

VOL. XXXIII No. 1

Price 1 Dollar

VERMONT *History*



January 1965

The PROCEEDINGS of the
VERMONT HISTORICAL SOCIETY



The Canadian View of the Confederate Raid on Saint Albans

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ON APRIL 27, 1864, President Jefferson Davis of the Confederate States of America formally requested Jacob Thompson, a Congressman of the Confederacy, to represent Southern interests in the British North American provinces.¹ Thompson was also accompanied by two other official commissioners: Clement C. Clay Jr., a Senator in the Confederate Congress, and James P. Holcombe. By the spring of 1864, all three of these Southern representatives had found their way through the Union blockade and had arrived in Canada. Although Holcombe's evident purpose was to assist in the repatriation of Confederate soldiers who had sought asylum in Canada, the mission of Thompson and Clay appears to have been directed towards the general disruption of United States political unity, either through an estrangement of Eastern and Western states during the approaching federal elections, or by further crystallizing anti-United States feeling in the Canadas.²

Queen Victoria's neutrality proclamation of May 13, 1861 already had recognized the belligerent status of the Confederacy, but the repulse of General Lee at Antietam had apparently dissuaded Prime Minister Palmerston and Foreign Minister Russell from their earlier disposition to recognize the Confederacy as a political entity, and even to propose English mediation of the Civil War.³ In addition to the continued decline in Southern military fortunes, the unskilful diplomacy of Earl Russell in handling the affair of the construction of the armored rams for the Confederate Navy, had made it most unlikely now that the

1. United States, Navy Department, *The War of the Rebellion: Official Records of the Union and Confederate Navies*, Series II, III, (Washington: G. P. O., 1922), 174; U. S., Congress, House of Representatives, 56th Congress, 1st Session, House Documents, LXXII, *War of Rebellion*, Series 4, III (Washington: G. P. O., 1900), 322.

2. U. S. Navy, *Official Records*, Series II, III, 1235; *Ibid.*, 174; *Ibid.*, 1105; Robin W. Winks, *Canada and the United States: The Civil War Years* (Baltimore: Johns Hopkins Press, 1960), 272-273.

3. Julius W. Pratt, *A History of United States Foreign Policy* (Englewood Cliffs, New Jersey: Prentice Hall, Inc., 1955), 302.

Confederacy would receive diplomatic recognition from England. However, from the Southern military point of view, the possible involvement of an English colony in a war with the United States or even the threat of such hostilities might cause the United States to deploy considerable bodies of troops along the northern frontier.

The subsequent actions of the Confederate agents in Canada were expanded, moreover, into attempts to free Confederate prisoners of war in United States territory, using Canada as a base of operations. The abortive raid on Johnson's Island in Lake Erie, evoked a bitter reaction from the Northern states towards Canadian neutrality policy and caused Lord Monck, the Governor General of British North America, to ask Edward Cardwell, British Colonial Secretary, for increased executive powers to maintain a truly neutral position. Monck informed Cardwell that there was good evidence that warlike stores were being made in Canada to arm "... vessels in the Lakes in the interest of the so-called Confederate States."⁴

As yet, however, there existed no real animus officially between Canada and the United States. The seizure of the two Confederate commissioners Mason and Slidell from aboard the British *Trent*, in November, 1861, by the United States Navy had aroused considerable public protest in England, but due largely to the efforts of the Prince Consort, Albert, as well as to the diplomacy of Minister Adams and Secretary Seward, the total involvement of Britain and the United States had been prevented. Although additional British troops were sent to Canada in early 1862, Seward politely allowed these soldiers right of transit across American territory.⁵ Moreover, the Lake Erie raid had resulted in the trial in Canada of the captured Confederate leader, Bennet Burley, and of his subsequent extradition to the United States on a charge of robbery.

One of the principal threats to the neutrality of England and her Canadian colonies, may be seen in the public furor which resulted from the surprise raid by Confederates from Canada, on the Vermont town of St. Albans on October 19, 1864. From the point of view of the possible extradition of these Confederate raiders under the terms of the Webster-Ashburton Treaty of 1842, considerable evidence was later presented that the raiders had committed offenses against the laws of the United States, including armed robbery and assault with intent to

4. Winks, *op. cit.*, 293; Monck to Cardwell, November 25, 1864, No. 182, *Governor General's Files*, RG7, G12, XLIX, Public Archives of Canada.

5. Winks, *op. cit.*, 107.

murder. Witnesses were to testify that the twenty-odd raiders were armed, and that three persons were shot, one fatally. Evidence was also presented at the subsequent trials of the raiders that these were indeed not Confederate soldiers as none wore a recognizable military uniform, although during the raid the Confederates repeatedly asserted that they were soldiers retaliating for raids committed by soldiers of the Union, and they pretended to seize the town and make its citizens prisoners in the name of the Confederate States of America.⁶

The hasty departure of the raiders from St. Albans was occasioned primarily by the determined efforts of Captain Conger, a Union soldier on leave, who pursued the raiders with a quickly-formed posse comitatus. When the Confederates, under their leader, Lieutenant Bennett H. Young, continued across the Canadian border, Conger's posse pursued them thereupon and near Philipsburg, Quebec, the Vermonters seized Young himself. The spirited efforts of the Americans to return the raiders forcibly to Vermont without consulting the Canadian authorities, was resisted by the latter who finally succeeded in arresting fourteen of the fugitives and expelling the Americans from British territory.⁷

Meanwhile, independently of the efforts of Conger's posse, the regular United States Army had reacted vigorously against what seemed to be a Confederate foray of unknown but potentially serious proportions. Major General John A. Dix, Commander of the Military District of the East, had promptly issued orders which clearly invoked the doctrine of "hot pursuit." The provost marshal at Burlington was directed to put a discreet officer in command of a body of soldiers to pursue the raiders, and if the latter were not to be found on the American side of the border, the soldiers were to pursue them into Canada, if necessary, and destroy them. On October 20, 1864, Dix explained to Secretary of War Stanton that these orders would only be implemented on an "instant and continuous" basis. The British Minister to the United

6. John Branch, *St. Albans Raid* (St. Albans, Vt.: Privately printed, [1935]), 10-11; *Ibid.*, 22; L. N. Benjamin, *The St. Albans Raid, or Investigation into the charges against Lieut. Bennett H. Young and Command* (Montreal: John Lovell, 1865), 32-59; Rowland E. Robinson, *Vermont: A Study of Independence* (Boston: Houghton, Mifflin & Co., 1899), 351-53; James Truslow Adams and R. V. Coleman, *Dictionary of American History* (New York: Charles Scribner's Sons, 1940), V, 5-6; George Anderson, *Tape recording of talk given by Anderson at St. Albans on October 18, 1958* (Montpelier, Vt: Vermont Historical Society, 2 reels); Richard Sanders Allen, *Covered Bridges of the Northeast* (Brattleboro, Vt.: The Stephen Greene Press, 1957), 54-55; Edward A. Sowles, "Address," *Proceedings of the Vermont Historical Society* (Montpelier, Annual Meeting, 1876), 11; Rev. J. O. Skinner, "The St. Albans Raid: An Episode of the Rebellion," *The Universalist Quarterly and General Review*, XV, (1878), 323-324.

7. *The Burlington Free Press*, October 20, 1864; James Horan, *Confederate Agent* (New York: Crown Publishers, 1954), 178; Branch, *St. Albans*, 15; Benjamin, *Investigation*, 32.

States, Lord Lyons, was informed of this order by Dix himself while the two were at a dinner in New York City. Dix admitted to Lyons that this order had been given on his own authority and Lyons was confounded as to the order's true significance.⁸ In Vermont, local soldiery was summoned to positions on the border immediately, in anticipation of further such raids. General Peter Washburn on October 20, 1864, hastily ordered Lieutenant-Colonel Benton to go at once “. . . to B[urlington],. . .” and thereafter to “. . . proceed north to repel rebel raid now in progress.” Washburn summoned Captain Bancroft to proceed to St. Albans “. . . with all your force to repel rebel raid.”⁹

Regardless of previous Canadian sympathies towards the American belligerents, there was general resentment expressed towards the order of General Dix and to the actual pursuit into Canada by Capt. Conger. The *Montreal Gazette's* correspondent in St. Johns noted that “. . . considerable indignation is expressed against the troops of Yankees who crossed the line . . . ,” and who conducted themselves, it was said, in a reckless and disgraceful manner. The paper also pointedly compared the manners of “Capturing” Conger to the gentlemanly demeanor of the prisoners. *The Toronto Globe*, usually pro-Northern in sympathy, conservatively estimated that Dix had “. . . rather overstepped the bounds of law and prudence.”¹⁰

Whatever the contradictory sympathies of American and of Canadian public opinion towards the raid may have been, the official Canadian policy from the beginning was to take prompt and effective measures to apprehend the raiders, to recover the stolen money, and to bring the prisoners and their loot before a court which would be competent to judge the case on the question of extradition within the meaning of the Webster-Ashburton Treaty. The day after the raid, the Canadian government initiated proceedings towards these ends, and eventually fourteen of the raiders were arrested and some \$87,000 was recovered out of the over \$200,000 which had been stolen. The United States Consul at Montreal, David Thurston, reported to Secretary Seward at 7:00 P.M.

8. U. S., Congress, House of Representatives, Miscellaneous Documents, 53rd Congress, 2nd Session, VIII, *Rebellion Record*, Series I, XLIII, Part II, (Washington: G. P. O., 1893), 435; Vermont, *Adjutant and Inspector General's Report*, October 1, 1864–October 1, 1865 (Montpelier, Vt.), Appendix B, 12; Lord Thomas Wodehouse Newton, *Lord Lyons: A record of British Diplomacy* (London: Edward Arnold, 1913), I, 135.

9. General Washburn to Lt. Col. Benton, October 19, 1864; Washburn to Captain Bancroft, October 19, 1864; Washburn to Hon. Portus Baxter, October 20, 1864. Vermont, *Report of Special Police, St. Albans Frontier Force* (Public Records Office, Montpelier).

10. U. S., Congress, House of Representatives, 38th Congress, 2nd Session, *Diplomatic Correspondence*, II, Part 2 (Washington: G. P. O., 1865), 754–56; *The (Toronto) Globe*, October 25, 1864; *The Montreal Gazette*, October 25, 1864; *Ibid.*, November 1, 1864.

on October 20, 1864 that "Lord Monck has ordered General Williams to give assistance by troops in arresting the raiders at [sic] Saint Albans."¹¹ The *Montreal Gazette* on the same day, editorialized that it was the first duty of government and people to prevent the violation or betrayal of the right of asylum, and together with the *Montreal Evening Telegraph*, anticipated the defense counsel's plea by commenting that the raid was a true robbery, and that the circumstances involved could not justify this as an act of war.¹²

Meanwhile, the Canadian government requested Montreal Police Judge Joseph Coursol to proceed to St. Johns and arrange the transfer of the prisoners to Montreal. The removal of the prisoners to Montreal, though attended by some minor technical objection from the local magistrate, was apparently accomplished to the satisfaction of all parties concerned. Vermont Governor Smith had requested Governor General Monck to effect this transfer to insure a fair trial, the Canadian executive may have been thus prompted by the thought that any decision on a petition of habeas corpus which was unfavorable to the prosecution, could not otherwise have been appealed to Queen's Bench, Montreal, and George Sanders, the self-appointed fourth Confederate commissioner and chief advisor to the prisoners, apparently hoped for local sympathies. Strangely, perhaps, the *Gazette* believed that, although St. Johns citizens sympathized with the prisoners, there was general belief in that city that the prisoners should be delivered up to the United States.¹³

Judge Coursol, responding promptly enough, had the several prisoners remanded under his warrants to the Montreal gaol. On October 25 Coursol took the precaution of seeking a pledge from defense counsel, John Abbott and William Kerr, that they would make no legal objection to the possible transfer of the prisoners to Montreal. On October 26, Attorney General Georges Cartier urged Coursol to insure that the transfer took place, as did also Bernard Devlin, attorney for the United States, who feared that raider Hutchinson would be released if not

11. House, 53rd Congress, *Rebellion Record*, Ser. I, XLIII, Part II, 435; Rev. J. Douglas Borthwick, *History of the Montreal Prison* (Montreal: A. Periard, Publisher, 1886), 184; Robinson, *Vermont* 351-353; Benjamin, *Investigation*, 40; Monck to Smith, October 20, 1864, *Gov. Gen. Files*, RG7, G 13 I, P. A. C.

12. *The Montreal Gazette*, October 20, 1864; *Montreal Evening Telegraph*, October 22, 1864, quoted in the *Ottawa Citizen*, October 28, 1864.

13. Branch, *St. Albans*, 22-25; House 53rd Congress, *Rebellion Record*, Ser. I, XLIII, Part II, 443-44; Oscar A. Kinchen, *Daredevils of the Confederate Army*, (Boston: The Christopher Publishing House, 1959), 43; Walter H. Crockett, "The St. Albans Raid," *Lake Champlain Association, Year Book*, 1923-24 (December, 1923), 20; *Montreal Gazette*, October 27, 1864; Monck to Smith, October 21, 1864, *Gov. Gen. Files*, RG7, G. 13. I.

properly charged. The next day Hutchinson was in Montreal gaol, charged with a felony.¹⁴

Coursol's earlier fears materialized when defense counsel moved for discharge of the prisoners on a writ of habeas corpus, on the ground that the court was exercising excessive jurisdiction in remanding the prisoners without time limit. The Court of Queen's Bench, however, unanimously denied the petition for discharge on November 2, 1864, stating that there was a certain requirement that the community also be protected and that there had been no irregularity in the remanding.¹⁵

The trial was held at Montreal Police Court, before Judge Coursol, with Abbott, Kerr and Laflamme as defense counsel, Devlin and Rose representing the United States, and Bethune, Johnson and Carter representing the interests of the Canadian government. None of the American attorneys was permitted to take an active part as they had not been admitted to practice in Canada. The prisoners testified that they had been in active military service for the Confederacy, and Lieutenant Young claimed that his orders were for "special service" by Confederate soldiers who were then ". . . beyond the Confederate States." Young further stated that the raid was not conceived in Canada nor was there ever any intent to injure the neutral status of Canada.¹⁶ The counsel for the United States challenged the validity of these orders and since the prisoners' status as belligerents was the key point in the trial, defense counsel requested a delay to enable the prisoners to obtain from Richmond definitive evidence as to their belligerent status. Both Devlin and Johnson objected to this delay request as being simply a device to postpone any decision infinitely. Nevertheless, the court granted a thirty-day delay for this purpose, holding that this was the only way to decide if there was evidence of criminality, this being prerequisite to any decision on extradition.¹⁷

Meanwhile, public opinion on the case was speedily enlarging. The Vermont press generally condemned the raid as a robbery and certainly no act of warfare, and even before any decision had been reached by the Canadian courts, there seemed to exist no real confidence by Vermonters in the operation of British justice. As early as December 9, 1864, the *Vermont Watchman and State Journal* commented that Con-

14. Benjamin, *op. cit.*, 1-2; Judge Coursol to Attorneys Abbott and Kerr, October 25, 1864, Attorney General Cartier to Coursol, October 26, 1864, Attorney Devlin to Coursol, October 27, 1864; *Coursol-Quesnel Papers* in H. S. Kane MSS, Public Archives of Canada.

15. Branch, *op. cit.*, 28-30; Benjamin, *op. cit.*, 11-15.

16. Benjamin, *op. cit.*, 78-80; *Lake Champlain Year Book*, 21-22; Branch, *op. cit.*, 37-39.

17. Benjamin, *op. cit.*, 108-116; Kinchen, *op. cit.*, 63-64; Horan, *Confederate Agent*, 179; *Burlington Free Press*, November 16, 1864.

gress in its deliberations over the Marcy-Elgin Reciprocity Treaty, should take note of a court which was helping to make Canada a “. . . rendezvous for robbers and incendiaries.” The *Burlington Free Press* had earlier suggested that if the Canadian authorities should permit such warlike expeditions to be fitted out and to make Canada an asylum for them, then “. . . the sooner open war is declared with our Northern neighbors, the better.” The *New York Tribune*, however, believed that the British were correctly neutral still, in view of the obvious difficulty in detecting such raids.¹⁸

Canadian public opinion was even more divided than this in its reaction to the St. Albans affair, most of the newspapers evidencing either a pro-Northern or a pro-Southern attitude. One writer has suggested that Canada East (Quebec) newspapers generally condemned the raid. The *Toronto Globe* condemned the use of Canada as a base of operations by Confederate agents, and although believing that Young and the others must have a fair trial, the *Globe* frankly hoped they would be given up to the United States. The *Montreal Gazette* not only condemned this sort of warfare, but also suggested that the apparent *intention* of the raiders to flee back into Canada might constitute a neutrality violation. In an address in Montreal, the Reverend John Corder told a group with New England cultural affinities that the Montreal community was partly sympathetic to the prisoners' eloquent plea that they were retaliating for similar Northern actions in the Confederate states. Mr. Corder hoped that the obvious attempts of Southern agents to inaugurate a war between the United States and Canada would be resisted by Canadians. One Canadian justice of the peace observed that in the interests of peace with the United States, Canada should send the raiders back where they should have stayed, as all this was only meant to “. . . embroil us in a war with the Northern States.”¹⁹

The reaction of Secretary Seward, in light of the efforts of the Canadian authorities to bring the raiders promptly before a court, was initially at least, to appreciate that there indeed existed a border control problem which could not afford to the two States “. . . adequate protec-

18. *Burlington Free Press*, October 24, 1864; *Ibid.*, October 29, 1864; *Ibid.*, October 21, 1864; *The Vermont Watchman and State Journal*, December 19, 1864; quoted in the *Montreal Gazette*, October 27, 1864; Branch, *St. Albans*, 35-36.

19. *Montreal Gazette*, November 1, 1864; *Ibid.*, December 1, 1864; *The (Toronto) Globe*, October 21, 1864; *Ibid.*, October 26, 1864; *Ibid.*, November 1, 1864; Helen G. MacDonald, "Canadian Public Opinion on the American Civil War," *Studies in History, Economics, and Public Law*, Columbia University, CXXIV, No. 2, 134; Rev. John Corder, *The American Conflict* (Montreal: John Lovell, 1865), 37-47; McDowell to Monck, December 2, 1864, *Gov. Gen. Files*, RG7, G 20, CIII-IV, No. 11564.

tion against *mutual* aggression and reprisal.” (Underscoring by author). Seward later requested that Monck and Russell be informed that the United States desired “prompt and decisive proceedings” by the British government in this matter, “. . . in order to prevent the danger of ultimate conflict upon the Canadian borders,” and on October 25, 1864 Seward demanded the extradition of the prisoners. Privately, to Minister Adams in England, Seward spoke of this “. . . new and desperate outrage . . .,” noting however, that the Canadian municipal authorities seemed to have been cooperative enough with the pursuing Vermonters. At the same time, Adams was asked to tell Lord Russell that the United States felt it necessary to give to England the required six-months’ notice necessary to abrogate the naval armaments limitations on Great Lakes vessels, which had been imposed by the Rush-Bagot Agreement of 1817.²⁰

Lord Monck, alarmed at the order of General Dix for United States troops to pursue such raiders into Canada, requested the United States to explain or to disavow this military policy. Monck offered to do all possible to prevent further such raids, but he affirmed the necessity to maintain British sovereignty in Canada. Confederate agent Sanders hastened to add fuel to the fire by issuing a press release suggesting that General Dix would soon invade Canada to capture the raiders, and the *New York Herald* was reported as fully endorsing Dix’s order. Secretary Seward consoled Monck by stating that such public opinion must be expected when “. . . unprovoked aggressions from Canada . . .” occur. Lord Monck thereupon retorted that the prisoners would be given up when the proofs required by the treaty had been made.²¹ Seward now offered the suggestion that the British neutrality policy had failed, especially regarding the granting of asylum to *active* enemies of the United States, who were thus able to use Canada as “. . . a base for felonious depredations against . . . the United States,” and Seward then repeated his extradition request, enclosing depositions from Vermont officials and witnesses to the raid.²²

Canadian Attorney General Sir Georges Cartier, who later stoutly maintained that there was no truth in the assertion that he had fore-

20. James M. Callahan, “The Neutrality of the American Lakes and Anglo-American Relations,” *John Hopkins University Studies in Historical and Political Science*, Series XVI, Nos. 1-4, (January-April, 1898), 153; Crockett, *Lake Champlain Yearbook*, 20-21; U. S., Congress, *Senate Executive Documents*, 52nd Congress, 2nd Session, I, 1892-1893 (Washington: G. P. O., 1893), 48; House 38th Congress, 2nd Session, *Diplomatic Correspondence*, II, Part 2, 341-342; *Ibid.*, 750-753.

21. *Ibid.*, 754-756, *Ibid.*, 760-762; *Montreal Gazette*, October 28, 1864; Horan, *op. cit.*, 179; Monck to Burnley, October 26, 1864, *Gov. Gen. Files*, RG7, G6, XIII, 335-337.

22. Senate, 52nd Congress, 2nd Session, *Executive Documents*, I, 49; House, 38th Congress, 2nd Session, *Diplomatic Correspondence*, II, Part 2, 785.

knowledge of the raid, made an unsolicited call on United States Consul Thurston to assure the United States that all possible under the law would be done to satisfy the demand for extradition. Seward, however, feared that through a deficiency in the laws or through error in applying them, the outrages might continue. Earl Russell protested Seward's suggestion that British neutrality was a failure, but he did not doubt that ". . . adequate means of repression" of such raids would be found for Canada.²³ Lord Monck had been firmly notified, on December 3, 1864, by Colonial Secretary Cardwell that ". . . violations of neutrality are a great offense against the . . . Crown . . . and U.S. have a clear right to expect that the Canadian law shall be found in practice generally sufficient, not merely for the punishment, but also for the suppression and prevention of these border raids."²⁴

The trial of the raiders before Judge Coursol was resumed on December 13, 1864. But before any discussion could be held on the merits of the case, and prior to any hearing on evidence, defense counsel Kerr objected to the court's jurisdiction in the case at all. Kerr maintained that the arrest of the prisoners was without legal effect since the warrants had not been signed by the Governor General. Defense counsel maintained that the provincial (Canadian) act, *12th Victoria, Chap. 19*, which enforced the articles in the Ashburton Treaty on extradition, had been reserved for the Queen's sanction, and that this had not yet been given. Consequently the Imperial (British) act continued in force on such matters, and this act required that warrants be signed by the governor general. Despite the arguments by Devlin that such a procedure was not in the interests of justice, and by Johnson that the provincial statute was not so nullified, Coursol adjourned the court to study this new challenge by the defense. At three o'clock, court reconvened and Judge Coursol gave his opinion that the provincial act which conferred jurisdiction had been repealed by the subsequent amendatory action of the *24th Victoria, Ch. 19*, and consequently the old imperial act was revived, which required imperial warrants by Monck. Therefore, the judge concluded, ". . . having had no warrant from the Governor General. . . . I have and possess no jurisdiction; consequently, I am bound in law, justice, and fairness, to order the immediate release of the prisoners from custody upon all the charges."²⁵

23. *Ibid.*, 355-357; U. S. Congress, House of Representatives, 39th Congress, 1st Session, *Papers Relating to Foreign Affairs*, I, Part II, (Washington: G. P. O., 1866), 18; Cartier to Kimberley, November 18, 1872, *MacDonald Papers*, MG 26, CCIII, 233-237, Public Archives of Canada.

24. Lester Burrell Shippee, *Canadian American Relations, 1849-1874* (New Haven: Yale University Press, 1939), 147-148.

25. Branch, *op. cit.*, 45; Sowles, "Address," in *Proceedings*, 31; *Ibid.*, 45; Benjamin, *op. cit.*, 117-125.

Subsequent judicial review was to prove Kerr and Coursol in error in the presumption that the provincial act had been a reserved act. But of even more significance than any possible technical deficiency in court procedure, was the abrupt dismissal of all counts against the prisoners, although Devlin argued that only one count had yet been heard. Further, the court failed to bind the prisoners over to a higher court, pending the issuance of proper warrants if such seemed required. Finally, Police Chief Guillaume Lamothe promptly restored to the ex-prisoners all of the stolen money which the court held as evidence, despite protests from the Vermont bank officials who naturally sought an order to show true ownership.²⁶

Although the United States officials promptly sought new warrants, the refusal of at least one other judge to issue these, and the obvious reluctance of Chief Lamothe to execute warrants when finally issued by Superior Court Judge Smith, gave several of the raiders time to effect a final escape.²⁷

The discharge of the raiders and the return of the stolen money to them was generally received by Americans as constituting an open breach in Canadian-American relations. The Northern press was frequently hostile and vindictive, seeing the incident as clear evidence of Canada's sympathy for the Confederate cause. Shippee believes that public opinion was more inflamed than at any time since the *Trent* affair. The *Vermont Watchman* believed that the governor general should have intervened at once by issuing warrants to secure the prisoners. The *Springfield Republican* (Massachusetts) was quoted as saying that Canada must now prove her neutrality by either preventing such raids, or by allowing the United States to hunt the raiders in Canada. If the Canadians should still object to this then ". . . it is war, and of their own seeking." The *Boston Journal* advised the United States to being war ". . . to the firesides of those by whom hostile operations are aided & abetted." Americans were urged to prepare militarily for the possibility of open warfare in the event of further such raids, which appeared to be condoned by the dilatory and specious efforts of Canadian courts and police.²⁸ Americans were also asked to consider seriously

26. Sowles, *op. cit.*, 28; "Regina vs. Young et al," *Lower Canada Jurist*, IX, (1866), 31; *Toronto Globe*, December 16, 1864.

27. Kinchen, *op. cit.*, 72-73, *The Ottawa Citizen*, December 20, 1864.

28. Shippee, *Canadian American Relations*, 145; *Vermont Watchman*, December 23, 1864; Branch, *op. cit.*, 47; *Burlington Free Press*, December 14, 1864; *Ibid.*, December 15, 1864; (Vermont) *Argus and Patriot*, December 15, 1864; *Burlington Weekly Times*, December 17, 1864; *The New York Times*, December [n.d.] 1864, quoted in *Burlington Weekly Times* of December 24, 1864; *The Springfield (Massachusetts) Republican*, December [n.d.] 1864, quoted in *Vermont Watchman*, December 23, 1864.

the repeal of the Marcy-Elgin Reciprocity Treaty of 1854, which unfortunately for Canada, was due for renewal at the time. In the Senate, on December 14, 1864, Zachariah Chandler of Michigan, quoting a news dispatch on the release of the raiders, expressed concern for the states bordering on Canada and offered a resolution that the Committee on Military Affairs inquire into the expediency of an army corps to police the border. An objection by Johnson of Maryland halted this resolve, but a similar resolution by Representative Brooks was agreed to in the House that same day. Furthermore, during the debate and voting in the House that day, on a notice of termination of the Reciprocity Treaty, no less than ten Representatives *changed their votes* to support the termination proposal, which passed the House on the next day. Three weeks later, the Senate voted to terminate the treaty, with thirty-three in favor and eight opposed (eight were absent); and Sumner of Massachusetts was reviewing the possible termination of the Rush-Bagot Agreement, although this action had already been indicated by Seward's correspondence with Lord Russell shortly after the raid.²⁹

On December 14, 1864, General Dix issued his General Orders No. 97. This order to the army in the East, took notice of the action of the Canadian court and directed all commanders to pursue any future raiders ". . . wherever they may take refuge, and if captured, they are under no circumstances to be surrendered." On the same day, Secretary Seward, after commenting on the release of the "felons" and the return of the stolen money to them, acidly inquired if the British government had any ideas on measures to prevent new invasions. United States Navy Secretary Gideon Welles commented that the raid ". . . is an outrage that cannot be acquiesced in, or submitted to for a moment, yet I fear Seward will hesitate." But Seward did *not* hesitate, and on December 17, 1864, the United States Department of State issued regulations requiring that, except immigrants to United States seaports, all travelers into or out of the United States must have passports, and this order was stated ". . . to apply especially to persons proposing to come to the United States from the neighboring British provinces."³⁰

29. *Burlington Free Press*, December 16, 1864; U. S., Congress, *The Congressional Globe*, Part I, 38th Congress, 2nd Session, 1864-65 (Washington: Congressional Globe Office, 1865), 33-36; *Ibid.*, 234; Callahan, "American Lakes," *Johns Hopkins*, 158; Joe Patterson Smith, "A United States of North America—Shadow or Substance: 1815-1915," *Canadian Historical Review*, XXVI, (June, 1945), 109-118.

30. *Burlington Weekly Times*, December 17, 1864; House, *Rebellion Record*, Series I, XLIII, Part II, 789; House, *Papers Relating to Foreign Affairs*, I, Part I, 37; *Ibid.*, 53-54; House, *Papers Relating*, I, Part II, 11; Edgar T. Welles, ed., *Diary of Gideon Welles*, (Boston: Houghton Mifflin Co., 1911), II, 198; Burnley to Gordon, January 4, 1865, *New Brunswick, Dispatches Received*, RG7, G8B, XLVI, No. 254, Public Archives of Canada.

The response of the Canadian government to the court's order of discharge is indicated in Monck's message to Seward that he would do all in his power to ". . . remedy the mischief done by the magistrate's extraordinary decision." Attorney General Cartier issued on December 19, 1864 a reward notice of \$200 for information leading to the arrest of the fugitives and Monck summoned the militia which was sent to the border under command of stipendiary magistrate Gilbert McMicken. The choice of commander of the militia was made by Prime Minister MacDonal, who ought to have been aware that McMicken had been employed as an unpaid agent of the Confederate commissioners, in repatriating escaped soldiers. Nevertheless, the presence of an armed constabulary on the border was evidence of the desire of Canada to prevent any further raids. In addition the presence of the militia was reassuring to those Canadians who resided near the American border and were naturally apprehensive of General Dix's "hot pursuit" order. However, President Lincoln had already advised Secretary Stanton to modify the general orders, and on December 15 Stanton required Dix to eliminate that part of the order which gave commanders discretion to pursue on their own authority. Stanton suggested that otherwise subordinate military authorities might act on military necessity where none really existed.³¹

The actions of Coursol and Lamothe did not go unchallenged by Canadian public opinion. A portion of the press, at least, felt that the decision of Coursol was reached with immoderate speed, and likewise condemned the action of Lamothe in returning the money to the raiders. *The Toronto Globe* and the *Ottawa Citizen* both condemned Coursol for not referring the matter to his judicial superiors, thereby avoiding a "stupid blunder."³² Other Canadians evaluated the actions of the judge and the police chief as at least poorly conceived and immoderately executed official functions, although there was less agreement that the judge was sympathetic to the Confederates than there was that the populace of Montreal was pro-Southern in sympathy.³³ Official action

31. MacDonal to Governor's Secretary, December 16, 1864, *Gov. Gen. Files*, RG7 G. 20, CIII-CIV, No. 11601; House, *Rebellion Record*, Series I, XLIII, Part II, 793; House, *Papers Relating*, I, Part II, 12-16; *ibid.*, 38; *Canada, Journals of the Legislative Assembly of the Province of Canada*, 8th Parliament, 3rd Session, 1865, XXIV, 8; *Canada Gazette*, 1st Series, XXIII, No. 52, 4160; *Ibid.*, XXIV, No. 1, 5; Winks, *op. cit.*, 321-322; Morgan Dix, comp., *Memoirs of John Adams Dix*, (New York: Harper & Bros., 1883), II, 113, Oscar Douglas Skelton, *The Life and Times of Sir Alexander Tilloch Galt* (Toronto: Oxford University Press, 1920), 320.

32. *Ottawa Citizen*, December 20, 1864; *Toronto Globe*, December 15, 1864; *Montreal Gazette*, December 16, 1864.

33. *Ibid.*, December 14, 1864; Louis P. Turcotte, *Le Canada Sous L'Union* (Quebec: Des Presses Me'caniques du Canadien, 1871), 526; E. Lef. de Bellefeuille, "L'incurSION de St. Albans," *Revue Canadienne*, II, (1865), 374-475.

was undertaken with a view to ascertaining the true motives of Coursol and Lamothe. The provincial government of Canada informally discussed the matter on the day after the judge's decision—at Lord Monck's residence—and the Executive Council, after an investigation, suspended the judge from his duties, although he was subsequently restored to the bench. The Montreal City Council, moreover, convened as a board of inquiry, at the request of Devlin, who was a member of the Council. Chief Lamothe was called upon to justify his fitness to continue in office and in testimony by witnesses, including Coursol, it developed that the police chief had given up the money without a court order, and had made previous arrangements with George Sanders as to the best procedure for returning the money to the raiders in the event of their release. In the midst of these proceedings, Lamothe resigned his office, and this action was accepted by the Council due to his having acted "precipitately and imprudently" in giving up the loot. The vote was fourteen to eleven to accept the resignation, with the French-Canadian members of the Council supporting Lamothe. Much later, the ex-chief was observed in the company of several of the released raiders and their guide David Tetu, in Nova Scotian waters.³⁴

Under the guidance of Monck and MacDonal, a new and comprehensive alien law was enacted shortly thereafter, designed to prevent border incursions such as that on St. Albans. Monck was now keenly aware of the presence in Canada of unneutral operations by Confederate agents and their sympathizers; operations such as those which manufactured "Greek fire" and other munitions. The governor general now sought to repress these operations by every legal means. Urged forward by Cardwell, whose strong position on repression of these alien activities had been endorsed by the law officers of the Crown, MacDonal and Monck looked for a rapid enactment of the new alien legislation. The proposed bill was read thrice and reported favorably without amendment by the Legislative Council in a single day. On February 3, 1865, this bill was passed without any change by an almost unanimous vote of 107 to 7 in the Legislative Assembly. Three days later, the governor general gave the Queen's assent and the alien act was law in Canada. An act to ". . . prevent and repress outrages on the border . . .," the new law empowered the governor general to arrest or to deport any alien at his discretion. Further, *any* person in Canada who assisted in setting up any military ventures against any State ". . . shall

34. Kinchen, *op. cit.*, 78-80; Comeau to Monck, April 15, 1865, *Gov. Gen. Files*, RG7, G20, CVI-CVII, No. 11856; Montreal, City Council, Police Committee, *Investigation into the charges preferred by Councillor Devlin against Guillaume Lamothe* (Montreal: Owl & Stevenson, 1864), 9-31; *Ibid.*, 75; Frances O. E. Monck, *My Canadian Leaves*, (London: Richard Bentley and Son, 1891), 223.

be deemed guilty of a misdemeanor . . . ,” and all peace officers were authorized to issue warrants on probable cause for seizing arms intended for such raids.³⁵

But Canadians generally rejected the thought that they were being intimidated by Americans into effecting such measures. Although they may have admitted to a weak neutrality law before the passage of the alien law, Canadians correctly viewed the action of the United States regarding passports and especially the order of General Dix as retaliatory measures and would not admit that these were of significant effect. Prime Minister MacDonald replied to his anxious business leaders that Canada would “. . . never be hurried into extra exertions by proclamations like those of General Dix, or prevented by any feeling of indignation from carrying our laws into full force.” But a certain amount of damage had been done, and now MacDonald felt that the only way to succeed in restoring good relations between Canada and the United States, was to rely upon the “. . . energetic and conciliatory policy . . .” of Governor General Monck towards the Americans and to leave it “. . . to the Western States [of the United States] and private solicitation . . .” to effect a revocation of the passport order and to restore commercial relations. Meanwhile, some of the raiders had been discovered in New Brunswick, where Lieutenant Governor Gordon was seeking information which would enable him to issue a warrant for their arrest. On February 8, 1864, British Minister Burnley told Gordon that Secretary Seward had been requested by Burnley to give the United States Consul at St. Johns “. . . information as will enable to secure their apprehension.” But, altogether, only five of the original group of raiders were eventually arrested by Colonel Ermatinger’s militia and these were soon awaiting trial in Montreal before Judge Smith.³⁶

Although the events surrounding the St. Albans raid may have encouraged some Southerners, who seemed to believe that the engagement of the United States in “. . . a war with England would be our

35. Turcotte, *Canada*, 523; Canada, *Assembly Journals*, XXIV, 62–63; *Ibid.*, 77; Canada, *Journals of the Legislative Council of the Province of Canada*, 8th Parliament, 3rd Session, 1865, XXIV 75–76; Canada, *Statutes of the Province of Canada*, 8th Parliament, 3rd Session, 1865, 1–9; Monck to Burnley, December, 27, 1864, *Gov. Gen. Files*, RG7, G6, XIV, 228–30; Cardwell to Monck, January 7, 1865, (enclosing law officers opinion of January 6, 1865), *Gov. Gen. Files*, RG7, G1, CLXI, 17–27.

36. Kinchen, *op. cit.*, 85–86; *Montreal Gazette*, December 15, 1864; *Toronto Globe*, December 15, 1864; *Ibid.*, December 20, 1864; *Ibid.*, December 21, 1864; *Ottawa Citizen*, December 20, 1864; Shippee, *op. cit.*, 148–149; Donald Creighton, *John A. MacDonald* (Boston: Houghton Mifflin Company, 1953), 933–394; Allan Nevins and Milton Halsey, eds., *The Diary of George Templeton Strong* (New York: MacMillan Company, 1952), III, 528; Seward to Burnley, January 12, 1865, no. 260, Burnley to Gordon, February 8, 1864 (65), no. 276, Seward to Burnley, February 27, 1865, no. 291, Burnley to Gordon, March 2, 1865, no. 290, *New Brunswick, Dispatches Received*, RG7, C8B, XLVI.

peace,” the official English reaction was most unappreciative of the now unpopular and notorious actions of the Confederate agents in Canada. England further expressed some concern over the apparent failure of Canada to preserve British neutrality in the provinces, but did not appear to believe that the case before the courts would allow extradition to follow. Minister Adams, in a letter to Seward on December 30, 1864, recounted his interview with Lord Russell, who had explained to Adams that if the rebels proved belligerent status, then the Crown law officers believed they should be tried for violating British neutrality. The London *Times* was quoted on January 2, 1865 as stating that Canada had a duty to see that American territory was not violated from the Canadian frontier, and even suggested that Canada make restitution of the stolen money. George Strong believed that the English editors were clearly stating that raids of this nature did no credit to the Southern cause. On January 3, 1865, Burnley, who was to prove an effective successor to Lord Lyons, informed Seward that Britain was directing Monck to hold the prisoners for trial, in any case, for a “. . . violation of royal prerogative by levying war,” but intimating already that the second trial before Judge Smith would probably not find the offense an extraditable one. Adams, moreover, informed Seward on January 5 that there was in England a “. . . very general expression of disapprobation . . .,” of Coursol’s action and a feeling that the raiders should somehow be punished. Unimpressed, Seward noted the delay in the second trial, said he had seen no warrants yet issued on neutrality violation, and concluded that “. . . it thus clearly appears that the British government substantially fails to guarantee the neutrality it proclaims.” Possibly, sensing the pressure on Monck from his superiors in England, Seward may have hoped to exploit the situation to a point where political considerations might override judicial technicalities and force the surrender of the raiders and their loot. But even the disciplinary actions of the Canadian government against Coursol and Lamothe failed to affect the judicial course of events and Monck’s new and stronger alien law would have to satisfy the United States unless the superior court clearly found that the raid was not an act of war. However, on February 13, 1865, England took its strongest stand against the Confederate position in Canada, when Earl Russell informed the Southern commissioners then in England that events such as the seizure of the *Philo Parsons* on Lake Erie and the raid on St. Albans showed a “. . . gross disregard of her Majesty’s character as a neutral power, and a desire to involve her Majesty in hostilities with a coterminous power with which Great Britain is at peace.” On March 9, 1865, Burnley in-

formed Russell that Seward's reaction was to promise to rescind the passport regulations and to agree to continue the Rush-Bagot Convention.³⁷

But the decision on extradition of the raiders was to be that of Canada alone, as was pointed out to Lord Robert Cecil by the British Attorney General, when the former asked if the decision to give up the prisoners was at the sole discretion of Canada. During the trial before Judge Smith, the defense once more attempted to argue the lack of jurisdiction of the court, on the basis of there still being no imperial warrants, and this may have appeared to follow also the notice in the *Canada Gazette* of August, 1864 to all peace officers that only by the governor general's warrant could fugitives seeking asylum be given up under the Ashburton Treaty. However, Judge Smith held that the provincial parliament had power to effect the treaty terms and that provincial magistrates had received jurisdiction from the Parliament Act of 1843. Once again the defence sought a delay to obtain evidence from Richmond, complaining that the United States Government and its Army were not being very cooperative in this respect, and the judge granted this request for a delay.³⁸

The defense introduced as evidence of the raiders' status as belligerents, several copies of Young's commission, dated June 16, 1864, as a First Lieutenant in the Provisional Army of the Confederate States, and his orders from Secretary of War Seddon, of the same date, directing him to organize a command of not over twenty men, now ". . . beyond the Confederate States . . .," for special service; to organize this command within enemy territory, taking care ". . . to violate none of the neutrality laws," and reporting himself to C. C. Clay, Jr. for instructions. Devlin contended that the commission had never been ratified by the Confederate Senate, but there is evidence that this had been done in

37. House, *Papers Relating* I, Part I, 69-70; *Ibid.*, 74-75; *Ibid.*, 91-92; House, *Papers Relating*, I, Part II, 39; U. S., Congress, Senate, 41st Congress, 1st Session, *Paper Relating to Claims against Great Britain*, 1869 (Washington: G. P. O., 1870), I, 631; Nevins and Halsey, *Strong*, III, 596; J[ohn] B[eauchamp] Jones, *A rebel War Clerk's Diary*, Philadelphia: J. B. Lippincott & Co., 1866, II, 359; James Morton Callahan, *American Foreign Policy in Canadian Relations*, (New York: MacMillan Company, 1937), 285; *London Times*, (n.d.), quoted in *Burlington Weekly Times*, January 2, 1865; Burnley to Russell, March 9, 1865, *Gov. Gen. Files*, RG7, G1, CLXI, 306-311; Cardwell to Monck, December 31, 1864 (encl. Russell to Burnley, December 29, 1864), *Gov. Gen. Files*, RG7, G1, CLX, 476-489.

38. *Canada Gazette*, 1st Series, XXIII, 2450; Kinchen, *Daredevils*, 100-101; Benjamin, *op. cit.*, 161-183; *Lower Canada Jurist*, IX, 43; Branch, *St. Albans*, 27; Crockett, *Lake Champlain Year Book*, 26; John Bassett Moore, *A Treatise on Extradition and Interstate Rendition* (Boston: The Boston Book Company, 1891) 628n; U. S., Congress, Senate Executive Document No. 36, 41st Congress, 3rd Session, *Treaties and Conventions*, 1776-1871 (Washington: G. P. O., 1873), 374; Great Britain, Parliament, (Hansard's) *Parliamentary Debates*, 1865, 3rd Session, 2nd Volume, CLXXVIII, (London: 1865), col. 1537.

Executive Session. A more serious charge by Devlin was that these orders were only issued after the raid had been carried out and for the express purpose of proving a belligerent status which did not exist at the time of the raid. Some credence is given to this view by the varied wording of the three separate documents, all dated June 16, 1864, and all purporting to accomplish the same purpose. One of the Confederate War Department clerks had commented in his diary that it was doubtful “. . . if such written orders are in existence—but no matter.” Commissioner Clay had remonstrated to Jacob Thompson that although he had acquiesced in the plan to have the town of St. Albans burned, he had also objected to the idea of a robbery, as this might be demoralizing to the soldiers. Later, when some of the raiders refused to give up their loot to Clay as an official Confederate agent, even Clay referred to them as thieves. But Clay had evidently authorized the raid itself, having advanced almost \$2500 to Young for expenses, and having furnished also the “Greek fire” with which they were to burn the town. On November 1, 1864 Clay asked Secretary of State Judah P. Benjamin for a specific endorsement of the raid as an act of war, in a form admissible as evidence, in view of the vague nature of Seddon’s initial instructions of Young.³⁹

Johnson, for the Canadian government, argued that using a neutral country as an ambush for attacks upon the enemy was not legal warfare, and the carrying out of such a project from neutral territory “. . . deprived the enterprise of a character of lawful hostility.” Defense counsel claimed that the raid was planned at Chicago, and that Young had never truly assumed a Canadian domicile, although he had studied theology at the University of Toronto. Some writers have suggested that the raid was part of a great conspiracy to disrupt the Union, and included the murder of President Lincoln in its details, with Thompson, Sanders and John Wilkes Booth secretly conspiring to this effect on October 18, 1864 in Montreal, the night before the raid on St. Albans. But of course, the details of such a raid must have been completed long before this. Commissioner Holcombe, at least, had made known his

39. U. S., Congress, Senate, 58th Congress, 2nd Session, Document No. 234, *Journal of the Congress of the Confederate States of America, 1861–65* (Washington: G. P. O., 1904), IV, 436; *Ibid.*, 553; Jones, *Diary*, II, 355; Benjamin, *op. cit.*, 206–209; *Ibid.*, 294; *Ibid.*, 216; Wilfrid Bovey, “Confederate Agents in Canada during the American Civil War,” *Canadian Historical Review*, (March, 1921), II, No. 1, 51; Kinchen, *Daredevils*, 22; *Ibid.*, 122–123; *Anderson tape recording*, 1958; Senate, *Papers Relating*, II, 52–53; House, *Rebellion Record*, Series I, XLIII, Part II, 914–916; House *War of Rebellion*, Series IV, III, 491; U. S., Congress, House of Representatives, 55th Congress, 3rd Session, House Documents, *War of Rebellion*, Series II, VIII, 858; Oscar A. Kinchen, “Some Unpublished Documents on the St. Albans Raid,” *Vermont History*, XXXII, No. 4, (October, 1964).

presence and purpose in Canada to the governor general, and seems not to have been involved in the planning for the raid.⁴⁰ Also Thompson seems to have had little direct connection with the details of the raid, referring matters to Clay when any awkward after effects came to his attention. The raiders certainly had good legal counsel at the second trial as well, while Mr. Mason in England had retained Cairns and Reilly in the event of an appeal to that quarter.

Judge Smith, after studying the evidence and the authorities on extradition who had been cited, finally decided that “. . . neutrals cannot investigate the character of an act of war,” that this was a “perfect war,” and that the raid was definitely a hostile expedition. The violation of neutrality, if any, had no effect upon the belligerent character of an act committed in the enemy’s territory. The judge therefore concluded that the prisoners could not be extradited.⁴¹ Although they then were discharged by the court, the raiders were promptly rearrested on charges of violating the neutrality of Canada; but there being insufficient evidence to sustain the charge, the case against them was finally allowed to fall. No further efforts were made by the United States to extradite the raiders, although compensation for the stolen money was unsuccessfully sought as a part of the “Alabama” claims against Great Britain later. The Canadian government, however, felt itself obligated to indemnify the United States for that portion of the loot which Lamothe had so carelessly relinquished in Coursol’s court. Seward had rescinded the passport regulations in the hope that some such indemnity would follow. The Canadian authorities continued to maintain vigilance at the border for some time, however. The Vermont banks finally received some \$39,000 in gold, and some \$30,000 in notes as a result of an act of the Parliament of Canada.⁴²

The Toronto Globe reluctantly admitted that Smith’s decision was

40. Kinchen, *Daredevils*, 20–21; *Ibid.*, 139; Benjamin, *op. cit.*, 341; *Ibid.*, 385–386; Navy, *War of Rebellion*, Series II, III, 1035–1036; *Ibid.*, 1121; Skinner, “St. Albans Raid,” *Universalist Quarterly*, 322; Clayton Gray, *The Montreal Story* (Montreal: Whitcombe & Gilmour, Ltd., 1949), 44–48; Burnley to Monck, December 21, 1864 (encl. Seward to Burnley, December 19, 1864 and intercepted letters Clay to Benjamin, November 1, 1864), *Gov. Gen. Files*, RG7, G6, XIV, 177–200.

41. Kinchen, “Unpublished Document,” *Vermont History* (October, 1964); Kinchen, *Daredevils*, 145–146; Benjamin, *op. cit.*, 411 and 457–471; *Burlington Free Press*, March 29, 1865; Navy, *War of Rebellion*, Series II, III, 1250–1267.

42. U. S., War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington: G. P. O., 1895), Series I, XLVI, Part 3, 331; House, *Papers Relating*, I, Part I, 303; House *Papers Relating*, I, Part II, 192; *Ibid.*, 117; Senate, *Papers Relating*, II, 122–123; Sowles, “Address,” *Proceedings*, 1876, 34; Kinchen, *Daredevils*, 80; *Ibid.*, 152–154; Bruce to Gordon, June 3, 1865, *Gov. Gen. Files*, RG7, G8B, XLVI, 301–302; King to MacDonald, December 27, 1872, *MacDonald Papers*, MG 26, LVI, 48 a-f.

legally sound, but believed that it was an unlucky day for Canada “. . . in the presence of the important interests at stake.” The *London Times*, however, criticized the decision as a clear “miscarriage of justice,” and the *Rutland Weekly Herald*, apparently anticipating the later Fenian Raids from Vermont and other American cities into Canada, intimated that the United States would get no justice “. . . until we can invite some enemies of John Bull to organize northern raids from our soil.”⁴³

Although it is probable that Monck knew that the reciprocity treaty was surely headed for termination, even before the raid, the actions in the United States Congress in the days immediately following the Coursol decision indicate the profound effect of the raid upon American-Canadian relations. Joseph Howe specifically alluded to the matter in a speech at the Detroit International Convention, in 1865, where he obviously was seeking to repair the commercial breach. Howe referred to the St. Albans raid as an act of piracy by rebellious Americans, and claimed that Canada had “. . . acted most promptly and nobly in connection with that affair; and has repaid the money which rebellious citizens of the United States had carried into their territory.”⁴⁴ Mr. Howe may be forgiven his facile choice of words, when it is remembered that Canada did all possible to maintain her neutral position regarding the belligerents in the American Civil War, without either endangering her own military security, or compromising her traditional judicial procedures.

43. Crockett, *Lake Champlain Year Book*, 24-25; *The Rutland Weekly Herald*, March 28, 1865; *Toronto Globe*, March 30, 1865.

44. Turcotte, *Canada*, 527; William Weir, *Sixty Years In Canada* (Montreal: John Lovell & Son, 1903), 327; Winks, *op. cit.*, 346-347.