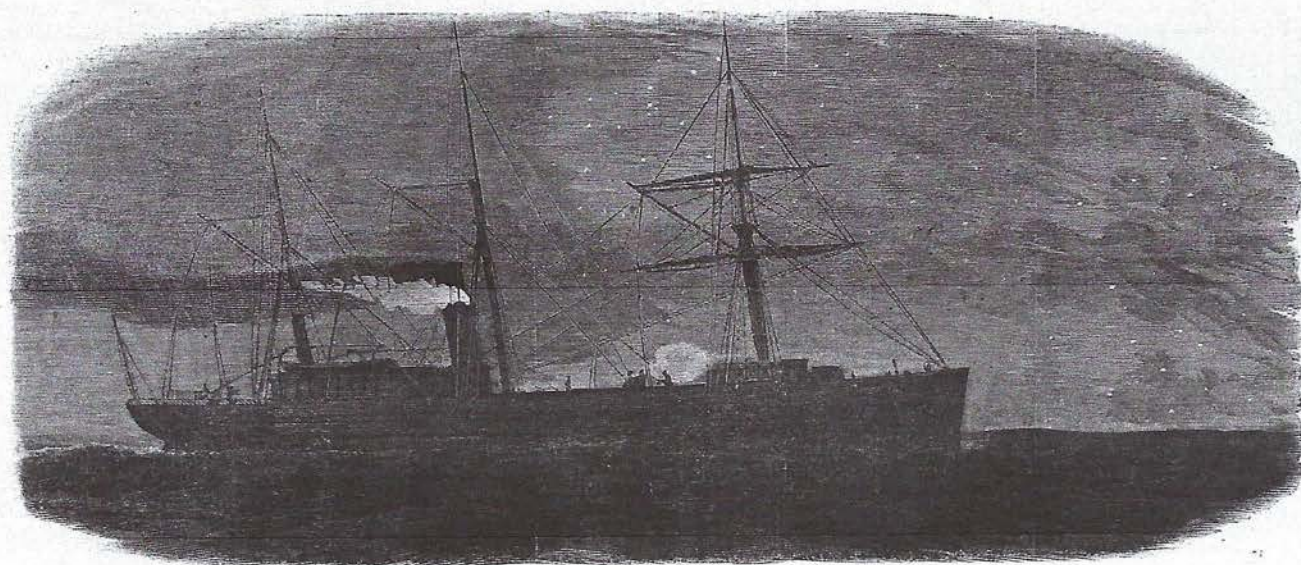


## From the Naval Archives



Capture of the Steamer "Chesapeake" by British Pirates, December 7, 1863 [NB: The vessel was not captured by British pirates, but rather by Southern sympathizers led by John C. Braine]. Illustration shows vessel steaming at night. Illustration published in *Harper's Weekly*, Volume VII, No. 365, p 817, December 26, 1863.

# John C. Braine and the Chesapeake Affair

By John Grady

JOHN CLIBBON BRAINE, often noted as 'Brain,' sailed a crooked course from birth in Islington, a London suburb, in 1840, to a barely noted death in Florida 66 years later. Described as a pirate, murderer, and con man, he earned every one of those character descriptions by his deeds and misdeeds from the Hawaiian Islands to the British Isles.<sup>1</sup> Braine craved attention when it served his purposes—which it often did. He loved talking to the press even while wanted for piracy and murder. Typically, he "opened" himself up to the *The Chicago Daily Tribune* on his wartime exploits nine years after being released from a New York cell.<sup>2</sup> For years, Braine thrilled paying audiences with his stories of capturing *Chesapeake* off Cape Cod and wasting away in a New York jail on spurious war crimes

charges long after Appomattox. Whether the money went to the "right cause"—the widows, the orphans, veterans suffering hard times—from those talks, was a different story.<sup>3</sup> But for dozens of Confederate agents, diplomats, and cabinet officials and their counterparts in Washington, as well as constabulary, prosecutors, and judges in Montreal, the Canadian Maritimes, Nassau, Bermuda, and London, Braine's hijacking of passenger steamers provided mountains of paper and monumental headaches.

Was Braine even a privateer, an officer of any grade in the Confederate Navy, or as the Lincoln administration insisted, a pirate? He had papers of some sort provided by Canadian Vernon Guyon Locke. Locke carried Confederate letters of marque from the moment he took





Lieut. Braine, the Pirate Who Seized the *Chesapeake* [NB: At the time Braine captured *Chesapeake*, he was not known to hold a grade in the Confederate States Navy but was listed as a Master not in line of promotion in the Provisional Navy on June 2, 1864 and on special duty.]. From a photograph by William Berry, Amherst, Nova Scotia. Illustration published in *Frank Leslie's Illustrated Newspaper*, Volume XVII, No. 437, p 324, February 13, 1864.

ownership of a captured Union vessel, renamed *Retribution*. And like many guerrillas, Locke used an alias, John Parker. Braine's papers may have had the signature of either.<sup>4</sup> When *The Chicago Daily Tribune* caught up with Braine following the 1878 arrest of Henry Parr, his right-hand man, the reporter described the December 1863 *Chesapeake* hijacking as "one of the most thrilling episodes of the War, and one of which no accurate history has heretofore been written."<sup>5</sup> In the interview, Braine distilled his exploits into "a Jules Verne story, but it is true." He said the hijacking was ordered directly by Secretary of the Confederate States Navy Stephen R. Mallory. Braine implied it was retaliation for the takeover of *Planter* by Robert Smalls and his crew of slaves off Beaufort, South Carolina. What was true in the story was who was by Braine's side from the start.

In this account they were comrades in the action, Henry Parr and David Collins. The rest was possibly fiction.<sup>6</sup>

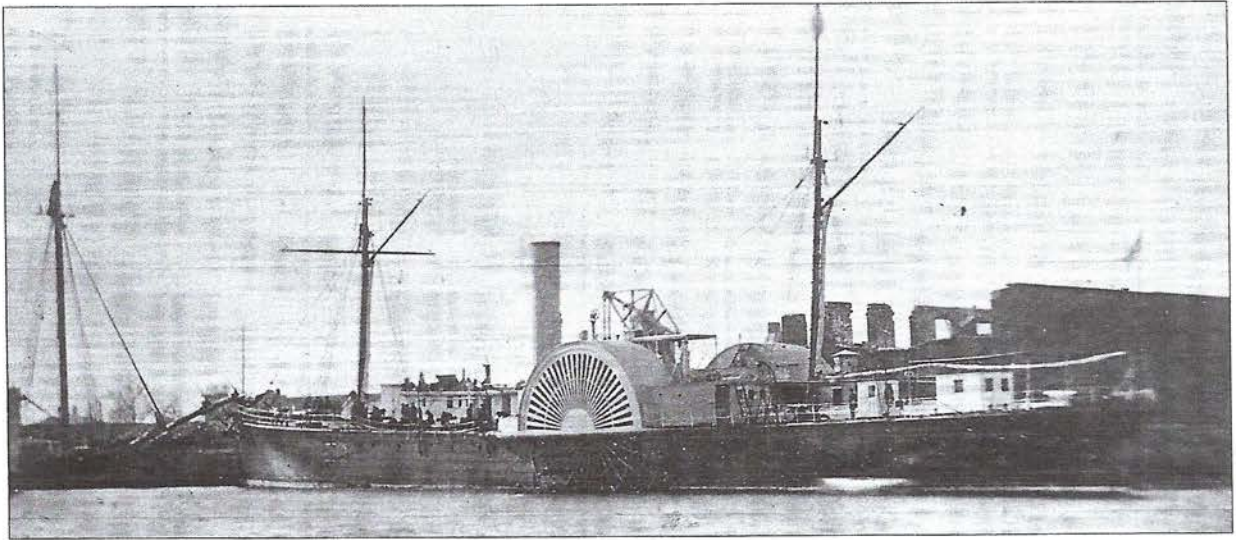
With money in Canadian banks and promises of prize money, Braine found 22 willing recruits knowledgeable about the sea. Only a few were Confederate refugees or exiles—most were Canadians. He claimed to drill them daily "in the manual of arms, cutlass and pistol exercises" until October 1863. Braine told *The Chicago Daily Tribune* he was then ordered to spy on the arsenal at Springfield, Massachusetts.<sup>7</sup> But what historians R.H. McDonald and Greg Marquis discovered was very different. Braine had been jailed in Michigan City, Indiana, for undefined "suspicious" activities in 1862. Soon enough, Union officials hustled the "political prisoner" eventually to Fort Warren in Boston Harbor.<sup>8</sup> Braine won his release by pleading he was an unjustly jailed British subject to the Queen's minister to the United States. In his "polished" tale, after prison, he alternately was manning a battery on the James River or was with the 2nd Kentucky Regiment. In fact, Braine could have been anywhere but the James River forts or with the Kentuckians. He certainly was back in Nova Scotia and New Brunswick by mid-1863.<sup>9</sup> A New Brunswick attorney, William Turlington, wrote in January 1864 that Locke (Parker) upon arriving in St. John in early November 1863 "found here Braine and some other Southerners, who were anxious to make a raid on the Yankee commerce." He was right on the raid, wrong on nationality. How Braine, Locke (Parker), and Parr, the only one who had ever lived in the Confederacy, actually first met is speculation.<sup>10</sup>

In *The Chicago Daily Tribune* account, Braine said after spying on the arsenal, he checked in with Confederate agents at a Manhattan, New York hotel. The city was still recovering from the summer's bloody draft riots as he detailed the steamer scheme to the plotters. At Pier 14, he found a "new screw vessel" with "first class engines, and an A-1 vessel in every respect." Braine, by then married with children, bought a ticket for all on the steamer *Chesapeake* bound for Maine.<sup>11</sup> As he explained later to the Canadian conspirators, this was their quarry. Back in New York, he divided his raiders into squads, putting them into different hotels. That made keeping a rotational watch on *Chesapeake* easier. For days, longshoremen and crew unloaded teamsters' wagons to ship "sugar, cotton, wine, flour, leather, and dry goods" northward. The cargo was valued between \$80,000 and \$100,000, and the ship itself somewhere between \$60,000 and \$70,000.<sup>12</sup>

The last hijackers to come aboard at the pier about 4:00 p.m. on December 6 were Braine and Parr. Colt revolvers, cartridges, and other weapons had been smuggled aboard in



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USS *Malvern* (1863-1865) at the Norfolk Navy Yard, Virginia, circa 1865, while serving as flagship of the North Atlantic Blockading Squadron. The vessel was previously a Confederate blockade runner named *Ella and Annie*, captured on November 9, 1863 off New Inlet, North Carolina. She was provisionally commissioned as a U.S. vessel on December 10, 1863, to search for the steamer *Chesapeake*, and formally commissioned as *Malvern* on February 8, 1864. NH 46617 courtesy of Naval History and Heritage Command.

unchecked luggage taken to their stateroom. Two would-be hijackers—actually critical to the mission, engineers—were not to be found when it got underway. Braine’s men would make do.<sup>13</sup> At dinner a few hours later, the steamer’s captain Isaac Willett told Braine, who was posing as an agent for another steamship line, that some late-arriving passengers had not paid before sailing. Not to worry, Braine said, he would cover the fares—the men worked for him. But around midnight, Parr moved about the quiet steamer to hand each hijacker two Colts and 20 cartridges.<sup>14</sup>

Willett provides the most consistent story as to what happened miles off Cape Cod shortly after 1:00 a.m. on December 7. As the captain told a New Brunswick court, Chief Mate Charles Johnson (sometimes noted as ‘Johnston’) was at Willett’s door on the upper deck saying someone had shot Second Engineer Orrin Shaffer. After examining the body, Willett believed Shaffer to be dead; but as he rose, he heard two shots ring out. All the captain could make out in the darkened passageway were the forms of two men. Then, another shot—but again, he was not hit. Wanting to keep control of his ship he headed for the pilothouse, but “was collared and a pistol was put in my face” by Parr. The gunman, like the

others now in military uniform, declared Willett a prisoner, “in the name of the Southern Confederacy.”<sup>15</sup>

In less than an hour, Braine and his men had captured *Chesapeake*. After hours of confinement in irons in his cabin, Willett was taken to the ship’s lounge where Parr was removing a ball that had lodged in Charles Johnson’s arm and said he would dress the crew member’s chin wound. After Braine relieved the captain of the ship’s papers at gunpoint, Willett was told *Chesapeake* was going to Seal Cove Harbor, Grand Manan, in Canada. As to what would happen after that, Braine said Willett, the wounded and unneeded crew, and five passengers would be sent to St. John by a pilot boat. As time neared for the transfer, Willett, led to the steamer’s aft, saw Locke (Parker) climb aboard from the pilot boat. He “apparently took command” after *Chesapeake* was signaled to stop.

As darkness fell, the passengers and the crew, including the wounded Charles Johnson and Willett, were being towed in the pilot boat for five to seven miles before the hijackers cut it loose. On his person, the captain carried “my clock, eight charts, sextant, and three books.” All his weapons from a double-barreled gun to six revolvers



and some clothes had been confiscated. "From the way the parties acted on my steamer, I was afraid of my life. Everything was taken against my will."<sup>16</sup> Because Willett was no longer a witness, what followed next on *Chesapeake* is a jumble of conflicting stories. But recoaling the ship certainly topped all priorities. James Quay Howard, an American diplomat, knowing the steamer needed coal, telegraphed Washington and all ports between with news of the hijacking.<sup>17</sup> For his part, Navy Secretary Gideon Welles ordered the commandant of the Boston Navy Yard to get USS *Ticonderoga*, a screw sloop-of-war, or any other ship on hand under way "to follow her wherever she may be." Welles demanded "hot pursuit" of the pirates. This was another Confederate outrage on New England maritime shipping that could not be tolerated.<sup>18</sup> Canadians saw it differently. It was at friendly Shelburne, Nova Scotia that the hijackers took on a fresh supply of coal, selling parts of its cargo—sugar, port wine, and tea—to cover the cost. "The sympathy of the people in this province [Nova Scotia] and in New Brunswick being so strong in favour of the rebels."<sup>19</sup>

At this stage, Locke (Parker) rechristened the steamer, without ceremony, *Retribution II*.<sup>20</sup> Braine told *The Chicago Daily Tribune* that he left the ship shortly after Locke (Parker) boarded, setting out for Halifax 250 miles away by land. In this account, he did not repeat his tale of being accosted in a Petite Reviere tavern. There, a former U.S. consul dragged him before a magistrate, but the official refused to arrest Braine. When the outraged former diplomat, Dr. Joseph D. Davis, and J. Pitcher stuck a pistol to Braine's head, "the bystanders interfered, and so the ex-consul and his worthy aid left without their prize." It would not be the last time Maritimers shielded Braine or his crew.<sup>21</sup>

A few days later, Braine was not as lucky in Halifax where the mayor, acting as a magistrate, drew up warrants charging him with piracy and murder.<sup>22</sup> By then, two Union warships, USS *Ella* and *Annie* and USS *Dacotah*, had cornered the steamer at Sambro Harbor, blocking any escape attempt. Braine framed the story on *Chesapeake*'s capture by a federal gunboat in a British port as wholly indefensible.<sup>23</sup> Crown officials agreed, rejecting the Americans' first account of how the warships took *Chesapeake*.<sup>24</sup> But Braine did not stay around waiting for extradition or to learn the steamer's future. Plans to have police, backed up with two companies of soldiers, take him in Truro, a Nova Scotia rail hub, fell apart when the fugitive was not aboard the expected train. Truth was Braine's trail had turned as cold as Canadian winters.<sup>25</sup>



U.S. Senator Judah P. Benjamin, Louisiana, circa 1856. Benjamin served as a Louisiana senator from 1853 to 1861 and was serving as Secretary of State for the Confederate States during the *Chesapeake* affair. Library of Congress (LC-DIG-ppmsca-05642).

By April, James P. Holcombe, Confederate Commissioner to Canada and Richmond's lawyer-diplomat man on the scene, had seen enough of Nova Scotia courtrooms. What was happening now were actions "to compromise the Confederacy by assuming its responsibility" for the "affair." After piling up U.S. Supreme Court precedents for the Confederate States Secretary of State Judah Benjamin to review, Holcombe found Braine's "motives and character" were questionable throughout the whole sorry episode.<sup>26</sup> Benjamin may have thought he was done with Braine, but he was wrong. As a matter of course, Braine would give the Confederates more hijackings and dates in Crown courts, just not in Canada.

When Braine was arrested in Georgia months after the last Confederate armies surrendered, then imprisoned for two and a half years and



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released from King's County jail in Brooklyn because his warrant or commission could not be found anywhere, he added "the last Confederate prisoner to be released" to his resume.<sup>27</sup> If Braine could have written his own obituary, it probably would have read like this: "No man ever displayed more daring, more courage, more endurance, or has suffered more in bodily wounds, in support of a cause he justly deemed sacred."<sup>28</sup> He was a con man's con.

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