a Spanish vessel. Per the *New York Times* dated December 21, 1861, "After her entrance into Port Royal, some suspicious circumstances induced General Sherman to order a search... [and] hidden beneath the false bottom of a trunk...in a carpet-bag under the pillow of the engineer...mail for Havana [was discovered as well as] other papers under the Consular seal."

She was illegally captured on November 29, 1861, by the USS *Aries*, a rare seizure by the Army rather than the Navy.



Prize Court Evidentiary Mail

New York Prize Court

Mail on captured blockade runners was useful in identifying contraband and was often introduced into evidence. The cover shown [Figure 6] appears to be a simple stampless cover from Anderson C.H., S.C., dated August 26 (1861). It is addressed to "Emilio Puig, Esqr., Care of Spanish Consul, Charleston So. Ca." The date is easily determined by the 5-cent Confederate postage rate, which appears in manuscript next to a straightline "paid" marking to the left of the postmark. The only month of August in which this rate applied was the first year of the war, 1861. On July 1, 1862, the postage rate was increased to 10 cents, regardless of distance.

What makes this cover out of the ordinary is the court docketing over the datestamp in magenta manuscript of "A N° 7 HHE." Henry H. Elliot (the HHE noted) was the New

Figure 6. Mail entered into evidence in New York Prize Court with magenta manuscript court docket of "A N° 7 HHE" – Henry H. Elliott, NY Prize Court Commissioner initials. Under the back flap is a note in Spanish to Emilio Puig signed "Malga."

The vessel and cargo were taken to New York and Puig, a Spanish citizen, was held prisoner for violating neutrality laws. Puig's letters were among the contraband seized and used as evidence in the court case. Eventually, the U.S. government lost its case in the Supreme Court, and the ferry

was declared neutral. On June 20, 1863, a decree of restitution was ordered, as the court ruled that the seizure had been without cause.

Even then, Puig's letters were not returned to him. Blockade-run mail often involved complex handling systems that took advantage of all available connections between CSA ports and neutral ports, thereby providing access to the U.S. and Europe.

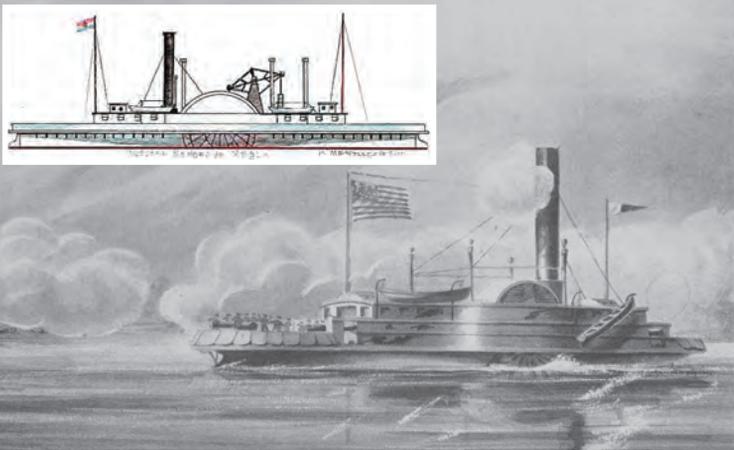


Figure 7. The *Nuestra Señora de Regla* (inset), captured and taken to Philadelphia Prize Court and the *USS Commodore Hull*, the refit side-wheel ferry boat formerly called the *Nuestra Señora de Regla*.

Nuestra Señora de Regla, built in 1860 or 1861 as a civilian side-wheel ferryboat intended for use at Havana, Cuba, was purchased by the U.S. Navy on September 1, 1862, in a prize-court-ordered auction. She was converted to a gunboat and commissioned the following November. She remained active to the end of the war as the *USS Commodore Hull* [Figure 7].

Puig was involved in Prize Court cases both in 1861 and 1863. Undoubtedly more often than just these two instances, he smuggled mail and important dispatches from Charleston to Cuba aboard blockade vessels. Victor Malga also was captured twice.

Emilio Puig was a cousin of Malga. V. Malga & Co. of Havana, Cuba was in the import / export business and was connected to the W. P. Hall Co. Victor Malga was a brother-in-law of Hall. Their respective companies were involved in shipping, maritime trade and blockade running in and out of Charleston during the Civil War. William Peroy Hall is shown in the 1880 census as born in Cuba in 1835.

Another 3-page folded letter from the Emilio Puig correspondence is shown [Figure 8]. All the Puig letters of which I am aware went through the New York Prize Court.

Philadelphia Prize Court

There also was a Prize Court in Philadelphia and evidence there was similarly docketed by Philadelphia Prize Court Commissioner Henry Flanders, a prominent maritime lawyer.

Shown [Figure 9] is an example of Philadelphia Prize Court evidentiary docketing "No. 78 / H.F. / The within [letters] are marked 78a & 78b H.F." (The H.F. stands for Henry Flanders). The cover is franked with a U.S. 5-cent red-brown Jefferson (Scott 75) tied by grid cancel on a cover originating in Baltimore, Maryland, and addressed to Nassau, New Providence, with a "Bahamas NO 15, 1862" backstamp.

This cover was captured aboard the schooner *Lightning* on March 9, 1863, by the *USS Bienville* off Georgia and taken to Philadelphia Prize Court. Upon her capture, it was determined that *Lightning* was not safe enough to sail to Philadelphia, so her cargo was sent there on the U.S. barque *Manderson*.

Evidentiary Markings vs. Archival Markings – Setting the Record Straight

It was not until 1997, thanks to the article "Prize Court Covers" by Joseph T. Holleman in the *Confederate Philatelist*, that Confederate students came to a better understanding of the tell-tale magenta markings. Joe's tenacity and research skills finally explained — or partially explained — the unusual docketings on these covers that for decades had puzzled earlier students. But, as is often the case, there is always more to be learned.

Case 1: Note the magenta "99" in the middle of the Flan-



Figure 8. A stampless Confederate folded letter posted from Pendleton, S.C., with a "PAID 10." This was entered into evidence with a magenta manuscript court docket of "E 16 HHE." New York Prize Court Commissioner initials.

ders evidentiary docketing on the cover [Figure 10]. The “99” has long been considered as part of the Prize Court case number and has been incorrectly written up in auction catalogs, stamp catalogs and other articles and publications for more than 20 years.

But an epiphany moment occurred a couple years ago when I had a conversation with Mitchell A. Yockelson. Mitch’s official title is investigative archivist, Office of the Inspector General, National Archives and Records Administration. Yockelson is head of the Archivist Recovery Team. His main duty is to investigate stolen historical document cases. He holds a Ph.D., is a military historian and an author best known as an authority on World War I. Yockelson lectures internationally and has acted as consultant for programs on the History Channel, PBS, *60 Minutes*, The Pentagon Channel and more.

Yockelson corrected a long-held erroneous belief. The evidentiary docketing applied contemporaneously (“No. 78 H.F.”) is the case number applied by the Prize Court commissioners. It is not the same as the archival inventory markings added decades later in magenta ink (“99”). To my knowledge, with this article, this is the first time the record has been set straight.

This makes sense, as the numbers on the subject cover are completely different numbers, handwriting, and colors of ink. I believe the confusion may have occurred because some of the New York Prize Court evidentiary markings by Henry Elliott, which were made in magenta ink, led earlier students to conclude all markings were done at the same time. To further contribute to the confusion, not all covers have these archival inventory markings.

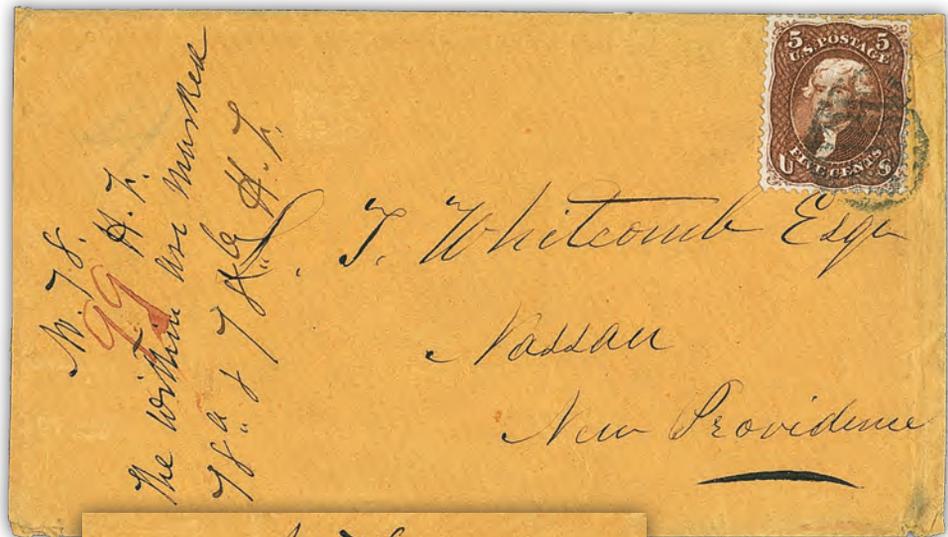


Figure 9. A Philadelphia Prize Court evidentiary docketing “No. 78 / H.F. / The within [letters] are marked 78a & 78b H.F.” The inscription is from Henry Flanders.

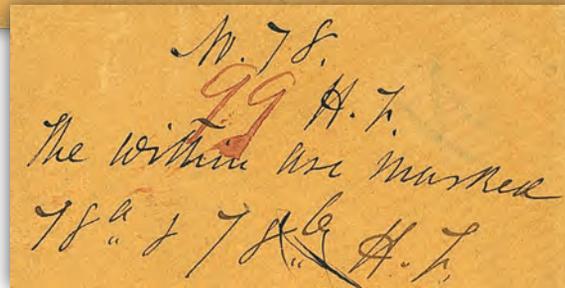


Figure 10. A close-up of evidentiary docketing showing magenta “99” archival numbering within the black-inked evidentiary markings.

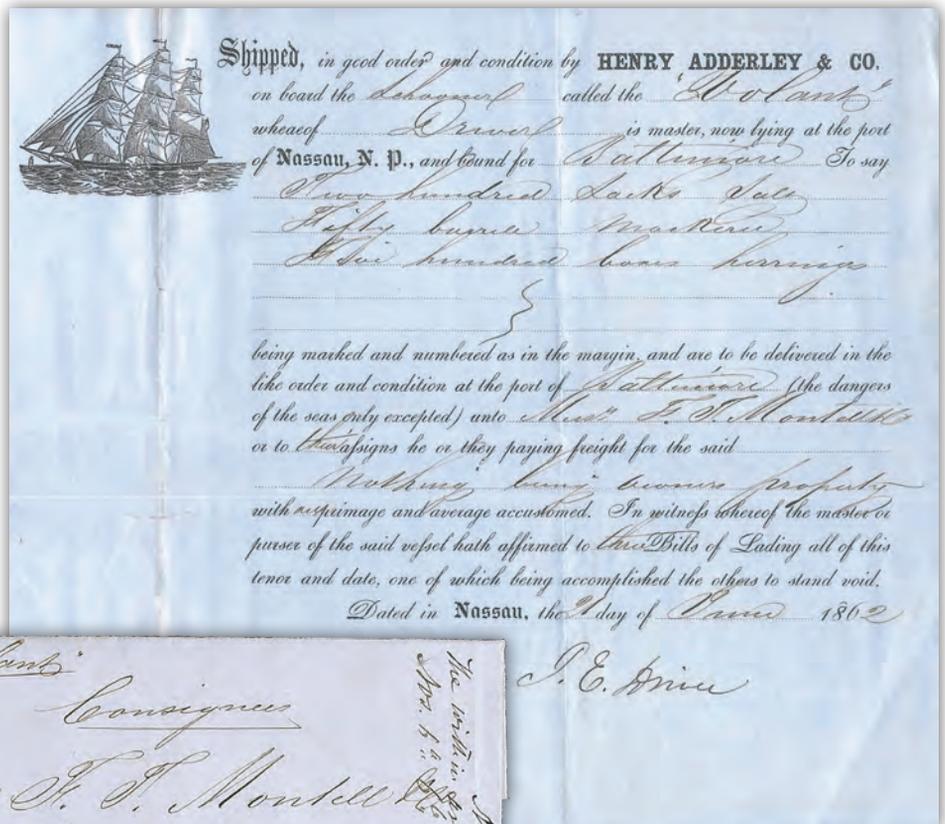


Figure 11. Philadelphia Prize Court evidence, Case No. 6, docketed by Henry Flanders, Philadelphia Prize Court Commissioner. The cover (left) contained a shipping form (right).

Case 2: Another Philadelphia Prize Court cover is shown [Figure 11]. The evidentiary case markings “No. 6 / The within is unmarked / Nos. 6a, 6b, and 6c” are in the hand of Philadelphia Prize Court Commissioner Henry Flanders at the right end. A magenta archival marking “73” is at the left end. Clearly, the numbers at either end are quite different. This letter was captured on the Schooner *Volant*.

The folded consignee letter is datelined “Nassau 21 June 1862” from Henry Adderley & Co., endorsed “Per ‘Volant’ ” and “Consignees,” deceptively addressed to the shipping firm of F.T. Montell & Co. in Baltimore.

It enclosed a part-printed bill of lading dated June 21, 1862 [Figure 11] for goods purported to be routed to Baltimore, as well as an Adderley & Co. invoice for 200 sacks of salt in the same shipment.

The letter and two accompanying documents were on board with the cargo when the *Volant* was captured by the USS *Western World* on July 2, 1862, in Winyeh Bay, South Carolina.

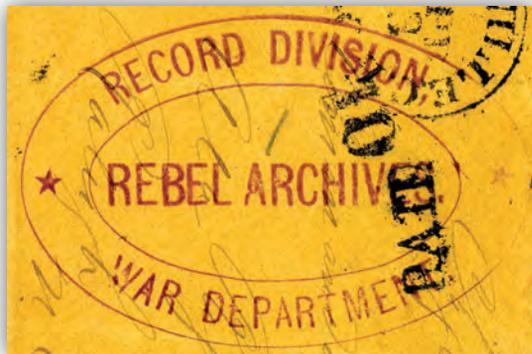


Figure 12.
A Rebel Archives handstamp.

Rebel Archives Handstamps

Another archival marking that gives collectors pause is the Rebel Archives handstamp [Figure 12], which indicates the item so marked was at one time in federal custody. Such handstamps often send students needlessly fleeing in fear. There are at least two varieties of “Rebel Archives” handstamps, a light red and a dark purplish red.

After World War I, many old files were de-accessioned by the War Department and intended for destruction. Some made their way to waste paper dealers. An unknown person or persons rescued thousands of items from the rubbish heap.

Unless the National Archives and Records Administration have clear evidence of theft, there is no way of proving such items were intended as a permanent federal record and, therefore, would not attempt recovery.

Nevertheless, it is advisable to check with the National Archives if in doubt, so as not to naively be trafficking in stolen goods. It is my experience that the National Archives will generally respond within 24 hours or less. Documents with rare autographs appear to be targets of theft more often than postal covers, which were decades ago discarded as having little or no value. How extremely fortunate for postal historians.



Figure 13. Captured mail from the CSS *Calhoun* (docketing on verso) used in Prize Court case as evidence to prove the ship was a Confederate privateer.

Prize Court Evidence from a Rebel Commissioner to Europe

The showy cover formerly in the albums of Steven C. Walske [Figure 13] is a Prize Court cover that was captured aboard the CSS *Calhoun*. The addressee is Hon. T[homas]. Butler King in Paris, France. The cover is franked with a pair and two singles of Great Britain Penny Reds (Scott 33), tied by “466” in grid cancels and “Liverpool SP 11 61” circular datestamps. It bears an “Insufficiently / Prepaid” two-line handstamp, as well as London and Calais transit datestamps.

This letter was on its way back from Europe aboard the privateer CSS *Calhoun*, when it was captured by the USS *Colorado* on January 23, 1862, off Southwest Pass, Louisiana. On the back flap is manuscript “Envelope of letter to T. B. King, Rebel Commissioner from Ga. to Europe – found on the capt[ured]. sch[ooner]. ‘Calhoun’ 1862.”



Figure 14.
Drawing of the commissioned USS *Calhoun* by Assistant Engineer John Everding, USN, 1864.

The *Calhoun* [Figure 14] was taken to Ship Island and then north to Philadelphia Prize Court. It was re-commissioned for federal service as the USS *Calhoun* and assigned to the West Gulf Blockading Squadron, where it was involved in the capture of 13 ships.

Thomas Butler King (1800-1864) was a Georgia lawyer and career politician who served as a commissioner of the Confederacy in Europe 1861-1863. King was aboard the *Calhoun* when it, along with his papers, was captured. King managed to escape, but his papers were used as evidence to condemn the ship as a Confederate vessel. King’s career and stories of his family are worth individual articles in themselves.

Fabled Prize Court Evidence – Captured Stamp Printing Plate

On April 27, 1862, the U.S. warship *Mercedita* drew alongside the British steamer *Bermuda*, a blockade-runner; a boarding party swarmed her decks. Two boxes of postage stamps bearing the likeness of Confederate President Jefferson Davis were thrown overboard by the captain's brother, who was an officer on board. This was a futile attempt to disguise the vessel's purpose and destination. The boxes sank to the bottom of the sea, but they were only a part of the consignment of 24 cases of roughly 5 million stamps printed for the Confederacy by the prominent printing company, Thomas De La Rue & Co., Ltd.



DE LA RUE RECORDS

The London printing works of De La Rue were badly damaged on the night of December 29, 1940, during a World War II air raid, but the Day Books and Correspondence Books of the firm did survive. After the war, the Royal Philatelic Society London was granted access to the records to compile a philatelic history of the first 50 years of De La Rue. These records became the basis for John Easton's *The De la Rue History of British and Foreign Postage Stamps 1855 to 1901*.

The British blockade runner *Bermuda* carried the third order of stamps from De La Rue, their order "C," which was shipped on February 20, 1862, by Fraser Trenholm and Co., owners of the vessel, on her second run across the Atlantic. The *Bermuda* had arrived safely at Bermuda on March 19, 1862, and remained there for five weeks either awaiting orders or, more likely, awaiting favorable conditions to make a break for Charleston.

On April 24, 1862, *Bermuda* slipped out of St. George's and made her way southwest to the northern Bahamian island chain of Abacos, where she was spotted a few days later by the *Mercedita* who fired a shot across her bows, boarded her, and took her to Philadelphia as a prize of war. Such arrests were common among the islands during the Civil War when British vessels attempted to run the tight Union blockade of the Southern ports.

The presence of the remaining De La Rue stamps along with ink, stamp paper, and cutlery engraved "Jeff Davis, our first President, the right man in the right place," openly addressed to Charleston, sealed their fate. There was no denying their destination.

After arriving at that port on May 3, the ship was arraigned before the U.S. District Court at Philadelphia. Proceedings began on August 12 and concluding arguments were heard four days later. However, the court did not condemn the steamer until March 5, 1863, almost a year after her capture. The vessel was then purchased by the Union Navy and fitted out as a supply and dispatch vessel in the West Gulf Blockading Squadron.

Because of the delay in the court, some of the value of the *Bermuda* cargo was lost by deterioration. Most of the cargo was sold, but the stamps were ordered destroyed. The court allowed some stamps to be saved and given to the U.S. District Attorney's office and other officers of the Court, presumably as souvenirs. No information has been discovered as to the disposition of the Confederate printing plate at that time.

The Smithsonian National Postal Museum acquired the legendary Confederate printing plate from the Franklin Institute in Philadelphia in April 2011 for its new William H. Gross Gallery. The Franklin Institute had the plate on display for years, while it was actively building a philatelic collection. Subsequently, the institute deaccessioned and disposed of most of its postal-related objects, finding that philately was no longer consistent with its educational mission. A close-up of the plate along with a photo of the author posing by it is shown [Figure 15].



Philip H. Ward Jr. (1886-1963), a prominent Philadelphia stamp dealer, announced the find of the “Lost Plate” (more appropriately called the “Captured Plate”) in the October 22, 1954, edition of *Mekeel’s Weekly Stamp News*. The plate [Figure 15] was in a Philadelphia historical society for an unknown period until it was discovered in 1954 by Major Thomas Coulson, then director of museum research at the Franklin Institute in Philadelphia.



Figure 16. At left, a Confederate States 5-cent blue De La Rue typographed issue, which ran the blockade from England. At right, a private printing made by Philip Ward from a captured De La Rue stamp plate.

Ward subsequently made un gummed private printings from the plate, in both black and in a blue shade very close to the genuinely issued Confederate stamp [Figure 16]. While they don’t fool serious students, these private printings are offered by unsuspecting collectors and dealers most every day on venues such as eBay. The decision to print them in a similar blue shade to the original was the subject of angry objections from the philatelic community at the time.

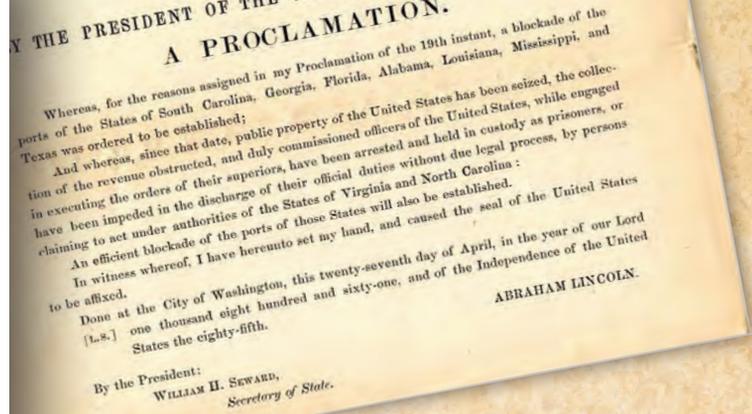
Confederate Prize Courts

There were Confederate Prize Courts, too. The Confederate Act of March 11, 1861, established “a Court of Admiralty and maritime jurisdiction at Key West, in the State of Florida,” and adopted for its guidance the “laws of the United States,” until otherwise provided. There were other such offices in New Orleans, Louisiana; Mobile, Alabama; Savannah, Georgia; and other port cities.

The act of March 16, 1861, “to establish the Judicial Courts of the Confederate States,” gave to all district courts jurisdiction of all admiralty and maritime cases under the same laws of the United States in force on December 20, 1860, with “force and effect in the courts of the Confederate States.”

The act of May 6, 1861, authorized the issuance of letters of marque, which unleashed a fleet of privateers to prey upon the commerce of the United States across the globe.

Figure 15. The author (far left) poses with a captured Confederate printing plate in the William H. Gross Gallery at the Smithsonian National Postal Museum in Washington, D.C. and a close-up section of the De La Rue printing plate.



PRIVATEER OR PIRATE?

The *Enchantress* Affair

BY PATRICIA A. KAUFMANN

In his blockade proclamation on April 19, 1861, President Abraham Lincoln warned that any vessels found interfering with United States merchant shipping would be treated like pirates under international law, rather than privateers.

On July 6, 1861, not long after setting sail from Massachusetts, the Cuba-bound merchant schooner



Figure 1. A photo of the USS *Albatross* after the end of the Civil War.

Enchantress was captured by the Confederate privateer *Jefferson Davis* and immediately put into use by the Confederacy. On July 22, 1861, just one day following the Union Army’s humiliating defeat at Manassas (Bull Run), the *Enchantress* [Figure 1] was captured off Hatteras, North Carolina by the USS *Albatross*. So in a matter of roughly two weeks, the *Enchantress* was back in Union hands.

The 14 Confederate privateers aboard *Enchantress* were sent to prison and charged with piracy. Four of the crewmen, plus 10 more from another captured privateer, *Petrel*, were found guilty and sentenced to be hanged.

Outraged by the whole affair, especially the verdicts, the Confederate government responded by selecting an equal number of captured high-ranking Union officers and threatened to execute these prisoners of war should the U.S. carry out the sentences of the condemned privateers.

Ultimately, the U.S. government reconsidered the case and decided to treat the captured Confederate privateers not as pirates but as prisoners of war. Thus, their sentences of execution were voided. (I wrote more about this in “The Enchantress Affair,” published in February 2012 in *American Stamp Dealer & Collector*.)

John Yates Beall – Privateer Hanged as Pirate

In the last weeks of the war, Confederate privateer John Yates Beall (1835-1865), was arrested as a spy in New York and executed at Fort Columbus, Governors Island, New York.

Beall was born in Jefferson County, Virginia, in what is now West Virginia. At the start of the war he joined Bott's Grays, Company G, in the 2nd Virginia Infantry. He received a wound in the lungs that left him incapable of active service.

Inspired by John Hunt Morgan, he conceived a plan to launch privateers on the Great Lakes. He presented his plan to Confederate authorities, who were interested but declined to act since it might endanger relations with neutral Great Britain. However, Beall was commissioned as acting master in the Confederate States Navy on March 5, 1863, though he was not given a command.

Beall proceeded on his own as a privateer, active in the areas of the Potomac River and Chesapeake Bay. He was captured in November 1863 and jailed at Fort McHenry in Baltimore until exchanged on May 5, 1864. He continued his activities until captured with George S. Anderson while attempting to free some captured Confederate officers by derauling a passenger train. Anderson agreed to testify against Beall in return for leniency.

Beall's trial began on January 17, 1865. His arrest had not been published in any newspapers and the Confederate authorities were unaware of his perilous status. Although James T. Brady, a prominent New York City attorney, argued ably that Beall was a *bona fide* Confederate naval officer acting under orders, he was convicted. On February 8, he was sentenced to death. Handwritten court records listing Beall's charges are shown [Figure 2].

When the story of Beall's arrest and trial finally appeared in the newspapers, efforts were made to save him. Appeals were made to President Lincoln by many prominent people, including six U.S. Senators and 92 members of Congress, but Lincoln refused to intervene, not wanting to undermine the authority of General John A. Dix, who had ordered the trial.

Beall was executed on February 24, 1865. A photo of Beall was taken the day he was executed [Figure 3].

His last words were, “I protest against this execution. It is absolute murder—brutal murder. I die in the service and defense of my country.”

There is a legend discussed by Civil War author Lloyd Lewis in which Lincoln was approached by John Wilkes Booth, who was a friend of Beall's, to save his life. It is said

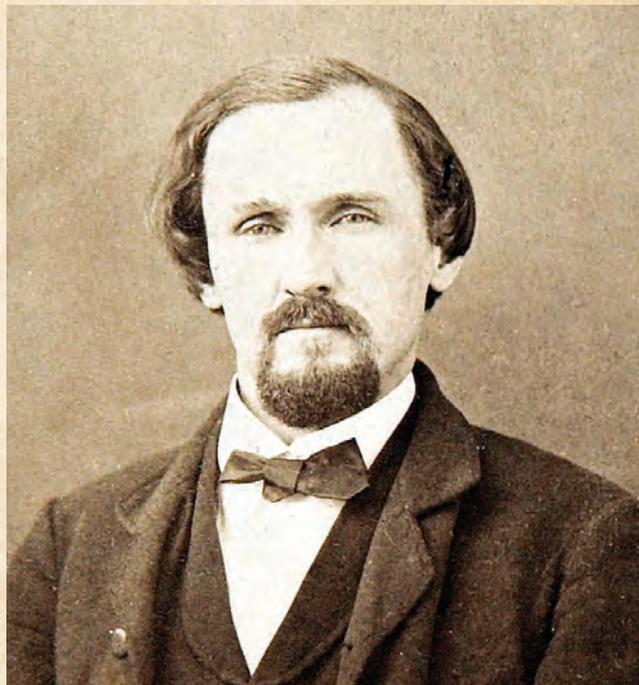


Figure 3. John Y. Beall on the day he was hanged.

that the president agreed to do so, but changed his mind when he was approached by Secretary of State William H. Seward, who insisted that Beall's activities had been dangerous to the citizens of New York, Seward's home state. Supposedly, a furious Booth determined to kill Lincoln and Seward for this betrayal after Beall was executed. Mind you, this is unsubstantiated lore. ☞

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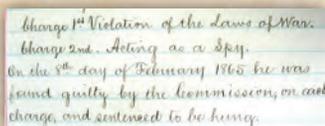
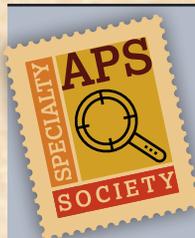


Figure 2. The formal written charges against John Y. Beall.



Those interested in the stamps and postal history of the Confederate States of America might want to check out the Confederate Stamp Alliance (APS #AF0073), which promotes the collecting and study of Confederate philately. The society offers expertizing, handbooks, exhibition awards and special awards. Website: www.csalliance.org. Dues are \$32 in the U.S., Canada and Mexico. For information, contact Dr. Deane R. Briggs, 2000 N. Lake Eloise Drive, Winter Haven, FL 33884; email drb@gte.net.



England and France, in accordance with the 1856 Treaty of Paris, closed their ports to both Confederate and U.S. privateers. The British Queen's Proclamation of Neutrality was filed May 13, 1861; the Emperor of France followed suit on June 10, 1861.

The Mailing Process

Incoming mail to the Confederacy was typically sent inside another envelope to a foreign staging port for transfer to a blockade runner and then posted in the Confederate arrival port, where inland postage and a 2-cent ship fee were assessed. No West Indies postal markings appear on incoming mail.

Outgoing mail was typically forwarded under cover by a blockade runner to a foreign port, where it was placed in the mail. Confederate postal markings do not appear on outgoing mail, with very few exceptions.

Fewer than 400 letters carried by blockade runners are known today and only a small percentage of them were Prize Court evidence.

Captured Blockade-run Mail Should Not Exist

Under international maritime law as it existed before, during and exists since the Civil War, a blockade was lawful and recognized in law only if, among other criteria, it was imposed by one sovereign nation against another sovereign nation as part of an officially declared war.

Since the United States refused to recognize the sovereignty of the CSA (declaring the Confederacy to be in a state of rebellion, not war), the blockade was unlawful. Therefore, every ship captured by the Union and taken as a prize of war should have been found by the court to have been unlawfully taken through an act of piracy. Piracy is committed when one nation, the U.S., illegally acts against the commerce of another sovereign nation, such as Spain or Britain. The vessels should all have been returned to their owners with payments for damages incurred because of official piracy committed by the United States during a state of rebellion.

Closing Thoughts

U.S. Prize Court markings were cataloged for the first time in the *Confederate States of America Catalog and Handbook of Stamps and Postal History* (known as the CSA catalog) as Type PC-01 for manuscript docketings "HHE" (Henry H. Elliot) and Type PC-02 for manuscript docketings

"HF" (Henry Flanders).

An average Confederate stampless cover sells for \$100 to \$200, while a similar cover with these treasured markings would elevate it to thousands of dollars. A U.S. Prize Court cover catalogs \$3,500 in the 2012 CSA catalog.

The magenta markings on Prize Court covers convert them from simple stampless covers to captured blockade-run rarities. Yet they are often still overlooked today, enabling knowledgeable students to pick up a bargain.

At the time this article was written, I was unaware of any Southern prize court evidentiary markings, covers, or letters. All prize court uses of which I was aware were from New York or Philadelphia—none from the Confederate court system. Before this article went to final layout, just such a cover and letter fortuitously became known to me—a Union ship captured by the Confederate Navy with a cargo of 3-cent U.S. postage stamps as part of the cargo. To be continued! ☞

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The Author

Patricia (Trish) Kaufmann was introduced to Confederate postal history in 1965 and quickly became engrossed in exhibiting, writing and researching the subject. She served as editor and co-editor of *The Confederate Philatelist* and as associate editor to various other editors. Kaufmann is the 2017 APS Distinguished Philatelist and serves on the APS Board of Vice-Presidents.

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Some of the players in the Prize Court battles (from top): President Abraham Lincoln, Confederacy President Jefferson Davis, Secretary of State William Seward, U.S. General Winfield Scott, U.S. Justice Robert Cooper Grier and Confederate Statesman Thomas Butler King.

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