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The Trent Affair: Avoiding a Possible Crisis during the Civil War

In November 1861, Union Naval Captain Charles Wilkes seized the *Trent*, a British mailing ship, because it was transporting two Confederate diplomats, John Slidell and James Mason. Wilkes captured the two Confederate representatives due to what he considered were treasonous actions against the Union, but he did so without any orders from the Union government.¹ Under a proclamation issued by the Queen of Britain at the start of the Civil War, Britain recognized the Confederacy as a belligerent and was not supposed to transport the dispatches of Slidell and Mason because international law considered them contraband.² Yet, by acknowledging the Confederacy as belligerent, Britain stated that the Union and the Confederacy would be given equal treatment in British ports. Confederate ships could obtain necessary supplies from British ports to aid them in fighting Union ships. Northerners expected British support and were dismayed by the British acknowledgement of the Confederacy. The Trent Affair escalated the already unpopular opinion towards Britain held by the Union public due to the Queen's Proclamation. The Union publically celebrated the actions of Wilkes as the first naval success against the Confederacy. Newspapers depicted the British as trying to take away

¹ Thomas Ewing to Abraham Lincoln, November 18, 1861, transcribed and annotated by the Lincoln Studies Center, Knox College, Galesburg, Illinois, available at *Abraham Lincoln Papers at the Library of Congress*, Manuscript Division (Washington, D.C.: American Memory Project, [2000-02]), [http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field\(DOCID+@lit\(d1303500\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field(DOCID+@lit(d1303500))), accessed October 11, 2016.

² Dean B. Mahin, *One War at a Time: The International Dimensions of the American Civil War* (Washington D.C.: Brassey's, 1999) 48.

the victory and, as a result, helping facilitate negotiations with the Confederates. Union citizens did not want to concede to British demands to give up the rebels. Northerners felt that if Britain wanted to go to war over the Trent Affair, then they would mobilize for such a conflict. The Lincoln administration did not want to give any indication to the Confederacy that the British could have their way with the Union, for that would just inspire the Confederacy to strive for British support. President Lincoln dealt with the public pressure, while also receiving correspondence from government officials. However, the advice Lincoln received urged him to concede to Britain's demands, which went against the public's wish to fight Britain. By adhering to British demands concerning the Trent Affair, Lincoln sacrificed public opinion for his decision to maintain peaceful relations with Britain. Lincoln had the greater goal of reunifying the United States and he did not want to hinder reunification by expanding the war internationally.

To understand the heated public opinion over the Trent Affair, President Lincoln considered the previous relationship between Britain and the United States. British aristocrats identified with southern Americans in that their political leadership was similar. Historian Dean B. Mahin explains, "Southern leadership was drawn from a plantation aristocracy with many similarities to the agrarian aristocracy that still dominated British politics and British governments."³ The ruling class in Britain was worried that if the popular democracy of the North prevailed, there would be increased pressure in Britain to open representation to lower class workers and women. The British also kept their economic interest in mind when it came to supporting the North or the South. The South exported cotton to Britain and were consumers of

³ Dean B. Mahin, *One War at a Time: The International Dimensions of the American Civil War* (Washington D.C.: Brassey's, 1999) 26.

British industry, while the North was a competitor to Britain because of its own industrial developments. Britain and the South were both against the protective tariff placed on northern goods to protect from British competition. Southerners argued that the protective tariff was only in place to benefit the North as it fell disproportionately on the South. Therefore, Britons had political and economic reasons for feeling more sympathetic to the Confederate cause.

The Union came face to face with British support for the Confederacy when Queen Victoria issued Britain's proclamation of neutrality. The Queen's proclamation proved to support both the Union and the Confederacy, which was not anticipated by the Lincoln administration.⁴ The proclamation profited the Union because Britain offered its acceptance of the blockade instituted by Lincoln to cut off southern ports. Yet, the proclamation also benefitted the Confederacy because it acknowledged it as a belligerent, therefore, making the Union and Confederacy equal in terms of rights for belligerent nations. Under the proclamation, the Union and the Confederacy both had the ability to acquire fuel, supplies, and repairs in British ports.⁵ Union public opinion responded with condemnation of British support of the Confederacy, "The latter aspect of the proclamation precipitated a roar of disapproval from Northerners, who had no patience for the intricate arguments of international law that justified the British action."⁶ Northerners expected British support due to the fact that this was a civil war caused by slavery and Britain was leading international abolition efforts by banning slavery in its colonies and stopping the slave trade anywhere it could. To respond to the proclamation of neutrality and the

⁴ Gordon H. Warren, *Fountain of Discontent: The Trent Affair and Freedom of the Seas* (Boston: Northeastern University Press, 1981) 72.

⁵ Dean B. Mahin, *One War at a Time: The International Dimensions of the American Civil War* (Washington D.C.: Brassey's, 1999) 48.

⁶ Gordon H. Warren, *Fountain of Discontent: The Trent Affair and Freedom of the Seas* (Boston: Northeastern University Press, 1981) 71.

outraged Americans, Lincoln's administration initially took the position that if Britain were to have relations with the Confederates then the Union would cease to continue relations with Britain.⁷

The Trent Affair occurred in the midst of these previously established tensions between the Union and Great Britain and the public within the Union was quick to analyze who should bear the blame. The *Lowell Daily Citizen and News* took the position that Britain was violating its proclamation of neutrality by letting Confederate diplomats James Mason and John Slidell aboard the British mailing ship the *Trent*. The article stated that the captain of the *Trent* should have been aware of his nation's law of neutrality and he also should have been aware that Mason and Slidell were working in aggression against the Union. The article concluded, "It would be hard practice to condemn the conduct of Wilkes on the ground of another party's ignorance of law, or what may be regarded as having all the force of law. We suppose the presumption of law is that every subject has knowledge of its requirements."⁸ The Union public felt all the blame should be put on the captain of the *Trent*, due to his allowance of Mason and Slidell on board. However, not every citizen knew what was considered legal under the proclamation of neutrality and international naval law, which ironically, Union newspapers were criticizing the captain of the *Trent* for. International law required Wilkes to find Confederate dispatches aboard the *Trent* and bring the ship to a prize court in Union territory. However, Wilkes did not find any dispatches and took it upon himself to arrest the rebels without a decision from a prize court. The public did not entertain the possibility that Wilkes' victory was illegal under international law or consider the implications of war with Britain. Yet, despite public elation for his efforts, Wilkes

⁷ Dean B. Mahin, *One War at a Time: The International Dimensions of the American Civil War* (Washington D.C.: Brassey's, 1999) 30 and 49.

⁸ "War Intelligence," *Lowell Daily Citizen and News*, November 30, 1861: 2.

had disrespected the British flag and the Lincoln administration had to consider seriously the possibility of an international conflict.

On November 18, 1861, President Lincoln received a letter from Thomas Ewing, a senator in Ohio and supporter of the Union.⁹ Ewing explicitly expressed his concern about the *Trent* incident based on how various newspapers responded to the event. Ewing's worry was that Britain would see the arrest of Mason and Slidell as an infringement on the rights of the British to carry two Confederate representatives without dispatches. Even though Ewing knew Lincoln did not order Captain Wilkes to arrest them, he stated, "It is not yet in fact the wrong of the U.S., but of the commanding officer, for the boarding and arrest under the British flag was not ordered by you—and now the Law of Nations requires that you disavow the act." Ewing advised Lincoln to withhold support of Captain Wilkes' actions and to correct this violation of law by allowing Mason and Slidell to board a British ship and proceed to their destination without interruption.¹⁰ Ewing seemed to have faith in Britain's proclamation of neutrality because he was not worried about the two diplomats reaching Britain, he was more worried about the British using the Trent Affair as an excuse to weaken the Union through war. The British despised the economic competition that the North created and a war would be the opportunity the British needed to remove their rivals.

⁹ R. Owen Williams, "Ewing, Thomas," *American National Biography Online*, accessed October 11, 2016, http://www.anb.org.providence.idm.oclc.org/articles/07/07-00805.html?from=../04/04-00355.html&from_nm=Ewing%2C%20Thomas%2C%20Jr.

¹⁰ Thomas Ewing to Abraham Lincoln, November 18, 1861, transcribed and annotated by the Lincoln Studies Center, Knox College, Galesburg, Illinois, available at *Abraham Lincoln Papers at the Library of Congress*, Manuscript Division (Washington, D.C.: American Memory Project, [2000-02]), [http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field\(DOCID+@lit\(d1303500\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field(DOCID+@lit(d1303500))), accessed October 11, 2016.

Ewing's opinion was unlike the popular opinion of the public in the North, as northerners saw the capture of Mason and Slidell as a triumph over Confederate forces. While it appeared that Ewing expressed support of the Southern position by allowing the representatives to reach Britain, his intent was not to further the Confederacy's objective to gain support from abroad. He believed that the acceptance of Britain's demands was the only way to prevent a conflict with the British. Ewing stated, "—and in order to repair this wrong and cause that immunity to have been, and still to be absolute, England may rightfully demand that the prisoners be placed as nearly as possible in status quo—That is to say—that they be placed on board a British ship and suffered to pursue their journey without interruption—."¹¹ While not in support of the southern position, Ewing advised Lincoln to enable the southern diplomats in reaching Britain. Public opinion in the Union was against Ewing's position, for they felt that Mason and Slidell were acting as traitors and should not be allowed to carry out their mission. Also, the public was not concerned with provoking an international war by keeping the diplomats in custody in Union territory. The public felt that if Britain truly wanted a war, the Lincoln administration would mobilize for one. However, President Lincoln agreed with Ewing in that he did not want Britain to use the Trent Affair as justification for war, but he also had to combat his own concerns of disagreeing with the public by releasing the envoys.

By December 16, 1861, President Lincoln also received correspondence from former president Millard Fillmore. Fillmore was in support of Lincoln's stand against the Confederacy and did not want to lose hope in the unification of the United States by risking a larger war with

¹¹Thomas Ewing to Abraham Lincoln, November 18, 1861, transcribed and annotated by the Lincoln Studies Center, Knox College, Galesburg, Illinois, available at *Abraham Lincoln Papers at the Library of Congress*, Manuscript Division (Washington, D.C.: American Memory Project, [2000-02]), [http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field\(DOCID+@lit\(d1303500\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field(DOCID+@lit(d1303500))), accessed October 11, 2016.

Britain. Possible consequences of war with Britain were the acknowledgement of the Confederacy as independent, a break in Lincoln's blockade proclamation, and the opening of free trade to British producers. Therefore, both the Union and Confederacy would be dependent on British manufacturing.¹² These were the fears that Fillmore and other Union government officials were concerned about. However, unlike Ewing, Fillmore did not want to adhere to the demands of Britain, for he felt it was an issue worthy of arbitration by a neutral nation's crowned head. Fillmore claimed that, "by urging in a firm but conciliatory argument in reply to the demand of Great Britain, our views of the Belligerent right to arrest these men, but conclude by saying that although we feel assured that we are right, ...no insult was intended to the flag of Great Britain." With this suggestion, Fillmore wanted to make the *Trent* issue into an effort to settle international naval law for future conflicts between any and all nations. Fillmore's ideas are ideal to handling the situation, while also appeasing the public. If a neutral arbitrator, specifically a crowned head from Europe, assessed the Trent Affair, then Lincoln would not have to give in to the demands of Britain unless it was the verdict of the arbitration.¹³ Lincoln would not be subject to public dissent, for a legal decision would be responsible for the Union abiding by Britain's demands.

On December 26, 1861, the *New York Times* reported that Britain's demands included "an apology, and the restitution of Mason and Slidell to British custody."¹⁴ President Lincoln

¹² Dean B. Mahin, *One War at a Time: The International Dimensions of the American Civil War* (Washington D.C.: Brassey's, 1999) 77.

¹³ Millard Fillmore to Abraham Lincoln, December 16, 1861, transcribed and annotated by the Lincoln Studies Center, Knox College, Galesburg, Illinois, available at *Abraham Lincoln Papers at the Library of Congress*, Manuscript Division (Washington, D.C.: American Memory Project, [2000-02]), [http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field\(DOCID+@lit\(d1344100\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field(DOCID+@lit(d1344100))), accessed October 11, 2016.

¹⁴ "Important from Washington: Our Special Washington Dispatches," *New York Times*, December 26, 1861: 1.

took Ewing's and Fillmore's counsel into account when deciding how to answer the demands of Britain in his December 1861 "Memorandum on the Trent Affair." Lincoln explained his position on the issue. For example, he stated that Wilkes did not have orders from the Union for the arrest and there was no intention to insult the British flag.¹⁵ President Lincoln was under extreme pressure from Britain to conform to their demands, for the British ambassador to the Union, Lord Lyons, gave a seven-day deadline for a response. If this deadline was not met, Lord Lyons was instructed by official dispatches to depart for London with his staff so Britain could prepare for war.¹⁶ Yet, Lincoln also did not want to risk hurting the public morale that Wilkes' actions inspired within the Union. Succumbing to British demands meant disregarding the public's desire to give credence to Wilkes' actions and promote them as a victory for the Union. Lincoln's memorandum, which was never sent, exemplified his initial position to deny full responsibility for the issue and he urged Britain to consider her role in the affair. "The President desires, among other things, to bring into view, and have considered, the existing rebellion in the United States—the position Great Britain has assumed, including Her Majesty's proclamation, in relation thereto—the relation the persons, whose seizure is the subject of complaint." With these initial efforts, Lincoln sought to appeal to the public's opinion by not giving in to Britain. He insisted that Britain understand the state of rebellion the United States was in and consider the position Britain assumed under the Queen's Proclamation.

¹⁵ Abraham Lincoln, December 1861, transcribed and annotated by the Lincoln Studies Center, Knox College, Galesburg, Illinois, available at *Abraham Lincoln Papers at the Library of Congress*, Manuscript Division (Washington, D.C.: American Memory Project, [2000-02]), [http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field\(DOCID+@lit\(d1362300\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field(DOCID+@lit(d1362300))), accessed October 11, 2016.

¹⁶ Dean B. Mahin, *One War at a Time: The International Dimensions of the American Civil War* (Washington D.C.: Brassey's, 1999) 75.

In his memorandum, Lincoln asked for friendly arbitration instead of openly releasing Mason and Slidell.¹⁷ However, Lincoln's memorandum was never sent, as he explained, "I found I could not make an argument that would satisfy my own mind." The memorandum was purely a tool for Lincoln to experiment with his position on the issue. Lincoln's argument in the memorandum was based on the process of arbitration, as Fillmore had advised. Typically, arbitration was used for boundary disputes and financial claims, in which case a crowned head working as a neutral arbitrator would settle. Yet, "the arbitration process was ill suited for the resolution of conflicts in which either side thought its national honor was threatened."¹⁸ National honor proved to be too subjective of a concept to be determined by arbitration, as it was not as concrete as a boundary dispute. Lincoln turned to Secretary of State William Seward, who constructed a response that delivered Mason and Slidell to British forces, but also argued in defense of Wilkes. As a result, Lincoln's administration provided a response to the Trent Affair that satisfied British demands.

Union public opinion responded to the concessions made by the Lincoln administration with disappointment. Attorney General Edward Bates wrote of the, "great reluctance on the part of some of the members of the cabinet—and even the President himself" due to the worry of "the displeasure of our own people—lest they should accuse us of timidly truckling to the power of England." President Lincoln understood the necessity of having a united Union citizenry and he was worried that by succumbing to British demands, he would create a divide between the public

¹⁷ Abraham Lincoln, December 1861, transcribed and annotated by the Lincoln Studies Center, Knox College, Galesburg, Illinois, available at *Abraham Lincoln Papers at the Library of Congress*, Manuscript Division (Washington, D.C.: American Memory Project, [2000-02]), [http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field\(DOCID+@lit\(d1362300\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field(DOCID+@lit(d1362300))), accessed October 11, 2016.

¹⁸ Dean B. Mahin, *One War at a Time: The International Dimensions of the American Civil War* (Washington D.C.: Brassey's, 1999) 76-77.

and the Union government.¹⁹ The *Daily Evening Traveler* published an article stating the discontent felt by the public, “It is not too much to say that the announcement of the decision of the government in regard to the Trent affair, has been received by the public with profound and unprecedented regret, mingled not only with indignation, but with extreme bitterness toward England.”²⁰ This article provided an answer to Lincoln’s worries, for the public response remained anti-British instead of against the Lincoln administration. Public sentiment was for addressing Britain diplomatically, but Lincoln understood that the consequences of standing up to Britain diplomatically would have led to war. Avoiding conflict with Britain outweighed the advantage of appealing to public opinion. The response to Lincoln’s decision in Union newspapers helped turn public opinion to accept the results of the affair. The *New York Herald* stated, “In adopting this alternative of submission to these peremptory demands, the administration runs the hazard of disappointing the popular sentiment of our loyal States. But a little reflection will satisfy every intelligent mind of the wisdom of deferring a final settlement with England until we shall have made an end of this Southern rebellion.”²¹ Citizens remained united in the idea that the British were taking advantage of the Union in its weakened state and they could not blame Lincoln for giving in to British demands. ²² Lincoln’s actions were successful in evading war with Britain and his next task involved dispelling the public’s anger against Britain by directing their focus toward the reunification of the United States.

¹⁹ Norman B. Ferris, *The Trent Affair: A Diplomatic Crisis* (Knoxville: The University of Tennessee Press, 1977) 185.

²⁰ “The Trent Case,” *Daily Evening Traveller*, December 31, 1861: 1.

²¹ “Important from Washington: Mason and Slidell to be Delivered up If Demanded,” *The New York Herald*, December 21, 1861: 4.

²² Gordon H. Warren, *Fountain of Discontent: The Trent Affair and Freedom of the Seas* (Boston: Northeastern University Press, 1981) 208.

As a result of the Trent Affair, Lincoln was able to avoid a war with Britain, but was left to quell the anti-British public opinion that spread throughout the Union. Northerners expected the support of Britain in the beginning of the Civil War and the Queen's Proclamation of neutrality came as an angry shock to the public. After the Trent Affair transpired, the Union citizenry and press responded with immense approval of Captain Wilkes' actions. Union newspapers reported that Wilkes captured the first naval victory for the Union. Adhering to British demands was to throw away the triumph of Wilkes and Lincoln did not want to disappoint the public. Thomas Ewing warned Lincoln that he should not allow the British to use the Trent Affair as an excuse to attack the already weakened Union. Millard Fillmore agreed with Ewing, but wanted to solve the issue through arbitration. Lincoln adopted both Ewing's and Fillmore's considerations and developed a memorandum in response to the crisis. Even though Lincoln never sent his memorandum, it was an example of his efforts to understand the Trent Affair personally.²³ He was much more focused on the reunification of the United States and he did not want the Trent Affair to be the crisis that ruined his goal. Therefore, Lincoln had to sacrifice public dissent for the greater cause of the Union, that being fighting the Civil War. The Trent Affair resulted in an anti-British citizenry, but it set the precedent for future peaceful Anglo-American relations.

²³ Abraham Lincoln, December 1861, transcribed and annotated by the Lincoln Studies Center, Knox College, Galesburg, Illinois, available at *Abraham Lincoln Papers at the Library of Congress*, Manuscript Division (Washington, D.C.: American Memory Project, [2000-02]), [http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field\(DOCID+@lit\(d1362300\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field(DOCID+@lit(d1362300))), accessed October 11, 2016.

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